

Washington State Register

MARCH 6, 1996

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ISSUE 96-05



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filed not later than February 21, 1996

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of March 1996 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

Mary F. Gallagher Dilley
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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1995 - 1996
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996
96-01	Nov 22	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 23
96-02	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 17	Feb 6
96-03	Dec 27, 1995	Jan 10, 1996	Jan 24	Feb 7	Feb 27
96-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 12
96-05	Jan 24	Feb 7	Feb 21	Mar 6	Mar 26
96-06	Feb 7	Feb 21	Mar 6	Mar 20	Apr 9
96-07	Feb 21	Mar 6	Mar 20	Apr 3	Apr 23
96-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
96-09	Mar 20	Apr 3	Apr 17	May 1	May 21
96-10	Apr 3	Apr 17	May 1	May 15	Jun 4
96-11	Apr 24	May 8	May 22	Jun 5	Jun 25
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96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1997

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

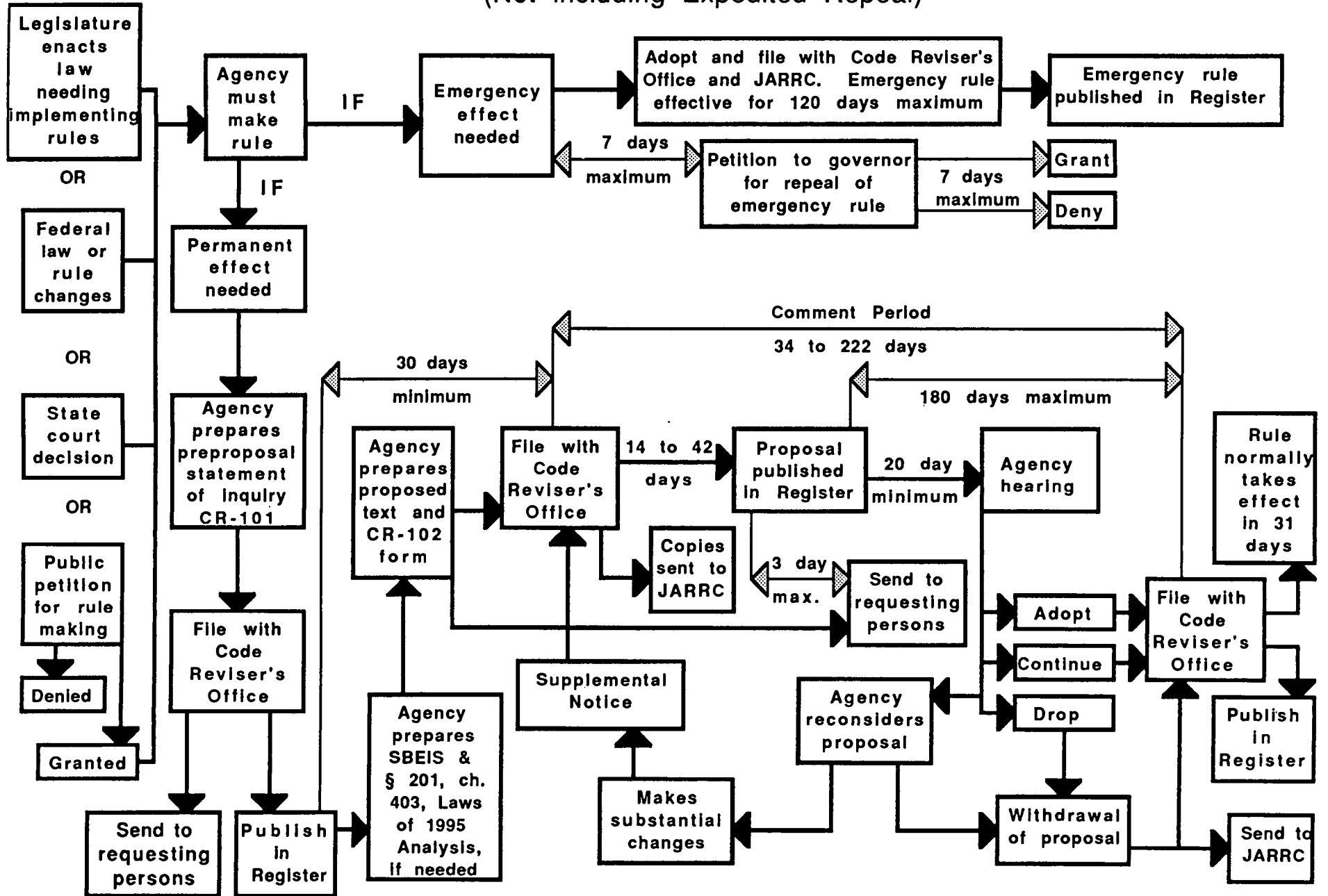
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 96-05-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
(Public Assistance)
[Filed February 14, 1996, 4:55 p.m.]

February 14, 1996
Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

Subject of Possible Rule Making: WAC 388-513-1365
Transfer of assets.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 74.08.090, Medicaid Manual #64.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Comply with federal rules.
Provide further clarification of the rules regarding the
transfer of assets and the establishment of a period or
periods of ineligibility for an institutionalized client.

Process for Developing New Rule: The department will
distribute draft material for an internal and external review
process. All comments are taken into consideration before
issuance of final rule.

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

February 14, 1996
Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-05-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
(Public Assistance)
[Filed February 14, 1996, 4:58 p.m.]

Subject of Possible Rule Making: WAC 388-509-0920
Children's health program.

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

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Administrative. Provide
rules regarding the disregard of changes in income during a
certification period for the children's health program. This
program follows CN rules.

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

Process for Developing New Rule: The department will
distribute draft material for an internal and external review
process. All comments are taken into consideration before
issuance of final rule.

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

WSR 96-05-054
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS
[Filed February 16, 1996, 1:53 p.m.]

Subject of Possible Rule Making: WAC 296-116-185
Tariffs, and pilotage rates for the Grays Harbor pilotage
district.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 88.16.035(4).

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The current tariff expires on
July 31, 1996. The board must fix pilotage tariffs annually.

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

Process for Developing New Rule: Negotiated rule
making; and the board will begin receiving comments as to
reasonable tariff levels and will continue to encourage
written documentation and oral comments pursuant to formal
notice requirements. Negotiations between the interested
parties are ongoing and encouraged.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before
publication. Written comments will be received from the
general public up through June 6, 1996, and oral comments
will be received at the public hearing on June 13, 1996.
Specific time schedules will be established for the affected
pilots and ship owners/operators. Contact Peggy Larson, 801
Alaskan Way, Seattle, WA 98104-1487, phone (206) 464-
7818, FAX (206) 464-6368.

February 14, 1996
Peggy Larson
Administrator

WSR 96-05-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed February 16, 1996, 4:57 p.m.]

Subject of Possible Rule Making: Chapter 388-160
WAC, Minimum licensing requirements for overnight youth
shelters, WAC 388-160-050 Fire standards, 388-160-080
Limitations on licenses and dual licensure, 388-160-430
Intake, 388-160-460 Staffing, 388-160-480 Child care
workers—Qualifications, 388-160-490 Program supervision,
and 388-160-500 Training.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: Chapter 74.15 RCW.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The veto message to E2SSB
5439 passed in 1995 required a review by the department of
licensing requirements for overnight youth shelters. The

results of that study resulted in recommendations for changes, mostly related to staffing ratios and staff qualifications.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: Shirley Moore, Department of Social and Health Services, Child Welfare Planning Team, P.O. Box 45745, Olympia, WA 98504-5745, (360) 586-6542, FAX (360) 664-0788.

February 16, 1996
Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-05-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed February 19, 1996, 2:50 p.m.]

Subject of Possible Rule Making: The rule will put into place the processes and protections necessary to implement the whistleblower statute mandated in SB 6347. Specifically, the rules will address: Confidentiality protection for whistleblowers, define "good faith" complaints, identify how the department is going to handle filing, investigating and resolving whistleblower complaints.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The statute mandates rule making. There are also terms "good faith" and processes (burden to challenge "good faith") that need to be defined for the statute to work.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal or other state agency regulates this subject using this process, remedy or scope of coverage (complainants and agencies covered). There is federal and state legislation that addresses whistleblowers. We have reviewed that and intend to maintain consistency where possible, given the prescriptive nature of the whistleblower statute. If currently proposed legislation passes, the Department of Social and Health Services and the Office of the Insurance Commissioner will also have to establish rules under this statute. Concern about conflict is minimal since none of the three state agencies regulate the same businesses.

Process for Developing New Rule: Negotiated rule making; and workgroup of key stakeholders and legislators, followed by multiple meetings with all stakeholders for discussion.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Stout, Facilities and Services, P.O. Box 47852, Olympia, WA 98504-7852, (360) 705-6650, FAX (360) 705-6654; or Pat Brown, Health Professions Quality Assurance, P.O. Box 47860, Olympia, WA 98504-7860, (360) 664-4265, FAX (360) 753-0657.

February 19, 1996
Bruce Miyahara
Secretary

WSR 96-05-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed February 19, 1996, 2:53 p.m.]

Subject of Possible Rule Making: The certificate of need rules (chapter 246-310 WAC) define the standards, process and criteria that a health facility or health service is subject to when applying for a certificate of need.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.38 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update the current certificate of need rules to reflect recent statutory changes and environment changes. These revisions will clarify the circumstances under which facilities and services are subject to the certificate of need, the criteria used by the department when reaching its decisions and the process for input for an affected party during the appeal process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Social and Health Services and the Department of Health's Facilities and Licensing Division survey and license the entities subject to the certificate of need. They are active participants in developing the rules and will be notified of all public hearings.

Process for Developing New Rule: The rules will be developed through an open public process with all stakeholders through public workshops, individual meetings and correspondence in the development of the rules. Prefiling meetings and formal public hearings will be held in Eastern, Central and Western Washington.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Hoffmann, Health Services Administrator, Certificate of Need Program, Department of Health, Mailstop 7851, Olympia, WA 98504-7851, phone (360) 753-7530, FAX (360) 664-0398, to ask questions, receive documents, provide individual input, or to receive workshop and public hearing dates. Input is encouraged at any point in the process.

February 19, 1996
Bruce Miyahara
Secretary

WSR 96-05-070
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY
[Filed February 21, 1996, 9:00 a.m.]

Subject of Possible Rule Making: Amendments to existing SWAPCA 476 "Standards for Asbestos Control."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To revise the existing rules to be consistent with the federal rules for asbestos control found at 40 CFR 61 subpart M "National Emission Standard for Asbestos." The current rule does not fully implement the federal rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Delegation of the federal regulation (40 CFR 61 subpart M) was requested by the Southwest Air Pollution Control Authority from the Environmental Protection Agency in a letter dated October 18, 1995. Formal delegation of that program is expected in the first quarter of 1996. The proposed changes will amend the existing SWAPCA rule (476) to provide additional measures for complying with the federal rules.

Process for Developing New Rule: This is a revision to an existing rule. The proposed amendments will more fully incorporate provisions from the federal rule. The federal rule will be incorporated generally without material changes. RCW 34.05.328 is not being invoked nor is voluntarily made applicable.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may write to Paul Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685 or FAX a request to (360) 576-0925.

January 29, 1996
Robert D. Elliott
Executive Director

WSR 96-05-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 21, 1996, 9:46 a.m.]

Subject of Possible Rule Making: Logging, chapters 296-54 and 296-45 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Occupational Safety and Health Administration (OSHA) issued final rules specifying safety requirements covering all logging operations regardless of the end use of the forest product, and corrections to stayed items in the final rule specifying requirements covering logging, tree trimming, and agricultural operations. Reference Federal Register Volume 59, Number 196, dated October 12, 1994, and Federal Register Volume 60, Number 174, dated September 8, 1995.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies are known that regulate this subject.

Process for Developing New Rule: The department must adopt rules identical or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement.

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

publication by contacting Monte Hanks, Safety and Health Specialist, phone (360) 902-4245, FAX (360) 902-5529, Department of Labor and Industries, Consultation and Compliance Division, P.O. Box 44620, Olympia, WA 98504-4620.

February 20, 1996
Mark O. Brown
Director

WSR 96-05-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 21, 1996, 9:47 a.m.]

Subject of Possible Rule Making: Asbestos.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Occupational Safety and Health Administration (OSHA) issued corrections (Federal Register Volume 60, Number 125, dated June 29, 1995) and amendments (Federal Register Volume 60, Number 189, dated September 29, 1995) to their asbestos final rule (Federal Register Volume 59, Number 153, dated August 10, 1994 - see WSR 94-17-192).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies are known that regulate this subject.

Process for Developing New Rule: The department must adopt rules identical or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chuck Blocher, Safety and Health Specialist, phone (360) 902-5523, FAX (360) 902-5529, Department of Labor and Industries, Consultation and Compliance Division, P.O. Box 44620, Olympia, WA 98504-4620.

February 20, 1996
Mark O. Brown
Director

WSR 96-05-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed February 21, 1996, 9:49 a.m.]

Subject of Possible Rule Making: Beryllium and nitrous oxide PELs, WAC 296-62-07515, Table 1.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: +Beryllium PEL, to correct a publication error. Nitrous Oxide PEL, lessen value requirements to be equivalent to the national consensus standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies are known that regulate this subject.

Process for Developing New Rule: These changes are housekeeping in nature.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Merle Larson, Safety and Health Specialist, phone (360) 902-5519, FAX (360) 902-5529, Department of Labor and Industries, Consultation and Compliance Division, P.O. Box 44620, Olympia, WA 98504-4620.

February 20, 1996
 Mark O. Brown
 Director

WSR 96-05-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 21, 1996, 9:50 a.m.]

Subject of Possible Rule Making: Lockout tagout, chapter 296-155 WAC, Safety standards for construction work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to current rules are needed to correct a WAC reference in chapter 296-155 WAC, Safety standards for construction work. The WAC references a nonexistent section in chapter 296-155 WAC. The correct reference is in chapter 296-24 WAC, General safety and health standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies are known that regulate this subject.

Process for Developing New Rule: This change is housekeeping in nature.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Merle Larson, Safety and Health Specialist, phone (360) 902-5519, FAX (360) 902-5529, Department of Labor and Industries, Consultation and Compliance Division, P.O. Box 44620, Olympia, WA 98504-4620.

February 20, 1996
 Mark O. Brown
 Director

WSR 96-05-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 21, 1996, 9:52 a.m.]

Subject of Possible Rule Making: Fall protection, chapter 296-155 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department adopted new fall protection rules in 1995. These adopted rules were based on federal Occupational Safety and Health Administration fall protection rules. Since adoption of these rules, it has become apparent, at both the federal and state level, that problems exist with the rules adopted. As a result, rules are needed to clarify existing fall protection standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies are known that regulate this subject.

Process for Developing New Rule: The department must adopt rules identical or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracy Spencer, Standards Supervisor, phone (360) 902-5530, FAX (360) 902-5529, Department of Labor and Industries, Consultation and Compliance Division, P.O. Box 44620, Olympia, WA 98504-4620.

February 20, 1996
 Mark O. Brown
 Director

WSR 96-05-081
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed February 21, 1996, 10:30 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055, 18.04.065, and 18.04.195(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. The board contracted in December 1995 with a private entity (CPA Examination Services (CPAES)) to provide the uniform CPA examination to Washington candidates. The competitive bid contract with CPAES contains a higher fee schedule than that contained in existing rule WAC 4-25-530. The board's legal counsel opines that the board should amend its fee schedule to conform to the CPAES contract.

2. The governor signed bills in 1994 and 1995 authorizing a CPA firm to practice public accounting in the legal forms of a limited liability company or a limited liability partnership. The board needs to recognize these new legal forms in its schedule of CPA firm registration fees.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Carey L. Rader, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 664-9194, FAX (360) 664-9190.

February 21, 1996
 Carey L. Rader
 Executive Director

WSR 96-05-082**PREPROPOSAL STATEMENT OF INQUIRY
 BOARD OF ACCOUNTANCY**

[Filed February 21, 1996, 10:32 a.m.]

Subject of Possible Rule Making: WAC 4-25-722 CPA examination—Content and administration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board contracted in December 1995 with a private entity to administer the CPA examination to Washington's candidates. The current rule language is inconsistent with the new examination administration contract. Portions of the rule are also inconsistent with model rules specifying examination content. The agency proposes to amend or repeal portions of its CPA examination administration rule to conform with the contracting requirements and to national model rules. The proposed changes will either impose no new requirement or reduce an existing requirement.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Carey L. Rader, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 664-9194, FAX (360) 664-9190.

February 21, 1996
 Carey L. Rader
 Executive Director

WSR 96-05-083**PREPROPOSAL STATEMENT OF INQUIRY
 BOARD OF ACCOUNTANCY**

[Filed February 21, 1996, 10:34 a.m.]

Subject of Possible Rule Making: WAC 4-25-750 Firm license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055(3), 18.04.205(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.04.195 was amended in 1994 to authorize a CPA firm to practice public accounting in the legal form of a limited liability company. In 1995, the governor signed a bill authorizing a CPA firm to practice public accounting in the legal form of a limited liability partnership. The board's existing firm registration rule (WAC 4-25-750), in permitting a CPA firm to practice only as a proprietorship, partnership, or professional corporation, conflicts with these new statutes. The proposed changes would conform current rules to new statutes.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Carey L. Rader, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 664-9194, FAX (360) 664-9190.

February 21, 1996
 Carey L. Rader
 Executive Director

WSR 96-05-084**PREPROPOSAL STATEMENT OF INQUIRY
 BOARD OF ACCOUNTANCY**

[Filed February 21, 1996, 10:35 a.m.]

Subject of Possible Rule Making: WAC 4-25-810 Continuing professional education (CPE)—Who must have CPE.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055(7), 18.04.105(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rule requires a CPA to report eighty hours of continuing professional education (CPE) credits when filing a biennial application to renew the CPA certificate. Increasing numbers of CPAs are licensed in more than one state. Multistate licensure currently requires these CPAs to conform to different CPE course content requirements, different reporting periods, and different reporting formats for each state in which they are licensed. The board proposes to consider amending WAC 4-25-810 to recognize compliance with another state's CPE rule as equivalent to compliance with this board's CPE requirement, thereby eliminating considerable record keeping for CPAs licensed in other states who are also licensed in Washington. Such a rule, if practicable, would reduce existing regulatory requirements.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Carey L. Rader, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 664-9194, FAX (360) 664-9190.

February 21, 1996
 Carey L. Rader
 Executive Director

WSR 96-05-085
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed February 21, 1996, 10:37 a.m.]

Subject of Possible Rule Making: Liberalization of interstate reciprocal licensing requirements (new rule).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board proposes to consider a rule liberalizing interstate reciprocal licensing. RCW 18.04.180 contains specific requirements for a CPA from another state who seeks to obtain a Washington CPA certificate. Existing procedures require a person who seeks CPA certification based on interstate reciprocity to provide the agency with CPA examination scores, college transcripts, and evidence of complying with this board's experience requirements. These existing procedures (which are fairly uniform from state to state) create undo certification delays and costs for the applicant and unnecessary processing and filing costs for this board. The liberalized rule would allow the board to grant a CPA certificate to a CPA based solely on the CPA's showing of a good record and good standing in another state, thus trimming months from the time it presently takes to assemble and process a reciprocity application. Such a rule, if practicable, would greatly reduce existing regulatory requirements for interstate reciprocity.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Carey L. Rader, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 664-9194, FAX (360) 664-9190.

February 21, 1996
Carey L. Rader
Executive Director

WSR 96-04-066
PROPOSED RULES
HORSE RACING COMMISSION
 [Filed February 7, 1996, 9:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 94-23-014.

Title of Rule: Chapter 260-48 WAC, Mutuels.

Purpose: To bring into conformance with the nationally adopted model rules pertaining to parimutuel rules.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Changes to the mutuels chapter will conform to nationally adopted rules.

Reasons Supporting Proposal: Changes in technology and language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules governing parimutuel procedures and practices will be updated with current language reflecting effectiveness with regard to regulation and technology. Conform as to uniformity R [re]: Other racing jurisdictions which are adopting the nationally accepted model rules regarding mutuels.

Proposal Changes the Following Existing Rules: Repealing in entirety chapter 260-48 WAC, WAC 260-48-010 through 260-48-350, and replacing this chapter with new sections WAC 260-48-500 through 260-48-920.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

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

Hearing Location: Washington Horse Racing Commission Offices, 7912 Martin Way, Suite D, Olympia, WA 98506, on April 9, 1996, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Bruce Batson by mail/phone.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, FAX (360) 459-6461, by April 8, 1996.

Date of Intended Adoption: April 9, 1996.

February 7, 1996

Bruce Batson

Executive Secretary

NEW SECTION

WAC 260-48-500 General provisions. Each association shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a parimutuel system approved by the commission. The totalisator shall be tested prior to and during the meeting as required by the commission.

NEW SECTION

WAC 260-48-510 Records. (1) The association shall be responsible for the maintenance of records of all wagering so the commission may review such records for any race including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest and such other information as may be required. Such wagering records shall be retained by each association and/or totalisator company and safeguarded for one year after the last day of the meet or as specified by the commission.

(2) The association shall provide at the request of the commission a list of the licensed individuals afforded access to parimutuel records and equipment at the wagering facility.

NEW SECTION

WAC 260-48-520 Parimutuel tickets. A parimutuel ticket is evidence of a contribution to the parimutuel pool operated by the association and is evidence of the obligation of the association to pay to the holder thereof such portion of the distributable amount of the parimutuel pool as is represented by such valid parimutuel ticket. The association shall cash all valid winning parimutuel tickets when such are presented for payment.

(1) To be deemed a valid parimutuel ticket, such ticket shall have been issued by a parimutuel ticket machine operated by the association and recorded as a ticket entitled to a share of the parimutuel pool, and contain imprinted information as to:

- (a) The name of the association operating the meeting.
- (b) A unique identifying number or code.
- (c) Identification of the terminal at which the ticket was issued.
- (d) A designation of the performance for which the wagering transaction was issued.
- (e) The race number for which the pool is conducted.
- (f) The type or types of wagers represented.
- (g) The number or numbers representing the betting interests for which the wager is recorded.
- (h) The amount or amounts of the contributions to the parimutuel pool or pools for which the ticket is evidence.

(2) No parimutuel ticket recorded or reported as previously paid, cancelled, or non-existent shall be deemed a valid parimutuel ticket by the association.

(3) Every association shall maintain a record of outstanding parimutuel tickets, which represent the winning tickets not presented for payment. A record of such tickets so cashed shall be retained for a period of thirty months from the date they were cashed. This record shall be made available for inspection by commission or its authorized representative upon request.

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 260-48-530 Parimutuel ticket sales. (1) Parimutuel tickets shall not be sold by anyone other than an association licensed to conduct parimutuel wagering.

PROPOSED

(2) No parimutuel ticket may be sold on a race for which wagering has already been closed and no association shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalisator is closed for wagering on such contest.

(3) Parimutuel tickets may be exchanged or cancelled prior to the running of a race based upon the written policies of the association. Such policy shall be filed with the commission.

(4) Payment on winning parimutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official". Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the stewards or commission shall in no way affect the parimutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.

(5) The association shall have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

(6) No person under the age of 18 shall purchase or cash any parimutuel ticket. No employee of the association shall knowingly sell to or cash for a person under the age of 18 any parimutuel ticket. Unattended persons under the age of 18 are not permitted in wagering areas.

NEW SECTION

WAC 260-48-540 Advance wagering. No association shall permit wagering to begin more than one hour before scheduled post time of the first race unless it has first obtained the authorization of the commission.

NEW SECTION

WAC 260-48-550 Claims for payment from parimutuel pool. At a designated location, a written, verified claim for payment from a parimutuel pool shall be accepted by the association. In any case where the association has withheld payment or has refused to cash a parimutuel wager the claimant shall be informed that they may register a complaint with the commission. In the case of a claim made for payment on a parimutuel wager, the commission may adjudicate the claim and order payment thereon from the parimutuel pool or by the association, or may deny the claim, or may make such other order as it may deem proper.

NEW SECTION

WAC 260-48-560 Payment for errors. If an error occurs in the payment amounts for parimutuel tickets which are cashed or entitled to be cashed and as a result of such error the parimutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(1) In the event the error results in an over-payment to the ticket holders the association shall be responsible for such payment.

(2) In the event the error results in an under-payment to tickets holders:

(a) The association shall accept timely claims for such under-payment, shall investigate such claims and shall pay each claim, or a part thereof, which it determines to be valid, and shall notify the claimant if the claim is rejected as invalid.

(b) Any person whose claim is rejected by the association may, within 15 days from the date the rejection notice was received, request the commission to determine the validity of the claim. The failure to file such request with the commission within the said time shall constitute a waiver of the claim.

(c) A hearing shall be held on each such rejected claim timely filed with the commission. The commission shall give notice of such hearing to the claimant and the association. The commission may determine a claim to be valid, in whole or in part, and thereafter order the association to pay the claimant the amount of the claim determined to be valid, or may deny the claim in whole or in part. Any such determination shall be final and binding to all parties.

(d) If no valid claims are presented for the amount of the under-payment or any part thereof, the amount of the under-payment shall be applied to the next available corresponding pool (i.e. exacta pools). If there is no similar pool the under-payment shall be applied to the win pool of the first race. Such payment shall be publicly announced prior to this day.

(3) Any claim not filed with the association within 30 days inclusive of the date on which the under-payment was discovered shall be deemed waived and the association shall have no further liability therefor.

NEW SECTION

WAC 260-48-570 Betting explanation. A summary explanation of parimutuel wagering and each type of betting pool offered shall be published in the program each race day. The rules of racing relative to each type of parimutuel pool offered must be prominently displayed on association grounds and available upon request through association representatives.

NEW SECTION

WAC 260-48-580 Display of betting information. (1) Approximate odds for win pool betting shall be posted on display devices within view of the wagering public and updated for the first change when the total win pool has reached a minimum dollar amount established the association, and thereafter shall update at intervals of not more than 90 seconds, but in no event shall the first change in odds occur later than 12 minutes to post.

(2) The probable payoff or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the commission.

(3) Official results and payoffs must be displayed upon each race being declared official.

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 260-48-590 Cancelled races. If a race is cancelled or declared "no race", refunds shall be granted on valid wagers in accordance with these rules.

NEW SECTION

WAC 260-48-600 Refunds. (1) Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:

(a) Win pools, exacta pools, and first-half double pools offered in races in which the number of betting interests has been reduced to fewer than two.

(b) Place pools, quinella pools, trifecta pools, and first-half twin trifecta pools offered in races in which the number of betting interests has been reduced to fewer than three (3).

(c) Show pools, in races in which the number of betting interests has been reduced to fewer than four.

(2) Authorized refunds shall be paid upon presentation and surrender of the affected parimutuel ticket.

NEW SECTION

WAC 260-48-610 Coupled entries and mutuel fields. (1) Horses coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any horse in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining horses in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all horses within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.

(2) For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading horse in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

NEW SECTION

WAC 260-48-620 Pools dependent upon betting interests. Unless the commission otherwise provides, at the time the pools are opened for wagering, the association:

(1) Shall offer win, place, and show wagering on all races with five or more betting interests.

(2) May be allowed to prohibit show wagering on any race with four or fewer betting interests.

(3) May be allowed to prohibit place wagering on any race with three or fewer betting interests.

(4) May be allowed to prohibit quinella wagering on any race with three or fewer betting interests.

(5) May be allowed to prohibit exacta wagering on any race with three or fewer betting interests.

(6) Shall prohibit trifecta wagering on any race with seven or fewer betting interests scheduled to start at the time wagering opens.

(7) Shall prohibit superfecta wagering on any race with seven or fewer betting interests scheduled to start at the time wagering opens.

(8) Shall prohibit twin trifecta wagering on any race with seven or fewer betting interests scheduled to start at the time wagering opens.

NEW SECTION

WAC 260-48-630 Closing of wagering in a race. (1) Coincident with the start of a race, a commission representative shall close wagering for the race after which time no parimutuel tickets shall be sold for that race.

(2) The association shall maintain in good order an electrical or other system approved by the commission for locking of parimutuel machines.

NEW SECTION

WAC 260-48-640 Complaints pertaining to parimutuel operations. (1) When a patron makes a complaint regarding the parimutuel department to an association, the association shall immediately issue a complaint report, setting out:

(a) The name of the complainant;

(b) The nature of the complaint;

(c) The name of the persons, if any, against whom the complaint was made;

(d) The date of the complaint;

(e) The action taken or proposed to be taken, if any, by the association.

(2) The association shall submit every complaint report to the commission within 48 hours after the complaint was made.

NEW SECTION

WAC 260-48-650 Licensed employees. All licensees shall report any known irregularities or wrong doings by any person involving parimutuel wagering immediately to the commission and cooperate in subsequent investigations.

NEW SECTION

WAC 260-48-660 Cooperation of parimutuel department. The parimutuel manager and the representatives of any totalisator company or service providing parimutuel equipment or service at any race meeting, shall cooperate fully in any investigation of the commission or in any proceedings before the commission.

NEW SECTION

WAC 260-48-670 Emergency situations. Should any emergency arise in connection with the operation of the parimutuel department of the association, not covered by these rules, and an immediate decision is necessary, the approved manager of the parimutuel department shall make the decision and shall notify a commission representative. If so requested the mutuel manager shall submit a detailed written report to the commission.

NEW SECTION

WAC 260-48-800 Parimutuel wagering pools. (1)

All permitted parimutuel wagering pools shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

(2) For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the profit per dollar.

(3) The standard price calculation procedure shall be used to calculate wagering pools. Standard price calculation procedure:

SINGLE PRICE POOL (WIN POOL)

Gross Pool	=	Sum of Wagers on all Betting Interests - Refunds
Takeout	=	Gross Pool x Percent Takeout
Net Pool	=	Gross Pool - Takeout
Profit	=	Net Pool - Gross Amount Bet on Winner
Profit Per Dollar	=	Profit/Gross Amount Bet on Winner
\$1 Unbroken Price	=	Profit Per Dollar + \$1
1 Broken Price	=	\$1 Unbroken Price Rounded Down to the Break Point
Total Payout	=	\$1 Broken Price x Gross Amount Bet on Winner
Total Breakage	=	Net Pool - Total Payout

PROFIT SPLIT (PLACE POOL)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

PROFIT SPLIT (SHOW POOL)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

(4) If a profit split results in only one covered winning betting interest or combinations it shall be calculated the same as a single price pool.

(5) The individual pools outlined in these rules may be given alternative names by each association, provided prior approval is obtained from the commission.

(6) In the event a minus pool occurs in any parimutuel pool, the expense of said minus pool shall be borne by the association, and the commission shall receive intact its share of the remaining pools.

(7) The association must pay to the holder of any ticket or tickets entitling the holder to participate in the distribution of a parimutuel pool the amount wagered by such holder plus a minimum of five percent thereof. This requirement is unaffected by the existence of a parimutuel pool which does not contain sufficient money to distribute said five percent to all persons holding such tickets.

(8) No person or corporation shall directly or indirectly purchase parimutuel tickets or participate in the purchase of any part of a parimutuel pool for another for hire or for any gratuity.

NEW SECTION

WAC 260-48-810 Win pools. (1) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to win on that betting interest.

(2) The net win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool shall be refunded on win wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the win pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the win pool shall be distributed as a profit split.

NEW SECTION

WAC 260-48-820 Place pools. (1) The amounts wagered to place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the resulting quotient is the profit per dollar wagered to place on that betting interest.

(2) The net place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then

(c) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(d) As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then

(e) The entire pool shall be refunded on place wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the place pool shall be distributed as a single price pool.

(b) Horses representing two or more betting interests, the place pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving:

PROPOSED

(a) Horses representing the same betting interest, the place pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the place pool is divided with one-half of the profit distributed to place wagers on the betting interest finishing first and the remainder is distributed equally amongst place wagers on those betting interests involved in the dead heat for second.

NEW SECTION

WAC 260-48-830 Show pools (1) The amounts wagered to show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the resulting quotient being the profit per dollar wagered to show on that betting interest. The net show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) If horses of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise

(c) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(d) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(e) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(f) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(g) The entire pool shall be refunded on show wagers for that race.

(2) If there is a dead heat for first involving:

(a) Two horses representing the same betting interest, the profit is divided with two-thirds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.

(b) Three horses representing a single betting interest, the show pool shall be distributed as a single price pool.

(c) Horses representing two or more betting interests, the show pool shall be distributed as a profit split.

(3) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.

(b) Horses representing two betting interests, the show pool shall be distributed as a profit split.

(c) Horses representing three betting interests, the show pool is divided with one-third of the profit distributed to show wagers on the betting interest finishing first and the

remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for second.

(4) If there is a dead heat for third involving:

(a) Horses representing the same betting interest, the show pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the show pool is divided with two-thirds of the profit distributed to show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for third.

NEW SECTION

WAC 260-48-840 Double pools. (1) The double requires selection of the first-place finisher in each of two specified races.

(2) The net double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the two races; but if there are no such wagers, then

(b) As a profit split to those who selected the first-place finisher in either of the two races; but if there are no such wagers, then

(c) As a single price pool to those who selected the one covered first-place finisher in either race; but if there are no such wagers, then

(d) As a single price pool to those whose selection finished second in each of the two races; but if there are no such wagers, then

(e) The entire pool shall be refunded on double wagers for those races.

(3) If there is a dead heat for first in either of the two races involving:

(a) Horses representing the same betting interest, the double pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the double pool shall be distributed as a profit split if there is more than one covered winning combination.

(4) Should a betting interest in the first-half of the double be scratched prior to the first double race being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the double pool and refunded.

(5) Should a betting interest in the second-half of the double be scratched prior to the close of wagering on the first double race, all money wagered on combinations including the scratched betting interest shall be deducted from the double pool and refunded.

(6) Should a betting interest in the second-half of the double be scratched after the close of wagering on the first double race, all wagers combining the winner of the first race with the scratched betting interest in the second race shall be allocated a consolation payoff. In calculating the consolation payoff the net double pool shall be divided by the total amount wagered on the winner of the first race and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first race combined with the scratched betting interest to obtain the consolation payoff. Breakage

is not declared in this calculation. The consolation payoff is deducted from the net double pool before calculation and distribution of the winning double payoff. Dead heats including separate betting interests in the first race shall result in a consolation payoff calculated as a profit split.

(7) If either of the double races are cancelled prior to the first double race, or the first double race is declared "no race", the entire double pool shall be refunded on double wagers for those races.

(8) If the second double race is cancelled or declared "no race" after the conclusion of the first double race, the net double pool shall be distributed as a single price pool to wagers selecting the winner of the first double race. In the event of a dead heat involving separate betting interests, the net double pool shall be distributed as a profit split.

(9) Before the running of the second double race the association shall announce and/or post the pay-off of each combination coupled with the winner of the first half of the double race.

NEW SECTION

WAC 260-48-850 Pick three. (1) The pick three requires selection of the first-place finisher in each of three specified races.

(2) The net pick three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the three races; but if there are no such wagers, then

(b) As a single price pool to those who selected the first-place finisher in any two of the three races; but if there are no such wagers, then

(c) As a single price pool to those who selected the first-place finisher in any one of the three races; but if there are no such wagers, then

(d) The entire pool shall be refunded on pick three wagers for those races.

(3) If there is a dead heat for first in any of the three races involving:

(a) Horses representing the same betting interest, the pick three pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick three pool shall be distributed as a profit split pool with each winning wager receiving a proportionate amount of money wagered on each winning combination.

(4) Should a betting interest in any of the three pick three races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) If all three pick three races are cancelled or declared "no race", the entire pool shall be refunded on pick three wagers for those races.

(6) If one or two of the pick three races are cancelled or declared "no race", the pick three pool will remain valid and shall be distributed in accordance with subsection 2 of this rule.

(7) Before the running of the third pick three race the association shall announce and/or post the pay-off of each combination coupled with the winners of the first and second races of the pick three.

NEW SECTION

WAC 260-48-860 Quinella pools. (1) The quinella requires selection of the first two finishers, irrespective of order, for a single race.

(2) The net quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of the those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(e) The entire pool shall be refunded on quinella wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two betting interests, the quinella pool shall be distributed as if no dead heat occurred.

(c) Horses representing three or more betting interests, the quinella pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the quinella pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(d) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

(e) The entire pool shall be refunded on quinella wagers for that race.

NEW SECTION

WAC 260-48-870 Exacta pools. (1) The exacta requires selection of the first two finishers, in their exact order, for a single race.

(2) The net exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then

(e) The entire pool shall be refunded on exacta wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two or more betting interests, the exacta pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the exacta pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then

(d) The entire pool shall be refunded on exacta wagers for that race.

NEW SECTION

WAC 260-48-890 Trifecta pools. (1) The trifecta requires selection of the first three finishers, in their exact order, for a single race.

(2) The net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool shall be refunded on trifecta wagers for that race.

(3) If less than three betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

(7) Coupled entries and mutuel fields shall be prohibited in trifecta races.

(8) There shall be no more than two horses having common ties through a trainer in any trifecta race.

NEW SECTION

WAC 260-48-900 Superfecta pools. (1) The superfecta requires selection of the first four finishers, in their exact order, for a single race.

(2) The net superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) The entire pool shall be refunded on superfecta wagers for that race.

(3) If less than four betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest shall share in a profit split.

(c) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.

(5) If there is a dead heat for second involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.

(b) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.

(7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(8) Coupled entries and mutuel fields shall be prohibited in superfecta races.

(9) There shall be no more than two horses having common ties through a trainer in any superfecta race.

NEW SECTION

WAC 260-48-910 Twin trifecta pools. (1) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race in order to remain eligible for the second-half twin trifecta pool. Winning first-half wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta races shall be included in only one twin trifecta pool.

(2) Twin trifecta wagering may be conducted by Class A and B licenses at the discretion of the commission upon written application by an association.

(3) After wagering closes for the first-half of the twin trifecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: The first-half twin trifecta pool and the second-half twin trifecta pool. The percentage allocated to each pool must be approved by the commission.

(4) In the first twin trifecta race only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:

(a) As a single price pool to those whose combination finished in the correct sequence as the first three betting interest; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire twin trifecta pool for that day shall be refunded on twin trifecta wagers for that race and the second-half shall be cancelled.

(5) If no first-half twin trifecta ticket selects the first three finishers of that race in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool.

(6) Winning tickets from the first-half of the twin trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:

(a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three betting interest; but if there are no such tickets, then

(b) The entire second-half twin trifecta pool for that race shall be added to any existing carryover monies and retained for the corresponding second-half twin trifecta pool of the next consecutive race card.

(7) If a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool.

(8) Coupled entries and mutuel fields shall be prohibited in twin trifecta races.

(9) There shall be no more than two horses having common ties through a trainer in any twin trifecta race.

(10) Should a betting interest in the first-half of the twin trifecta be scratched, those twin trifecta wagers including the scratched betting interest shall be refunded.

(11) Should a betting interest in the second-half of the twin trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the

scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin trifecta race, the ticket holder forfeits all rights to the second-half twin trifecta pool.

(12) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of dead heat occurring in:

(a) The first-half of the twin trifecta, the payoff shall be calculated as a profit split

(b) The second-half of the twin trifecta, the payoff shall be calculated as a single price pool.

(13) If either of the twin trifecta races are cancelled prior to the first twin trifecta race, or the first twin trifecta race is declared "no race," the entire twin trifecta pool for that day shall be refunded on twin trifecta wagers for that race and the second-half shall be cancelled.

(14) If the second-half twin trifecta race is cancelled or declared "no race," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that race as a single price pool, but not the twin trifecta carryover. If there are no such tickets, the net twin trifecta pool shall be distributed as described in subsections (4) of the twin trifecta rules.

(15) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than 6, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin pool for that race as a single price pool, but not the twin trifecta carryover.

(16) If it be determined by the stewards that a horse has been prevented from racing because of the failure of the stall door of the starting gate to open (nonstarter) in the second-half of the twin trifecta only, there will be no refund or consolation payoff. The official order of finish as posted shall be used to determine payoffs. This will not affect other pools for this race.

(17) A written request for permission to distribute the twin trifecta carryover on a specific race card may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date of race card for the distribution.

(18) Contrary to subsection (5) of the twin trifecta rules, during a race card designated to distribute the twin trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations as described in subsection (4) of the twin trifecta rules.

(19) Should the twin trifecta carryover be designated for distribution on a specified date, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) As a single price pool to holders of valid exchange tickets.

(20) The twin trifecta carryover shall be designated for distribution on a specified date and race card only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection (17) of the twin trifecta rules.

(b) On the closing race card of the meet or split meet.

(21) If, for any reason, the twin trifecta carryover must be held over to the corresponding twin trifecta pool of the association's subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover plus accrued interest shall then be added to the second-half twin trifecta pool of the association's following meet.

(22) If racing is cancelled prior to the first-half of the twin trifecta on the closing race card of the meet or split meet, the carryover will be held over in accordance with subsection (20) of the twin trifecta rules.

(23) If racing is cancelled after the running of the first-half but before the running of the second-half on the closing race card of the meet of split meet, the carryover pool will be paid as a single price to holders of exchange tickets or outstanding winning tickets from the first-half.

(24) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communications between totalisator and parimutuel department employees for processing of pool data.

(25) The acceptance of a twin trifecta ticket by taking an issued ticket away from the window of the terminal from which it was issued shall constitute an acknowledgment by the bettor that the ticket is correct. Exchange tickets may not be canceled and/or reissued except as provided by these rules. The association, totalisator company, and state may not be liable to any person for a twin trifecta ticket which is not:

(a) A winning ticket in accordance with the provisions of this rule; or

(b) Delivered for any reason, including but not limited to mechanical malfunction, electrical failure, machine locking, phone line failure, or other cause.

(26) An association may have the option to limit payoffs, at satellite locations, approved in accordance with Sec. 01. RCW 67.16.200, to \$2,500 in cash, with the balance delivered in the form of a check or by an electronic fund transfer by the end of the next business day.

(27) Twin trifecta tickets shall be sold and exchanged only by the association through parimutuel machines.

(28) The twin trifecta carryover may be capped at a designated level approved or set by the commission so that if, at the close of any race card, the amount in the twin trifecta carryover equals or exceeds the designated cap, the twin trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the

twin trifecta carryover is frozen, 100 percent of the net twin trifecta pool for each individual race shall be distributed to winners of the first-half of the twin trifecta pool.

NEW SECTION

WAC 260-48-920 Pick (n) pools (1) The pick (n) requires selection of the first-place finisher in each of a designated number of races. The association must obtain written approval from the commission concerning the scheduling of pick (n) races, the designation of one of the methods prescribed in part (2), and the amount of any cap to be set on the carryover. Any changes to the approved pick (n) format require prior approval from the Commission.

(2) The Pick (n) pool shall be apportioned under one of the following methods:

(a) Method 1, pick (n) with carryover: The net pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the remainder shall be added to the carryover.

(b) Method 2, pick (n) with minor pool and carryover: The major share of the net pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the major share shall be added to the carryover.

(c) Method 3, pick (n) with no minor pool and no carryover: The net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(d) Method 4, pick (n) with minor pool and no carryover: The major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.¹

(e) Method 5, pick (n) with minor pool and no carryover: The major share of net pick (n) pool shall be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (n) races, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the pick (n) races. If there are no winning wagers, the pool is refunded.

(f) Method 6, pick (n) with minor pool, jackpot pool, major carryover and jackpot carryover: Predetermined percentages of the net pick (n) pool shall be set aside as a major pool, minor pool and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, shall be distributed to those who selected the first-place finisher of each of the pick (n) races, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the pick (n) races, the major net pool shall be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) races, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, shall be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more than one ticket selects the first-place finisher of each of the pick (n) races the jackpot net pool shall be added to the jackpot carryover. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher of the second greatest number of pick (n) races, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor net pool of the pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) races.

(3) If there is a dead heat for first in any of the pick (n) races involving:

(a) Horses representing the same betting interest, the pick (n) pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) Should a betting interest in any of the pick (n) races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the race at the close of wagering on that race, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting

interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) The pick (n) pool shall be cancelled and all pick (n) wagers for the individual race day shall be refunded if:

(a) At least three races included as part of a pick 4, pick 5 or pick 6 are cancelled or declared "no race".

(b) At least four races included as part of a pick 7, pick 8 or pick 9 are cancelled or declared "no race".

(c) At least five races included as part of a pick 10 are cancelled or declared "no race".

(6) If at least one race included as part of a pick (n) is cancelled or declared "no race", but not more than the number specified in subsection 5 of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races for that race day. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous race days.

(7) The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any race day, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) races for that race day.

(8) A written request for permission to distribute the pick (n) carryover on a specific race day may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and race day for the distribution.

(9) Should the pick (n) carryover be designated for distribution on a specified date and race day in which there are no wagers selecting the first-place finisher in each of the pick (n) races, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races. The pick (n) carryover shall be designated for distribution on a specified date and race day only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection 8 of this rule.

(b) Upon written approval from the commission when there is a change in the carryover cap, a change from one type of pick (n) wagering to another, or when the pick (n) is discontinued.

(c) On the closing race day of the meet or split meet.

(10) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool of the following meet on a date and race day so designated by the commission.

(11) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(12) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets

remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and parimutuel department employees for processing of pool data.

(13) The association may suspend previously-approved pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific race day.

WSR 96-04-067
PROPOSED RULES
HORSE RACING COMMISSION

[Filed February 7, 1996, 9:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-21-053.

Title of Rule: Chapter 260-70 WAC, Controlled medication program, rules regarding the regulation of race track equine medication standards.

Purpose: To repeal outdated rules and regulations and replace with new sections reflecting new rules with regard to regulation and also to conform with the nationally accepted model rule standards in other racing jurisdictions.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Update regulations to conform with the nationally accepted model regulations as being adopted by racing jurisdictions throughout the country.

Reasons Supporting Proposal: To standardize the equine medication program throughout the industry.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amending the medication standards for Washington will bring into conformance with the nationally accepted model rules being implemented throughout the equine industry. These amendments will standardize the medication standards as accepted by other racing industry jurisdictions.

Proposal Changes the Following Existing Rules: The entire chapter 260-70 WAC, Controlled medication program, as existing will be repealed and replaced with chapter 260-70 WAC, Controlled medication program, beginning with the new section WAC 260-70-500 through 260-70-730.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

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

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on April 9, 1996, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Bruce Batson by mail/phone.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, FAX (360) 459-6461, by April 8, 1996.

Date of Intended Adoption: April 9, 1996.

February 7, 1996
Bruce Batson
Executive Secretary

REPEALER

The following sections of the Washington Administration Code are repealed.

WAC 260-70-010	Definitions applicable to chapter 260-70 WAC.
WAC 260-70-021	Medication standards.
WAC 260-70-025	Bleeder list.
WAC 260-70-026	Bleeder treatment.
WAC 260-70-027	Reciprocity of bleeder list.
WAC 260-70-028	Detention stall.
WAC 260-70-029	Receiving barn.
WAC 260-70-031	Reporting to receiving barn.
WAC 260-70-032	Exclusion from receiving and detention barn.
WAC 260-70-040	Horses to be tested.
WAC 260-70-050	Procedure for taking specimens.
WAC 260-70-060	Effect of laboratory analysis.
WAC 260-70-070	Persons responsible.
WAC 260-70-080	Procedure upon positive finding by chief chemist.
WAC 260-70-090	Permitted level of approved NSAIDS.
WAC 260-70-100	Penalties relating to overage of permitted medication.
WAC 260-70-110	Commission may require association to set apart place for medication and testing.
WAC 260-70-120	Sampling medications and drugs.
WAC 260-70-130	Voiding track record.
WAC 260-70-140	Hypodermic instruments.
WAC 260-70-150	Who may administer medications.
WAC 260-70-160	Veterinarians under the supervision of state veterinarian— Test barn veterinarian.
WAC 260-70-170	Veterinarian report.
WAC 260-70-180	Improper medication.
WAC 260-70-190	Blocking of legs or ankles.
WAC 260-70-200	Bandages.
WAC 260-70-210	Nerving.
WAC 260-70-220	Posterior digital neurectomy.
WAC 260-70-230	List of nerved horses.
WAC 260-70-240	Examination required.
WAC 260-70-250	Medication procedures and related instructions.
WAC 260-70-260	Adulteration of sample.
WAC 260-70-270	Labelling of medications.
WAC 260-70-280	Effective date—Repealer.
WAC 260-70-290	Reporting to receiving barn.

WAC 260-70-300 Exclusion from receiving barn.

Reviser's note: The typographical error in the above repealer 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 260-70-500 Definitions applicable to chapter 260-70 WAC. (1) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent testing procedures.

(2) "Post Time" means the time set for the arrival at the starting point of the horses in a race as specified in writing and posted by the board of stewards.

NEW SECTION

WAC 260-70-510 Equine health & safety. The purpose of this chapter is to protect the integrity of horse racing, to ensure the health and welfare of animals under the jurisdiction of the commission and to safeguard the interests of the public and the participants in racing. With this in mind, the commission shall convene an annual meeting, open to all interested parties, for the purpose of review of veterinarian practices, equine health and medication. Such meeting shall include:

(1) An annual report from an official veterinarian.

(2) Presentation of data regarding equine medication and treatment, including a review of the commission's list of quantitative medication levels and recommendations for modifications to the list of quantitative medication levels.

(3) Public comment regarding equine health and safety, medication and veterinarian practices.

NEW SECTION

WAC 260-70-520 Trainer responsibility. The purpose of this subsection is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well being of horses in his/her care.

(1) The trainer is solely responsible for the condition of horses in his/her care.

(2) The trainer is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(3) A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(4) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(5) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses;

(d) Ensuring that at the time of arrival at locations under the jurisdiction of the commission a valid health certificate and a valid negative Equine Infectious Anemia (EIA) test certificate accompany each horse in accordance with state law;

(e) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) Promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing post-mortem examinations;

(i) Maintaining a knowledge of the medication record and medication status of horses in his/her care;

(j) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

(k) Ensuring the fitness to perform creditably at the distance entered;

(l) Ensuring that every horse he/she has entered to race is present at its assigned stall for a pre-race soundness inspection as prescribed in this chapter;

(m) Ensuring proper bandages, equipment and shoes;

(n) Presence in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

(o) Personally attending in the paddock and supervising the saddling thereof, unless excused by the stewards; and

(p) Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so.

NEW SECTION

WAC 260-70-530 Veterinarians under authority of official veterinarian. Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the authority of the official veterinarian and the stewards. An official veterinarian shall recommend to the stewards or the commission the discipline which may be imposed upon a veterinarian who violates the rules.

NEW SECTION

WAC 260-70-540 Veterinarians' reports. (1) Every veterinarian who treats a race horse at any location under the jurisdiction of the commission shall, in writing on a form approved by the commission, report to an official veterinarian the name of the horse treated, any medication, drug or substance administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(2) The report shall be signed by the practicing veterinarian.

(3) The report shall be on file not later than the time prescribed on the next race day by the official veterinarian. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the commission, or to the trainer or owner of record at the time of treatment.

NEW SECTION

WAC 260-70-550 Medical labelling. (1) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labelled in accordance with this subsection.

(2) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

(a) The name of the product;

(b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;

(c) The name of each patient (horse) for whom the product is intended/prescribed;

(d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

(e) The name of the person (trainer) to whom the product was dispensed.

NEW SECTION

WAC 260-70-560 Treatment restrictions. (1) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission.

(2) Nonveterinarians may administer the following substances, provided that, in post race testing the substances do not exceed approved quantitative levels, if any, and the substances do not interfere with post race testing:

(a) A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;

(b) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or

(c) A non-injectable nonprescription medication or substance.

(3) No person shall possess a hypodermic needle, syringe or injectable of any kind on association premises, unless otherwise approved by the commission. At any location under the jurisdiction of the commission, veterinarians may use only onetime disposable needles, and shall

dispose of them in a manner approved by the commission. If a person has a medical condition which makes it necessary to have a needle and syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards and/or the commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a needle and syringe, and must comply with any conditions and restrictions set by the stewards and/or the commission.

NEW SECTION

WAC 260-70-570 Physical inspection of horses. All horses at locations under the jurisdiction of the commission shall be subject to inspections at the discretion of the stewards or the official veterinarian.

(1) Every horse entered to participate in an official race shall be subject to a veterinary inspection.

(2) The inspection shall be conducted by an official veterinarian.

(3) The trainer of each horse or a representative of the trainer shall present the horse for inspection as required by the official veterinarian.

(4) The veterinary inspection of a horse's racing condition may include:

(a) Proper identification of each horse inspected;

(b) Observation of each horse in motion;

(c) Manual palpation when indicated;

(d) Observation in the paddock and saddling area, during the parade to post and at the starting gate; and

(e) Any other inspection deemed necessary by an official veterinarian.

(5) Every horse shall be observed by an official veterinarian during and after the race.

(6) The official veterinarian shall maintain a confidential health and racing soundness record of each horse inspected.

NEW SECTION

WAC 260-70-580 Veterinarian's list (1) The official veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity or medical condition.

(2) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse is capable of competing in a race.

NEW SECTION

WAC 260-70-590 Reporting to the test barn. (1) The official winning horse and any other horse ordered by the stewards, official veterinarian or the commission shall be taken to the test barn to have a blood and/or urine sample taken at the direction of an official veterinarian.

(2) Random or extra testing may be required by the stewards, the official veterinarian, or the commission at any time on any horse on association grounds.

(3) Unless otherwise directed by the stewards or an official veterinarian, a horse that is selected for testing must be taken directly to the test barn.

(4) Access to the test barn and, if applicable, receiving barn shall be monitored and restricted. All persons who wish to enter the test barn/receiving barn area must be

currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area.

NEW SECTION

WAC 260-70-600 Sample collection (1) Sample collection shall be done in accordance with guidelines and instructions provided by the official veterinarian.

(2) An official veterinarian shall determine a minimum sample requirement for the primary testing laboratory.

(a) If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the primary testing laboratory.

(b) If a specimen obtained is greater than the minimum sample requirement but less than twice that amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

(c) If a specimen obtained is greater than twice the minimum sample requirement, a portion of the sample approximately equal to the amount provided for the primary testing laboratory shall be secured as the split sample.

(d) At Class C race tracks the splitting of samples will be conducted by the primary testing laboratory.

NEW SECTION

WAC 260-70-610 Storage and shipment of split samples. (1) Split samples obtained in accordance with WAC 260-70-670, subsection 2b and 2c shall be secured and made available for further testing in accordance with the following procedures:

(a) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the commission.

(b) A freezer for storage of split samples shall be equipped with a lock. The lock shall be closed and locked so as to prevent access to the freezer at all times except as specifically provided by these rules.

(c) A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

(d) A log shall be maintained by the official veterinarian that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed and to verify that the lock was secured prior to and after opening of the freezer.

(e) Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the stewards or a designated commission representative.

(2) A trainer or owner of a horse may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the commission. The request must be made in writing and delivered to the stewards not later than 48 hours after the trainer of the horse receives written notice of the

findings of the primary laboratory. Any split sample so requested must be shipped within an additional 72 hours.

(3) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the commission shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the commission, and arrangements for payment satisfactory to the split sample laboratory. A split sample testing laboratory must be approved by the commission. The commission shall maintain a list of laboratories approved for testing of split samples.

(4) Prior to opening the split sample freezer, the commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample. Split sample chain of custody form requirements:

- (a) The date and time the sample is removed from the split sample freezer;
- (b) The sample number;
- (c) The address where the split sample is to be sent;
- (d) The name of the carrier and the address where the sample is to be taken for shipment;
- (e) Verification of retrieval of the split sample from the freezer;
- (f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;
- (g) Verification of the address of the split sample laboratory on the split sample package;
- (h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and
- (i) The date and time custody of the sample is transferred to the carrier.

(5) A split sample shall be removed from the split sample freezer by a commission representative in the presence of the owner, trainer or designee.

(6) The owner, trainer or designee shall pack the split sample for shipment in the presence of the representative of the commission, in accordance with the packaging procedures recommended by the commission. A form shall be signed by both the owner's representative and the commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(7) The package containing the split sample shall be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission approved laboratory selected by the owner or trainer.

(8) The owner, trainer or designee may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(9) The split sample chain of custody verification form shall be completed and signed by the representatives of the commission and the owner, trainer or designee. A commission representative shall keep the original and provide a copy for the owner, trainer or designee.

NEW SECTION

WAC 260-70-620 Medication restrictions (1) No horse shall have in its body any prohibited or interfering substance, or permitted medication, except as provided in this chapter.

(2) A finding by the official chemist of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

- (a) Drugs or medications for which no acceptable levels have been established;
- (b) Therapeutic medications in excess of acceptable levels established by the commission;
- (c) Substances present in the horse in excess of levels at which such substances could occur naturally; and
- (d) Substances foreign to a horse at levels that cause interference with testing procedures.

(3) No person shall administer, attempt to minister, or aid or abet in the administration of, any medication or drug to a horse entered to race within 24 hours of the race in which entered except in accordance with these rules.

(4) Drugs or medications in horses are permissible, provided:

- (a) The drug or medication is included in the commission's list of quantitative medication levels;
- (b) Approved nonsteroidal anti-inflammatory drugs (NSAIDS) may be administered to a horse, but not on a race day. No more than one of the NSAIDS may be used on or carried in a horse's body at any one time;
- (c) The maximum permissible urine or blood concentration of the drug or medication does not exceed the published limit.

(5) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means including naso gastric tube or dose syringe, to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication, pursuant to this chapter during the 24-hour period before post time for the race in which the horse is entered.

NEW SECTION

WAC 260-70-630 Threshold levels. On or before February 1 of each year, the commission shall promulgate a list of quantitative medication levels for those certain substances which it has determined to be permissible in test samples up to stated quantitative levels.

NEW SECTION

WAC 260-70-640 Permitted medication. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication shall be a violation of these rules. The use of phenylbutazone, naproxen or meclufenamic acid shall be permitted under the following conditions:

(1) Phenylbutazone shall be administered in such dosage amount that the test sample shall not contain not more than 5 micrograms of phenylbutazone or oxyphenbutazone per milliliter of blood plasma.

(2) Naproxen shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites or analogs per milliliter of blood plasma.

(3) Meclofenamic Acid shall be administered in such dosage amount that the test sample shall contain not more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

NEW SECTION

WAC 260-70-650 Furosemide (Lasix®). (1) Furosemide (Lasix®) may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide (Lasix®) shall be permitted only after the official veterinarian has placed the horse on the bleeder list.

(2) The use of furosemide (Lasix®) shall be permitted under the following circumstances:

(a) Furosemide (Lasix®) shall be administered on the grounds of the association, no less than four hours prior to post time for the race for which the horse is entered.

(b) The furosemide (Lasix®) dosage administered shall not exceed 500 mg. nor be less than 150 mg.

(c) The trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) the racetrack name, the date and time the furosemide (Lasix®) was administered to the entered horse;

(ii) the dosage amount of furosemide (Lasix®) administered to the entered horse; and

(iii) the printed name and signature of the attending licensed veterinarian who administered the furosemide (Lasix®).

(d) Failure to administer furosemide (Lasix®) in accordance with these rules may result in the horse being scratched from the race by the stewards.

NEW SECTION

WAC 260-70-660 Bleeder list. (1) The official veterinarian shall maintain a bleeder list of all horses which have demonstrated external evidence of exercise induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination must have been performed by or in the presence

of a licensed veterinarian and endorsed by the official veterinarian, or performed by an official veterinarian. The list is a state wide list that applies only at Class A or Class B licensed associations and not at any other track. If the commission so orders, horses placed on the bleeder list shall be assigned to a pre-race 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 official 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 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 shall be posted and the stall must 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.

(2) The confirmation of a bleeder horse must be certified in writing by an official veterinarian and entered on the bleeder list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A notice of a horse's bleeder certification shall be affixed to the horses certificate of registration.

(3) Every confirmed bleeder, regardless of age, shall be placed on the bleeder list.

(4) A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who shall certify in writing to the stewards the recommendation for removal.

(5) A horse which has been placed on a bleeder list in another jurisdiction may be placed on a bleeder list in this jurisdiction provided that the other jurisdiction's criteria for the identification of bleeders are satisfactory in this jurisdiction.

NEW SECTION

WAC 260-70-670 Penalties—Guidelines Upon a finding of a violation of these medication and prohibited substances rules, the stewards shall consider the uniform classification level of the violation as listed herein prior to imposing a penalty. The stewards shall also consult with an official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation. Provided, however, that in the event a majority of the stewards determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the stewards wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

NEW SECTION**WAC 260-70-680 Uniform classification guidelines.**

The following outline describes the types of substances placed in each category. This list shall be publicly posted in the offices of the official veterinarian and the racing secretary.

(1) Class 1

Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the race horse and their pharmacological potential for altering the performance of a race is very high.

(2) Class 2

Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the race horse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a race horse. The following groups of drugs are in this class:

- (a) Opiate partial agonists, or agonist-antagonists;
- (b) Non-opiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;
- (c) Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);
- (d) Drugs with prominent CNS depressant action;
- (e) Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;
- (f) Muscle blocking drugs which have a direct neuromuscular blocking action;
- (g) Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and
- (h) Snake venoms and other biologic substances which may be used as nerve blocking agents.

(3) Class 3

Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a race horse. The following groups of drugs are in this class:

- (a) Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);
- (b) A local anesthetic which has nerve blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);
- (c) Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;
- (d) Primary vasodilating/hypotensive agents; and
- (e) Potent diuretics affecting renal function and body fluid composition.

(4) Class 4

This category is comprised primarily of therapeutic medications routinely used in race horses. These may influence performance, but generally have a more limited

ability to do so. Groups of drugs assigned to this category include the following:

- (a) Non-opiate drugs which have a mild central analgesic effect;
- (b) Drugs affecting the autonomic nervous system which do not have prominent CNS, cardiovascular or respiratory effects;
 - (i) Drugs used solely as topical vasoconstrictors or decongestants,
 - (ii) Drugs used as gastrointestinal antispasmodics,
 - (iii) Drugs used to void the urinary bladder,
 - (iv) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.
- (c) Antihistamines which do not have a significant CNS depressant effect (This does not include H1 blocking agents, which are listed in Class 5);
- (d) Mineralocorticoid drugs;
- (e) Skeletal muscle relaxants;
- (f) Anti-inflammatory drugs—those that may reduce pain as a consequence of their anti-inflammatory actions, which include:
 - (i) Nonsteroidal anti-inflammatory drugs (NSAIDs)—aspirin-like drugs;
 - (ii) Corticosteroids (glucocorticoids); and
 - (iii) Miscellaneous anti-inflammatory agents.
- (g) Anabolic and/or androgenic steroids and other drugs;
- (h) Less potent diuretics;
- (i) Cardiac glycosides and antiarrhythmics including:
 - (i) Cardiac glycosides;
 - (ii) Antiarrhythmic agents (exclusive of lidocaine, bretylium and propanolol); and
 - (iii) Miscellaneous cardiotoxic drugs.
- (j) Topical anesthetics—agents not available in injectable formulations;
- (k) Antidiarrheal agents;
- (l) Miscellaneous drugs including:
 - (i) Expectorants with little or no other pharmacologic action;
 - (ii) Stomachics; and
 - (iii) Mucolytic agents.
- (m) Substances foreign to a horse at levels that cause interference with testing procedures.

(5) Class 5

(a) Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents which have very localized action only, such as anti-ulcer drugs and certain antiallergic drugs. The anticoagulant drugs are also included.

(b) Non-interfering levels of sulfa drugs, antibiotics, anthelmintics and vitamins in a horse's post race urine or blood test may not be considered a violation of these rules.

NEW SECTION

WAC 260-70-690 Penalty recommendations (in the absence of mitigating circumstances) (1) Class 1—One to five years suspension and at least \$5,000 fine and loss of purse.

(2) Class 2— Six months to one year suspension and \$1,500 to \$2,500 fine and loss of purse.

(3) Class 3—Sixty days to six months suspension and up to \$1,500 fine and loss of purse.

(4) Class 4—Zero to 60 days suspension and up to \$1,000 fine and loss of purse.

(5) Class 5—Zero to 15 days suspension with a possible loss of purse and/or fine.

NEW SECTION

WAC 260-70-700 Penalties relating to permitted medication. (1) Should the laboratory analysis of urine or blood taken from a horse, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules or the presence of phenylbutazone or oxyphenbutazone, naproxen or meclufenamic acid in excess of the quantities authorized by the rules, the stewards or commission shall levy the following penalties against each person found responsible:

(a) For a first offense within a 365 day period, a fine of \$300;

(b) The second offense, within a 365 day period, \$750;

(c) For a third offense, within a 365 day period, a fine of \$750 with a sixty-day suspension.

(2) Should the laboratory analysis of urine or blood taken from a horse, show the presence of furosemide (Lasix®) without permission from the official veterinarian, the stewards or commission shall treat the violation as a Class 4 offense.

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action.

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.

NEW SECTION

WAC 260-70-710 Voiding track record. In the event that a horse establishes a track record in a race and if it later develops that the chemical analysis of any sample taken indicates the presence of any prohibited substances for which the purse is redistributed, then such track record shall be null and void.

NEW SECTION

WAC 260-70-720 Posterior digital neurectomy. (1) No person shall bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as a bloodstock agent in the sale of, any horse which has been "nerved" or has had any nerve removed from the leg of such horse, except as provided in this article.

(2) The trainer shall promptly report to the racing secretary and the official veterinarian when a posterior digital neurectomy is performed and ensure that such fact is designated on the horses certificate of registration.

(3) Notwithstanding the prohibition against "nerving," a horse upon which a posterior digital neurectomy has been performed, commonly known as "heel nerving" is eligible to race, subject to the prohibitions in this article pertaining to nerving, provided that the official veterinarian is satisfied that the loss of sensation to such horse due to the posterior digital neurectomy will not endanger the safety of any horse or rider, that the prior approval of the official veterinarian has been obtained if the horse is on the grounds of a racing association, that the racing secretary is notified of such nerving at the time such horse is admitted to the grounds of a racing association and its registration or eligibility certificate marked to indicate such nerving.

NEW SECTION

WAC 260-70-730 Postmortem examination. (1) The commission may require a postmortem examination of any horse that is injured in this jurisdiction while in training or in competition and that subsequently expires or is destroyed. In proceeding with a postmortem examination the commission or its designee shall coordinate with the trainer and/or owner to determine and address any insurance requirements.

(2) The commission may require a postmortem examination of any horse that expires while housed on association grounds or at recognized training facilities within this jurisdiction. Trainers and owners shall be required to comply with such action as a condition of licensure.

(3) The commission may take possession of the horse upon death for postmortem examination. The commission may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for testing by the commission-selected laboratory or its designee. Upon completion of the postmortem examination, the remains may be returned to the owner or disposed of at the owner's option.

(4) The presence of a prohibited substance in a horse, found by the official laboratory or its designee in a bodily fluid specimen collected during the postmortem examination of a horse, may constitute a violation of these rules.

(5) The cost of commission-ordered postmortem examinations, testing and disposal shall be borne by the commission.

WSR 96-04-083 PROPOSED RULES

COMMISSION ON JUDICIAL CONDUCT

[Filed February 7, 1996, 11:44 a.m.]

Original Notice.

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

Title of Rule: Chapter 292-06 WAC, Procedural rules.

Purpose: To adopt and clarify procedures authorized by chapter 2.64 RCW and Article IV, Section 31 of State Constitution.

Statutory Authority for Adoption: Article IV, Section 31 of State Constitution.

Statute Being Implemented: Chapter 2.64 RCW and Article IV, Section 31 of State Constitution.

Summary: Chapter 292-06 WAC establishes procedures for filing, processing, investigating, and determining complaints filed pursuant to Article IV, Section 31 of the State Constitution.

Reasons Supporting Proposal: The commission is directed to provide for rules of procedure.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, P.O. Box 1817, Olympia, WA 98507, (360) 753-4585.

Name of Proponent: Commission on Judicial Conduct, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: New rules would update and clarify procedures to be used by the commission.

Proposal Changes the Following Existing Rules: The existing procedural rules would be repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement is required for this proposal by chapter 19.85 RCW. The rules are procedural in nature.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are procedural rules.

Hearing Location: Sea-Tac Holiday Inn, 17338 Pacific Highway South, SeaTac, WA 98188, on April 5, 1996, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Kathy Sullivan, TDD (360) 753-4585.

Submit Written Comments to: Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, FAX (360) 586-2918, by March 29, 1996.

Date of Intended Adoption: April 5, 1996.

February 7, 1996

David Akana

Executive Director

Chapter 292-06 WAC PROCEDURAL RULES

NEW SECTION

WAC 292-06-001 Preamble. The regulation of judicial conduct is critical to preserving the integrity of the judiciary and enhancing public confidence in the judicial system. Such regulation should provide a fair and reasonable process for the handling of complaints and inquiries about members of the judiciary concerning their conduct and ability to perform judicial duties.

These rules are adopted pursuant to Washington State Constitution, Article IV, Section 31. The rules balance a number of competing interests: The public interest that complaints against judges are given serious consideration and that judges are held to high standards of behavior; the rights of judges to fair treatment in the disposition of complaints against them; the interest of judges and complainants in the confidentiality of complaints for which the commission finds there is no probable cause to believe that misconduct occurred; the public interest in encouraging participation in the disciplinary process by protecting complainants and witnesses from retribution or harassment; and the interest of

the judges and the public in having judicial disciplinary complaints resolved promptly and accurately.

All proceedings before the commission on judicial conduct involving judges as defined in these rules shall proceed exclusively under the rules set forth in this chapter.

NEW SECTION

WAC 292-06-005 Terminology. Definitions. In these rules: "Admonishment" means a written action of the commission of an advisory nature that cautions a respondent not to engage in certain proscribed behavior. An admonishment may include a requirement that the respondent follow a specified corrective course of action. Admonishment is the least severe disciplinary action the commission can issue.

"Censure" means a written action of the commission that requires a respondent to appear personally before the commission and that finds that conduct of the respondent violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the supreme court that the respondent be suspended (with or without pay) or removed. A censure shall include a requirement that the respondent follow a specified corrective course of action. Censure is the most severe disciplinary action the commission can issue.

"Chairperson" means one of the members elected by the commission to perform the duties of the chair and includes the acting chairperson.

"Commission" means the commission on judicial conduct.

"Commission counsel" means the legal advisor for the commission.

"Complaint" means information in any form from any source received by the commission that alleges or from which a reasonable inference can be drawn that a judge committed misconduct or is incapacitated. If there is no written complaint from another person, the investigator's written statement of the allegations constitutes the complaint.

"Disability" means "incapacity."

"Discipline" includes admonishment, reprimand, censure, suspension, removal, and any other sanction the commission is authorized to impose.

"Disciplinary counsel" means a lawyer retained by the commission to investigate and/or to represent the commission in designated proceedings.

"Documentary evidence" means any business record, public record, handwriting, typewriting, printing, Photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, drawings, charts, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

"Fact-Finder" means the commission, or at the discretion of the commission, a subcommittee of the commission or a master appointed by the commission. The fact-finder shall compile the evidentiary record upon which the commission shall base its decision.

"Hearing" means a public proceeding at which the issues of law and fact raised by a statement of charges and answer are tried before the commission.

PROPOSED

"Incapacity" means any physical, mental, or emotional condition from which a respondent suffers which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties. As used in these rules, "incapacity" shall have the same meaning as "disability" in Washington State Constitution, Article IV, Section 31.

"Investigation" means an inquiry, including a search for and examination of evidence concerning allegations, divided into two stages: Preliminary investigation conducted after receipt of the complaint and initial proceedings conducted after authorization from the commission.

"Investigative officer" means a person or persons employed or retained by the commission who investigates and reports the findings to the commission.

"Judge" means those officers of a judicial system who perform judicial functions and who are subject to the Code of Judicial Conduct, such as justices of the supreme court, judges of the court of appeals, judges of the superior court, judges of any court organized under Titles 3, 35, or 35A RCW, judges pro tempore, court commissioners, and magistrates. The term includes full-time and part-time judges and judges who have been or have not been admitted to the practice of law in Washington.

"Medical privilege" shall refer to any confidential, privileged communication between respondent and any health care provider recognized by law.

"Meeting" includes a regular meeting or a special meeting. Business meetings are subject to the Open Public Meetings Act, chapter 42.30 RCW. Investigations, initial proceedings, public hearings, and executive sessions involving the discipline or retirement of a judge are governed by Article IV, Section 31, of the state Constitution and are exempt from chapter 42.30 RCW.

"Member" means a member of the commission and includes alternates acting as members during a member's disqualification or inability to serve.

"Misconduct" means any conduct by a respondent constituting grounds for discipline.

"Party" means the respondent or the commission as the context suggests.

"Public member" means a member of the commission who is neither a lawyer nor a judge.

"Record" means the formal statement of charges and all documents filed thereafter in a proceeding including the verbatim report of the hearing on the statement of charges if a verbatim report has been prepared.

"Reprimand" means a written action of the commission that requires a respondent to appear personally before the commission and that finds that the conduct of the respondent is a violation of the Code of Judicial Conduct and does not require censure or a recommendation to the supreme court that the respondent be suspended or removed. A reprimand shall include a requirement that the respondent follow a specified corrective course of action. Reprimand is an intermediate level of disciplinary action the commission can issue.

"Respondent" means the judge or former judge who is the subject of a complaint or statement of charges.

"Statement of charges" means the formal charges of judicial misconduct or incapacity, including any amendment

thereto, filed by the commission upon a determination of probable cause.

SECTION I. ORGANIZATION AND STRUCTURE

NEW SECTION

WAC 292-06-010 Disciplinary authority. The disciplinary authority of the commission extends to every judge subject to the Washington State Constitution, Article IV, Section 31, and the Code of Judicial Conduct.

NEW SECTION

WAC 292-06-020 The commission on judicial conduct. (1) Purpose. The commission on judicial conduct administers the judicial discipline and incapacity provisions of the Washington State Constitution, Article IV, Section 31.

(2) Jurisdiction.

(a) Judges. The commission has jurisdiction over judges regarding allegations of misconduct occurring prior to or during service as a judge and regarding allegations of incapacity during service as a judge.

(b) Former judges. The commission has continuing jurisdiction over former judges regarding allegations of misconduct occurring prior to or during service as a judge.

NEW SECTION

WAC 292-06-030 Organization and authority of the commission. (1) Meetings. Meetings shall be scheduled as necessary. The commission shall meet periodically as determined by the commission to consider administrative and other matters. The chair may call meetings of the commission other than regularly scheduled meetings upon the chair's own motion; the chair shall call a meeting upon the written request of three members of the commission. Business meetings may be conducted by telephone conference calls or other telecommunications means within the provisions of the Open Public Meetings Act, whereby each participant in the meeting can simultaneously hear the others and further, whereby at least one site, identified by proper notice, shall provide the capability for members of the public to hear the conference. Other meetings and executive sessions may be conducted by telephone conference calls.

(2) Officers. The commission shall elect one of its members to serve as chair, another to serve as vice-chair, and another to serve as secretary for such terms as the commission shall determine. The vice-chair shall perform the duties of the chair whenever the chair is absent or unable to act.

(3) Quorum. Six members of the commission shall constitute a quorum for the transaction of business.

A vote of six members of the commission shall be required to adopt rules.

A finding of probable cause shall require the concurrence of six members of the commission.

The concurrence of six members of the commission shall be required to make a decision in a proceeding.

The chairperson will arrange for an alternate member selected by the appropriate appointing authority to serve in the place of a member whenever a member is disqualified or unable to serve. The alternate member so called upon shall

have all the authority of a member of the commission during the time the member is unable to serve.

(4) Powers and duties. The duty and authority of the commission shall include but not be limited to:

- (a) Adopting rules of procedure for discipline and incapacity proceedings;
- (b) Appointing commission counsel;
- (c) Employing an executive director and other staff;
- (d) Appointing investigative officers;
- (e) Retaining disciplinary counsel;
- (f) Reviewing the recommendation of the investigative officer and/or disciplinary counsel after screening and a preliminary investigation, and either authorizing a full investigation of a complaint against a respondent in initial proceedings or dismissing the complaint;
- (g) Reviewing the findings of the investigative officer and/or disciplinary counsel after a full investigation of a complaint against a respondent in initial proceedings and dismissing the matter, making a finding of probable cause, or, after making a finding of probable cause, instructing disciplinary counsel to file a statement of charges;
- (h) Ruling on prehearing motions, conducting hearings on a statement of charges, and making findings, conclusions, and a decision;
- (i) Where appropriate, making recommendations to the supreme court for discipline pursuant to WAC 292-06-240; or
- (j) Dismissing the case.

(5) Recusal.

(a) A member of the commission should disqualify himself or herself if his or her impartiality might reasonably be questioned because of a conflict of interest or personal bias or prejudice.

(b) Respondent may file an affidavit challenging for cause any member who respondent believes cannot impartially consider the statement of charges. The affidavit must be filed within seven days after service of the notice of hearing identifying those members assigned to conduct the hearing. The commission chairperson, or vice-chairperson, will decide any challenge for cause if the member does not disqualify himself or herself.

NEW SECTION

WAC 292-06-040 Investigative officer. (1) Appointment. The commission may appoint one or more full-time or part-time investigative officers.

(2) Powers and duties. The duty and authority of the investigative officer shall include but not be limited to:

- (a) Receiving and screening complaints, referring complainants to other agencies when appropriate, conducting preliminary investigations, recommending to the commission, and upon authorization, conducting full investigations, notifying complainants about the status and disposition of their complaints, and making recommendations to the commission on the disposition of complaints after full investigation;
- (b) Maintaining permanent records of the investigative and subsequent proceedings set forth in (a) of this subsection; and
- (c) Performing other duties at the direction of the commission.

NEW SECTION

WAC 292-06-050 Commission counsel. (1) Appointment. The commission may appoint a commission counsel to assist the commission.

(2) Powers and duties. The commission may delegate functions to the commission counsel, including but not limited to the duty and authority to:

- (a) Advising the commission during its deliberations and drafting decisions, orders, reports and other documents on behalf of the hearing panel;
- (b) Employing and supervising other staff necessary to the performance of the commission's duties;
- (c) Performing other duties at the direction of the commission.

SECTION II. GENERAL PROVISIONS

NEW SECTION

WAC 292-06-060 Discipline. (1) Grounds. Any conduct which violates the Code of Judicial Conduct is grounds for discipline which shall be issued or administered in open session.

(2) Discipline. The commission shall have the authority to:

- (a) Admonish;
- (b) Reprimand;
- (c) Censure;
- (d) Censure and recommend to the supreme court the suspension of the respondent with or without pay;
- (e) Censure and recommend to the supreme court the removal of the respondent; and
- (f) Impose any other sanction the commission is authorized to administer.

The vote of any member of the commission to impose a particular disciplinary action shall be deemed an assent to impose all lesser disciplinary actions.

(3) Mitigating/aggravating factors. Whenever the commission finds grounds for discipline, it shall consider the following nonexclusive factors in determining the appropriate discipline to be ordered:

- (a) Whether the misconduct is an isolated instance or evidence of a pattern of conduct;
- (b) The nature, extent, and frequency of occurrence of the acts of misconduct;
- (c) Whether the misconduct occurred in or out of the courtroom;
- (d) Whether the misconduct occurred in the judge's official capacity or in his private life;
- (e) Whether the judge has acknowledged or recognized that the acts occurred;
- (f) Whether the judge has evidenced an effort to change or modify his conduct;
- (g) The judge's length of service on the bench;
- (h) Whether there has been prior public disciplinary action concerning the judge;
- (i) The effect the misconduct has upon the integrity of and respect for the judiciary;
- (j) The extent to which the judge exploited his position to satisfy his personal desires; and
- (k) Whether the judge cooperated with the commission investigation and proceeding.

PROPOSED

NEW SECTION

WAC 292-06-070 Proof. Findings of violations of the Code of Judicial Conduct or incapacity shall be based upon clear, cogent, and convincing evidence.

NEW SECTION

WAC 292-06-080 Civil rules applicable. Except as otherwise provided in these rules, the rules of evidence applicable to civil proceedings and the rules of civil procedure shall apply in all public proceedings under these rules.

NEW SECTION

WAC 292-06-090 Right to counsel. Respondent may retain counsel and have assistance of counsel at his or her own expense.

NEW SECTION

WAC 292-06-100 Ex parte contacts. Members of the commission shall not engage in ex parte communications regarding a case with respondent, respondent's counsel, disciplinary counsel, or any witness, except that staff may communicate with disciplinary counsel and others as required to perform their duties in accordance with these rules.

NEW SECTION

WAC 292-06-110 Confidentiality. (1) Proceedings.

(a) Prior to the filing of a statement of charges, all proceedings shall be confidential except as provided in WAC 292-06-170(3).

(b) After the filing of a statement of charges, all subsequent proceedings shall be public except as may be provided by protective order. The statement of charges alleging judicial misconduct or incapacity shall be available for public inspection. The record of the initial proceedings that formed the basis of a finding of probable cause shall become public on the first day of the hearing. The hearing before the commission shall be open to the public; however, all deliberations of the commission in reaching a decision on the statement of charges shall be confidential.

(2) Information.

(a) Prior to the filing of a statement of charges, all information relating to a complaint that has not been dismissed shall be held confidential by the commission, disciplinary counsel, and staff, except that the commission may disclose information:

(i) When the commission has determined that there is a need to notify another person or agency in order to protect the public or the administration of justice; or

(ii) Upon waiver in writing by respondent:

(A) If public statements that charges are pending before the commission are substantially unfair to respondent; or

(B) If respondent is publicly associated with violating a rule of judicial conduct or with having an incapacity, and the commission, after a preliminary investigation, has determined there is no basis for further proceedings or for a recommendation of discipline or retirement.

(b) Except as provided by these rules, all information relating to a complaint that has been dismissed without the

filing of a statement of charges shall be held confidential by the commission, disciplinary counsel, and staff.

(c) Except as provided in these rules, the fact that a complaint has been made, or a statement has been given to the commission, and all papers and matters submitted to the commission together with the investigation and initial proceedings conducted pursuant to these rules, shall be confidential. However, the person filing a complaint or giving a statement to the commission is not prohibited by these rules from informing any third party, or the public generally, of the factual basis upon which a complaint is based, or a statement is given.

(d) The commission may inform a complainant or potential witness when respondent is first given notice of misconduct or incapacity allegations. After final commission action on a complaint, the commission shall disclose to the person making a complaint that after an investigation of the charges:

(i) The commission has found no basis for action by the commission against the respondent, or

(ii) The commission has admonished, reprimanded, or censured the respondent, or censured the respondent and recommended to the supreme court the suspension or removal of the respondent or has recommended to the supreme court the retirement of the respondent.

The name of the respondent, in the discretion of the commission, shall not be used in written communication to the complainant.

(e) Disciplinary counsel's work product and records of the commission's deliberations shall not be disclosed.

(f) Investigative files and records prior to the date of the filing of the statement of charges shall not be disclosed unless they formed the basis for probable cause. Those records of the initial proceeding that were the basis of a finding of probable cause shall become public as of the date of the fact-finding hearing.

(g) Informal action taken by the commission prior to May 5, 1989, when amended rules were adopted eliminating private informal dispositions, may, in the commission's discretion, be disclosed to the Washington State Bar Association, American Bar Association, a judicial authority, any judicial appointive, selection or confirmation authority, or to law enforcement agencies, when required in the interests of justice, or to maintain confidence in the selection of judges or administration of the judiciary. The person to whom the information relates shall be informed of any information released.

(h) Unless otherwise permitted by these rules, or from public documents, or from a public hearing, no person shall disclose information obtained by that person during commission proceedings or from papers filed with the commission. Any person violating confidentiality rules may be subject to contempt proceedings.

NEW SECTION

WAC 292-06-130 Service. (1) Service of papers on the commission in any matter concerning a respondent shall be given by delivering or mailing the papers to the commission's office.

(2) If service is by mail, service shall be deemed complete three days after posting with the U.S. Mail, postage prepaid.

(3) All documents may be filed with the commission via facsimile machine. However, filing will not be deemed accomplished unless the following procedures are strictly observed:

(a) A facsimile document will be stamped "filed" by the commission only between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be "filed" on the following business day. The facsimile copy shall constitute the original document for all purposes.

(b) All transmissions are sent at the risk of the sender.

(4) Service of the statement of charges in any disciplinary or incapacity proceeding shall be made by personal service upon a respondent.

NEW SECTION

WAC 292-06-140 Subpoena power. (1) Oaths. Oaths and affirmations may be administered by any member of the commission or any other person authorized by law.

(2) Subpoenas for investigation, deposition, or hearing. The commission may summon and examine witnesses or delegate the power to disciplinary counsel or an investigative officer to examine such witnesses and compel the production and examination of papers, books, accounts, documents, records, certificates, and other evidence for the determination of any issue before, or the discharge of any duty, of the commission. All subpoenas shall be signed by a member of the commission. Following service of the statement of charges, a respondent has a right to issuance of subpoenas for the attendance of witnesses to testify or produce evidentiary matters for hearing or permitted discovery.

(3) Enforcement of subpoenas. The commission may bring action to enforce a subpoena in the superior court of any county in which the hearing or proceeding is conducted or in which the person resides or is found.

(4) Quashing subpoena. Any motion to quash a subpoena so issued shall be heard and determined by the commission or its presiding officer.

(5) Service, witnesses, fees. Subpoenas shall be served and witnesses reimbursed in the manner provided in civil cases in superior court. Expenses of witnesses shall be borne by the party calling them.

NEW SECTION

WAC 292-06-160 Notification to complainant of final disposition. The commission shall notify the complainant in writing of the final disposition of a proceeding under these rules.

SECTION III. DISCIPLINARY PROCEEDINGS

NEW SECTION

WAC 292-06-170 Screening and investigation. (1) General. An investigative officer employed by the commission will conduct the investigation aided by disciplinary counsel if deemed appropriate by the commission.

(2) Screening.

(a) Any named or anonymous organization, association, or person, including a member of the commission or staff, may make a complaint of judicial misconduct or incapacity to the commission. A complaint may be made orally or in writing.

(b) The investigative officer shall evaluate all complaints to determine whether:

(i) The person against whom the allegations are made is a judge subject to the disciplinary authority of the commission; and either

(ii) The facts alleged, if true, would constitute misconduct or incapacity; or

(iii) The investigative officer has grounds to believe that upon further inquiry such facts might be discovered. If not, the investigative officer shall recommend to the commission to dismiss the matter or, if appropriate, refer the complainant to another agency.

(3) Notice of complaint to respondent. With the approval of the commission, the investigative officer may notify respondent that a complaint has been received and may disclose the name of the individual making the complaint.

(4) Preliminary investigation.

(a) Upon receipt of a complaint, the investigative officer shall make a prompt, discreet, preliminary investigation and evaluation. Failure of a person making the complaint to supply requested additional information may result in dismissal of that complaint. The investigative officer may interview witnesses and examine evidence to determine whether grounds exist to believe the allegations of complaints. No subpoena shall be issued to obtain testimony or evidence until authorized by a member of the commission. The investigative officer will assemble documentary evidence, declarations, sworn statements, and affidavits of witnesses for consideration by the commission. The investigative officer shall recommend to the commission that it authorize a full investigation when there is evidence supporting the allegations against a respondent. The investigative officer may recommend a full investigation when there are grounds to believe that evidence supporting the allegations could be obtained by subpoena or further investigation. Where there are no such grounds, the matter shall be dismissed. Where there is a basis to proceed, the commission will forward those supporting records into the initial proceedings.

(b) If the complaint alleges that a respondent is suffering a possible physical and/or mental incapacity which may seriously impair the performance of judicial duties, the commission may order a respondent to submit to physical and/or mental examinations conducted at commission expense by a practitioner or health care provider selected by the commission. The failure or refusal of a respondent to submit to physical and/or mental examinations ordered by the commission may, in the discretion of the commission, preclude respondent from presenting the results of other physical and/or mental examinations on his or her own behalf.

(c) Upon determination of the commission to commence initial proceedings, it shall direct the investigative officer to file a statement of allegations setting forth the nature of the complaint with sufficient specificity to permit a response.

(5) Initial proceedings.

(a) The respondent who is the subject of initial proceedings will be provided with a copy of the statement of allegations and shall be given a reasonable opportunity to respond.

(b) Within fourteen days after the service of the notice to respondent, respondent may file a written response with the investigative officer. The proceedings will not be delayed if there is no response or an insufficient response.

(c) If the commission determines that probable cause exists that respondent has violated a rule of judicial conduct or may be suffering from an incapacity, it shall order the filing of a statement of charges.

(d) Disposition after initial proceedings. The commission shall:

(i) Dismiss the case;

(ii) Stay the proceedings; or

(iii) Find that probable cause exists that respondent has violated a rule of judicial conduct or may be suffering from an incapacity that seriously interferes with the performance of judicial duties and is permanent or likely to become permanent. Upon such a finding of probable cause, the commission shall identify the records of the initial proceedings that are the basis for the finding and order the service and filing of a statement of charges.

(e) If the commission determines that there are insufficient grounds for further commission proceedings, the respondent and the person making the complaint will be so notified.

NEW SECTION

WAC 292-06-190 Statement of charges. (1) General. The statement of charges shall give fair and adequate notice of the nature of the alleged misconduct or incapacity. The statement of charges shall be filed at the commission's offices and a copy of the statement of charges shall be served upon respondent with proof of service filed at the commission.

(2) Amendments to statement of charges or answer. The commission, at any time prior to its decision, may allow or require amendments to the statement of charges or the answer. The statement of charges may be amended to conform to the proof or set forth additional facts, whether occurring before or after the commencement of the hearing. Except for amendments to conform to the proof by evidence admitted without objection at a hearing, if an amendment substantially affects the nature of the charges, respondent will be given reasonable time to answer the amendment and prepare and present a defense against the new matter raised.

NEW SECTION

WAC 292-06-200 Answer. (1) Time. Respondent shall file a written answer with the commission and serve a copy on disciplinary counsel within twenty-one days after service of the statement of charges, unless the time is extended by the commission.

(2) Waiver of privilege. The raising of a mental or physical condition as a defense constitutes a waiver of medical privilege.

NEW SECTION

WAC 292-06-210 Failure to answer/failure to appear. (1) Failure to answer. Failure to answer the formal charges shall constitute an admission of the factual allegations. In the event respondent fails to answer within the prescribed time, the statement of charges shall be deemed admitted. The commission shall proceed to determine the appropriate discipline.

(2) Failure to appear. If respondent should fail to appear when ordered to do so by the commission, respondent shall be deemed to have admitted the factual allegations which were to be the subject of such appearance and to have conceded the merits of any motion or recommendations to be considered at such appearance. Absent good cause, the commission shall not continue or delay proceedings because of respondent's failure to appear.

NEW SECTION

WAC 292-06-220 Disclosure and discovery. (1) Disclosure.

(a) Required disclosure. Within seven days after the filing of the answer, disciplinary counsel shall disclose the records identified by the commission pursuant to WAC 292-06-170 (5)(d)(iii).

(b) Upon written demand after the time for filing an answer has expired, the commission and respondent will each disclose within seven days thereof, with a continuing obligation of disclosure thereafter, the following:

(i) Names and addresses of all witnesses whose testimony that party expects to offer at the hearing;

(ii) A brief summary of the expected testimony of each witness;

(iii) Copies of signed or electronically or stenographically recorded statements of anticipated witnesses; and

(iv) Copies of documentary evidence which may be offered.

(c) Witnesses or documentary evidence not disclosed may be excluded from evidence.

(2) Discovery following statement of charges.

(a) The taking of depositions, the requesting of admissions, and all other discovery procedures authorized by Rules 26 through 37 of the Superior Court Civil Rules are available only upon stipulation or prior permission of the presiding officer upon a showing of good cause.

(b) Absent good cause, all discovery shall be completed within sixty days of the filing of the answer.

(c) Disputes concerning discovery shall be determined by the commission or presiding officer before whom the matter is pending. The decisions of the commission may not be appealed before the entry of the final order.

NEW SECTION

WAC 292-06-230 Stipulations. (1) Approval. At any time prior to the final disposition of a proceeding, respondent may stipulate to any or all of the allegations or charges in exchange for a stated discipline. The stipulation shall set forth all material facts relating to the proceeding and the conduct of respondent. The stipulation may impose any terms and conditions deemed appropriate by the commission, and shall be signed by respondent and disciplinary counsel.

The agreement shall be submitted to the commission, which shall either approve or reject the agreement. If the stipulation is rejected by the commission, the stipulation shall be deemed withdrawn and cannot be used by or against respondent in any proceedings.

(2) Order of discipline. If the commission accepts the agreement, it shall enter the order disciplining respondent in an open session.

NEW SECTION

WAC 292-06-240 Hearing. (1) Scheduling. Upon receipt of respondent's answer or upon expiration of the time to answer, the commission shall schedule a public hearing and notify disciplinary counsel and respondent of the date, time, and place of the hearing. Respondent will be provided at least fourteen days notice of hearing, which will also include the name or names of the commission members and the presiding officer, if any.

(2) Conduct of hearing.

(a) All testimony shall be under oath.

(b) Disciplinary counsel shall present the case in support of the statement of charges.

(c) Disciplinary counsel may call respondent as a witness.

(d) Both parties shall be permitted to present evidence and produce and cross-examine witnesses.

(e) The hearing shall be recorded verbatim. Whenever a transcript is requested by respondent, disciplinary counsel, or a member of the commission, a transcript of the hearing shall be produced at the requesting party's expense.

(f) Respondent's compliance with an opinion by the ethics advisory committee shall be considered by the commission as evidence of good faith.

(g) Counsel may recommend and argue for a discipline appropriate to the misconduct supported by the evidence, including argument on aggravating and mitigating factors.

(h) Disciplinary counsel and respondent may submit their respective proposed findings, conclusions, and recommendations for discipline or order of dismissal to the commission.

(i) Where a member of the commission has not heard the evidence, that member shall not participate in any deliberations or decisions until he or she personally considers the whole record, or portion of the hearing from which that member was absent.

(3) Dismissal or recommendation for discipline. The commission shall dismiss the case, discipline respondent, or in the case of incapacity, recommend to the supreme court the retirement of respondent.

(4) Submission of the report. After the hearing, the commission shall file the record of the proceeding and a decision setting forth written findings of fact, conclusions of law, any minority opinions, and the order, within ninety days following the evidentiary hearing or after the filing of the transcript if one is requested, unless the presiding officer extends the time. A copy of the decision shall be served upon respondent.

(5) Motion for reconsideration. The commission decision is final fourteen days after service unless a motion for reconsideration is filed. A motion for reconsideration, if filed, shall be specific and detailed, with appropriate citations

to the record and legal authority. The motion will be decided without oral argument unless requested by the commission. If the motion for reconsideration is denied, the decision is then final. If the motion for reconsideration is granted, the reconsidered decision is final when filed in the commission's office.

NEW SECTION

WAC 292-06-250 Review by supreme court. (1) Within thirty days after the commission admonishes, reprimands, or censures a respondent, the respondent shall have a right of appeal de novo to the supreme court.

(2) Within fourteen days after the decision is final, a commission decision recommending the suspension, removal, or retirement of a respondent will be filed in the supreme court and served on the respondent. The notice of the decision served on respondent shall state the date the decision was filed in the supreme court and shall specify the period during which respondent may challenge the commission recommendation as provided in the *Discipline Rules for Judges*.

(3) If the commission recommendation is that respondent be removed, respondent shall be suspended, with salary (as provided by the Constitution), from that judicial position effective upon filing the recommendation with the supreme court; such suspension with pay will remain in effect until a final determination is made by the supreme court.

(4) The commission shall transmit to respondent those portions of the record required by the *Discipline Rules for Judges* or these rules, and shall certify the record of the commission proceedings to the supreme court.

(5) If the supreme court remands a case, the commission will proceed in accordance with the order on remand.

SECTION IV. SPECIAL PROCEEDINGS

NEW SECTION

WAC 292-06-270 Cases involving allegations of mental or physical incapacity. (1) Initiation of incapacity proceeding. An incapacity proceeding can be initiated by complaint, by a claim of inability to defend in a disciplinary proceeding, or by an order of involuntary commitment or adjudication of incompetency.

(2) Proceedings to determine incapacity generally. All incapacity proceedings shall be conducted in accordance with the procedures for disciplinary proceedings, except:

(a) The purpose of the incapacity proceedings shall be to determine whether respondent suffers from an incapacity which is permanent or likely to become permanent and which seriously interferes with respondent's ability to perform judicial duties;

(b) If the commission concludes that respondent suffers from an incapacity, it shall recommend retirement of respondent;

(c) If it appears to the commission at any time during the proceedings that respondent is not competent to act, or if it has been previously judicially determined that respondent is not competent to act, the commission will appoint a guardian ad litem for respondent unless respondent already has a guardian who will represent respondent's interests. In the appointment of a guardian ad litem, consideration may

PROPOSED

be given to the wishes of the members of respondent's immediate family. The guardian or guardian ad litem may claim and exercise any right and privilege, including without limit retaining counsel, and make any defense for respondent which respondent could have claimed, exercised, or made if competent. Any notice to be served on respondent will also be served on the guardian or guardian ad litem.

(3) Waiver. The raising of mental or physical condition as a defense to or in mitigation of a statement of charges constitutes a waiver of medical privilege.

(4) Stipulated disposition.

(a) The commission shall designate one or more qualified medical, psychiatric, or psychological experts to examine respondent prior to the hearing on the matter. The expert or experts shall report to the commission and the parties.

(b) After receipt of the examination report, disciplinary counsel and respondent may agree upon proposed findings of fact, conclusions, and order. The stipulated disposition shall be submitted to the commission for a recommendation to the supreme court. The final decision on the recommendation shall be made by the court.

(c) If the stipulated disposition is rejected by the court, it shall be deemed withdrawn and cannot be used by or against respondent in any proceedings.

(5) Reinstatement from incapacity status.

(a) No respondent retired based upon an incapacity proceeding may resume active status except by order of the supreme court.

(b) Any respondent retired based upon an incapacity proceeding shall be entitled to petition for reinstatement of eligibility.

(c) Upon the filing of a petition for reinstatement of eligibility, the commission may take or direct whatever action it deems necessary or proper to determine whether the incapacity has been removed, including a direction for an examination of respondent by qualified medical or psychological experts designated by the commission.

(d) With the filing of a petition for reinstatement of eligibility, respondent shall be required to disclose the name of each psychiatrist, psychologist, physician, and hospital or other institution by whom or in which respondent has been examined or treated since the transfer to retirement status. Respondent shall furnish to the commission written consent to the release of information and records relating to the incapacity if requested by the commission or commission-appointed medical or psychological experts.

NEW SECTION

WAC 292-06-280 Reinstatement of eligibility. A respondent whose eligibility for judicial office had been removed by the supreme court, or by resignation and order of closure in a proceeding before the commission, may file with the commission a petition for reinstatement of eligibility. The petition shall set forth the age, residence and address of the petitioner, the date of removal by the supreme court, or resignation and order of closure in the proceeding before the commission, and a concise statement of facts claimed to justify reinstatement.

The commission may refer the petition to the investigative officer for investigation of the character and fitness of

the respondent to be eligible for holding judicial office. The investigative officer may seek and consider any information that may relate to the issues of character and fitness or the reinstatement.

Respondent shall make an affirmative showing by clear, cogent, and convincing evidence, that reinstatement will not be detrimental to the integrity and standing of the judiciary and the administration of justice, or be contrary to the public interest.

The commission will recommend to the supreme court in writing that the respondent should or should not be reinstated to eligibility to hold judicial office as provided by these rules and the *Discipline Rules for Judges*.

**WSR 96-04-084
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed February 7, 1996, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-21-013.

Title of Rule: Chapter 388-110 WAC, Contracted residential care services: Assisted living, enhanced adult residential care, and adult residential care.

Purpose: To establish in rule, contract requirements for the above listed services which are provided to state funded residents in licensed boarding homes.

Statutory Authority for Adoption: RCW 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, 74.39A.080, 74.39A.170, 18.88A.210-[18.88A.]240.

Statute Being Implemented: RCW 74.39A.005-[74.39A.]080, 74.39A.170, 18.88A.210-[18.88A.]240.

Summary: With the passage of E2SHB 1908, the 1995 legislature amended the Department of Social and Health Services' authority to set standards for assisted living and mandated the department to develop rules governing other services provided under contract with the department by licensed boarding homes. The Department of Social and Health Services is directed to adopt rules that include the following: Service standards for assisted living, enhanced adult residential care, and adult residential care; enforcement standards for assisted living and enhanced adult residential care; training requirements for all providers and their staff; and minimum qualifications to assure providers with whom the department contracts are capable of providing services consistent with chapter 74.39A RCW.

Reasons Supporting Proposal: The rules should help support contractors in their efforts to improve quality and otherwise help assure that department clients have viable community options and receive quality services under these contracts.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Johnson and Stacy Winokur, P.O. Box 45600, Olympia, WA 98504, (360) 493-2626/407-0505.

Name of Proponent: Aging and Adult Services Administration; rules are being done in compliance with E2SHB 1908, 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: The proposal repeals WAC 388-15-900 through 388-15-955, assisted living services, much of which is incorporated into these rules.

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

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

Summary of Rule Development

The Department of Social and Health Services (DSHS) is proposing rules in new chapter 388-110 WAC, to govern assisted living, enhanced adult residential care, and adult residential care, three residential care services provided in licensed boarding homes under contract with the department. These rules will replace WAC 388-15-900 through 388-15-955, which are the current rules governing assisted living services only.

The primary statute authorizing the agency to adopt these rules is chapter 74.39A RCW, Long-term care services options—Expansion, as amended by E2SHB 1908, which was effective in July 1995.

Introduction

One of the goals of E2SHB 1908, which passed in the 1995 legislative session, was to expand the number of community-based residential settings available for individuals whose long-term care is publicly funded. A clear priority of the legislation was to ensure that care in these residential facilities was of high quality and was delivered in a manner that recognized individual needs, privacy, and autonomy.

The direction given by the legislature to the department is to expand cost-effective long-term care options for consumers for whom the state participates in the cost of their care, and to ensure that the delivery of services upholds the values of choice, individuality, independence, dignity, and privacy.

E2SHB 1908 amended the Department of Social and Health Services' (DSHS) authority to set standards for assisted living and mandated the department to develop rules governing enhanced adult residential care and adult residential care provided under contract with the department by licensed boarding homes. Specifically, in sections 14 through 16 we were directed to develop rules that set service standards, training requirements, and minimum qualifications. In section 17 we were directed to develop enforcement standards consistent with the quality improvement principles outlined in section 12.

It should be noted that these rules apply only to facilities that choose to contract with the department and only to residents whose care is fully or partially paid for by the state. The choice to contract with the state is left entirely to the discretion of the facility, and only facilities who choose to contract with the department must comply with these rules.

The legislature expected and we expect that strong consumer focused standards and an effective quality assurance program will lead more consumers whose care is

publicly funded to choose these residential care services, thereby expanding business opportunities for facilities who choose to contract with the department. If a facility believes that the department's rules are onerous or that our rates are not competitive, then they need not contract with us. A large private pay market exists and a facility may choose to serve only private pay consumers.

Providers are aware of our current contract requirements for assisted living. They are also cognizant of the direction we are moving with the proposed rules by their involvement in the rule-making process, yet the number of assisted living contracts continues to rise. At the time the legislation passed, we had thirty-five assisted living services contracts. We currently have fifty-four contracts with several applications pending, and have had no facilities drop out of the program.

We have also seen an increase in the number of clients receiving assisted living services and adult residential care. From June to November 1995 the number of clients receiving assisted living services increased by one hundred one, and the number receiving adult residential care increased by thirty. The emphasis the department is placing on providing these services combined with the growing elderly population can undoubtedly lead to an increase in demand for facilities who choose to contract with the department.

In addition, facilities who choose to contract with the department to provide assisted living services have the option of using nurse delegation throughout their facility as outlined in E2SHB 1908, section 46. This means that facility staff (who have completed the nurse delegation training module and who agree to follow detailed protocols) can have specified nursing tasks delegated to them by a registered nurse. Nurse delegation can be a very cost effective method for service delivery as it allows nursing tasks to be performed by nonnursing staff.

Rates and Realistic Expectations

The legislature gave the department authority to increase some rates (assisted living and enhanced adult residential care) at the same time it directed us to set these standards. The increased rates should more than compensate for the new requirements.

AASA conducted a comprehensive analysis of the costs of operating an assisted living program. We made a conscious choice to establish rates above the actual costs to encourage participation by providers. Staffing ratios allowed under the rates are intentionally generous (we assumed nurse delegation was not used), as are amounts paid for costs such as resident supplies. To the extent that the cost of these new requirements exceed current costs, facilities should be able to cover these costs within the increased payment rates. We believe the assisted living rates are fair and competitive and are hopeful that they encourage facilities to contract with us, rather than act as a disincentive.

Although there are a few new provisions, when comparing the existing regulations for assisted living to the new requirements, most of the requirements are not new. For the most part we have simply clarified expectations to be more in alignment with current industry practice.

Furthermore, we are keenly aware that the rate we pay for assisted living is significantly higher than the rate we pay for enhanced and regular adult residential care. With this in

mind, we have tried to be reasonable and adjust our requirements to take into account this rate differential, while at the same time ensuring that all our standards support the basic values of choice, individuality, independence, dignity, and privacy. We realized that increasing the requirements substantially for enhanced and regular adult residential care was not practical nor reasonable at this time. Although it was often suggested to us that we require assisted living level of services for enhanced adult residential care, we found this was not possible when taking into account the rate disparity.

Lastly, it should also be noted that many of the new standards that our rules will require (for all three services) are already being provided by many facilities, and therefore should have minimal impact on operating costs.

Who is Affected?

The entities affected by these regulations are licensed boarding homes that contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care to state funded clients. Providers are listed with the Department of Revenue (DOR) under SIC number 8361-Residential Care. There are approximately three hundred seventy-five licensed boarding homes in Washington state. Out of this three hundred seventy-five, there are currently one hundred seventy-two boarding homes that contract with Aging and Adult Services Administration, fifty-four of whom have assisted living contracts and one hundred eighteen of whom have adult residential care (formerly called CCF or congregate care facility) contracts.

Are Small Businesses Disproportionately Affected?

In reviewing the industry that contracts with the department, we found that while some providers are small businesses (they employ less than fifty employees), there are a number of facilities that are part of larger organizations which often operate many types of long-term care facilities across the country. Most of the facilities range from twenty to sixty units. A forty unit facility employs approximately seventeen staff. A sixty unit facility employs approximately thirty-five staff, twenty-six of whom are full time. We are aware of one one hundred eleven- unit assisted living facility under contract that employs approximately thirty-five staff. Although the industry is a mixture of both small and large businesses, our requirements do not appear to have a disproportionate impact on small businesses, therefore not warranting special accommodations.

Industry and Public Involvement

Throughout the rule-making process, it has been a priority of the department to get input and feedback from stakeholders, providers, consumers, and the public. To that end, we developed a public draft and mailed copies to over four hundred providers and interested persons (including all current contractors), held two public meetings, welcomed written comment, and held stakeholder forums to help resolve some of the more difficult issues. The public meetings were extremely well attended and we have made a great many changes to the proposed rules as a direct result of feedback we received.

We also had opportunities to meet with both provider associations during the rule-making process. Washington

Health Care Association (WHCA) invited us to their 1995 residential care fall retreat/conference where we were able to spend time with providers in small break-out groups to discuss what were appropriate service standards for each contracted service. We also had a chance to talk with the Assisted Living Committee from Washington Association of Homes for the Aged (WAHA) at a meeting they organized expressly to share with us their comments regarding our first public draft of WACs.

Throughout the rule-making process we involved appropriate DSHS divisions, including Developmental Disabilities and Mental Health, as well as the Attorney General's Office and the Department of Health.

Additionally, we will be mailing a copy of the proposed rules to our current mailing list, which now numbers over four hundred fifty.

The Proposed Regulations

The major sections from the proposed regulations follow and within each section we have summarized what the requirements are, their costs and benefits, an overview of public comments we received regarding that particular section, and changes we made in response to the public comments.

Service Standards

Requirements

When designing the service standards for all three programs we took into account the rates we pay, the current practices of providers, and the expected acuity level of residents receiving those services to ensure that our expectations were reasonable.

Within each service, we describe what is required specific to that service beyond the general service requirements. For example, in enhanced adult residential care we require that a contractor provide personal care, limited nursing services, and only allow a maximum of two residents per room. In adult residential care we require only that a contractor provide personal care services.

For the most part, the requirements discussed below are not new for assisted living. New requirements for assisted living include provisions that require contractors to provide generic personal care items, on-site laundry equipment, and snacks and beverages. We also ask that written policies and procedures be developed that illustrate to staff how to deliver services to residents while ensuring the values of privacy, dignity, choice, independence, individuality, and decision-making ability.

In general, the purpose and philosophy of our service standard requirements are to promote the availability of services in a homelike environment for individuals with a range of needs and preferences. Our service requirements focus on maximizing independence, supporting the exercise of individual autonomy and choice, and maintaining and enhancing each resident's quality of life.

To achieve this end, we ask that residents be involved in the development of their negotiated service agreement, in the formation of a recreational and activity program, and that they be asked to provide input regarding food preferences.

We also request that the contractor ensure that all facility staff are knowledgeable about the resident rights

statute, as the rights granted in this law are essential in assuring that services are delivered in a manner which supports a resident's quality of life.

Additionally, we require a contractor to involve the case manager in the development of the negotiated service agreement and when making plans for transfer or discharge. We also require a contractor to retain a bed or unit for up to thirty days when a resident is hospitalized or temporarily placed in a nursing home.

Costs

- For both regular and enhanced adult residential care we require that personal care services be provided. All contractors currently provide personal care services, so this requirement should have minimal impact on costs.
- What may have a cost impact is the provision that enhanced adult residential care contractors must now provide limited nursing services if a resident requires it. Although a facility can often use a home health agency to provide these services (and have it billed to Medicaid or a resident's health insurance thereby avoiding the cost directly), if a facility provides these services itself, it may incur additional costs. We estimate that it costs approximately \$19 per hour (including taxes and benefits), to hire a LPN to provide limited nursing services.
- Our enhanced adult residential care requirement allowing a maximum of two resident[s] per room may impact facilities who presently have more than two residents per room. Boarding home requirements allow only two residents per room if the boarding home applied for initial licensure or to increase the number or [of] resident sleeping rooms after June 30, 1989.
- The rules presently require that regular and enhanced adult residential care contractors hold a bed for thirty days when a resident is hospitalized or temporarily placed in a nursing home (this is already a requirement for assisted living). In most instances this should be financially beneficial to providers, as they are guaranteed to be reimbursed for thirty days at the adult residential care rate. In the past providers would often hold a bed with no assurance that they would be reimbursed for more than fourteen days.
- Assisted living contractors indicated that they may incur costs related to the requirement to provide generic personal care items to residents who request them. However, when developing the assisted living rate the cost of these items was specifically accommodated for within the rate.
- The requirement that assisted living contractors provide snacks and beverages to residents should have a minimal impact on costs as most providers already do this. If a provider does not currently supply snacks and beverages, we estimate that it would cost an additional \$7.50 per month per resident (assuming total food expenses per resident is \$130 monthly, we estimated snacks and beverages would cost approximately 5.75% of total food expenses).
- Most assisted living providers supply on-site laundry equipment, so this should have a minimal impact on cost. Additionally, providers can use coin-operated equipment to cover the costs of use. If a facility does

not have the equipment, they can contract with an equipment company at little or no cost.

- Although most assisted living providers should have policies and procedures in place already, for those who don't there may be additional administrative time needed to develop written policies and procedures to illustrate to staff how to deliver services to residents while upholding the values discussed above. We believe this to be part of an administrator's normal job responsibilities. Written policies ensure that the provider has given thought to this type of service delivery and ensures that there exists a resource that can be shared with staff, residents, consumers, and families.
- Many of the general service requirements should have only a minimal impact on costs as they simply involve a different framework and philosophy for service delivery (e.g., a resident focused orientation).
- Although the negotiated service agreement is not a new requirement for assisted living, it is a new requirement for regular and enhanced adult residential care, and may involve some additional staff time (the negotiated service agreement satisfies the boarding home regulation's resident plan requirement). All state pay residents have a detailed assessment and service plan completed prior to move-in by their case manager, and the negotiated service agreement can simply build on these documents. Furthermore, the overall focus in the rules on involvement of the resident may require more staff time. We estimate that it may cost an additional \$43.70 monthly per resident for the increased staff time (using an average hourly salary of \$14.56 for three hours, including taxes and benefits).

Benefits

- We are optimistic that our service standards encourage delivery of services in a manner such that the values of dignity, privacy, independence, individuality and choice are upheld to the greatest extent possible.
- Maximizing independence and supporting resident's autonomy implies the ability to organize and deliver services in ways which recognize variation in individual functioning. It requires support of the resident's right to take responsibility for decision making and to make choices.
- The above values are reflected by providing opportunities for self-governance through the protection of individual rights, and it is this that we hoped to achieve with our service standards.

Mitigation

Perhaps the most frequent request we heard, both at our public meetings and through written comments, was that we incorporate the resident rights statute by reference only, and we did this. Originally we had incorporated only those sections which we believed to be most important, but overwhelmingly we were told this was duplicative and confusing.

We were also told that our negotiated service agreement standards for both regular and enhanced adult residential care were too complex and time consuming relative to the rate we pay. We reduced those sections and now include only minimal requirements.

Although encouraging choice is important, it was suggested that we recognize that when one lives in a facility or shares a room, that choices, are in reality, bounded choices. We incorporated this suggestion within the rules.

Even though assisted living contractors were willing to provide on-site laundry equipment for resident use, they asked that we delete the requirement that use of the equipment be free; some facilities have laundry equipment that is coin operated. We deleted that it be free.

It was asked that we loosen the criteria related to when and how a facility must make snacks and beverages available. We did this.

Assisted living providers asked that we clarify the section on personal care items by adding the following qualifying statements; 1) when personal care items are covered by medical coupons then facilities shall not be required to provide them, and 2) this does not preclude residents from purchasing their own personal care items. We did this.

Assisted Living Services Structural Requirements

Requirements

In addition to the facility structural requirements in current WAC 388-15-915, the proposed regulations require existing assisted living contractors to provide a counter or table for food preparation in the kitchen area; smoke-free common areas for socialization; and space for residents to meet with family and friends outside the resident's room.

Additionally, a new building or addition to an existing facility must provide roll-in showers in 50% of the bathrooms and equip kitchen areas with a sink, counters, and storage space for utensils and supplies.

Costs

- The cost of providing a smoke-free common area is negligible, since common areas are required under boarding home licensing regulations.
- We require less square footage for an existing building converting to provide assisted living (versus the square footage requirement for new facilities); this should make it more cost-effective to convert existing buildings to provide assisted living services.
- There is a cost savings for existing facilities as they are no longer required to provide private accessible mailboxes, which for a bank of forty mailboxes is estimated to cost \$1500 installed. This was an existing requirement for all facilities.
- For new construction, the cost per roll-in shower is approximately \$400 more than a conventional tub and/or shower. To add a sink and storage space to the kitchen unit for new construction is estimated to be an additional \$1200. When these costs are amortized over a thirty year period, the cost is negligible.

Benefits

- The cost of complying with the structural requirements will provide a more homelike environment, hopefully resulting in increased revenues to contractors due to greater demand for these facilities. Additionally, when expenses associated with new construction are factored into a thirty year mortgage, the cost becomes minimal.

- Roll-in showers will provide a care environment that can accommodate a resident's progressive disability or changing needs without relocating.

Mitigation

We had considered requiring any building that was not already a licensed boarding home to have to meet the two hundred twenty square foot requirement. But at the Washington health care conference we were told that the requirement in current WAC 388-15-915, of two hundred twenty square feet per unit for new facilities was limiting current facilities, particularly nursing homes, from converting to provide assisted living services. To accommodate their concerns we modified our definition to make it more cost-effective for existing buildings to convert for use as a boarding home.

Additionally, in response to comments at the public meetings, we reduced the new construction requirement that all bathrooms and showers be wheelchair accessible, to 50% of the bathrooms must have roll-in showers. It should be mentioned that we heard many comments to the contrary, i.e., that we should require all showers to be wheelchair accessible. We believe 50% is a fair compromise.

Further, in response to comments, we deleted the requirement that existing facilities must provide private accessible mailboxes in which residents may send and receive mail.

Training Requirements

Requirements

All caregivers must complete the department designated twenty-two hour fundamentals of caregiving training, and ten hours of continuing education credits per calendar year on topics relevant to caregiving.

Administrators who contract to provide assisted living services must complete forty hours of training by the end of their sixth month of employment and ten hours of continuing education per calendar year. Additionally, assisted living contractors must provide five hours of training for all staff regarding assisted living services, resident rights, the social model of services, and service planning for residents.

Contractors providing assisted living services that choose to use nurse delegation as a part of their program, must ensure that staff successfully complete the department designated nine hour nurse delegation training before performing any delegated nursing tasks.

Costs

- The cost of the fundamentals of caregiving training is approximately \$88 per employee who provides care to state funded residents.
- The cost of continuing education is estimated at approximately \$40 per employee who provides care to state funded residents.
- The cost of nurse delegation training is estimated at approximately \$36 per staff person who will be performing any delegated nursing task.
- The department will reimburse facilities within their rate for the cost of the caregiver training.
- There may be a cost for replacement staff when others attend training.

- The cost for the initial assisted living administrator training is estimated at approximately \$300 for a forty hour training program.

Benefits

- By complying with these training requirements facilities will have better trained staff and be able to provide better care to residents, hopefully encouraging more consumers to choose these services.
- Having trained staff is expected to cause more job satisfaction and therefore, less cost from staff turnover. It is also expected to result in fewer problems identified when the provider is monitored and therefore, less staff time to correct.
- Nurse delegation can be a very cost-effective method for service delivery as it allows nursing tasks to be performed by nonnursing staff. For example, if a delegated task for a resident took thirty minutes per day, we estimate that a facility could save approximately \$1,400 per year in nursing staff costs for that particular task. Multiplied by the number of residents and the number of nursing tasks they need that can be delegated, this can amount to very significant savings.

Mitigation

At the public meetings, providers told us that it will be difficult to send all of their staff to caregiver training and provide the coverage needed to serve residents. In response to their comments the following changes were made.

The time frame for completion of the fundamentals of caregiving training was increased from ninety days to one hundred twenty days for staff hired after the effective date of this chapter.

The time frame for completion of the fundamentals of caregiving training for staff hired prior to the effective date of this chapter was extended to March 1, 1997.

The fundamentals of caregiver training and the first year continuing education requirement were waived for registered or licensed practical nurses, physical or occupational therapists, nursing assistants certified, and for those who have successfully completed the department approved adult family home training or personal care training from an area agency on aging or their subcontractor. Instead these caregivers only need to complete a ten hour modified fundamentals of caregiving training course.

In response to questions raised about assisted living training available for administrators, the department agreed to research appropriate training available and distribute resource information to providers.

Contractor Qualifications

Requirements

The regulations explain that the department will consider separately and jointly as applicants each person and entity named in the application. If the department finds any person or entity unqualified, the department shall deny the contract. The regulations outline the information the department will consider in determining whether to grant a contract. The regulations also define the conditions under which the department *shall* deny, terminate or refuse to renew a

contract, or when the department *may* deny, terminate, or refuse to renew a contract.

Costs

- The cost of submitting an application for contract with the department should be minimal. The extent of the information provided on the application may depend on the number of parties involved in the business. Simplification of the application process reduces the amount of paperwork required.

Benefits

- Compliance with contract qualifications assures that providers with whom the department contracts are capable of providing services consistent with this chapter.

Mitigation

In response to comments we heard at the public meetings, we simplified the application process by eliminating some of the information the applicant needs to disclose for 5% owners. We will consider the qualifications of 50% owners instead of 5% owners for some qualifications' criteria. For history of significant noncompliance we are required by statute to consider 5% owners.

It was also suggested that we clarify when the information being reviewed relates to the care of vulnerable adults or children. We did this.

Remedies for Assisted Living and Enhanced Adult Residential Care

Requirements

As mandated by statute, the department has outlined actions that may be taken when a facility does not comply with this chapter and lists enforcement remedies that are available for problems that are serious, recurring, or that have been uncorrected.

Costs

- With the contract qualifications in place and consultation by the department that allows a provider a reasonable opportunity to correct violations before imposing remedies, we are hopeful there will be few violations. The regulations in this section are mandated by statute and do not themselves add any cost.

Benefits

- Compliance with the regulations focus on consumer satisfaction and positive outcomes for residents, not on paperwork compliance. We expect that compliance will assure consumers that quality care is being provided, thereby encouraging demand for these services.

Mitigation

There were relatively few questions raised at the public meetings concerning the remedies section. The questions raised were outside of regulation and concerned the monitoring process we intend to use and the frequency of visits. A monitoring process is currently being developed by the department in collaboration with a stakeholder group made up of providers and consumer advocates. The process will

involve pilot testing of the monitoring system before implementation.

Additionally, the department has established in the proposed regulations an informal dispute resolution process for contractor's that disagree with the department's findings, which should save on time spent on hearings.

Conclusion

We believe our proposed requirements are equitable, will not disproportionately impact small businesses, and will help ensure that care in residential care facilities is of high quality, and is delivered in a manner that recognizes individual needs, privacy, and autonomy. For assisted living we clarified our expectations under the existing regulations. Added requirements are generally consistent with current industry practice. For enhanced and regular adult residential care we tried to make our standards reasonable in light of the rate we presently pay. Overall, we expect these consumer-driven standards to lead to an increase in business for these residential care providers, particularly for assisted living providers. We are optimistic that our requirements help achieve the goals of E2SHB 1908; expanding cost-effective long-term care in residential settings where the delivery of services upholds the values of choice, individuality, independence, dignity and privacy.

A copy of the statement may be obtained by writing to Sherrill Mitchell, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2631, or FAX (360) 438-7903.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is exempt from this provision.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on April 9, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by March 26, 1996, (360) 664-2954 or TDD (360) 664-2135.

Submit Written Comments to: Merry Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, Identify WAC Numbers, FAX (360) 664-0118, by April 2, 1996.

Date of Intended Adoption: April 10, 1996.

February 7, 1996

Sydney Doré

for Merry Kogut, Supervisor
Rules and Policies Assistance Unit

Chapter 388-110 WAC

CONTRACTED RESIDENTIAL CARE SERVICES: ASSISTED LIVING, ENHANCED ADULT RESIDENTIAL CARE, AND ADULT RESIDENTIAL CARE

PART I

ALL CONTRACTED SERVICES

NEW SECTION

WAC 388-110-005 Authority. The following rules are adopted under RCWs 74.39A.010, 74.39A.020, 74.39A.060, 74.39A.070, 74.39A.080, 74.39A.170, and 18.88A.210-240.

NEW SECTION

WAC 388-110-010 Scope and applicability. (1)

These rules apply only to boarding homes licensed under chapter 18.20 RCW, or boarding homes located within the boundaries of a federally recognized Indian reservation and licensed by a tribe, that contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care.

(2) Only services provided to or on behalf of the assisted living services, enhanced adult residential care, or adult residential care resident, and paid for fully or partially by the department shall be subject to these rules.

NEW SECTION

WAC 388-110-020 Definitions. (1) "Adult residential care" is a package of services, including personal care services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and IV of this chapter.

(2) "Aging in place" means being in a care environment that can accommodate a resident's progressive disability or changing needs without relocating. For aging in place to occur, needed services are adjusted to meet the changing needs of the resident.

(3) "Applicant" means the individual, partnership, corporation or other entity which has applied for a contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care to state funded residents in a licensed boarding home.

(4) "Assisted living services" is a package of services, including personal care and limited nursing services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and II of this chapter. Assisted living services include housing for the resident in a private apartment-like unit.

(5) "Boarding home" means the same as the definition found in RCW 18.20.020(2), or a boarding home located within the boundaries of a federally recognized Indian reservation and licensed by the tribe.

(6) "Caregiver" means any person responsible for providing direct services and care to a resident and may include but is not limited to the provider, employee, volunteer, or student.

(7) "Case manager" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

(8) "Contractor" means the individual, partnership, corporation, or other entity which contracts with the department to provide assisted living services, enhanced adult residential care, or adult residential care to state funded residents in a licensed boarding home.

(9) "Department" means the Washington state department of social and health services (DSHS).

(10) "Dignity" means the quality or condition of being esteemed and respected in such a way as to validate the self-worth of the resident. Dignity is enhanced by designing a system which allows personal assistance to be provided in privacy and delivering services in a manner which shows courtesy and shows respect for a resident's right to make decisions.

(11) "Enhanced adult residential care" is a package of services including personal care and limited nursing services, that the department contracts with a licensed boarding home to provide in accordance with Parts I and III of this chapter.

(12) "Homelike" means an environment having the qualities of a home, including privacy, comfortable surroundings, and the opportunity to modify one's living area to suit one's individual preferences. A homelike environment provides residents with an opportunity for self-expression, and encourages interaction with the community, family and friends.

(13) "Independence" means free from the control of others and being able to assert one's own will, personality and preferences.

(14) "Individuality" means the quality of being unique; the aggregate of qualities and characteristics that distinguishes one from others. Individuality is supported by modifying services to suit the needs or wishes of a specific individual.

(15) "Limited nursing services" means the same as the definition found in WAC 246-316-265.

(16) "Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs as defined in WAC 388-15-202 (38)(a-e) and (g-p). Personal care services do not include assistance with tasks that must be performed by a licensed health professional.

(17) "Resident" means a person residing in a boarding home whose care is covered under a department contract for assisted living services, enhanced adult residential care, or adult residential care. "Resident" includes former residents when examining complaints about admissions, re-admissions, transfers or discharges. For decision-making purposes, the term "resident" includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

(18) "Vulnerable adult" means the same as the definition found in RCW 74.34.020.

NEW SECTION

WAC 388-110-030 Contract application. (1) In order to apply for a contract with the department to provide assisted living services, enhanced adult residential care, or adult residential care, an applicant shall:

(a) Have a valid boarding home license for the facility at which the contracted services will be provided;

(b) Complete and submit a contract application on department provided forms at least sixty days before the requested effective date for the contract; and

(c) Provide information regarding any facilities the applicant, and any partner, officer, director, managerial employee, or owner of five percent or more of the applicant has been affiliated with in the last ten years.

(2) Within sixty days of the receipt of the application the department shall approve a contract, refuse to enter into a contract, or request additional information the department deems relevant from the applicant. The department may extend the sixty days to allow the applicant to supply or clarify information requested by the department. The department shall conduct an on-site review of the contracting facility before issuing a contract.

NEW SECTION

WAC 388-110-040 Contract qualifications. (1) The department shall consider separately and jointly as applicants each person and entity named in the application for a contract for assisted living services, enhanced adult residential care, or adult residential care. If the department finds any person or entity unqualified, the department shall deny the contract.

(2) In making a determination whether to grant a contract, the department shall review:

(a) The information in the application; and

(b) Other documents and information the department deems relevant, including inspection and complaint investigation findings in each facility the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has been affiliated with in the last ten years.

(3) The applicant and the facility for which a contract is sought shall comply with all requirements established by chapter 74.39A RCW and this chapter. The department may deny a contract for noncompliance with any such requirements.

(4) The department shall deny a contract if an applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant applying for a contract has a history of significant noncompliance with federal or state regulations in providing care or services to vulnerable adults or children. The department shall consider, at a minimum, the following as a history of significant noncompliance requiring denial of a contract:

(a) Revocation or suspension of a license for the care of children or vulnerable adults;

(b) Enjoined from operating a facility for the care of children or adults; or

(c) Revocation, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children or vulnerable adults.

(5) The department shall deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830;

(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830;

(c) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or a person with a developmental disability or to have abused or financially exploited any 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 sexually abused or exploited any minor or to have physically abused any minor.

(6) The department may deny, terminate, or refuse to renew a contract if an applicant or any partner, officer, director, managerial employee, an owner of fifty percent or more of the entity applicant, or an owner who exercises control over daily operations has:

(a) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(b) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to contract with the department;

(c) Had sanction, corrective or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children or vulnerable adults;

(d) A poor credit history;

(e) Engaged in the illegal use of drugs or the excessive use of alcohol;

(f) Operated a facility for the care of children or adults without a license;

(g) Failed to meet financial obligations as the obligations fell due in the normal course of business;

(h) Misappropriated property of residents;

(i) Filed for bankruptcy, reorganization, or receivership;

(j) Been denied a license or license renewal to operate a facility that was licensed for the care of children or vulnerable adults;

(k) Relinquished or returned a license in connection with the operation of any facility for the care of children or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license; or

(l) Had resident trust funds or assets of an entity providing care to children or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes.

NEW SECTION

WAC 388-110-050 Change of contractor. (1) A change of contractor occurs when there is a substitution of the individual contractor or contracting entity ultimately responsible for the daily operational decisions of the assisted living service, enhanced adult residential care, or adult residential care, or a substitution of control of such contracting entity.

(a) Events which constitute a change of contractor include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Assisted living services, enhanced adult residential care, or adult residential care contract rights and responsibilities are transferred by the initial contractor to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the facility are also transferred;

(iii) If the contractor is a partnership, any event occurs which dissolves the partnership;

(iv) If the contractor is a corporation, and 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;

(v) If the contractor is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock is transferred to one or more:

(A) New or former stockholders; or

(B) Present stockholders each having held less than five percent of the stock before the initial transaction; or

(vi) Any other event or combination of events which results in a substitution or substitution of control of the individual contractor or the contracting entity.

(b) The contractor does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the assisted living, enhanced adult residential care, or adult residential care facility as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or

(ii) The real property or personal property assets of the facility contractor change ownership or are leased, or a lease of the real property or personal property assets is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity.

(2) When a change of contractor is contemplated, the current contractor shall notify the department and all residents at least sixty days prior to the proposed date of transfer. The notice shall be in writing and shall contain the following information:

(a) Name of the present contractor and prospective contractor;

(b) Name and address of the facility being transferred; and

(c) Date of proposed transfer.

(3) The operation or ownership of an assisted living services, enhanced adult residential care, or adult residential care contract shall not be transferred until the new operator has entered into a contract with the department. The new contractor shall comply with contract application requirements in WAC 388-110-030.

NEW SECTION

WAC 388-110-060 Resident rights. (1) The contractor shall comply with all requirements of chapter 70.129 RCW, Long-term care resident rights. The contractor shall promote and protect the resident's exercise of all rights granted under that law.

(2) The contractor shall provide care and services in compliance with the federal Patient self determination act and with applicable state statutes related to surrogate and health care decision making, including chapters 7.70, 70.122, 11.88, 11.92 and 11.94 RCW.

NEW SECTION

WAC 388-110-070 General service standards. The contractor shall:

(1) Ensure residents have control over their time, space and lifestyle to the extent that the health, safety and well-being of other residents is not disturbed;

- (2) Promote the resident's right to exercise decision making and self-determination to the fullest extent possible;
- (3) Follow the informed consent process as required in chapter 7.70 RCW, when applicable, in the development of the negotiated service agreement;
- (4) Care for residents in a manner and in an environment that encourages maintenance or enhancement of each resident's quality of life, and promotes the resident's privacy, dignity, choice, independence, individuality, and decision-making ability; and
- (5) Provide a safe, clean and comfortable homelike environment, allowing residents to use their personal belongings to the extent possible.

NEW SECTION

WAC 388-110-080 Social and recreational activities.

- (1) The contractor shall provide social and recreational activities that provide and promote opportunities for the resident to participate in ongoing and varied activities based on the resident's choice and consistent with identified resident needs and functional ability.
- (2) The contractor shall support the participation of residents and the resident council, if there is one, in the development of recreational and activity programs that reflect the needs and choices of the residents.

NEW SECTION

WAC 388-110-090 Administration. The contractor shall:

- (1) Maintain substantial compliance with all requirements of chapter 18.20 RCW, Law for boarding homes and chapter 246-316 WAC, Boarding homes;
- (2) Ensure all facility staff are knowledgeable about chapter 70.129 RCW, Long-term care resident rights;
- (3) Provide residents, prior to move-in, a copy of the facility's admission agreement which clearly specifies the range of services the facility is able to provide to residents;
- (4) Not require a resident to sign any admission contract or agreement that purports to waive any rights of the resident;
- (5) Develop and implement a grievance procedure and process which is responsive to resident's complaints;
- (6) Post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number;
- (7) Comply with all federal and state statutory and regulatory requirements regarding nondiscrimination in all aspects of the facility's operation;
- (8) Ensure resident rooms are not located in a unit within a facility that has exiting doors that restrict egress from the unit, such as, but not limited to automatic locking and unlocking exiting doors (see WAC 246-316-335(2));
- (9) Encourage residents and resident councils, if there are any, to provide input to the facility about residents' preferences for food choices, taking into account the cultural and religious needs of residents;
- (10) Ensure all instances of suspected abuse, neglect, exploitation, or abandonment are reported to the department as required in chapter 74.34 RCW and to the local law enforcement agency;

(11) Not have any sexual contact with any resident and shall ensure that facility staff, and students not have sexual contact with any resident;

(12) Notify the department within five business days when there is a change in the facility administrator; and

(13) Permit department representatives to enter the facility without prior notification in order to monitor the contract requirements under this chapter and to conduct complaint investigations, including but not limited to observing and interviewing residents, and accessing resident records.

NEW SECTION

WAC 388-110-100 Transfer and discharge requirements. The contractor shall:

- (1) Comply with chapter 70.129 RCW and chapter 246-316 WAC pertaining to transfer and discharge (move-out);
- (2) Include the department's case manager in the development of a relocation or discharge (move-out) plan, and have the case manager approve the plan before any notice required under subsection (1) of this section is issued to the resident, except in an emergency;
- (3) Note an absence in a resident's record when a resident will be absent from the facility for more than seventy-two consecutive hours;
- (4) Not be required to discharge (move-out) and readmit a resident for absences less than thirty-one consecutive days;
- (5) Obtain department approval for payment for social leave in excess of fifteen consecutive days; and
- (6) Retain a bed or unit for a resident hospitalized or temporarily placed in a nursing home for up to thirty days when the resident is likely to return, but if as part of the negotiated service agreement it is determined prior to the thirty days that the resident will not return to the facility, the facility may discharge (move-out) the resident in accordance with subsections (1) and (2) above.

NEW SECTION

WAC 388-110-110 Caregiver education and training requirements. (1) The contractor shall ensure that:

- (a) All caregivers hired on or after the effective date of this chapter successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (2) below;
- (b) All caregivers hired prior to the effective date of this chapter successfully complete the department designated fundamentals of caregiving training prior to March 1, 1997, unless he or she meets the requirements in subsection (2) below; and
- (c) All caregivers complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:
 - (i) Topics include but are not limited to residents' rights, advanced personal care (such as transfers or skin care), dementia, mental illness, developmental disabilities, depression, medication assistance, communication skills, alternatives to restraints, and activities for residents;
 - (ii) Caregivers must receive a certificate of completion to meet the requirement for continuing education credit and

each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(2) A caregiver who is a registered or licensed practical nurse, a physical or occupational therapist, a nursing assistant certified, or who has successfully completed a department approved adult family home training, or department approved personal care training from an area agency on aging or their subcontractor, is exempt from the fundamentals of caregiving training in subsection (1) above if the caregiver successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (1) above.

(3) The contractor shall document that caregivers have met the education and training requirements.

NEW SECTION

WAC 388-110-120 Resident personal funds. (1) Upon the death of a resident, the facility shall promptly convey the resident's personal funds held by the facility with a final accounting of such funds to the department or to the individual or probate jurisdiction administering the resident's estate no later than forty-five calendar days after the date of the resident's death:

(a) When the personal funds of the deceased resident shall be paid to the state of Washington, those funds and the final accounting shall be sent to the secretary, department of social and health services, office of financial recovery, estate recovery unit, P.O. Box 9501, Olympia, Washington 98507-9501, or such address as may be directed by the department in the future;

(b) The check and final accounting accompanying the payment shall contain the name and social security number of the deceased individual from whose personal funds account the monies are being paid; and

(c) The department of social and health services shall establish a release procedure for use of funds necessary for burial expenses.

(2) In situations where the resident is absent from the facility for an extended time without notifying the facility, and the resident's whereabouts is unknown:

(a) The facility shall make a reasonable effort to find the missing resident; and

(b) If the resident cannot be located after ninety days, the facility shall notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.29 RCW. The facility shall deliver to the department of revenue the balance of the resident's personal funds within twenty days following such notification.

(3) Prior to the change of contractor of the facility business, the contractor shall:

(a) Provide each resident or resident representative with a written accounting of any personal funds held by the facility;

(b) Provide the new contractor with a written accounting of all resident funds being transferred; and

(c) Obtain a written receipt for those funds from the new operator.

PART II

ASSISTED LIVING SERVICES

NEW SECTION

WAC 388-110-140 Assisted living services facility structural requirements. (1) In a boarding home with an assisted living services contract, each resident shall have a private apartment-like unit with a private bathroom. Each unit shall have at least the following:

(a) In an existing facility, an individual unit with a minimum of one hundred eighty square feet including counters, closets and built-ins, and excluding the bathroom. In a new facility, an individual unit with a minimum of two hundred twenty square feet including counters, closets and built-ins, and excluding the bathroom;

(b) A separate bathroom, which includes a sink, toilet, and a shower or bathtub. In a new facility, fifty percent of resident bathrooms shall have a roll-in shower;

(c) A lockable entry door;

(d) A kitchen area equipped, at a minimum, with a refrigerator, a microwave oven or stovetop, and a counter or table for food preparation. In a new facility, a kitchen area must also be equipped with a sink and counter area, and storage space for utensils and supplies; and

(e) A living area wired for telephone and, where available in the geographic location, wired for television service.

(2) In a new facility, the contractor shall provide a private accessible mailbox in which the resident may receive mail.

(3) The contractor shall provide homelike smoke-free common areas with sufficient space for socialization designed to meet resident needs. Common areas shall be available for resident use at any time provided such use does not disturb the health or safety of other residents. When possible, access to outdoor areas shall be made available to all residents.

(4) The contractor shall provide a space for residents to meet with family and friends outside the resident's room.

(5) A new facility is a new building to be used as a boarding home or part of a boarding home, or an addition, modification, or alteration to a facility, for which plans are submitted or required to be submitted for construction review after the effective date of this chapter. Conversion alone is not considered a new facility.

NEW SECTION

WAC 388-110-150 Assisted living service standards. (1) The contractor shall ensure that both the physical environment and the delivery of assisted living services are designed to enhance autonomy in ways which reflect personal and social values of dignity, privacy, independence, individuality, choice and decision-making of residents. The contractor shall provide the resident services in a manner which:

(a) Makes the services available in a homelike environment for residents with a range of needs and preferences;

(b) Facilitates aging in place by providing flexibility of service provision, adaptability of the environment and supports the exercise of individual autonomy;

(c) Supports managed risk which includes the resident's right to take responsibility for the risks associated with decision-making; and

(d) Develops a formal written, negotiated plan to decrease the probability of a poor outcome when a resident's decision or preference places the resident or others at risk, leads to adverse consequences, or conflicts with other residents' rights or preferences.

(2) Building on the department's assessment and service plan completed before admission, the contractor shall complete a negotiated service agreement within thirty days of move-in. The contractor shall involve the following persons in the negotiation and renegotiation of the agreement:

- (a) The resident to the greatest extent practicable;
- (b) Facility staff;
- (c) The department's case manager; and
- (d) If the resident chooses, the resident's family or any other person the resident wants included.

(3) The contractor shall ensure the negotiated service agreement:

(a) Includes recognition of the resident's capabilities and choices, and defines the division of responsibility in the implementation of services;

(b) Addresses, at a minimum, the following elements: assessed health care needs; social needs and preferences; personal care tasks; and if applicable, limited nursing and medication services, including frequency of service and level of assistance;

(c) Is signed and approved by the resident, the contractor, and the department case manager; and

(d) Includes the date the agreement was approved.

(4) The contractor shall provide the resident and case manager with a copy of the agreement, and place a copy in the resident's record.

(5) The contractor shall update the agreement when there are changes in the services the resident needs and wants to receive. At a minimum, the contractor shall review and update the negotiated service agreement semiannually.

(6) The contractor shall provide personal care services based on the resident's negotiated service agreement.

(7) The contractor shall provide the range of services required to meet the increasing or changing needs of residents as they age in place to the maximum extent permitted by the boarding home regulations.

(8) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.

(9) The contractor shall provide written policies and procedures that ensure the facility will provide limited nursing services and will allow additional on-site health care services to the maximum extent allowed under chapter 246-316 WAC, and if requested, shall assist the resident to obtain the additional on-site health care services.

(10) If requested or needed, the contractor shall assist the resident to obtain, arrange, and coordinate services such as: transportation to medical services and recreational activities; ancillary services for medically related care (e.g., physician, pharmacist, mental health services, physical or occupational therapy, hospice, home health care, podiatry); barber/beauty services; and other services necessary to

support and assist the resident in maintaining as much independence as possible.

(11) The contractor shall make available and offer at no additional cost to the resident generic personal care items needed by the resident such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items.

(12) The contractor shall provide all residents with access to an on-site washing machine and dryer for resident use.

(13) The contractor shall make beverages and snacks available to residents.

(14) The contractor shall develop written policies and procedures to be followed by staff and shared with residents which illustrate how employees shall deliver services to residents while ensuring resident's privacy, dignity, choice, independence, individuality and decision-making ability.

NEW SECTION

WAC 388-110-170 Education and training requirements. (1) At the time of employment or within the first six months, the administrator shall have completed forty hours of training regarding assisted living services, resident rights, and the social model of services. The administrator shall have ten hours of continuing education credits per calendar year.

(2) The contractor shall provide and document a minimum of five hours of training for all staff regarding assisted living services, resident rights, the social model of services, and service planning for residents.

NEW SECTION

WAC 388-110-180 Nurse delegation training and registration. Before performing any delegated nursing task, facility staff must:

(1) Be a nursing assistant certified or registered; and

(2) Attend and successfully complete department designated core delegation training.

NEW SECTION

WAC 388-110-190 Performance of delegated nursing care tasks. (1) Facility staff who have been delegated a nursing care task in compliance with requirements established by the nursing care quality assurance commission shall perform the task:

(a) In compliance with all requirements and protocols established by the commission in WAC 246-840-910 through 246-840-980;

(b) Only for the specific resident who was the subject of the delegation; and

(c) Only with the resident's consent.

(2) The delegated authority to perform the nursing care task is not transferrable to another nurse assistant.

(3) Facility staff may consent to perform a delegated nursing care task, and shall be responsible for their own actions with regard to the decision to consent to the performance of the delegated task.

NEW SECTION

WAC 388-110-200 Nurse delegation—Penalties. The department shall impose a civil fine on any contractor that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to chapter 18.79 RCW and chapter 246-840 WAC as follows:

- (a) Two hundred fifty dollars for the first time the department finds an unlawful delegation;
- (b) Five hundred dollars for the second time the department finds an unlawful delegation; and
- (c) One thousand dollars for the third time or more the department finds an unlawful delegation.

NEW SECTION

WAC 388-110-210 Client service eligibility. The contractor shall provide assisted living services only to persons eligible for COPES level of services under WAC 388-15-202 through 388-15-205 and WAC 388-15-600 through 388-15-620 as determined by the department or the department's designee.

PART III**ENHANCED ADULT RESIDENTIAL CARE**NEW SECTION

WAC 388-110-220 Enhanced adult residential care standards. (1) The contractor shall complete a negotiated service agreement within thirty days of move-in with input from the resident and the department's case manager.

(2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.

(3) The service agreement shall support the principles of dignity, privacy, choice in decision making, individuality, and independence.

(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.

(5) The contractor shall provide personal care services based on the resident's negotiated service agreement.

(6) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.

(7) The contractor shall allow a maximum of two residents per room.

NEW SECTION

WAC 388-110-230 Client eligibility. The contractor shall provide enhanced adult residential care services only to persons eligible for COPES level of services under WAC 388-15-202 through 388-15-205 and WAC 388-15-600 through 388-15-620 as determined by the department or the department's designee.

PART IV**ADULT RESIDENTIAL CARE**NEW SECTION

WAC 388-110-240 Adult residential care service standards. (1) The contractor shall complete a negotiated service agreement within thirty days of move-in with input from the resident and the department's case manager.

(2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.

(3) The service agreement shall support the principles of dignity, privacy, choice in decision making, individuality, and independence.

(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.

(5) The contractor shall provide personal care services based on the resident's negotiated service agreement.

NEW SECTION

WAC 388-110-250 Client service eligibility. The contractor shall provide adult residential care services only to persons eligible for community-based services under WAC 388-15-562, 388-15-610, or 388-15-830 as determined by the department or the department's designee.

PART V**REMEDIES FOR ASSISTED LIVING AND ENHANCED ADULT RESIDENTIAL CARE**NEW SECTION

WAC 388-110-260 Remedies. (1) The department may take one or more of the actions listed in subsection (3)(a) of this section in any case in which the department finds that a provider of assisted living services or enhanced adult residential care services has:

(a) Failed or refused to comply with the applicable requirements of chapter 74.39A RCW, chapter 70.129 RCW or of this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a contract or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2)(a) For failure or refusal to comply with any applicable requirements of chapter 74.39A RCW, chapter 70.129 RCW or of this chapter, the department shall provide consultation and allow the provider a reasonable opportunity to correct before imposing remedies under subsection (3)(a) unless the violations pose a serious risk to residents, are recurring or have been uncorrected.

(b) When violations of this chapter pose a serious risk to residents, are recurring or have been uncorrected, the

PROPOSED

department shall impose a remedy or remedies listed under subsection (3)(a). In determining which remedy or remedies to impose, the department shall take into account the severity of the impact of the violations on residents and which remedy or remedies are likely to improve resident outcomes and satisfaction in a timely manner.

(3)(a) Actions and remedies the department may impose include:

- (i) Refusal to enter into a contract;
 - (ii) Imposition of reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;
 - (iii) Imposition of civil penalties of not more than one hundred dollars per day per violation;
 - (iv) Suspension, revocation, or refusal to renew a contract; or
 - (v) Order stop placement of persons under the contract.
- (b) When the department orders stop placement, the facility shall not admit any person under the contract until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when the department determines that:

- (i) The violations necessitating the stop placement have been corrected; and
 - (ii) The provider exhibits the capacity to maintain adequate care and service.
- (c) Conditions the department may impose on a contract include, but are not limited to the following:
- (i) Correction within a specified time;
 - (ii) Training related to the violations; and
 - (iii) Discharge of any department client when the department determines discharge is needed to meet that client's needs or for the protection of other clients.

(d) When a contractor fails to pay a fine when due under this chapter, the department may, in addition to other remedies, withhold an amount equal to the fine plus interest, if any, from the contract payment.

NEW SECTION

WAC 388-110-270 Notice, hearing rights, effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 74.39A RCW, except that orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending any hearing.

(2) Civil monetary penalties shall become due twenty eight days after the contractor is served with a notice of the penalty unless the contractor requests a hearing in compliance with chapter 34.05 and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest shall accrue beginning thirty days after the department serves the contractor with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, PO Box 2465, Olympia, WA 98504; and

(b) Include in or with the application:

- (i) The grounds for contesting the department decision; and
- (ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

NEW SECTION

WAC 388-110-280 Dispute resolution. (1) When a contractor disagrees with the department's finding of a violation under this chapter, the contractor shall have the right to have the violation reviewed under the department's dispute resolution process. Requests for review shall be made to the department within ten days of receipt of the written finding of a violation.

(2) When requested by a contractor, the department shall expedite the dispute resolution process to review violations upon which a department order imposing contract suspension, stop placement, or a contract condition is based.

(3) Orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending dispute resolution.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|--|
| WAC 388-15-900 | Authority. |
| WAC 388-15-905 | Assisted living services. |
| WAC 388-15-910 | Definitions. |
| WAC 388-15-915 | Facility structural requirements. |
| WAC 388-15-920 | Service requirements. |
| WAC 388-15-925 | External or additional services coordinated by the contractor. |
| WAC 388-15-935 | Contract application process. |
| WAC 388-15-940 | Change of parties to the contract. |
| WAC 388-15-945 | Client eligibility. |
| WAC 388-15-950 | Relocation criteria. |
| WAC 388-15-955 | Assisted living services contract payment procedures. |

**WSR 96-05-005
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Filed February 9, 1996, 8:33 a.m.]

Continuance of WSR 95-22-111.
Exempt from preproposal statement of inquiry under RCW 34.05.310(4).
Title of Rule: Personal use rules.

PROPOSED

Purpose: Partial continuance for adoption at a later date. The following sections from WSR 95-22-111 are continued for adoption on April 15, 1996: WAC 220-56-100, 220-56-105, 220-56-124, 220-56-190, 220-56-191, 220-56-195, 220-56-205, 220-56-310, 220-56-330, 220-56-350, 220-56-380, 220-57-130, 220-57-135, 220-57-137, 220-57-140, 220-57-155, 220-57-160, 220-57-170, 220-57-175, 220-57-187, 220-57-190, 220-57-200, 220-57-205, 220-57-210, 220-57-215, 220-57-220, 220-57-230, 220-57-235, 220-57-240, 220-57-250, 220-57-260, 220-57-265, 220-57-270, 220-57-280, 220-57-285, 220-57-300, 220-57-310, 220-57-319, 220-57-340, 220-57-345, 220-57-350, 220-57-370, 220-57-385, 220-57-410, 220-57-415, 220-57-425, 220-57-430, 220-57-435, 220-57-450, 220-57-455, 220-57-460, 220-57-465, 220-57-473, 220-57-480, 220-57-495, 220-57-520, 220-57-525, 220-57A-175, and 220-57A-180.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: See WSR 95-22-111 and see Purpose above.

Reasons Supporting Proposal: See WSR 95-22-111 and see Purpose above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Rich Lincoln, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, 902-2926.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 95-22-111 and see Purpose above.

Proposal Changes the Following Existing Rules: See WSR 95-22-111 and see Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational fishing.

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

Date of Intended Adoption: April 15, 1996.

February 3, 1996
Judith Freeman
Deputy
for Robert Turner
Director

**WSR 96-05-006
PROPOSED RULES**

COMMISSION ON JUDICIAL CONDUCT

[Filed February 9, 1996, 2:00 p.m.]

Original Notice.

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

Title of Rule: Chapter 292-08 WAC, Agency organization—Confidentiality and chapter 292-12 WAC, Procedural rules.

Purpose: To repeal existing procedural rules if superseded by new proposed procedural rules, chapter 292-06 WAC.

Statutory Authority for Adoption: Article IV, Section 31 of State Constitution.

Statute Being Implemented: Chapter 2.64 RCW and Article IV, Section 31 of State Constitution.

Summary: Chapters 292-08 and 292-12 WAC establish current rules of procedure. The proposed action would repeal these rules.

Reasons Supporting Proposal: The commission is directed to provide for rules of procedure.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, P.O. Box 1817, Olympia, WA 98507, (360) 753-4585.

Name of Proponent: Commission on Judicial Conduct, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The adoption of new procedural rules require the repeal of existing rules.

Proposal Changes the Following Existing Rules: The existing procedural rules would be repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impact statement is required for this proposal by chapter 19.85 RCW. The repeal affects rules that are procedural in nature.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The action would repeal existing procedural rules.

Hearing Location: Sea-Tac Holiday Inn, 17338 Pacific Highway South, SeaTac, WA 98188, on April 5, 1996, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Kathy Sullivan, TDD (360) 753-4585.

Submit Written Comments to: Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, FAX (360) 586-2918, by March 29, 1996.

Date of Intended Adoption: April 5, 1996.

February 7, 1996
David Akana
Executive Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 292-08-010 Purpose.
- WAC 292-08-020 Function.
- WAC 292-08-030 Definitions.
- WAC 292-08-040 Organization.
- WAC 292-08-050 Confidentiality provisions.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 292-12-010 Preliminary investigation.
- WAC 292-12-020 Initial proceedings.
- WAC 292-12-030 Statement of charges.
- WAC 292-12-040 Fact-finding hearing.
- WAC 292-12-050 Disqualification of fact-finder.

- WAC 292-12-060 Procedural rights of judge.
- WAC 292-12-070 Guardian ad litem.
- WAC 292-12-080 Discovery procedure before fact-finding.
- WAC 292-12-090 Amendments to statement of charges or answer.
- WAC 292-12-110 Procedure at fact-finding hearing.
- WAC 292-12-120 Report of fact-finder.
- WAC 292-12-130 Commission decision.
- WAC 292-12-140 Additional evidence.
- WAC 292-12-150 Supreme court procedures.
- WAC 292-12-160 Reinstatement of eligibility.
- WAC 292-12-170 Extension of time.
- WAC 292-12-180 Service.

Street, Olympia, WA, (360) 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, WA, (360) 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Sets minimum qualifications, application and approval process and reasons for withdrawal or denial of approval as independent sanitation consultants for food storage warehouses. Independent sanitation consultants are defined and department approval is required under chapter 69.10 RCW.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Voluntary program, offers new business opportunities.

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

Hearing Location: Natural Resources Building, 1111 Washington Street, 2nd Floor, Olympia, WA 98504, on March 27, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson, (360) 902-1880, by March 18, 1996, TDD (360) 902-1996.

Submit Written Comments to: Verne Hedlund, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by March 27, 1996.

Date of Intended Adoption: April 10, 1996.

February 12, 1996
Candace A. Jacobs
Assistant Director

PROPOSED

WSR 96-05-020

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY**

(By the Code Reviser's Office)

[Filed February 13, 1996, 8:05 a.m.]

WAC 173-354-008, 173-354-010, 173-354-020, 173-354-050, 173-354-070, 173-354-090, 173-354-100, 173-354-150, 173-354-200, 173-354-230, 173-354-300, 173-354-320, 173-354-340, 173-354-360, 173-354-380, 173-354-400, 173-354-440, 173-354-460, 173-354-500, 173-354-515, 173-354-525, 173-354-535, 173-354-545, 173-354-555, 173-354-600, 173-354-620, 173-354-640, 173-354-660, 173-354-670, 173-354-680, 173-354-700, 173-354-720, 173-354-800, 173-354-900, 173-354-990, 173-303-515, and chapter 173-330 WAC, proposed by the Department of Ecology in WSR 95-15-104, appearing in issue 95-16 of the State Register, which was distributed on August 16, 1995, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 96-05-027

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 13, 1996, 1:50 p.m.]

Original Notice.

Preproposal Statement of Inquiry was filed as WSR 95-19-051.

Title of Rule: Approved independent sanitation consultants for food storage warehouses.

Purpose: To set minimum qualifications for independent sanitation consultants for food storage warehouses.

Statutory Authority for Adoption: RCW 69.10.055.

Statute Being Implemented: Chapter 69.10 RCW.

Summary: Establishes minimum qualifications, application and approval process and reasons for withdrawal or denial of applications for independent sanitation consultants for food storage warehouses.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne E. Hedlund, 1111 Washington

Chapter 16-168 WAC

APPROVED INDEPENDENT SANITATION CONSULTANTS FOR FOOD STORAGE WAREHOUSES

NEW SECTION

WAC 16-168-010 What is the purpose of this rule?

These rules set minimum qualifications for independent sanitation consultants for food storage warehouses.

NEW SECTION

WAC 16-168-020 Where does the department get authority to establish these rules? Under RCW 69.10.055.

NEW SECTION

WAC 16-168-030 Where can I find the definitions for terms used in this rule? (1) Chapter 69.10 RCW.

(2) Chapter 69.04 RCW.

NEW SECTION

WAC 16-168-040 How is independent sanitation consultant for food storage warehouses defined in RCW 69.10.005(5)? "Independent sanitation consultant" means

an individual, partnership, cooperative, or corporation that by reason of education, certification, and experience has satisfactorily demonstrated expertise in food and dairy sanitation and is approved by the director to advise on such areas including, but not limited to: Principles of cleaning and sanitizing food processing plants and equipment; rodent,

insect, bird, and other pest control; principals [principles] of hazard analysis critical control point; basic food product labeling; principles of proper food storage and protection; proper personnel work practices and attire; sanitary design, construction, and installation of food plant facilities, equipment, and utensils; and other pertinent food safety issues."

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.

NEW SECTION

WAC 16-168-050 What are the minimum qualifications for an approved independent sanitation consultant for warehouses? Education and experience:

(1) A bachelor's degree in biology, chemistry, microbiology, food science, dairy science or a related natural science plus three years experience inspecting food storage warehouses or similar operations for compliance with the Current Good Manufacturing Regulations, 21 CFR part 110 (GMP's); or

(2) Three years of college completed with study in the above subjects plus five years experience inspecting food storage warehouses or similar operations for compliance with the GMP's; or

(3) Two years of college completed with study in the above subjects plus seven years experience inspecting food storage warehouses or similar operations for compliance with the GMP's; or

(4) Eight years experience inspecting food storage warehouses or similar operations for compliance with the GMP's plus verifiable training in pest control, cleaning practices, food storage warehouse inspection or application of the GMP's.

NEW SECTION

WAC 16-168-060 How do I apply for approval? (1) Obtain an application from the department.

(2) Complete the application, listing your qualifications.

(3) Each applicant must sign the application and have their signature notarized.

(4) Return the application to the address listed on the application.

NEW SECTION

WAC 16-168-070 How will I know if my application was approved? If you are successful, you will receive a card identifying you as an approved independent sanitation consultant for food storage warehouses. Your name will also appear on a list of approved independent sanitation consultants for food storage warehouses available on request from the department.

The department will notify applicants who don't meet minimum qualifications or who submit incomplete applications within twenty-one working days in writing.

NEW SECTION

WAC 16-168-080 What would cause the department to deny or withdraw approval of my application? The department may withdraw or deny approval to independent sanitation consultants or applicants under the following circumstances:

(1) For knowingly making false or inaccurate statements regarding qualifications on an application.

(2) For failing to accurately report violative conditions present in food storage warehouse at the time of inspection.

(3) For knowingly making or acquiescing in false or inaccurate statements on inspection reports as to the date of the inspection, findings, corrective actions taken, or any other statement material to the compliance status of a warehouse.

NEW SECTION

WAC 16-168-090 Do I have a right to appeal denial of my application or withdrawal of my approved status. Yes, you have rights of appeal within twenty days of notice of such action under chapter 34.05 RCW, the Administrative Procedure Act.

NEW SECTION

WAC 16-168-100 What are the reporting requirements for inspections by independent sanitation consultants for food storage warehouses? Reporting must be adequate to reflect the level of compliance with the GMP's.

WSR 96-05-031

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 14, 1996, 11:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-11-024.

Title of Rule: School district budget timelines, chapter 392-123 WAC.

Purpose: Moves dates budgets must be completed by school districts and submitted to ESDs and general public from July 15 (2nd class districts) and July 20 (1st class districts) to July 10 for 1st and 2nd class districts.

Statutory Authority for Adoption: RCW 28A.505.040.

Statute Being Implemented: WAC 392-123-054, 392-123-078, and 392-123-079.

Summary: Allows Office of Superintendent of Public Instruction to extend July 10 date if state's operating budget is not approved by legislature until after June 1st.

Reasons Supporting Proposal: Consistently applies budget deadlines.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation and Enforcement: Ronald O. Stead, Superintendent of Public Instruction, Olympia, 753-3584.

Name of Proponent: Superintendent of Public Instruction, governmental.

PROPOSED

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

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

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

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on March 28, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by March 18, 1996, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by March 27, 1996.

Date of Intended Adoption: March 29, 1996.
 March [February] 12, 1996
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 93-12, filed 8/5/93, effective 9/5/93)

WAC 392-123-054 Time schedule for budget. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare annual budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget ((and)) , placed ((the same)) it on file in the school district administration office, that a copy thereof will be furnished to any person who ((with)) calls upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be pub-	Same as first-class.

lished at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

~~((July 15~~ Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit the budget to the educational service district for review and comment.

July 29)) Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit the budget to the educational service district for review and comment. The July 10 date may be delayed by the superintendent of public instruction if the state's operating budget is not finally approved by the legislature until after June 1st.

~~((July 25~~ Final date for educational service district to notify districts of problems noted in review.))

August 1 Final date for board directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: *Provided*, That the budget must be adopted no later than August 1st. Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.

August 3

Last date to forward the adopted budget to educational service district for review, alteration and approval.

~~a copy of their budgets to their educational service district for review at least fourteen days prior to budget adoption but not later than July 20.)~~

~~((August 10 Final date for educational service district to notify districts of problems noted in review.~~

~~Final date for educational service district to file adopted and reviewed budgets with superintendent of public instruction.))~~

The educational service district shall notify each of its first-class school districts of any problems noted during the review prior to adoption of the budget by the school district.

Budgets and budget extensions adopted by first-class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

August 31

Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: *Provided*, That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.

~~((Last))~~ Final date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. One copy of the approved budget will be retained by the educational service district and one copy will be ~~((returned to the school district))~~ retained by the superintendent of public instruction. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.

Said reviews shall include but not be limited to completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget or budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

AMENDATORY SECTION (Amending Order 92-02, filed 1/7/92, effective 2/7/92)

WAC 392-123-079 Review of second-class district budgets and budget extensions. Annual budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. ~~((Second class school districts shall submit a copy of their budget to their educational service district for review at least fourteen days prior to adoption, but not later than July 15.))~~

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said reviews shall include, but not be limited to, completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.505.070 and WAC 392-123-054.

September 3

Final date for district to file the adopted budget with their educational service district.

September 10

Final date for educational service district to file the adopted budgets with the superintendent of public instruction.

Final date for the superintendent of public instruction to return a copy of the approved budget to the local school district.

AMENDATORY SECTION (Amending Order 92-02, filed 1/7/92, effective 2/7/92)

WAC 392-123-078 Review of first-class school district budgets and budget extensions. Annual budgets of first-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. ~~((First class school districts shall submit~~

PROPOSED

Review of budget extensions shall consist of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

WSR 96-05-032
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF TRANSPORTATION

[Filed February 14, 1996, 2:30 p.m.]

The Washington State Department of Transportation, Planning and Programming Service Center, would like to withdraw the CR-102 form that was filed on December 7, 1995, as WSR 96-01-012 at 10:43 a.m.

S. A. Moon

WSR 96-05-041
PROPOSED RULES
GAMBLING COMMISSION

[Filed February 15, 1996, 1:07 p.m.]

Supplemental Notice to WSR 96-04-085.

Preproposal statement of inquiry was filed as WSR 95-14-020.

Title of Rule: WAC 230-12-020 Gambling receipts required by all bona fide charitable and nonprofit organizations—Exemptions.

Purpose: To reinstate the authorization for licensees located on the Point Roberts Peninsula to deposit gambling receipts in a British Columbia branch of a Canadian bank.

Statutory Authority for Adoption: RCW 9.46.070 (1), (8), (14).

Summary: Reinstates previously deleted provision.

Reasons Supporting Proposal: Licensee petition.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Lacey, (360) 438-7654, ext. 310; Implementation: Cally Cass-Healy, Lacey, (360) 438-7654, ext. 354; and Enforcement: Frank L. Miller, Lacey, (360) 438-7654, ext. 302.

Name of Proponent: Point Roberts Volunteer Fire Department, Inc., private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule generally sets forth requirements for charitable and nonprofit organizations to maintain gambling accounts in a Washington branch of a United States bank. The proposed amendment would reinstate a previously deleted exemption which allowed Gambling Commission licensees located on the Point Roberts Peninsula to deposit gambling receipts in a British Columbia branch of a Canadian bank provided the licensee and Canadian bank provide written authorization for commission agents to access the licensee's Canadian bank records.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. Amendment does not affect more than 10% of bingo licensees. Amendment will also reduce potential transaction costs if the licensees were required to change banks.

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

Hearing Location: The Inn at Semi-ah-moo, 9565 Semiahmoo Parkway, Blaine, WA 98230-9326, on April 12, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by April 9, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504, FAX (360) 438-8652, by April 9, 1996.

Date of Intended Adoption: April 12, 1996.

February 15, 1996

Michael Aoki-Kramer

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 95-19-069, filed 9/18/95, effective 1/1/96)

WAC 230-12-020 Gambling receipts deposit required by all bona fide charitable and nonprofit organizations—Exemptions. Licensed bona fide charitable or nonprofit organizations shall protect all funds generated from gambling activities and keep such separate and apart from the licensee's general funds. Funds shall be controlled as follows:

(1) Each licensee shall keep a separate account in a recognized Washington state depository for purposes of depositing gambling receipts: Provided, That if such activities are conducted on the United States' portion of the Point Roberts Peninsula, Washington, the deposit may be made in a British Columbia branch of a Canadian Bank: Provided further, That the licensee conducting the activities must provide the Commission and its Canadian bank a written release for Commission staff to have unrestricted access to the licensee's Canadian bank records and the Canadian bank must provide written confirmation of its intent to honor the licensee's release. Licensees are not limited to a single gambling receipts account as long as a minimum of one separate account is maintained;

(2) Only receipts from gambling activities shall be deposited into the gambling receipts account: Provided, That a licensee may deposit receipts from nongambling activities, operated in conjunction with bingo games, into the gambling receipts account if such receipts are supported by detailed receipting records and all other requirements of this section are followed;

(3) No expenditures, other than for prizes, shall be made from the receipts of any licensed gambling activity until such receipts have first been deposited in the gambling receipts account: Provided, That bingo receipts may be withheld from deposits for jar, pig, or other similar special game prizes if:

(i) The total of all such prize funds does not accumulate to exceed two hundred dollars;

(ii) The amount withheld each session is entered in the bingo daily record; and

(iii) A reconciliation of the special game fund is made of the bingo daily record;

(4) All net gambling receipts from the operation of bingo which are being held pending disbursement shall be deposited in the licensee's gambling receipts account not later than the second banking day following receipt thereof;

(5) All net gambling receipts from the operation of card rooms, raffles (Class E and above), and amusement games (Class D and above) shall be deposited in the licensee's gambling receipts account at least once each week;

(6) Funds received from commercial amusement game operators that relate to the operation of amusement games on their premises shall be deposited in the licensee's gambling receipts account no later than the second banking day following receipt;

(7) Net gambling receipts from the operation of each punchboard and pull tab series, including cost recovery for merchandise prizes awarded, shall be deposited in the licensee's gambling receipts account no later than two banking days after a board or series is removed from play. The Washington state identification number assigned to the punchboard or pull tab series and the amount of net gambling receipts shall be recorded on the deposit slip/receipt each time a deposit is made: *Provided*, That licensees may record the Washington state identification stamp numbers and the net gambling receipts on a separate record if the record is identified with the bank validation number and maintained with the deposit slip/receipt;

(8) All deposits of net gambling receipts from each activity shall be made separately from all other deposits, and the validated deposit receipt shall be kept as a part of the records required by Title 230 WAC. Deposit receipts are a part of the applicable daily or monthly records and shall be available for inspection by commission representatives; and

(9) Bona fide charitable or nonprofit organizations that conduct only one or more of the following activities and do not possess any other licenses issued by the gambling commission are exempt from this rule:

(a) Raffles under the provisions of RCW 9.46.0315;

(b) Bingo, raffles, or amusement games under the provisions of RCW 9.46.0321;

(c) Class A, B, or C bingo game;

(d) Class A, B, C, or D raffle; or

(e) Class A, B or C amusement game.

(10) Bona fide charitable or nonprofit organizations that conduct only fund-raising events or membership raffles and have no other gambling licenses are exempt from having a separate gambling receipts account, but must meet the following conditions of deposit:

(a) No expenditures other than for prizes shall be made until such receipts have first been deposited in the licensee's bank account;

(b) All net gambling receipts shall be deposited within two banking days following receipt thereof; and

(c) The validated deposit receipt shall be kept with the licensee's gambling records.

WSR 96-05-042

PROPOSED RULES GAMBLING COMMISSION

[Filed February 15, 1996, 1:09 p.m.]

Original Notice.

Title of Rule: WAC 230-04-120 Licensing of distributors, 230-04-187 Recreational gaming activity—Permit required—Exceptions, and 230-25-330 Recreational gaming activity—Rules for play.

Purpose: These rules regulate the conduct of recreational gaming activities.

Statutory Authority for Adoption: RCW 9.46.215, 9.46.070 (4)(11)(14)(17)(20).

Summary: Amendments will streamline and simplify the recreational gaming activity licensing process.

Reasons Supporting Proposal: Constituent inquiry into the recreational gaming activity permit process identified points where the process could be streamlined and simplified.

Name of Agency Personnel Responsible for Drafting and Implementation: Derry Fries, Lacey, (360) 438-7654, ext. 335; and Enforcement: Frank Miller, Lacey, (360) 438-7654, ext. 335.

Name of Proponent: Carol Eldred, private.

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

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

Proposal Changes the Following Existing Rules: WAC 230-04-120, adds language stating that distributors may organize and conduct recreational gaming activities under their license; WAC 230-04-187, adds language allowing organizations to contract with a distributor to conduct recreational gaming activities; and WAC 230-25-330, language simplifies recreational gaming activity rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Amendments are anticipated to reduce economic impacts associated with licensing recreational gaming activities.

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

Hearing Location: The Inn at Semi-ah-moo, 9565 Semiahmoo Parkway, Blaine, WA 98230-9326, on April 12, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by April 9, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504, FAX (360) 438-8652, by April 9, 1996.

Date of Intended Adoption: April 12, 1996.

February 15, 1996

Michael Aoki-Kramer

Rules and Policy Coordinator

PROPOSED

AMENDATORY SECTION (Amending WSR 95-19-071, filed 9/18/95, effective 1/1/96)

WAC 230-04-120 Licensing of distributors. Prior to selling, renting, or otherwise supplying gambling equipment, supplies, or related paraphernalia, including service of such, to any person within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission. The following definitions and requirements apply to certification and licensing of distributors:

(1) For purposes of this title, a license is required to sell, rent, or otherwise provide to any person the following items and/or services:

- (a) Punchboards and pull tabs;
- (b) Devices for the dispensing of pull tabs;
- (c) Bingo equipment, as defined by WAC 230-02-250;

~~((and))~~
(d) Any gambling equipment or paraphernalia for use in connection with licensed fund-raising events ~~((τ))~~ or a recreational gaming ((activities, or Class III gaming activities)) activity; and

(e) Organizing and conducting recreational gaming activities on behalf of persons as defined by WAC 230-02-505.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

- (a) The full name and address of the applicant;
- (b) The business name and address of each location operated by the distributor or where records or inventory will be located;

(c) The name, home address, and share of ownership of all owners of the business if the business is not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;

(d) A full description of each separate type of gambling equipment or related supplies that the distributor intends to market in this state or for use in this state;

(e) The brand name under which each type of gambling equipment will be sold;

(f) If the applicant does not maintain a business office within the state or is incorporated in another state or county, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and

(g) A list of all manufacturers of gambling equipment and all businesses or organizations located in the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purposes of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly receives any portion of the profits of the licensed distributor and indebtedness between any other person and the applicant, other than a regulated financial institution, in excess of five thousand dollars.

(3) The following information shall be included as an attachment to the application form:

- (a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest

holders of the applicant, either directly or indirectly, own or control:

- (i) As a sole proprietor; or
- (ii) As a partner; or
- (iii) More than fifty percent of the voting stock of a privately held or closed corporation; or
- (iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all licensed businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the applicant have been licensed for gambling-related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders of the applicant have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff. In addition to other records requested, the following shall be available:

(i) Personal financial records of all substantial interest holders;

(ii) All records related to the scope of activity, including suppliers, customers, and any contracts related to sales or purchases; and

(iii) Records related to any financial or management control of or by customers and suppliers.

(4) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form; and

(5) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

AMENDATORY SECTION (Amending Order 224, filed 7/17/91, effective 8/17/91)

WAC 230-04-187 Recreational gaming activity—Permit or license required. Any organization wanting to conduct or sponsor a recreational gaming activity must either:

(1) Complete the appropriate form and secure a recreational gaming permit from the commission at least fourteen days prior to commencement; or

(2) Contract with a licensed distributor to organize and conduct the recreational gaming activity on their behalf.

The fee for such activity or a distributor's license shall be ~~((fifty dollars per activity))~~ as required by WAC 230-04-202 or 230-04-203.

AMENDATORY SECTION (Amending WSR 95-12-051, filed 6/2/95, effective 7/3/95)

WAC 230-25-330 Recreational gaming activity—Rules for play. An organization, business, or association ~~((issued a permit))~~ shall conduct a recreational gaming activity in accordance with the following rules:

PROPOSED

(1) Any gambling device utilized for such activity must be rented or obtained from a licensed distributor of fund-raising event equipment or a licensee authorized to conduct fund-raising events (not applicable to homemade, nonprofessional devices);

(2) Gambling of any type shall be prohibited on the premises where recreational gaming activity takes place;

(3) Scrip or chips having no value shall be utilized for each activity;

(4) There shall be no fee charged for the opportunity to participate or enter the premises(7); ~~Provided((An organization may charge))~~, That a fee may be charged for an accompanying dinner, meal, or entertainment associated with the activity, as long as such a fee is only related to those additional activities and the costs incurred in renting the devices utilized in the activity;

(5) ~~((An organization may utilize))~~ A scheme may be utilized whereby participants can redeem their scrip or chips for prizes; Provided: All prizes must be donated to or provided by the sponsoring organization;

(6) The activity shall be limited to eight hours. The director may, for good cause shown, grant additional time;

(7) The sponsoring organization must notify local law enforcement officials at least ten days prior to the commencement of the activity, and specify the date, time, and location of the activity.

WSR 96-05-043
PROPOSED RULES
GAMBLING COMMISSION
[Filed February 15, 1996, 1:12 p.m.]

Original Notice.

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

Title of Rule: WAC 230-04-204 Fees—Individuals.

Purpose: The rule establishes fees for individual licensees of the Gambling Commission.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: Housekeeping change to reflect change in licensee terminology from "bingo game manager" to "charitable or nonprofit gambling manager."

Reasons Supporting Proposal: Housekeeping change to make rules consistent.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Lacey, (360) 438-7654, ext. 310; Implementation: Derry Fries, Licensing Services Manager, Lacey, (360) 438-7654, ext. 335; and Enforcement: Frank Miller, Director, Lacey, (360) 438-7654, ext. 302.

Name of Proponent: Washington State Gambling Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: Housekeeping change, see Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Housekeeping change anticipated to have no economic impact.

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

Hearing Location: The Inn at Semi-ah-moo, 9565 Semiahmoo Parkway, Blaine, WA 98230-9326, on April 12, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by April 9, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 302.

Submit Written Comments to: Michael Aoki-Kramer, FAX (360) 438-8652, by April 9, 1996.

Date of Intended Adoption: April 12, 1996.

February 15, 1996
Michael Aoki-Kramer
Rules and Policy Coordinator

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

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

LICENSE TYPE	DEFINITION	FEE
1. ((BINGO GAME)) <u>CHARITABLE</u> <u>OR NONPROFIT</u> <u>GAMBLING MANAGER</u>	Original	\$155
	Renewal	\$75
	Change of Employer	\$75
2. DISTRIBUTOR'S REPRESENTATIVE	Original	\$210
	Renewal	\$130
	Change of Employer	\$50
3. MANUFACTURER'S REPRESENTATIVE	Original	\$210
	Renewal	\$130
4. PUBLIC CARD ROOM EMPLOYEE	Original	\$155
	Renewal	\$75
5. OTHER FEES		
CHANGE OF NAME	(See WAC 230-04-310)	\$25
DUPLICATE LICENSE	(See WAC 230-04-290)	\$25
REPLACEMENT		
OUT-OF-STATE RECORDS INQUIRY	(See WAC 230-04-240)	As required

WSR 96-05-044
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Filed February 15, 1996, 3:10 p.m.]

Continuance of WSR 95-22-113.

Preproposal statement of inquiry was filed as WSR 95-18-098.

Title of Rule: Personal use fishing rules.

Purpose: Amend personal use fishing rules.

Other Identifying Information: This notice is for continuance of the adoption hearing only.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: See WSR 95-22-113.

Reasons Supporting Proposal: See WSR 95-22-113.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Rich Lincoln, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, WA, 902-2927.

Name of Proponent: See WSR 95-22-113.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 95-22-113.

Proposal Changes the Following Existing Rules: See WSR 95-22-113.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposals affect recreational fishers only.

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

Date of Intended Adoption: April 15, 1996.

February 3, 1996

Mitchell S. Johnson, Chairman
Fish and Wildlife Commission

WSR 96-05-061

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed February 20, 1996, 9:35 a.m.]

Supplemental Notice to WSR 95-24-094 and 96-03-105. Preproposal statement of inquiry was filed as WSR 95-11-006.

Title of Rule: WAC 388-150-090 License denial, suspension, or revocation, 388-160-090 General qualifications, 388-73-030 General qualifications, 388-155-090 General qualifications, 388-330-010 Purpose and authority, 388-330-035 Appeal of disqualification, 388-151-090 License suspension, denial, or revocation, 388-73-036 Licensure—Denial, suspension, or revocation, and 388-160-120 Licensure—Denial, suspension, or revocation.

Purpose: Provides an appeal process for persons disqualified from employment in a child care facility because of a finding or allegation of child abuse or neglect.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: Would permit a person disqualified from employment in a child care facility because of alleged child abuse or neglect to have an adjudicative hearing.

Reasons Supporting Proposal: Such persons may have a constitutional right to a hearing.

Name of Agency Personnel Responsible for Drafting: Lee Ann Miller, Seattle, 464-5350; Implementation: Barry Fibel, Olympia, 753-0204; and Enforcement: Rosalyn Oreskovich, Olympia, 586-4031.

Name of Proponent: Attorney General's Office, governmental.

Rule is necessary because of federal law, 7-21-95 Memo-Employee Disqualification, U.S. Court of Appeals Docket #93-7183, American Civil Liberties Union of Washington Letter.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons Supporting Proposal above. Protects the civil rights of persons who are disqualified from employment in child care facilities because of a child abuse allegation. The rule would give such persons the right to an adjudicative hearing and require that the file be amended if the hearing supports the person.

Proposal Changes the Following Existing Rules: Clarifies that the rules pertain to CPS information as well as criminal history information. See Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules do not impose [impose] a cost on the child care industry, but only on small numbers of prospective employees who are disqualified because of a finding of abuse or neglect. Those persons may have to pay for legal representation if they request a hearing.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA, on April 23, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, by April 9, 1996, TDD (360) 753-0625.

Submit Written Comments to: Merry A. Kogut, Supervisor, Rules and Policy Assistance Unit, P.O. Box 45800, Olympia, 98504, Identify WAC Numbers, FAX (360) 664-0118, by April 16, 1996.

Date of Intended Adoption: April 24, 1996.

February 20, 1996

Merry A. Kogut, Supervisor
Rules and Policy Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-06 issue of the Register.

WSR 96-05-064

PROPOSED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed February 20, 1996, 11:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-109.

Title of Rule: Workers' compensation classification plan, chapter 296-17 WAC.

Purpose: Agency proposes to revise general reporting rules, classification plan, the corresponding base insurance rate tables, a retrospective rating rule, and a new rating rule related to third-party actions applicable to workers' compensation insurance underwritten by the Department of Labor and Industries.

RCW 51.16.035.

Statutory Authority for Adoption: RCW 51.16.035.

Statute Being Implemented: RCW 51.16.035.

Summary: The department proposes to establish twenty new risk classification definitions; discontinue seven risk classification definitions; amend one hundred twenty-two risk classification definitions; amend three general reporting rules; and amend four experience rating and base insurance rate tables.

Reasons Supporting Proposal: RCW 51.16.035 requires the department to maintain actuarial solvency of the industrial insurance funds and maintain a classification plan. Adjustments to the classification and rating plan reflect changes in Washington industries. Revisions to general reporting rules are intended to provide greater clarity to the rules.

Name of Agency Personnel Responsible for Drafting: Frank Romero, Classification Services/Ken Woehl, Classification Services, Tumwater, Washington, 902-4748/902-4775; Implementation: Theresa Whitmarsh, Assistant Director for Insurance Services/Kathy Kimbel, Program Manager, Tumwater, Washington, 902-4209/902-4835; and Enforcement: Doug Mathers, Chief Field Auditor, Tumwater, Washington, 902-4750.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department is required by RCW 51.16.035 to establish and maintain a workers' compensation insurance classification plan that classifies all occupations or industries within the state, and to set basic rates of premium for all classifications. The rule proposals are intended to better clarify the reporting rules, to distribute the costs of insurance fairly among employers, and to ensure actuarial solvency. The department proposes to revise general reporting rules, classification plan, the corresponding base insurance rate tables, a retrospective rating rule, and a new rating rule related to third-party actions. The department has conducted a review of various classifications and determined that certain classifications are in need of revision. Other changes include the addition of new emerging industries to the classification plan. The elimination of a clerical office inclusion within certain store classifications requested by the business community and changes to commercial construction classes requested by the industry.

Proposal Changes the Following Existing Rules: Amending general reporting rules, WAC 296-17-420 General inclusions, 296-17-440 Standard exceptions, and 296-17-45003 Special construction industry rule.

Amending classifications, WAC 296-17-501 Classification 0101 Road building, 296-17-503 Classification 0103 Drilling, N.O.C., 296-17-505 Classification 0105 Fence erection, 296-17-508 Classification 0201 Bridge work, 296-17-510 Classification 0301 Landscaping, 296-17-511 Classification 0302 Masonry work, 296-17-512 Classification 0306 Plumbing, 296-17-513 Classification 0307 Heating systems, 296-17-517 Classification 0502 Floor covering installation, 296-17-519 Classification 0504 Painting, 296-17-52002 Classification 0507 Roof work, 296-17-52103 Classification 0511 Glass installation - buildings, 296-17-52104

Classification 0512 Insulation installation, 296-17-52107 Classification 0515 Wallboard installation, 296-17-52110 Classification 0518 Building construction, N.O.C., 296-17-524 Classification 0603 Millwright work, 296-17-526 Classification 0606 Vending machine installation, 296-17-527 Classification 0607 Household appliance installation, 296-17-528 Classification 0701 Dam construction, 296-17-529 Classification 0803 Cities and towns - miscellaneous employees, 296-17-534 Classification 1002 Sawmills, 296-17-53501 Classification 1004 Log storage yards, 296-17-53502 Classification 1005 Shake and shingle mills, 296-17-536 Classification 1101 Parcel and package delivery, 296-17-538 Classification 1103 Soil dealers, 296-17-53803 Classification 1106 Rental stores, N.O.C., 296-17-53805 Classification 1108 Glass merchants, 296-17-53806 Classification 1109 Towing services, 296-17-539 Classification 1301 Electric power companies, 296-17-540 Classification 1303 Telephone companies, 296-17-54101 Classification 1305 Television cable companies, 296-17-545 Classification 1501 County employees, N.O.C., 296-17-546 Classification 1507 Waterworks, 296-17-55201 Classification 1802 Aluminum smelters, 296-17-555 Classification 2002 Freight handlers, 296-17-561 Classification 2008 Field bonded warehouses, 296-17-56101 Classification 2009 Building material dealers, 296-17-562 Classification 2101 Feed mills, 296-17-563 Classification 2102 Grocery distributors, 296-17-564 Classification 2104 Fruit and vegetable packing operations, 296-17-56401 Classification 2105 Beer, wine and ale distributors, 296-17-56402 Classification 2106 Fertilizer dealers, 296-17-565 Classification 2201 Laundries, 296-17-567 Classification 2401 Paper goods mfg., 296-17-568 Classification 2903 Wood products mfg., 296-17-56901 Classification 2905 Furniture mfg. - wood, 296-17-57001 Classification 2907 Cabinet shops, 296-17-57003 Classification 2909 Wooden ware mfg., 296-17-571 Classification 3101 Redi mix dealers, 296-17-572 Classification 3102 Rock wool insulation mfg., 296-17-573 Classification 3103 Cement mfg., 296-17-57602 Classification 3303 Meat dealers - retail, 296-17-57603 Classification 3304 Meat dealers - wholesale, 296-17-580 Classification 3402 Machine shops, 296-17-582 Classification 3404 Aluminum goods mfg., 296-17-58201 Classification 3405 Aircraft parts, 296-17-583 Classification 3406 Gasoline service stations, 296-17-585 Classification 3408 Natural gas companies, 296-17-58501 Classification 3409 Self service gas stations, 296-17-586 Classification 3501 Brick or clay product mfg., 296-17-590 Classification 3506 Crane services, 296-17-59201 Classification 3509 Plaster statue mfg., 296-17-59202 Classification 3510 Plastic products mfg., 296-17-594 Classification 3602 Electronic parts mfg., 296-17-599 Classification 3701 Chemical mixing, 296-17-604 Classification 3708 Cotton/textile goods mfg., 296-17-606 Classification 3802 Cloth goods mfg., 296-17-619 Classification 4002 Milk processing, 296-17-620 Classification 4101 Printing, 296-17-622 Classification 4103 Newspapers, 296-17-628 Classification 4109 Sign painting - shop, 296-17-634 Classification 4305 Solid waste hauling, 296-17-643 Classification 4802 Berry farms, 296-17-644 Classification 4803 Orchards, 296-17-645 Classification 4804 Poultry farms, 296-17-646 Classification 4805 Nurseries, 296-17-649 Classification 4808 Field crops, 296-17-64901 Classification 4809 Flower raising, 296-17-64902 Classification 4810 Vegetable farms, 296-17-64903 Classification 4811

Hop farms, 296-17-64904 Classification 4812 Fish hatcheries, 296-17-64905 Classification 4813 Vineyards, 296-17-651 Classification 4902 State government - office, 296-17-654 Classification 4905 Hotels and motels, 296-17-659 Classification 5001 Logging, 296-17-66002 Classification 5004 Reforestation, 296-17-67601 Classification 5208 Metal work, 296-17-67602 Classification 5209 Heavy metal work, 296-17-677 Classification 5301 Accounting/bookkeeping firms, 296-17-67901 Classification 5307 State government, N.O.C., 296-17-680 Classification 6103 Schools - office and teachers, 296-17-681 Classification 6104 Schools - custodians, 296-17-687 Classification 6201 Funeral homes, 296-17-692 Classification 6206 Golf courses, 296-17-693 Classification 6207 Carnivals, 296-17-694 Classification 6208 Carnivals, 296-17-695 Classification 6209 Campgrounds, 296-17-699 Classification 6304 Department stores, 296-17-700 Classification 6305 Clothing stores, 296-17-701 Classification 6306 Furniture stores, 296-17-703 Classification 6308 Jewelry stores, 296-17-704 Classification 6309 Hardware stores, 296-17-706 Classification 6402 Grocery stores, 296-17-707 Classification 6403 Mini markets, 296-17-708 Classification 6404 Florists, 296-17-709 Classification 6405 Tire stores, 296-17-710 Classification 6406 Retail stores, N.O.C., 296-17-711 Classification 6407 Wholesale stores, 296-17-712 Classification 6408 Farm machinery dealers, 296-17-717 Classification 6504 Welfare special works, 296-17-719 Classification 6506 Photo studios, 296-17-723 Classification 6601 Security guard services, 296-17-727 Classification 6605 Musicians, 296-17-741 Classification 6801 Airlines - scheduled - flight crew, 296-17-742 Classification 6802 Airlines - scheduled - ground crew, 296-17-746 Classification 6901 Volunteers, 296-17-747 Classification 6902 Logging road construction, 296-17-753 Classification 6908 Paper bag mfg., 296-17-756 Classification 7103 State government-law enforcement, 296-17-76207 Classification 7116 Temporary help - flagging - utilities, 296-17-76209 Classification 7118 Temporary help - flagging - construction, 296-17-763 Classification 7201 State government - health care workers, and 296-17-778 Classification 7308 Dog grooming and pet stores.

Proposed new classifications, WAC 296-17-50603 Classification 0112 Sand and gravel dealers, 296-17-50908 Classification 0210 Paving - streets or roads, 296-17-50910 Classification 0212 Paving, N.O.C., 296-17-50912 Classification 0214 Concrete work, N.O.C., 296-17-50915 Classification 0217 Concrete flatwork, 296-17-50917 Classification 0219 Construction specialty services, 296-17-51101 Classification 0303 Plastering and stucco work, 296-17-51301 Classification 0308 Lawn care, 296-17-52112 Classification 0520 Wallboard taping and texturing, 296-17-52113 Classification 0521 Painting building - interiors, 296-17-53802 Classification 1105 Septic tanks pumping, 296-17-56602 Classification 2204 Coin operated laundries, 296-17-58503 Classification 3411 Car and truck dealers, 296-17-58504 Classification 3412 Auto body shops, 296-17-58505 Classification 3413 Semi truck repair shops, 296-17-58506 Classification 3414 Boat dealers, 296-17-58507 Classification 3415 Mobile home dealers, 296-17-59205 Classification 3513 Rubber goods mfg., 296-17-64999 Classification 4900 Construction superintendent, and 296-17-66004 Classification 5006 Reforestation - machine work.

Proposed classifications to be repealed, WAC 296-17-502 Classification 0102 Concrete construction, 296-17-507 Classification 0109 Reinforcing steel installation, 296-17-50904 Classification 0206 Concrete work, N.O.C., 296-17-530 Classification 0804 Sand and gravel dealers, 296-17-556 Classification 2003 Hide or leather dealers, 296-17-579 Classification 3401 Auto repair garages, and 296-17-605 Classification 3801 Leather goods mfg.

Amending experience rating and base rate tables, WAC 296-17-870 Third party recovery, 296-17-885 Expected loss ratios and D-ratios, 296-17-895 Industrial insurance base rate table, 296-17-915 Evaluation of incurred losses, and 296-17-920 Assessment for supplemental pension fund.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not prepared because there was no negative cost impact to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 51.16.035 requires the Department of Labor and Industries to establish a classification plan and premium rates for all risk classification in accordance with recognized principles of insurance.

Hearing Location: On April 15, at 10 a.m., at the Labor and Industries Auditorium, 7273 Linderson Way S.W., Tumwater, WA; and on April 16, at 10 a.m., at the Wenatchee Red Lion, 1225 North Wenatchee Avenue, Wenatchee, WA.

Assistance for Persons with Disabilities: Contact Classification Services, (360) 902-4776.

Submit Written Comments to: FAX (360) 902-4721, by April 16, 1996.

Date of Intended Adoption: May 31, 1996.

February 21 [20], 1996
Dorette M. Markham
for Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-420 General inclusions. All of the basic classifications in this manual, other than standard exceptions, include certain operations which would be classified separately if they were run as separate business undertakings. These operations are referred to as general inclusions and are included in the scope of each basic classification. The following operations are included in all basic classifications unless they are specifically excluded by the language of the basic classification.

(1) Aircraft travel by employees, other than members of the flying crew.

(2) Commissaries and restaurants for the employers' employees. Provided that such operations conducted in connection with construction, erection, lumbering, or mining operations shall be assigned to Code 3905 "restaurants."

(3) Manufacture of containers, such as bags, barrels, bottles, boxes, cans, cartons, wooden pallets, or packing cases by employees of the employers for use in the employer's operations.

(4) Hospitals, medical facilities, or dispensaries operated by the employers for their employees.

(5) Printing, lithography, or similar operations of the employer when used exclusively for their own products.

(6) Maintenance or ordinary repair of the employer's building or equipment when performed by employees of the employer.

(7) Pick up and delivery when done by employees of the employer in connection with the business of the employer.

(8) Sales of all goods or products being manufactured by the employer.

(9) Warehousing, handling, packing, and shipping when done by an employee of the employer and done in connection with the business of the employer.

(10) Testing or analytical laboratories when done by an employee of the employer and done in connection with the business of the employer.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-440 Standard exceptions. ((The following employments referred to as standard exceptions are to be separately rated unless these employments are specifically included within the scope of a basic classification by use of words such as "including clerical office and outside sales." (Use of the words "clerical office" will also include draftsmen and use of the words "sales personnel" will also include collectors, messengers and corporate officers.) Provided that a division of a single employee's worker hours shall not be permitted between two standard exception classifications or between a standard exception classification and a basic business classification except as provided in the general exclusion rules of this manual.

The standard exceptions are defined below:

(1) Clerical office employees are defined as those employees whose duties are confined to keeping the books or records of the employer, or conducting correspondence or who are engaged wholly in office work where such books or records are kept or where such correspondence is conducted, having no other duty of any nature in or about the employer's premises. If any clerical office employee is exposed to any operative hazard of the business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed. The clerical office classification shall be applied only to persons as herein described who are employed exclusively in separate buildings or on separate floors of buildings or in departments on such floors which are physically separated from all other work areas of the employer by structural partitions and within which no work is performed other than clerical office duties as defined in this paragraph.

(2) Draftsmen will be considered to be clerical office employees when their duties are limited to office work only and who are engaged strictly as draftsmen in such a manner that they are not exposed to the operative hazard of the business. If any draftsman is exposed to any operative hazard of this business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed.

(3) "Sales personnel outside" covered under risk classifications 6301, 6302, and 6303 are defined as those employees engaged in such duties away from the premises

~~of the employer who sell or solicit new accounts or customers for the employer or who service existing accounts or customers for the employer. Provided that no employee shall be assigned to a sales classification code if their duties include delivery, even though they may also solicit or collect. Employees having delivery duties, even if they walk or use public transportation, shall be assigned to the basic classification of the employer.~~

~~(4) Messengers will be considered sales employees, provided the following conditions are met:~~

~~(a) The messenger is used solely by the employer in connection with the administration of the employer's business operation.~~

~~(b) The operation is not provided to the public as a general delivery service.~~

~~(c) The employer's basic classification does not include the standard exception classification designations.~~

~~If all the above conditions do not exist, any employee assigned such duties shall be assigned to the governing classification of the employer when multiple basic classifications are assigned or to the basic classification in the event an employer has only a single basic classification assigned.~~

~~(5) Corporate officers are defined as those employees of a corporation elected and empowered in accordance with the articles of incorporation or bylaws as officers of the corporation who are also shareholders and serve on the board of directors of the corporation and whose duties are limited to administrative, clerical office and outside sales activities for the corporations. Any corporate officer who performs any duty that relates directly to the operational activities of the business shall be assigned to the basic classification(s) of the employer applicable to the work being performed. A corporate officer engaged exclusively in outside sales shall be assigned classification 6303. In no event however will a corporate officer be assigned the clerical office classification 4904.~~

~~With the exceptions of occupations falling within any classification that specifically includes clerical office, inside draftsmen or sales personnel, the following designated occupational classifications shall apply.~~

~~Classification 4904 clerical office employees including inside draftsmen.~~

~~Classification 6303 sales personnel, outside or away from the employer's premises including collectors, counselors, N.O.C., and messengers.~~

~~Classification 6301 automobile, truck, camper, trailer, mobile home, motorcycle and pleasure craft sales personnel.~~

~~Classification 6302 all door to door sales personnel.~~

~~Classification 7101 corporate officers.)~~ The policy (WAC 296-17-310) used by labor and industries to classify workers' compensation risks states in part that "... workers' compensation classification(s) are to be assigned to an employer based on the nature of the employer's business, not the separate employments or occupations of workers found within the employer's business. . . ." There are several exceptions to this general classification policy noted in WAC 296-17-310. One such exception relates to "standard exception" employments. These are types of employments (occupations) in which employees are not exposed to any operative hazards of their employer's business and because they are common to so many businesses special classifications and reporting rules have been established for them.

Through the establishment of special classifications recognition can be made within the rating plan of less hazardous nature of the work being performed by these classes of workers. In addition this practice is consistent with recognized principles of workers' compensation insurance and provides greater rate payer equity to employers. Standard exception employments described in this rule are to be rated (*classified*) separately in all cases unless these employments are specifically included within the scope of the basic classification(s) assigned to an employer. For example classification 5301 (WAC 296-17-677) which applies to "accounting or bookkeeping firms" specifies that it includes clerical office work and outside sales activities. A business assigned this classification (5301) would not be permitted to use any of the standard exception classifications described in subsections (1) through (3) of this section since they are specifically included within the scope of the classification. When the words "including clerical office" appear in any basic classification it will also include "drafting employees" although they may not be specifically mentioned and the use of the words "sales personnel" in any basic classification will include "sales personnel - outside, messengers and corporate officers." Because standard exception employments (*occupations*) exclude exposure to the operative hazards of an employer's business a division of work time between a standard exception classification and a basic classification is not permitted except as otherwise provided in the general exclusion rules (WAC 296-17-430) of this manual. Any employee that is assigned any duty which exposes him or her to any operative hazard of the employer's business is to be assigned without a division of hours to the basic classification of the business when the employer has only a single basic classification assigned, or to the governing classification of the business when multiple basic classifications are assigned to the employer.

(1) Clerical office employees. Clerical office employees who are not specifically included in the basic classification(s) assigned to an employer may qualify to be reported (*classified*) separately under standard exception classification 4904 (WAC 296-17-653) provided that all of the conditions set forth in (a) and (b) of this subsection are met:

(a) Definition of clerical office duties. The duties of a clerical office employee include answering telephones; handling correspondence; computer composition; creation or maintenance of financial, employment, personnel and payroll records; creation or maintenance of computer software; and technical drafting. Cashiering and telephone sales may qualify for this classification (4904) provided that the employee does not handle, show, demonstrate or deliver any of the products sold by the employer and does not provide any retail or wholesale customer service. Similarly the clerical office classification (4904) may still apply to an employee who is required to make bank deposits, pick up mail from or deliver mail to the post office or purchase supplies, provided that such an employee's primary work duties are clerical office duties as defined in this rule.

(b) Definition of a clerical office. A clerical office is a work area which is physically separated from all other work areas of the employer by walls, partitions or other physical barriers and wherein only clerical office work as described in (a) of this subsection is performed. Clerical offices are routinely found on separate floors of buildings or in physi-

cally separate buildings. A clerical office does not include any work area where inventory is located; any work area where products are displayed for sale; or any work area where the purchaser or customer brings the product to for payment. A clerical office must be distinguishable from all other work areas of the employer and must be free from all the operative hazards of the business.

Drafting employees who are not specifically included in the basic classification(s) assigned to an employer may qualify to be rated (*classified*) separately under standard exception classification 4904 (WAC 296-17-653) provided the work they are assigned is performed in a clerical office as defined in subsection (1)(b) of this section and the work consists exclusively of drafting work or clerical office duties as defined in subsection (1)(a) of this section. Any clerical office or drafting employee that is assigned any duty which exposes him or her to any operative hazard of the employer's business is to be assigned without a division of hours to the basic classification of the business when the employer has only a single basic classification assigned, or to the governing classification of the business when multiple basic classifications are assigned to the employer.

(2) Sales personnel - outside. Sales personnel - outside who are not specifically included in the basic classification(s) assigned to an employer may qualify to be reported (*classified*) separately under standard exception classification 6301 (296-17-696), classification 6302 (WAC 296-17-697), or classification 6303 (WAC 296-17-698) provided that all of the conditions set forth in (a) and (b) of this subsection are met:

(a) Definition of sales personnel - outside duties. The duties of a sales personnel - outside employee include soliciting new customers for the employer; servicing existing customer accounts; demonstrating and selling products; completing correspondence; placing orders; public relations; estimating and telephone sales. Although some of the work may be conducted within a clerical office the duties assigned to these standard exception classifications differ significantly in that their principle duties of soliciting new customers, demonstrating products and sales is conducted primarily away from the employers premises or place of business.

(b) Duties prohibited. No employee whose duties include any retail or wholesale customer service such as stocking of shelves, handling inventory, delivery of products, or merchandising of products being sold by the employer shall be assigned to standard exception classification 6301 (WAC 296-17-696), classification 6302 (WAC 296-17-697) or classification 6303 (WAC 296-17-698) even though such employee may have duties described in (a) of this subsection. Any employee whose duties include delivery of goods or products or the handling of merchandise is to be assigned without a division of hours to the basic classification of the business when the employer has only a single basic classification assigned, or to the governing classification of the business when multiple basic classifications are assigned to the employer.

(c) Messengers - outside. Just as a drafting employee may qualify to be rated separately as a clerical office employee, a messenger may qualify to be rated (*classified*) separately under standard exception classification 6303 (WAC 296-17-698) "sales personnel - outside" provided that

all of the conditions set forth in (b)(i) through (iii) of this subsection are met:

(i) The messenger must be used exclusively by the employer in connection with the administration of the employer's business operation for the delivery of interoffice correspondence and/or mail, making deposits or similar duties.

(ii) The messenger service is not provided as a service to the employer's customers or the public as a general or specialty delivery service.

(iii) The employer's basic classification(s) does not include the standard exception designation.

If all of the above conditions are not met, any employee assigned messenger duties is to be assigned to the basic classification of the business when the employer has only a single basic classification assigned or the governing classification of the business when multiple basic classifications are assigned.

(3) Corporate officers. Corporate officers who are not specifically included in the basic classification(s) assigned to an employer may qualify to be reported (classified) separately under standard exception classification 7101 (WAC 296-17-754) provided that all of the conditions set forth in (a) and (b) of this subsection are met:

(a) Definition of corporate officer. For purposes of this rule and classification 7101 (WAC 296-17-754) a corporate officer is defined as any employee who is elected and empowered in accordance with the articles of incorporation or bylaws of the corporation as an officer of the corporation, who is also a share holder in the corporation and serves on the corporation's board of directors.

(b) Definition of corporate officer duties. The duties of a corporate officer rated (classified) under classification 7101 (WAC 296-17-754) include clerical duties as described in subsection (1)(a) of this section, outside sales duties as described in subsection (2)(a) of this section and administrative duties such as hiring staff, attending meetings, negotiating contracts and public relations work.

Any corporate officer who is exposed to any operative hazard of the business or who directly supervise employees that are exposed to any operative hazard of the business shall be assigned to the basic classification of the business when the employer has only a single basic classification assigned or to the governing classification of the business when multiple basic classifications are assigned to the employer. In the event that a corporate officer's duties are limited outside sales activities described under subsection (2)(a) of this section, such an employee may qualify to be rated (classified) separately under classification 6303 (WAC 296-17-698) provided that all of the other conditions set forth in subsection (2) of this section are met. Under no circumstance will classification 4904 (WAC 296-17-653) be assigned to any corporate officer as defined in this rule.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-45003 Special construction industry rule. (1) Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll/time records are

maintained for each such operation and which show in detail the name, rate of pay, and actual hours worked for each employee.

In the event payroll/time records are not maintained to support separate classification assignments the entire number of work hours in question shall be assigned to the highest rated classification which applies to the job site or location where the operation is being performed. The department may upon request by an employer (contractor) prior to the commencement of a contract authorize the use of a single basic classification to cover an entire project.

Selection of the basic classification will be determined by estimating the work hours for each construction operation at the site or location and calculating the premiums by each applicable classification—total estimated premiums will then be divided by the total estimated hours to produce an average rate. The basic classification assigned to the employer that carries the rate nearest to the estimated average rate will be selected provided that if the estimated average rate is equally between two classifications assigned to the employer the lower of the two rates will be selected.

Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location. For example a carpenter employed by a concrete contractor to build foundation forms is to be assigned to a concrete construction classification and not a carpentry classification.

(2) Subcontracted work. The general contractor as defined in RCW 18.27.010, who subcontracts work out to others must ensure that such subcontractors are properly registered and licensed under chapter 18.27 or 19.28 RCW as applicable to avoid being held liable for industrial insurance premiums for such subcontractors (RCW 51.12.070). At the time of audit or within thirty days thereafter the general contractor or specialist contractor as the case may be who has subcontracted work out to others must provide the department's traveling auditors, agents or assistants a list containing the names of such subcontractors, their contractors registration of license number, the expiration date of such registration or license, and their uniform business identifier or industrial insurance account number. Failure by the general contractor or specialist contractor to provide this record at the time of audit may result in a premium assessment being made for each subcontractor used by the general contractor or specialist contractor.

(3) Debris removal. Work hours related to the removal of construction materials equipment or debris from a job site or location by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction work being supported by such clean up personnel. However, if clean up personnel are involved in general job site or location clean up then risk classification 0510 or 0518 will apply as applicable to the job site or location. Employees of a specialist contractor engaged exclusively in debris removal services shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location serviced.

(4) Scaffolding, hoists, and towers. Work hours related to the installation, maintenance or removal of scaffolding, hod hoists, distributing towers, sidewalk bridges, and elevators by employees of a general contractor or specialist con-

tractor are to be assigned to the construction classification applicable to the phase of construction being supported. However, if the scaffolding, hod hoists, distributing towers, sidewalk bridges and elevators being installed supports several phases of construction then risk classification 0510 or 0518 will apply as applicable to the jobsite or location. Employees of a specialist contractor engaged exclusively in work described in this subsection shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location.

(5) Preoccupancy clean up. Work hours related to preoccupancy clean up by employees of a general contractor or specialist contractor are to be assigned to classification 6602 "Janitors, N.O.C." provided that the term "preoccupancy clean up" for purposes of this rule is limited in scope to dusting, washing windows, vacuuming carpets, mopping floors, and cleaning fixtures. A division of individual work hours between classification 6602 and any construction, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy clean up are to be reported in the applicable construction classification.

(6) Shop or yard operations. Construction or erection contractors who maintain a permanent shop or yard operation may report the work hours of such employees in classification 5206, provided that this classification shall not apply to any yard or shop employee during any work shift in which the yard or shop employee has duties subject to another classification or if the classification assigned to the employer requires a separate treatment for shop operations.

(7) Construction superintendent or project manager. Applies to construction superintendents or project managers applicable to both general and specialty contractors for construction or erection projects. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally temporarily stationed at the construction site or project location and confined to a modular type of clerical office to schedule activities and arrival of supplies applicable to the job or project. Construction superintendents and project managers can be assigned classification 4900 provided such employees have no direct control over work crews and are not performing construction labor at the job site or project location. An employee performing superintendent or project manager duties and some type of construction labor or control over a work crew shall not be permitted a division of work hours between classification 4900 and any other construction classification, all work hours are to be reported in the applicable construction classification.

AMENDATORY SECTION (Amending WSR 94-12-051, filed 5/27/94, effective 7/1/94)

WAC 296-17-501 Classification 0101.

Airports, landing strips, runways and taxi ways: Construction ~~((and repair))~~ - including operations such as clearing, grubbing, grading, cut and fill work, and bringing roadbed or project site to grade

Alley and parking lot: Construction - including operations such as clearing, grubbing, grading, cut and fill work, and bringing roadbed or project site to grade ~~((Diking, N.O.C.—including oil spill clean-up involving diking and/or ditching work))~~

Excavation work, N.O.C.

~~((Forest trail construction, fire fighting and slash burning, N.O.C.))~~

Grading work, N.O.C. - including land leveling and grading of farm lands by contractor

Highway ~~((—street and road, N.O.C.: Construction and repair —includes operations such as grading, grubbing, clearing, surfacing, striping, guard rail highway divider installation, highway lighting and highway sign installation))~~ road construction, N.O.C.: Construction - including operations such as clearing, grubbing, grading, cut and fill work, and bringing roadbed to grade

~~((Humus or peat digging—including humus or peat dealers))~~

Land clearing, N.O.C. - including slope grooming

~~((Parking lot striping~~

~~Pit, crusher and bunker operations in connection with road, street and highway construction))~~

Pool or pond excavation

Railroad line: Construction, maintenance and repair, N.O.C., - including the dismantling of tracks and the sale of salvaged track metal and ties

Retaining wall: Construction or repair when done in connection with road, street and highway construction, N.O.C.

~~((Sand, gravel, or shale: Digging, N.O.C.))~~

Tree ~~((topping))~~ care and pruning services, N.O.C. - use of this ~~((subclassification))~~ classification is limited to employers engaged in providing a variety of tree care services such as tree topping and tree pruning. Work performed subject to this ~~((subclassification))~~ classification will generally take place in residential areas, or settings adjacent to roadways, parking lots, business parks, shopping malls. A primary purpose of this work is to remove tree or branch hazards from power lines or building structures. This ~~((subclassification))~~ classification includes all the incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree topping or limbing operation, spraying or fumigating, and debris removal. This ~~((subclassification))~~ classification excludes tree pruning done in connection with an orchard operation which is to be reported separately in classification 4803; tree pruning done in connection with a nursery operation which is to be reported separately in classification 4805; tree ~~((topping))~~ care or tree pruning done in connection with a public or private forest, range land operation which is to be reported separately in classification 5004; or tree pruning done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307.

~~((Tunnels and approaches—including lining, cofferdam work, shaft sinking, and well digging with caisson))~~

This classification excludes asphalt surfacing/resurfacing which is to be reported separately in classification 0210 or 0212; concrete construction which is to be reported separately in the applicable concrete construction classification(s); bridge construction which is to be

reported separately in classification 0201 although such a structure may be constructed as a part of a highway, street or road construction project; logging road construction which is to be reported separately in classification 6902; log railroad construction which is to be reported separately in classification 6902; and tunnels and approaches - including lining, cofferdam work, shaft sinking and well digging with caisson done in connection with dam construction which is to be reported separately in classification 0701.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-503 Classification 0103.

Drilling, N.O.C. - excluding drilling work done in connection with a construction project which is to be reported separately in the classification applicable to the phase of work being supported

Geophysical exploration, seismic detection of the mechanical properties of the earth.

~~((See construction classification applicable to work being done, for drilling done in connection with construction work.))~~

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-505 Classification 0105.

Fence erection or repair(—): All types, N.O.C.

Parking meter: Installation(—report) - excluding parking meter mechanism service or repair which is to be reported separately in ((risk)) classification 0606 ((WAC 296-17-526)), "vending or coin-operated machine service(—)"

Placement of wire mesh on slopes for slope protection.

NEW SECTION

WAC 296-17-50603 Classification 0112.

Commercial production of sand, gravel and processing clay and stone products including rock crushing

Humus or peat digging

Pit, crusher and bunker operations in connection with road, street and highway construction

Sand, gravel, or shale: Digging, N.O.C.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-508 Classification 0201.

Bridge, trestle, overhead crossing, viaducts, construction, maintenance and repair including the foundations and approaches

Breakwater, jetty, levee, construction, maintenance and repair

Bulkhead retaining walls, construction, maintenance and repair, riprapping - all water hazard

Concrete culverts or other types over 12 feet

Diking, N.O.C. - including oil spill clean-up involving diking and/or ditching work

Tunnels and approaches - including lining, cofferdam work, shaft sinking, and well digging with caisson
Undercrossings and approaches - including lining.
~~((Debris removal and other work with water hazard, N.O.C., will be rated under bulkhead construction with water hazard.))~~

NEW SECTION

WAC 296-17-50908 Classification 0210.

Construction: Asphalt paving or surfacing - streets or roadways

This classification covers all forms of asphalt paving, repaving, surfacing, resurfacing, and sawing or cutting operations performed in connection with highway, street or roadway projects.

NEW SECTION

WAC 296-17-50910 Classification 0212.

Construction: Asphalt paving or surfacing, N.O.C.

This classification covers asphalt paving, repaving, surfacing, resurfacing, and sawing or cutting operations not in connection with highway, street or roadway projects such as but not limited to parking lots, alleys, runways, landing strips, driveways, walking paths, bicycle trails, tennis courts, playgrounds, and golf cart paths.

NEW SECTION

WAC 296-17-50912 Classification 0214.

Construction: Concrete paving and repaving - streets or roadways

Construction: Concrete curbs, gutters, and sidewalks - streets or roadways

Construction: Concrete median walls and retaining walls - streets or roadways

Construction: Concrete sawing, drilling and cutting - streets or roadways

This classification includes the set-up and tear down of forms, pouring, and finishing of concrete operations performed on or in connection with highway, street or roadway projects.

NEW SECTION

WAC 296-17-50915 Classification 0217.

Construction: Concrete flatwork, N.O.C.

Construction: Concrete foundation and flatwork of wood structural buildings

Construction: Concrete sawing, drilling and cutting, N.O.C.
This classification applies to concrete foundation and flatwork in connection with wood structural buildings not to exceed three stories in height and includes the set-up and tear down of forms, pouring, and finishing of concrete footings, stem walls, floor pads, cellar or basement floors, garage floors, sidewalks, walkways, driveways, patios and swimming pools. This classification also includes other types of concrete flatwork such as sidewalks, walkways, pathways, swimming pools, and curbs and gutters including the set-up and tear down of forms, placement of reinforcing steel or wire

mesh, pouring and finishing. This classification includes concrete sawing, drilling, and cutting unless specified elsewhere

This classification excludes all concrete work contained within a concrete, masonry, iron or steel frame building or structure such as the foundation, floor slabs, precast or poured in place bearing floors or wall panels, columns, pillars, metal erection or any other portion of the building or structure itself. This classification also excludes all concrete or asphalt work such as sidewalks, curbs, gutters, retaining walls, and sawing or cutting operations performed on or in connection with highway, street or roadway projects.

NEW SECTION

WAC 296-17-50917 Classification 0219.

Construction specialty services, N.O.C. - including the installation of guardrails, lighting standards and striping.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-510 Classification 0301.

Agricultural sprinkler/irrigation systems, N.O.C.: Above or below ground - installation, service or repair

Landscape ((gardening)) operations: Lawn, tree, shrub and garden

Lawn ((and yard care)) type sprinkler systems installation, service or repair

Landscape work, N.O.C.

~~This classification ((includes all work related to employers engaged in landscaping or lawn and yard care such as planting or replanting a lawn, including mixing and spreading top soil, seeding or sodding, chemical spraying or fertilizing; all lawn care such as mowing, edging, and thatching; planting and caring for trees, shrubs, and plants; installing, servicing, or repairing underground lawn or landscape sprinkler systems; weeding flower beds; spreading decorative rock or garden bark; and the construction of incidental arbors or trellis and rock or brick paver walkways when done in connection with landscaping or lawn care project or contract~~

~~This classification also includes the installation, service, and repair of above and below ground agricultural sprinkler/irrigation systems; and the planting, spraying or fumigating trees, shrubs, and plants when done separate from and not in connection with or incidental to tree care services and care of landscape for the beautification of median strips and roadsides~~

~~This classification excludes chemical spraying by aircraft which is to be reported separately in classification 6903; land clearing or grading operations which are to be reported separately in classification 0101; construction or maintenance of ditches or canals which are to be reported separately in classification 0108; tree care services by contractor which are to be reported separately in risk classification 0106; or contract forest and range land service activities for public or private landowners are to be reported separately)) applies to new landscape construction or renovation projects such as the laying out of the grounds, mixing or spreading of~~

top soil, planting or replanting grass from seed or sod, planting of trees and shrubs, spreading bark or decorative rock, and the construction of incidental arbors, trellis, or concrete borders.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-511 Classification 0302.

Brick, block, rock and slate work, N.O.C. Masonry, N.O.C., including chimney and fireplace construction.
~~((Plastering and stuccoing work outside, N.O.C.))~~

NEW SECTION

WAC 296-17-51101 Classification 0303.

Plastering, stuccoing and lathing buildings - interior and exterior work, N.O.C.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-512 Classification 0306.

Boilers, N.O.C., installation, service or repair including boiler scaling and tank erection within buildings

Hot water heater - installation, service, or repair

Plumbing, N.O.C.; including incidental side sewer hook ups (street to house) when performed by a plumbing contractor subject to this classification, and only when it is performed as a part of a plumbing contract which includes installation of water lines and waste carry systems within a building; and sewer pipe cleaning including services provided by Roto Rooter or similar service providers engaged in line cleaning or unplugging. Side sewer hookups done as a separate contract is to be reported separately ((reported)) in classification 0101 "excavation"

Pump installation, service or repair, N.O.C.

Sprinkler installation - automatic

Steam pipe, boiler, etc., covering insulation

Water softening or treatment systems - installation of new equipment systems.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-513 Classification 0307.

Ventilating, air conditioning and refrigeration systems, installation, service and repair, N.O.C.

Furnaces, installation, service and repair including duct work cleaning

Heating systems, installation, service and repair including solar heating systems

Wood stove installation excluding masonry work ~~((rated under risk))~~ which is to be reported separately in classification 0302 ((WAC 296-17-511))

See ~~((risk))~~ classification 3404 ~~((WAC 296-17-582))~~ for sheet metal shop work.

NEW SECTION**WAC 296-17-51301 Classification 0308.**

Chemical spraying and fumigating

Lawn care: Maintenance

Lawn care is limited to maintenance or care of established lawns and gardens. Work activities include mowing and thatching lawns, edging, weeding flower beds, raking, rototilling gardens, application of fertilizers, and spraying and trimming of shrubs. This classification includes minor landscape renovation and/or restoration activities incidental to and performed as part of the landscape maintenance contract of an existing lawn or landscape such as the removal and replacement of plants, turf repair or reseeded of grass, and the addition of topsoil or bark

This classification also includes the maintenance and cleaning of lawn type sprinkler systems which is incidental to the lawn care maintenance contract but excludes installation or repair of lawn and/or irrigation sprinkler systems

This classification excludes new landscape construction and installation operations which are to be reported separately in classification 0301. Classifications 0308 and 0301 may be assigned to the same business as set forth in WAC 296-17-410 provided accurate records are maintained which distinguishes lawn care maintenance and restoration contracts from new landscape construction and installation contract projects.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-517 Classification 0502.

Rug, linoleum, tile and other types of floor or drainboard covering installation excluding hardwood floor installation ~~((rated under risk))~~ which is to be reported separately in classification 0513.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-519 Classification 0504.

~~((Cleaning, washing, and/or sandblasting buildings, N.O.C.—including shop operations~~

~~Painting bridges, including incidental preparation work~~

~~Painting, coating or cleaning oil or gas storage tanks, beer vats, and sewage treatment tanks~~

~~Painting, decorating or paperhanging, N.O.C., including incidental preparation, including shop~~

~~Painting towers, smokestacks and steel or iron structures~~

~~Plastering, stuccoing, and lathing buildings—interior work~~

~~Sandblasting, N.O.C., including shop operations~~

~~Wallboard taping and texturing, excluding wallboard installation rated under risk classification 0515 (WAC 296-17-52107)~~

~~Water proofing, N.O.C., excluding roofing or subaqueous work.))~~

Painting: Building exteriors, N.O.C.

Painting: Structure exteriors, N.O.C.

Pressure washing services, N.O.C. - buildings or structures

Sandblasting, N.O.C. - buildings or structures

Waterproofing, N.O.C. - buildings or structures

This classification involves painting the exterior of buildings or structures and includes all preparation work such as the set-up of scaffolding or power lifts, pressure washing, sandblasting, taping or masking, clean up work and shop operations related to such projects described by this classification. This classification also includes cleaning of gas or oil storage tanks and beer vats.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-52002 Classification 0507.

Roofwork, all types, construction and repair

~~((This classification excludes))~~ Roof cleaning and moss removal ((which)) is to be reported separately under ((risk)) classification 6602 ((WAC 296-17-724)) provided such service is not incidental to or part of a roofing contract. For purposes of this rule the term "roofwork" will include repairs to the subroof such as replacement of trusses, rafters, supports, sheathing, etc., but will not include the placement of trusses, rafters, or sheathing on new building construction.

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-52103 Classification 0511.

Glass installation in buildings((-))

This classification includes installation of window/door glass, plastic, or similar materials; skylights, mirrors, storm windows, and window sashes in buildings and residences. ~~((Report))~~ Installation of auto glass is to be reported separately in ((risk)) classification 1108 ((WAC 296-17-53805)) "glass merchants."

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-52104 Classification 0512.

Asbestos abatement - all operations

Insulation or soundproofing materials installation, N.O.C.

This classification includes installation of weather strip and caulking, roof or soffit ventilators, energy-efficient doors and related carpentry work done in connection with the weatherization or retrofitting of buildings and residences. ~~((Report))~~ Installation of windows is to be reported separately in ((risk)) classification 0511 ((WAC 296-17-52103)) "glass installation—buildings" and energy auditors with no installation or delivery duties are to be reported separately in ((risk)) classification 6303 ((WAC 296-17-698)) "outside sales—estimators."

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-52107 Classification 0515.

Wallboard installation

This classification excludes taping and texturing work which is to be reported separately in ~~((risk))~~ classification ((0504)) 0520 "wallboard taping and texturing."

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-52110 Classification 0518.

Building construction, N.O.C., including alterations
 Carport construction - metal: Erection
 Concrete construction, N.O.C. - including alterations
 Service station canopy - metal: Erection

This classification applies to concrete, iron and steel work in connection with nonwood structural buildings and other construction projects such as but not limited to nonwood structural buildings of single or multiple stories, waste treatment and waste disposal plants, fish hatcheries and stadiums. This classification includes such activities as the set-up and tear down of forms, pouring and finishing of concrete, standing or raising of precast concrete portions, and raising and securing of metal frames or members.

NEW SECTION

WAC 296-17-52112 Classification 0520.

Wallboard taping and texturing
 This classification includes incidental painting when performed by employees of an employer whose work is subject to this classification, but excludes wallboard installation work which is to be reported separately in classification 0515.

NEW SECTION

WAC 296-17-52113 Classification 0521.

Painting: Building interiors
 This classification includes decorating and hanging wallpaper, and all preparation work such as the set-up of scaffolding, taping or masking, clean up and shop operations.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-524 Classification 0603.

Commercial equipment installation, service and repair
 Dynamos: Installation, service and repair including electrical generators and turbines
 Engines and gas machines: Service and repair including installation, replacement of drive belts, erection of shafting
Industrial plant maintenance by contractor such as but not limited to paper mills, refineries, food processing plants and manufacturing plants
 Machinery: Installation, service and repair - including installation and repair of escalator and conveyor systems, printing presses, and commercial laundry equipment N.O.C. and millwright work, N.O.C.
 Playground equipment - metal: Installation and repair
 This classification includes the dismantling of all the above types of machinery ~~((and will also include plant maintenance by contractor which will be rated as millwright work)).~~

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-526 Classification 0606.

Amusement devices, N.O.C.: Installation, service, repair, and removal - coin-operated in stores and shopping malls
 Coin-operated machines - money collecting service
 Fire extinguisher sales and service
 Vending or coin-operated machines ~~((,-operation,))~~: Installation ~~((maintenance and service))~~, service, repair and removal - includes product preparation by vending company employees but ~~((This classification))~~ excludes honor snack food services which ~~((with))~~ are to be reported ~~((under risk))~~ separately in classification 1101 "driver delivery sales," provided that in the event ~~((such an operation))~~ that an honor snack food service is conducted as a part of and in connection with an operation ~~((rated in))~~ subject to this classification (0606), ~~((risk))~~ classification 0606 will be assigned to cover both operations.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-527 Classification 0607.

Advertising display set-up service ~~((for stores))~~ within buildings by nonstore employees
Car stereo, two way radio, and cellular phone system - installation, service and repair within vehicles
 Dead bolt lock set: Installation - new construction by locksmith or contractor
~~((Drapes or curtain: Installation~~
~~Household appliances - electrical: Installation, service and repair))~~ Drapery or curtain rod: Installation - including the hanging of drapes and curtains
Household appliances: Used or second hand dealers - including installation, service and repair
Household appliances: Installation, service and repair by nonstore service and repair company
 Meat slicer or grinder: Installation, service and repair
 Rubber dock bumper: Installation, service and repair
 Safes and vaults: Installation, service, repair and removal
Television and radio receiving sets: Installation, service and repair
 Television antenna or satellite disc dish: Installation, service and repair
~~((Venetian))~~ Window blinds and shades: Installation, service and repair.
~~((This classification will include installation, service and repair of radio and television receiving sets, two way radio, car stereo systems and radio television repair.))~~

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-528 Classification 0701.

Dam construction, all operations in dams site area
 This classification only applies to new dam construction ~~((only))~~ - all other ~~((activities))~~ work is to be reported separately ~~((rated))~~ in the applicable construction class or classes.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-529 Classification 0803.

Cities and towns, excluding municipal power and transit systems, law enforcement officers and fire fighters

This classification excludes clerical office (~~(-sales)~~) and administrative office personnel (~~(and white collar employees rated under risk)~~) which are to be reported separately in classification 5305 (~~((WAC 296-17-678))~~).

AMENDATORY SECTION (Amending Order 89-21, filed 12/8/89, effective 1/8/90)

WAC 296-17-534 Classification 1002.

Mills: Shake and shingle - automated processes

For purposes of this (~~(subclassification)~~) classification, automated processes refers to shake and shingle mills equipped with automatic feeders on all saws, adjustable packing and cutting stations, and fully automatic systems for conveying material to work stations. All equipment must be equipped with automatic shut off switches. Within a shingle mill the operation of a trim saw must be performed by an individual as a separate function from that of the shingle saw operator (shingle sawyer is not to perform both functions). Shake splitters must be equipped with a gauge control mechanism which permits the operator to automatically set the thickness of the cut. Conveyor systems must have dual controls to allow the deckman and sawyer the ability to control incoming material to the work station.

Block mills must be equipped with an automated pallet dump to eliminate the handling of material to the sawyer work station or an adjustable scissor lift adjacent to the shingle saw or shake splitter. Blocked wood purchased by mills must be contained in pallets prior to entering the mill yard or premises. Log mills must be equipped with a fully mechanized log slip (used to move logs into the deck area), log levelers, stabilizers, and lifters must be present in the deck area, automatic deck cut-off saw, live deck for moving material from the deck to the splitting area and overhead mounted splitters. Trim saws, also referred to as clipper saws, must be equipped with a laser guide or quartz light. This lighting reveals to the operator where its saw blade is in relationship to the material being processed.

For purposes of this (~~(subclassification)~~) classification, the following terms or words shall be given the meanings below:

Automatic deck or cut-off saw - A large saw, usually circular, used to trim logs to a specified length (rounds) before they enter a manufacturing plant.

Clipper saw - A machine used to make shingle edges parallel.

Shingle - Roofing or siding material having sawn faces and backs, are of a standard thickness at the butt end and tapered finish at the other end.

Shake - Roofing or siding material having at least one surface with a natural grain textured split surface.

Live deck - A chain driven platform located in the same proximity as the deck saw and is used to convey cut rounds from the cutting area to the splitting area.

Log stabilizer - A levered device adjacent to the deck saw used to hold the log steady while it is being cut.

Log slip - A chain driven conveyor used to move logs into the deck area.

Laser or quartz guide light - An overhead mounted light above a saw that illuminates that portion of a work surface where the saw blade will pass or make a cut.

Log leveler - A levered device adjacent to the deck saw used to level a log automatically.

Overhead splitter - A ceiling mounted hydraulic, air or electrically operated apparatus with wedge shaped end that is used to split log rounds into block wood when activated by the splitterman.

Shingle saw - A machine used to make shingles.

Shake splitter - A machine used to split blocks into shake blanks.

Shake saw - A machine used to saw shake blanks into a finished wedged shape product.

Shake and shingle mills not meeting all the conditions as set forth above shall be separately classified in classification 1005 "Shake and shingle mills, N.O.C."

Sawmills, operation and maintenance

This (~~(subclassification)~~) classification excludes operations conducted in the woods (~~(rated under risk)~~) which is to be reported separately in classification 5001 (~~((WAC 296-17-659))~~) "logging, N.O.C."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53501 Classification 1004.

Log storage and log sorting yards (~~(independent from logging operations rated under risk classification 5001 (WAC 296-17-659))~~) - excluding log storage or sorting yards operated in connection with all logging operations and by an employer whose operations are subject to either classification 5001 or 5005

This classification (~~(does not include any)~~) excludes all log trucking operations ((that are)) conducted outside of the log storage and log sorting yards.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53502 Classification 1005.

Shingle mills, operations and maintenance

Shake mills, operations and maintenance

This classification excludes operations conducted in the woods (~~(rated under risk)~~) which is to be reported separately in classification 5001 (~~((WAC 296-17-659))~~) "logging, N.O.C."

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-536 Classification 1101.

~~((Armored car service))~~

Automobile delivery drive away, automobile repossessing

Computer tape/accounting records delivery service

Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.

Delivery companies, deliver parcels and packages, no bulk merchandise
 Distribution of sample merchandise by vehicle
 Driver delivery sales, N.O.C.
 Drivers of sound trucks
 News agents or distributors of magazines, periodicals and telephone books, no retail dealer
 Route food services, ~~((excludes))~~ excluding food preparation which is to be reported ((under risk)) separately in classification 3905 ((WAC 296-17-618))
~~((Septic tank pumping, excludes installation, repair or cleaning~~
~~Street sweeping, parking lot sweeping, portable chemical toilets servicing))~~
 Street vending vehicles.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-538 Classification 1103.

~~((Coal merchants, solid fuel yards, firewood dealers, excludes operations subject to risk classification 1004 (WAC 296-17-53501), risk classification 1702 (WAC 296-17-549), risk classification 1703 (WAC 296-17-550), risk classification 5001 (WAC 296-17-659).))~~
Beauty bark dealers: Yard operations - excludes bark grinding operations which are to be reported separately in classification 2903
Composting services: Yard operations including mulching and chipping vegetative matter
Coal and solid fuel dealers: Yard operations - excludes mining or digging operations which are to be reported separately in the applicable classification
Firewood dealers: Yard operations - excludes firewood cutting in the woods which is to be reported separately in classification 5001
Pallet recycle service: Yard operations - excludes pallet manufacturing, assembly or repair which is to be reported separately in classification 2903
Peat or humus dealers - excluding digging operations which are to be reported separately in classification 0112
Top soil dealers: Yard operations
This classification includes delivery when performed by employees of an employer subject to this classification.

NEW SECTION

WAC 296-17-53802 Classification 1105.

Portable chemical toilet service
 Septic tank pumping services - installation and repair of septic systems are to be reported separately in classification 0108
 Street or parking lot sweeping services
 Vacuum truck services such as but not limited to recovery of waste oil, cleaning solvents and antifreeze
 This classification includes the related disposal of waste products which are recovered by establishments subject to this classification; and maintenance of vehicles and equipment unless another classification treatment is provided for by the rules in this manual.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53803 Classification 1106.

Rental stores N.O.C.

~~((This classification includes clerical office and sales personnel.))~~

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-53805 Classification 1108.

Auto glass merchants

Glass merchants - including bending, grinding, beveling, silvering or tempering of plate or sheet glass
~~((Report))~~ Glass frosting, etching, beveling including cutting
This classification excludes the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop ((in risk)) which are to be reported separately in classification 0511 ((WAC 296-17-52103)).

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-53806 Classification 1109.

~~((Auto))~~ Automobile or truck towing companies
Automobile or truck towing, N.O.C.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-539 Classification 1301.

Bridge tenders, electrically operated bridges, vehicular tunnels operation
 Electric light and power cooperatives
 Electric light and power plants, cities, towns and counties
 Electric light and power public utility districts
 Electric systems, N.O.C.
 Steam heat and power plants
 This classification includes extension of lines and meter readers when done by employees of employers having operations subject to this classification
 This classification excludes contractors engaged in underground line construction, maintenance or repair ~~((subject to risk))~~ which are to be reported separately in classification 0107 ((WAC 296-17-50601)); contractors engaged in overhead line construction, maintenance or repair ~~((subject to risk))~~ which are to be reported separately in classification 0509 ((WAC 296-17-52101)); and contractors engaged in wiring within buildings ~~((subject to risk))~~ which are to be reported separately in classification 0601 ((WAC 296-17-522)).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-540 Classification 1303.

Telegraph companies, all other employees, operation and maintenance, extension of lines
 Telephone companies, all other employees, operation and maintenance, extension of lines

This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in underground line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0107 (~~((WAC 296-17-50601))~~); contractors engaged in overhead line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0509 (~~((WAC 296-17-52101))~~); and contractors engaged in wiring within buildings (~~(subject to risk)~~) which are to be reported separately in classification 0608 (~~((WAC 296-17-52701))~~).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-54101 Classification 1305.

Television cable companies, operation and maintenance, extension of lines all outside employments

This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in underground line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0107 (~~((WAC 296-17-50601))~~); contractors engaged in overhead line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0509 (~~((WAC 296-17-52101))~~); and contractors engaged in wiring within buildings and telecable hookups within buildings (~~(subject to risk)~~) which are to be reported separately in classification 0601 (~~((WAC 296-17-522))~~).

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-545 Classification 1501.

Counties and taxing districts, N.O.C., all other employees
Housing authorities, local public, all other employees including meter readers

Indian tribal councils, all other employees

This classification excludes public utility districts subject to (~~(risk)~~) classification 1301 (~~((WAC 296-17-539))~~) and 1507 (~~((WAC 296-17-546))~~); bus or transit services subject to (~~(risk)~~) classification 1404; port districts subject to (~~(risk)~~) classification 4201 (~~((WAC 296-17-629))~~); library districts, museum districts and school districts subject to (~~(risk)~~) classifications 6103 (~~((WAC 296-17-680))~~) and 6104 (~~((WAC 296-17-681))~~); hospital districts subject to (~~(risk)~~) classification 6105 (~~((WAC 296-17-682))~~); fire fighters subject to (~~(risk)~~) classification 6904 (~~((WAC 296-17-749))~~); and law enforcement officers subject to (~~(risk)~~) classification 6905 (~~((WAC 296-17-750))~~)

This classification also excludes clerical office and white collar employees.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-546 Classification 1507.

Irrigation ditches, operation, repair and maintenance when done by employees of firms subject to this classification
Waterworks including extension of lines and meter readers when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in waterline construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0107 (~~((WAC 296-17-50601))~~); and contractors engaged in ditch or canal construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in either classifications (~~0108 (WAC 296-17-50602))~~) 0108 or 0201 as applicable.

AMENDATORY SECTION (Amending Order 87-33, filed 3/1/88)

WAC 296-17-55201 Classification 1802.

Aluminum smelting: Primary smelting of aluminum from alumina using an electrolytic reduction process((-))

This classification includes the alloying and casting of sheet ingots, T-ingots, rolling ingots, notched ingots, sows, pigs, extrusion logs, extrusion billets, and other primary production shapes when performed by a primary producer subject to this classification

This classification excludes secondary processors who do not reduce aluminum from alumina, but whose principle business is casting, rolling, extruding, foiling, or recycling aluminum and aluminum alloys from molten aluminum, primary production shapes or used scrap and dross which are reported separately in (~~(risk)~~) classification 1801.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-555 Classification 2002.

Freight handler services - packing, handling or shipping merchandise N.O.C.

Refrigeration car - loading, unloading or icing

This classification also includes employees engaged in repackaging of goods from damaged containers((-))

This classification excludes drivers or other employees with driving duties which are to be reported separately (~~(under risk)~~) in classification 1102 without a division of work hours.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-561 Classification 2008.

Warehouses-field bonded, including clerical office at such location

This classification excludes drivers which are to be reported separately (~~(rated under risk)~~) in classification 1102 (~~((WAC 296-17-537))~~).

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-56101 Classification 2009.

Building material dealers, warehouse centers, home improvement centers, and lumber yards

Electrical supply dealers

Farm supply stores

Hardware stores with lumber or building material supplies

Pump, plumbing, irrigation (~~((pipe,))~~) and pipe supply dealers:
Includes pump repair if done in shop

For the purposes of this rule the term "building materials" includes but is not limited to such items as wallboard, roofing, insulation, sheet metal, bricks, blocks, windows, etc.

This classification includes all store and yard operations with inventory of building material, lumber and lumber products. Such stores may also carry a variety of hardware items, hand and power tools, paints, floor coverings, garden supplies, housewares, and similar types of products. Transfer of product or material inventory between related stores is included within this classification

This classification excludes delivery drivers (~~((which))~~) who are to be reported separately (~~((rated under risk))~~) in classification 1101 "delivery-stores: Retail/wholesale." This classification further excludes all other activities conducted away from the (~~((shop))~~) store or (~~((plant operation))~~) yard.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-562 Classification 2101.

Grain milling, feed mills, feed manufacture - including preparation of cereal or compound feeds for livestock

Flour mills

Hay, grain or feed dealers

Hop pellet manufacturing

Seed merchants including operation of seed sorting machinery.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-563 Classification 2102.

Grocery, fruit or produce distributors, wholesale or combined wholesale and retail. Drivers (~~((will))~~) are to be reported separately (~~((rated under risk))~~) in classification 1101 (~~((WAC 296-17-536))~~) "delivery by combined wholesale and retail stores"

Recycle, collection and receiving stations, and dealers of rags, bottles, paper and metal containers, N.O.C. including cashiers and attendants but excludes, (~~((no))~~) junk dealers. Drivers (~~((will))~~) are to be reported separately (~~((rated under risk))~~) in classification 1102 (~~((WAC 296-17-537))~~) "trucking, N.O.C."

Warehouses - general merchandise(~~((Wholesale dealers to be separately rated. Drivers will be separately rated under risk classification 1102 (WAC 296-17-537) trucking, N.O.C.))~~) - excluding wholesale dealers which are to be reported separately in the applicable classifica-

tion; and drivers which are to be reported separately in classification 1102 "trucking, N.O.C."

Wool or cotton merchants. Drivers (~~((will))~~) are to be reported separately (~~((rated under risk))~~) in classification 1102 (~~((WAC 296-17-537))~~) "trucking, N.O.C."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-564 Classification 2104.

Fruit packing - fresh

Vegetable packing - fresh

This classification includes cold storage operations (~~((if it is))~~) when conducted (~~((as a part of))~~) in connection with a fruit or vegetable packing operation(~~((s; if a separate distinct operation or business exists, it is to be separately rated))~~)

This classification excludes all canning or freezing operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-56401 Classification 2105.

Beer, ale, wine or soft drink importers, exporters and distributors, wholesale or combined wholesale and retail (~~((This classification is not to be assigned if a business operation is already assigned to report operations subject to risk classification 3702 (WAC 296-17-600).))~~) Classification 2105 and 3702 are not to be assigned to the same establishment unless each operation is conducted as a separate and distinct business and the conditions set forth in WAC 296-17-390 have been met

This classification excludes the installation, service and repair of vending machines which are to be reported separately in classification 0606.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-56402 Classification 2106.

Anhydrous ammonia, fertilizer, and agricultural chemical dealers including incidental mixing of chemicals(~~((=))~~) purchased from others

This classification does not apply to any establishment engaged in the production of raw materials (~~((for use))~~) or chemicals used in the manufacture of the above products.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-565 Classification 2201.

Laundries and dry cleaning establishments all operations including alterations, repair, and drop off stations operated by such establishments

Cleaning and dyeing

This classification is limited to establishments providing services primarily to retail walk-in customers.

NEW SECTION**WAC 296-17-56602 Classification 2204.**

Laundry or dry cleaning: Coin-operated - self service operations.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-567 Classification 2401.

~~((Building and roofing paper including felt- Manufacturing))~~

Corrugated and fiber board container: Manufacturing, including corrugating and laminating of paper

Paper: Coating, corrugating, laminating or oiling

Paper goods: Manufacturing, N.O.C., such as but not limited to counter tops, panels, spiral tubes, milk cartons, and paper-mache items

Paper or pulp: Manufacturing

Wood fiber: Manufacturing.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-568 Classification 2903.

Boat: Manufacturing, repair, or refinish - wood

Box, shoo, pallet, bin: Manufacturing, assembly or repair - wood - including assembly work performed at the customer's place of business

Door, jamb, window, sash, stair, molding and miscellaneous millwork manufacturing(⇄) including prehanging or assembly - wood

Furniture stock manufacturing - wood

Lumber remanufacturing

Sign manufacturing - wood

Truss manufacturing - wood

Veneer products manufacturing

Wood chip, hog fuel, bark, bark flour, presto log and lath manufacturing

Wood products manufacturing or assembly N.O.C.

Sawmill operations are to be reported separately (~~under risk~~) in classification 1002. Veneer manufacturing is to be reported separately (~~under risk~~) in classification 2904

Unless otherwise specified in the (~~subclassification~~) classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-56901 Classification 2905.

Furniture and casket manufacturing or assembly - wood

Furniture refinishing including repair - wood

Furniture refinishing with no repair work is to be reported separately (~~under risk~~) in classification 3603

Physically separated upholstery departments of firms engaged in furniture or casket manufacturing, assembly or finishing may be reported separately (~~under risk~~) in

classification 3808, (~~and in accordance with WAC 296-17-410~~) provided that the conditions set forth in WAC 296-17-410 have been met

Unless otherwise specified in the (~~subclassification~~) classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-57001 Classification 2907.

Cabinet, countertop, and fixture: Manufacturing, modifying or assembly - wood

Unless otherwise specified in the (~~subclassification~~) classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-57003 Classification 2909.

Woodenware: Household and sporting goods manufacturing or assembly, N.O.C.

This classification excludes wood products manufacturing or assembly which are to be reported (~~under risk~~) separately as applicable in classifications 2903, 2905, and 2907

Unless otherwise specified in the (~~subclassification~~) classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-571 Classification 3101.

Ready mix concrete dealers

This classification (~~to~~) includes (~~any miscellaneous operations made up~~) the sale of tools, equipment and incidental building materials (~~sales which is less than twenty five percent of the dollar volume of ready mix concrete sales~~) such as bricks and concrete blocks.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-572 Classification 3102.

Rock wool insulation: Manufacturing - digging or quarrying to be (~~separately rated~~) reported separately in the applicable classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-573 Classification 3103.

Cement manufacturing, lime manufacturing
Lightweight aggregate building or insulation material manufacturing
Perlite, pozzolan, magnesite or expanded shale aggregate manufacturing
This classification excludes digging or quarrying which is to be reported separately (~~rated~~) in the applicable classification.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-57602 Classification 3303.

Meat, fish and poultry dealers, retail
This classification is limited to employers engaged in selling fresh meats, fish and poultry over the counter, by the pound to a retail consumer and who maintain show cases displaying fresh cuts of meat, fish and poultry available for sale by the pound to such consumers
This classification excludes "custom meat cutting facilities" which are (~~subject to risk~~) to be reported separately in classification 4302; and "wholesale meat dealers" (~~subject to risk~~) which are to be reported separately in classification 3304.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-57603 Classification 3304.

Fish processors, packers and repackagers: Wholesale or combined wholesale/retail - excluding cold storage or locker operations when conducted as a separate and distinct business operation
Meat and/or poultry dealers: Wholesale or combined wholesale/retail - excluding slaughter or packing house operations which are to be reported separately in (~~risk~~) classification 4301; and cold storage or locker operations which are to be reported separately when conducted as a separate and distinct business operation.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-580 Classification 3402.

Abrasive wheel manufacturing
Air compressor manufacturing or assembly, elevator manufacturing, gear grinding or manufacturing
Automobile or truck, radiator and heater core manufacturing and repair shops
Auto body manufacturing - truck, trailer, bus body manufacturing, travel trailer body repair
Auto or motorcycle manufacturing or assembly
Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.
Auto or truck parts(=): Machining or rebuild not in vehicle
Battery manufacturing(=): Assembly and repair(=) - storage type
Bed spring or wire mattress: Manufacturing

Confectioners machinery: Manufacturing or assembly(=);
food processing machinery: Manufacturing or assembly(=); precision machined parts, N.O.C.(=): Manufacturing

Coppersmithing, shop

Die castings manufacturing

Furnace, heater or radiator: Manufacturing

Heat treating metal

Lead burning(=); metal spraying - copper

Machinery manufacturing or assembly, N.O.C.

Machine shops, N.O.C.(=) - including mobile shops(=); provided that mobile machine shop operations subject to this classification are limited to the repair of equipment and machinery; tool sharpening; and marine engine repair

Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.

Office machinery: Manufacturing or assembly, N.O.C.(=); cash register and sewing machine: Manufacturing or assembly

Photo processing machinery: Manufacturing or assembly

Power saw, lawn and garden equipment; and small motor: Repair, N.O.C.

Printing or bookbinding machinery: Manufacturing or assembly

Pump manufacturing or assembly(=); safe: Manufacturing or assembly(=); scale: Manufacturing or assembly - including repair(=); auto jack: Manufacturing or assembly(=); water meter: Manufacturing or assembly - including repair

Sand blasting shop including all mediums such as but not limited to glass, plastic or sand

Saw: Manufacturing or assembly

Sewing machine(=): Commercial - repair and rebuild

Shoe machinery: Manufacturing or assembly(=); sprinkler head: Manufacturing or assembly(=); textile machinery: Manufacturing or assembly

Small arms, speedometer and carburetor: Manufacturing or assembly - including rebuild

Tool manufacturing(=): Machine finishing

Tool manufacturing(=): Not hot forming or stamping(=); die manufacturing - ferrous

Valve manufacturing

Welding or cutting, N.O.C. including mobile operations - provided that mobile welding operations subject to this classification are limited to repair of equipment and machinery

Unless otherwise specified in the (~~subclassification~~) classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification; and includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This classification excludes all activities away from the shop or plant. (~~This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated within this classification when the repair is done as a part of and in~~

~~connection with the manufacturing or assembly operation.))~~

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-582 Classification 3404.

- Aluminum ware manufacturing - from sheet aluminum
- Auto or truck parts manufacturing or assembly N.O.C. - miscellaneous stamped parts
- Awning manufacturing or assembly - metal
- Brass or copper goods manufacturing
- Cans manufacturing - aluminum or galvanized
- Coffin-casket manufacturing or assembly, other than wood
- Electric or gas lighting fixtures, lampshades or lantern manufacturing or assembly - metal
- Furniture, shower-door, showcases - not wood - manufacturing or assembly
- Galvanized iron works, manufacturing - not structural
- Hardware manufacturing, N.O.C.
- Metal goods manufacturing, N.O.C., from material lighter than 9 gauge
- Metal stamping, including plating and polishing
- Sign manufacturing - metal
- Ski manufacturing and toboggan manufacturing ~~((other than wood)) - metal~~
- Stove manufacturing, excluding wood stove manufacturing and other stoves made from material 9 gauge or heavier ~~((rated under risk))~~ which are to be reported separately in classification 5209 ((WAC 296-17-67602))
- Water heater manufacturing or assembly
- Window, sash or door manufacturing or assembly - aluminum
- Physically separate upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing may be reported separately ((rated under risk)) in classification 3808 ((WAC 296-17-612), and in accordance with) provided that conditions set forth in WAC 296-17-410 have been met
- Unless otherwise specified in the ~~((subclassification))~~ classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification; and the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This classification excludes all activities away from the shop or plant. ~~((This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated in this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.))~~

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-58201 Classification 3405.

Aircraft parts manufacturing, N.O.C.

For the purpose of this rule; aircraft parts means the component parts making the aircraft operative and becoming part of the aircraft when being manufactured by the aircraft manufacturing company

~~((Provided that))~~ This classification ~~((with))~~ is not ((be assigned)) applicable to an employer who has operations ((rated)) reported in ((risk)) classification 3402 ((WAC 296-17-580)); ((risk)) classification 3404 ((WAC 296-17-582)); ((risk)) classification 3510 ((WAC 296-17-59202)); 3511 ((WAC 296-17-55203)); 3512 ((WAC 296-17-59204)); or ((risk)) classification 5201 ((WAC 296-17-670)) unless such operations are conducted as a distinct and separate business undertaking and ~~((rated in accordance with))~~ the conditions set forth in WAC 296-17-390 have been met

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-583 Classification 3406.

Automobile or truck car washes
 Automobile or truck gas service stations, N.O.C.
 Automobile or truck storage garages - no repair
 This classification includes cashiers who receive payments from customers ~~((and))~~ but excludes portable automobile or truck car washes subject to ~~((risk))~~ classification 6602 ~~((WAC 296-17-724))~~.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-585 Classification 3408.

Gas companies - natural gas including clerical office and sales personnel
 This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification
 This classification excludes contractors engaged in gas line construction, maintenance or repair subject to ~~((risk))~~ classification 0107 ~~((WAC 296-17-50601))~~.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-58501 Classification 3409.

Self service gas stations
 This classification applies to service stations that are completely self service with no employees performing a direct service of any kind to customer's vehicle. Service stations providing direct services of any kind to a customer's vehicle will be ~~((rated under risk))~~ reported separately in classification 3406 ((WAC 296-17-583)) even though such establishments may also have self service gas facilities.

PROPOSED

NEW SECTION**WAC 296-17-58503 Classification 3411.**

Automobile: Dealers - service centers, repair garages and lot personnel

Automobile: Rental agencies - service centers, repair garages and lot personnel

Automobile: Service centers, repair garages and lot personnel

Automobile: Specialty service shops such as but not limited to air conditioning systems, radiator repair, electrical systems, cruise controls, mufflers, brakes, sun roofs

Camper, travel trailer and canopy: Dealers - service centers, repair garages and lot personnel

Motor home or recreational vehicle: Dealers - service centers, repair garages and lot personnel

Motor home or recreational vehicle: Service centers, repair garages and lot personnel

This classification includes the incidental sales of auto replacement parts including related parts counter personnel; and passenger shuttle services done in connection with automobile dealer, rental or repair services

This classification excludes tow truck operations which are to be reported separately in classification 1109 "automobile or truck towing, N.O.C.;" tire sales, installation and repair which are to be reported separately in classification 6405; and sales, service and repair of diesel or gas tractor/semi trucks which are to be reported separately in classification 3413. Establishments assigned to this classification whose operations include a full line auto replacement parts store or full line auto replacement parts department may qualify to have the parts store/department classified separately provided that the parts department employees are not exposed to any operative hazards of the service center or repair garage and all of the conditions set forth in WAC 296-17-390 have been met

For the purpose of this rule a "full line auto parts store or department" is an operation that sells a variety of auto replacement parts as opposed to single product line over-the-counter to nonrepair shop customers. To qualify for this classification "a full line auto parts store or department" must stock and sell all of the following items: Starters, carburetors; fuel injection components; gasket and seals; water pumps; generators; alternators; batteries; head lamps; mufflers and exhaust systems; brake components; oil and fuel filters; lubricants; steering and suspension components; and auto accessories.

NEW SECTION**WAC 296-17-58504 Classification 3412.**

Automobile or truck: Body and fender/collision repair shops - including painting, incidental upholstery work and glass replacement and repair

This classification includes parts department personnel, parts runners and passenger shuttle service when performed by employees of an employer subject to this classification but excludes tow truck operations which are to be reported separately in classification 1109 "automobile or truck towing N.O.C."

NEW SECTION**WAC 296-17-58505 Classification 3413.**

Semi truck: Service centers or repair garages and lot personnel

Bus - passenger type: Service centers or repair garages and lot personnel

Semi tractor: Service centers or repair garages and lot personnel

Farm tractor and equipment: Service centers or repair garages and lot personnel

Construction equipment: Service centers or repair garages and lot personnel

This classification only applies to businesses that provide vehicle and equipment repair services to the general public but is not applicable to an employer who operates or maintains a shop for the repair or maintenance of their own equipment or vehicles or to vehicle and equipment dealers who are to be reported separately in the classification applicable to the employers business or as otherwise provided for in the general reporting rules contained in this chapter. This classification includes parts department personnel and parts runners when performed by employees of an employer subject to this classification but excludes tow truck operations which are to be reported separately in classification 1109 "automobile or truck towing N.O.C."

NEW SECTION**WAC 296-17-58506 Classification 3414.**

Boat dealers - including service centers or repair garages, lot personnel and parts departments

Marinas and boat house operations - including service centers or repair garages, lot personnel and parts departments.

NEW SECTION**WAC 296-17-58507 Classification 3415.**

Modular and mobile home dealers

This classification includes parts department and service center employees; and the sales of campers, travel trailers and truck canopies when conducted in connection with a mobile or modular home dealership or sales agency. Also included within the scope of this classification is the installation of canopies when performed by employees of an employer subject to this classification and mobile or modular home delivery when done by employees of the modular or mobile home dealer. This classification excludes the delivery and set-up of mobile or modular homes by nondealer employees; and all on-site construction activities such as but not limited to pouring foundations, constructing decks, carports or garages, and landscaping which are to be reported separately in the classification applicable to the work being performed.

PROPOSED

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-586 Classification 3501.

Brick or clay products manufacturing, N.O.C.
Refractory products, fireproofing tile, flue lining and roofing tile manufacturing

~~((Sewer tile, drainage tile and tile, N.O.C., manufacturing
Fireclay products manufacturing, foundry crucible
Briquettes manufacturing, peat fuel manufacturing))~~

This classification does not apply to the production of raw materials for use in the manufacture of the above articles.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-590 Classification 3506.

~~((Crane, hoisting service and rigging contractors. This classification excludes operations incidental to risk classifications 0201 (WAC 296-17-508), 0202 (WAC 296-17-509), 0506 (WAC 296-17-52001), 0507 (WAC 296-17-52002), 0508 (WAC 296-17-521), 0509 (WAC 296-17-52101), 0510 (WAC 296-17-52102), 0518 (WAC 296-17-52110), 0604 (WAC 296-17-525), 0701 (WAC 296-17-528) and 5001 (WAC 296-17-659).))~~

Concrete pump truck service - including pump truck control box operator. This classification does not apply to a redi mix concrete dealer that may also provide a concrete pump truck service in connection with concrete delivery which is to be reported separately in classification 3101

Mobile crane and hoisting services; and rigging contractors, N.O.C. This classification does not apply to the construction or erection of nonmobile cranes which are to be reported separately in classification 0508 or to construction or erection contractors that use cranes, hoisting devices or rigging in connection with work covered under a construction classification which are to be reported separately in the applicable construction classification.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-59201 Classification 3509.

~~((Glass frosting, etching, beveling including cutting))
Plaster/concrete statuary or ornament manufacturing.~~

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-59202 Classification 3510.

Artificial marble: Manufacturing

Graphite composite goods: Manufacturing such as but not limited to garden carts, hose reels, auto parts, basketball back boards and fishing poles or rods

Plastic goods: Manufacturing - using processes such as but not limited to blow molding, extrusion vacuum forming, foam molding, rotary molding, liquid molding, and injection molding

Plastic goods, N.O.C.: Manufacturing(~~(, N.O.C.)~~).

NEW SECTION

WAC 296-17-59205 Classification 3513.

Rubber goods, N.O.C.: Manufacturing

This classification includes rubber shredding or pulverizing. This classification excludes the manufacture of synthetic rubber which is to be reported separately in classification 3407, and tire dump operations which are to be reported separately in classification 4305.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-594 Classification 3602.

~~((Camera manufacturing or assembly including repair in shop~~

~~Dental laboratories~~

~~Electric cordset radio and ignition assembly~~

~~Electronic circuit board assembly, N.O.C.~~

~~Electronic products manufacturing; resistors, capacitors, chip and relays manufacturing~~

~~Fishing tackle manufacturing, N.O.C., including assembly~~

~~Incandescent lamp manufacturing, electric tube or transistor manufacturing~~

~~Instrument manufacturing, scientific, medical or professional~~

~~Jewelry manufacturing or engraving~~

~~Magnetic tape manufacturing~~

~~Motion picture projectors manufacturing or assembly including repair in shop~~

~~Musical instrument repair—metal~~

~~Silverware manufacturing, watch case manufacturing~~

~~Sound recording equipment, thermometer and steam gauge manufacturing~~

~~Stereo components manufacturing or assembly~~

~~Tag, button, zipper or fastener manufacturing, bottle cap manufacturing~~

~~Telegraph or radio apparatus manufacturing, N.O.C.~~

~~Telephone set manufacturing or repair, N.O.C.~~

~~Trophy engraving~~

~~Watch manufacturing~~

~~This is a shop or plant only classification although the classification allows for repair work when specified it is contemplated that such repairs are limited to those brought into the shop by the customer or sent through a common carrier. This classification excludes all outside repair work~~

~~This classification does not apply to the production of raw material for use in the manufacturing of the above articles.))~~

Bottle cap manufacturing

Camera or video camcorder manufacturing or assembly - including repair in shop

Compact disc and video tape player manufacturing or assembly - including repair in shop

Dental laboratories

Electronic circuit board assembly, N.O.C.

Electronic ignition assembly

Electronic products manufacturing such as but not limited to resistors; transistors; capacitors; and computer chips

Fishing tackle manufacturing or assembly. For purposes of this rule the term "fishing tackle" is limited to lures; spinners; spoons; flies; plugs; sinkers; artificial bait or

similar items but does not include fishing pole or reel manufacturing or assembly which are to be reported separately in the applicable manufacturing classification(s)

Incandescent lamp manufacturing; electric tube manufacturing

Instrument manufacturing - scientific; medical; or professional

Jewelry manufacturing or engraving

Magnetic tape manufacturing

Motion picture projector manufacturing or assembly - including repair in shop

Musical instrument: Metal type - assembly - including repair in shop

Silverware manufacturing; watch case manufacturing

Sound recording equipment manufacturing

Stereo components manufacturing or assembly

Tag, button, zipper or fastener manufacturing

Thermometer and steam gauge manufacturing

Telegraph or radio component manufacturing or assembly - including repair in shop

Telephone set manufacturing or assembly - including repair

Trophy assembly or engraving

Watch case manufacturing or assembly - including repair in shop

This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification does not include the production of raw materials used in manufacturing the above articles.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-599 Classification 3701.

Ammonia, nitrogen and ammonium nitrate manufacturing
Nitrate recovery from x-ray and photo films
Manufacturing dye and chemicals for tinting candles
Chemical manufacturing, N.O.C., by nitration, alkylation, oxidation, etc. process. This classification includes the manufacturing of chemicals involving, but not limited to, the following chemical processes: Nitration, alkylation, distillation, reduction, oxidation, sulphonation, compression of gasses, halogenation and amidation
Chemical mixing, blending and repackaging only - no manufacturing of ingredients
Cosmetics manufacturing, no manufacturing of ingredients
Drug, medicine or pharmaceutical preparation manufacturing, no manufacturing of ingredients
Oxygen or hydrogen manufacturing, acetylene gas or carbonic acid gas manufacturing
Alcohol manufacturing, distilling, N.O.C.
Polish, dressing, ink or mucilage manufacturing
Extract manufacturing(±) - including distillation of essential oils
Perfumery manufacturing(±) - including distillation of essential oils
~~(Flavoring manufacturing, including distillation of essential oils)~~
Mint distilling
Salt, borax or potash producing or refining
Serum, anti-toxin or virus manufacturing

Paint, varnish or lacquer manufacturing
Putty manufacturing, synthetic resin manufacturing
Acid manufacturing

Candle, crayon and paste manufacturing

This classification excludes hop pellet manufacturing which is to be reported separately in classification 2101.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-604 Classification 3708.

Abrasive cloth preparation
~~((Awning, tent, sail, flag, wind sock or sleeping bag- Manufacturing))~~
Bag or sack - industrial size: Manufacturing ~~((or renovating - cotton, burlap, gunny, nylon, or textile)), N.O.C.~~
~~((Braid, net, plush and velvet, thread, webbing and yarn))~~
Batting, wadding or waste: Manufacturing
Broom and brush: Manufacturing or assembly, N.O.C.
Carpet or rug: Manufacturing - tufting operations
Cordage, rope or twine: Manufacturing
~~((Cotton batting, wadding or waste: Manufacturing~~
~~Cotton cord or cotton twine: Manufacturing~~
~~Fire hose: Manufacturing from linen thread~~
~~Fishing rod wrappings: Manufacturing~~
~~Life preservers and canvas goods: Manufacturing, N.O.C.))~~
Hide dealers
Linoleum, oil cloth or imitation leather: Manufacturing
~~((Match: Manufacturing))~~
Mattress or box springs: Manufacturing - ~~((no manufacturing))~~ excluding the manufacture of wire springs which is to be reported separately in classification 3402, or excelsior which is to be reported separately in classification 2903
~~((Nylon or synthetic goods: Manufacturing, N.O.C.~~
~~Parachutes, suspenders, fur goods and bandages: Manufacturing~~
~~Pillow, quilt or cushion: Manufacturing including stuffed animal or doll manufacturing))~~ Net, thread, webbing, yarn: Manufacturing
Plush, velvet, felt: Manufacturing
Spinning or weaving - natural or synthetic ~~((fibres))~~ fiber, N.O.C.
Styrofoam or foam rubber: Cutting, bonding, laminating, N.O.C. - excluding molding and mixing of rubber or plastic which is to be reported separately in the appropriate manufacturing classification
Taxidermists and hide pelting
Textile bleaching, dyeing, coating, impregnating, laminating, waterproofing, N.O.C.
Textile goods: Manufacturing, N.O.C.
Textile: Manufacturing, N.O.C.
~~((Wader, wet suit, and survival suit: Manufacturing))~~
Wool combing or scouring.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-606 Classification 3802.

Artificial feather or flower: Manufacturing, N.O.C.
~~((Clothing or cloth goods: Manufacturing, N.O.C.~~
~~Cloth printing~~

~~Computer covers and accessories: Manufacturing, N.O.C.—
cotton, nylon, or other textiles~~

~~Dressmaking or tailoring~~

~~Fabric: Coating, impregnating or waterproofing, N.O.C.))~~

Awning or shade: Manufacturing - excluding the
welding of frames which is to be reported separately in
classification 3402

Embroidery services

Garment: Manufacturing

Glove(s): Manufacturing, N.O.C.

Handbag(s) or pack(s): Manufacturing ((~~cotton, nylon,
or other textile~~))

Hand carved or inlaid rug: Manufacturing

Hosiery: Manufacturing

((~~Lace, embroidery, cloth hats, umbrella and draperies:
Manufacturing~~)) Household furnishings, such as draper-
ies, shades, pillows, quilts, sleeping bags: Manufactur-
ing - excluding the manufacture of batting, wadding, or
waste which is to be reported separately in classification
3708

Knitted fabric or garments: Manufacturing

Lace: Manufacturing

Leather goods such as tack, holsters, accessories, sports
balls: Manufacturing

Millinery: Manufacturing

((~~Textiles: Bleaching, dyeing, or finishing new goods, not
garments~~)) Rubber or pliable goods: Manufacturing by
cutting or gluing - excluding rubber molding, shredding,
pulverizing, which is to be reported separately in
classification 3513

Sails or boat covers or tops: Manufacturing

Screen printing

Shoe or boot: Manufacturing or repair - excluding molding
of shoe parts which is to be reported separately in
classification 3513

Tents, tarps: Manufacturing - excluding the welding of
frames which is to be reported separately in classifica-
tion 3402

Textile soft goods such as medical supports, tie downs, craft
items, award ribbons: Manufacturing

Wig making

This classification excludes the tanning of leather and the
dressing of fur which is to be reported separately in
classification 4301; and the installation of goods manu-
factured subject to this classification which is to be
reported separately in the classification applicable to the
installation work being performed.

AMENDATORY SECTION (Amending Order 87-12, filed
5/29/87, effective 7/1/87)

WAC 296-17-619 Classification 4002.

Creameries or milk and milk products processing including
butter, cheese, ice cream, ice cream mix, and condensed
milk

This classification does not include dairy or farming opera-
tions ((subject to risk)) which are to be reported sepa-
rately in classification 7301 ((WAC 296-17-644)).

AMENDATORY SECTION (Amending Order 87-12, filed
5/29/87, effective 7/1/87)

WAC 296-17-620 Classification 4101.

Printing, lithography, engraving, map printing, and silk
screening, N.O.C.

Rubber stamp manufacturing and assembling

Bookbinding

This classification excludes photographic composition or
prepress work such as photographic or computerized
typesetting, layout, paste up, editing and proofreading,
camera work and plate making which ((will)) is to be
reported separately in ((risk)) classification 4904

Any employee involved in printing operations subject to this
classification will be reported in ((risk)) classification
4101 without division of hours.

AMENDATORY SECTION (Amending Order 87-12, filed
5/29/87, effective 7/1/87)

WAC 296-17-622 Classification 4103.

Newspaper publishing

This classification excludes photographic composition or
prepress work such as photographic or computerized
typesetting, layout, paste up, editing and proofreading,
camera work and plate making which ((will)) is to be
reported separately in ((risk)) classification 4904

Any employee involved in printing operations subject to this
classification will be reported in ((risk)) classification
4103 without division of hours

Outside reporters, advertising or circulation solicitors and
photographers with no other duties ((will)) are to be
((rated under risk)) reported separately in classification
6303 ((WAC 296-17-698))

Newspaper publishers with no printing operations will be
governed by WAC 296-17-44001, "business described
by a standard exception classification."

AMENDATORY SECTION (Amending Order 85-33, filed
11/27/85, effective 1/1/86)

WAC 296-17-628 Classification 4109.

Sign painting in shop

Sign painting or lettering inside buildings

This classification does not include painting done in connec-
tion with sign manufacturing ((rated under risk)) which
is to be reported separately in classification 2903
(((WAC 296-17-568); risk)), classification 3404 ((WAC
296-17-582); risk)), classification 3503 ((WAC 296-17-
587);), or ((risk)) classification ((3508 (WAC 296-17-
592))) 3510 as applicable; or painting done in connec-
tion with sign repair ((rated under risk)) which is to be
reported separately in classification 0403 ((WAC 296-
17-516)). Sign erection - outside ((will be rated under
risk)) is to be reported separately in classification 0403
(((WAC 296-17-516))).

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-634 Classification 4305.

~~((Garbage, refuse or ashes collecting))~~
Garbage works, landfill, reduction or incineration operations - including cashiers collecting fees from customers and incidental recycle operation conducted in connection with a landfill or garbage works operation
~~((Radioactive waste landfill))~~ Hazardous waste and toxic material processing or handling, N.O.C.
Solid waste, refuse or ashes collecting - including curbside recycle services
Tire dumps or collection centers.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-643 Classification 4802.

~~((Berry farms))~~
Bulb raising
Farms: Berries - all types
Field vegetable crops, such as bush beans, peas, sweet corn, potatoes, sugar beets, and field carrots which are mechanically harvested
Flower or vegetable seed growing including harvesting of seeds
Flowers: Field growing
Picking of forest products, N.O.C.
This classification excludes fresh fruit or vegetable packing operations ~~((rated under risk))~~ which are to be reported separately in classification 2104 ~~((WAC 296-17-564))~~; and fruit or vegetable cannery or freezer operations ~~((rated under risk))~~ which are to be reported separately in classification 3902 ~~((WAC 296-17-615))~~ unless specifically included by manual language) unless another classification treatment is provided for by other rules.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-644 Classification 4803.

Farms, N.O.C.
Orchards - applies to all deciduous fruit and nut tree crops ~~((deciduous and fruits, nuts, and shall include))~~ including all acreage devoted to the raising of such crops
This classification includes operations incidental to the enterprises described above including harvesting of all crops. However, ground hand picking of prunes and nuts will be reported separately ~~((rated under risk))~~ in classification 4806 ~~((WAC 296-17-647))~~ if the conditions stipulated in that ~~((risk))~~ classification are met
This classification excludes fresh fruit packing operations ~~((rated under risk))~~ which are to be reported separately in classification 2104 ~~((WAC 296-17-564))~~; and fruit cannery or freezer operations or nut processing ~~((rated under risk))~~ which is to be reported separately in classification 3902 ~~((WAC 296-17-615))~~.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-645 Classification 4804.

~~((Poultry raising, egg production and hatcheries Egg grading, candling and packing Fur bearing animals and rabbit raising))~~ Egg grading, candling and packing
Farms: Apiaries
Farms: Aviaries
Farms: Egg production
Farms: Fur bearing animals such as but not limited to rabbit, mink, fox, etc.
Farms: Poultry
Farms: Worms
This classification applies to acreage devoted to the raising of poultry, rabbits and fur bearing animals.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-646 Classification 4805.

Christmas tree sales from u-cut farms or retail sales lots
Farms: Aquatic plants
Farms: Shellfish - excluding mechanical harvesting which is to be reported separately in classification 4808
Farms: Sod growing
Nurseries - including incidental greenhouse operations
This classification applies to all acreage devoted to nursery operations including tree nurseries and sod growing
Classification 4805 and classification 5004 shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses and each business has separate and distinct employees.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-649 Classification 4808.

Alfalfa and clover seed growing
Custom farm services by contractor
Farms: Shellfish - mechanical harvesting
Field crops, N.O.C., including raising of all hay, and cereal grains
Potato sorting and storage, N.O.C.
This classification applies to all operations incidental to the enterprises described above
This classification excludes grain milling operations ~~((rated under risk))~~ which are to be reported separately in classification 2101 ~~((WAC 296-17-562))~~; fresh vegetable packing operations ~~((rated under risk))~~ which are to be reported separately in classification 2104 ~~((WAC 296-17-564))~~; and vegetable cannery or freezer operations ~~((rated under risk))~~ which are to be reported separately in classification 3902 ~~((WAC 296-17-615))~~.

PROPOSED

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-64901 Classification 4809.

Greenhouses, N.O.C.

~~((Flowers—field growing, excluding bulb raising rated in risk classification 4802 (WAC 296-17-643)))~~

Mushroom raising and harvesting

Sprouts raising and harvesting

This classification excludes fresh vegetable packing operations ~~((rated under risk))~~ which are to be reported separately in classification 2104 ((WAC 296-17-564)); and vegetable cannery or freezer operations ~~((rated under risk))~~ which are to be reported separately in classification 3902 ((WAC 296-17-615)).

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-64902 Classification 4810.

Farms - field vegetables(,) and herbs, N.O.C. - including truck gardening for fresh market. This classification includes all ground preparation, growing husbandry and hand harvesting with the aid of a hand held cutting device such as a paring or cutting knife used in the harvest of broccoli or cauliflower and by hand alone as in the case of cucumbers(~~-~~

~~Separately report~~) but excludes ground preparation, growing and harvesting of vegetable crops such as bush beans, peas, sweet corn, potatoes and field carrots which are mechanically harvested ((in risk)) which are to be reported separately in classification 4802 ((WAC 296-17-643)) "Farms: Vegetables - mechanically harvested"; fresh vegetable packing operations which are to be reported separately ((under risk) in classification 2104 ((WAC 296-17-564)); and vegetable cannery or freezer operations which are to be reported separately ((under risk) in classification 3902 ((WAC 296-17-615)).

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-64903 Classification 4811.

Farms: Hops - including cultivating, picking, drying and baling hops ~~((and all other operations incidental to the enterprise described above))~~ at the farm and all other incidental farm operations, but excludes hop pellet manufacturing which is to be reported separately in classification 2101 and hop extract manufacturing which is to be reported separately in classification 3701

Farms: Mint - including distillery operations when conducted in connection with a mint farm operation and when performed by employees of an employer subject to this classification.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-64904 Classification 4812.

Fish and shellfish hatcheries including raising, egg production, grading, harvesting and shipping

This classification excludes fish and shellfish processing which ~~((are))~~ is to be reported separately ((under risk) in classification 3304.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-64905 Classification 4813.

Vineyards - all operations including harvesting of fruit

This classification excludes fresh fruit packing operations which are to be reported separately ~~((under risk))~~ in classification 2104 ((WAC 296-17-564)); wine making which ~~((are))~~ is to be reported separately ((under risk) in classification 3702 ((WAC 296-17-600)); and fruit cannery, processing, or freezing operations which are to be reported separately ~~((under risk))~~ in classification 3902 ((WAC 296-17-615)).

NEW SECTION

WAC 296-17-64999 Classification 4900.

Construction: Superintendent or project manager

This classification applies to construction superintendents or project managers applicable to both general and specialty contractors for construction or erection projects. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally temporarily stationed at the construction site or project location and confined to a modular type of clerical office to schedule activities and arrival of supplies applicable to the job or project. Construction superintendents and project managers applicable to this classification shall have no direct control over work crews and shall not be performing construction labor at the job site or project location. An employee performing duties of this classification and some type of construction labor or control over a work crew shall not be permitted a division of work hours between this classification and a construction classification, all work hours are to be reported in the applicable construction classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-651 Classification 4902.

State government - ~~((use of))~~ this classification is limited to clerical office, sales personnel and ~~((professional white collar))~~ administrative employees that have no field exposure, law enforcement powers, or provide patient health care. For the purposes of this rule field exposure is defined as anything other than the normal travel to a work assignment such as a field auditor or social worker would encounter

This classification includes all departments, agencies, boards, commissions ~~((and))~~, committees and elected officials of either the executive, legislative or judicial branches of state government. See ~~((risk))~~ classifications 4906 ((WAC 296-17-655)), 5307 ~~((WAC 296-17-67901))~~,

7103 (~~(WAC 296-17-756)~~) and 7201 (~~(WAC 296-17-763)~~) for other state government operations.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-654 Classification 4905.

Hotels
Motels

This classification excludes restaurant and lounge employees which are to be reported separately in ((risk)) classification 3905 "restaurants, N.O.C.". Hotel and motel desk clerks with no other duties will be reported separately in ((risk)) classification 4904 "clerical office N.O.C."

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-659 Classification 5001.

Firewood cutting - all woods operations
Logging, N.O.C.
Sawmill operations conducted in the woods in connection with logging operations
Shake, shingle bolt and post cutting - all woods operations
For the purposes of this rule, logging((;)) N.O.C. shall be considered the complete operation(~~(, including such activities as falling and bucking,))~~ of felling, skidding, yarding, (~~(loading, and maintenance of equipment except as otherwise provided and aircraft operations incident thereto~~

See risk classification 5206 (WAC 296-17-675) for permanent yard operations)) delimiting, and bucking of trees into logs or block wood and the loading of logs and block wood onto trucks or rail cars. This classification also includes the operation of aircraft and helicopters used in connection with the removal of felled trees or block wood, and equipment maintenance not performed subject to the provisions of classification 5206.

AMENDATORY SECTION (Amending WSR 92-18-065, filed 8/31/92, effective 10/1/92)

WAC 296-17-66002 Classification 5004.

Forest, range, or timber land labor services by landowner or contractor((;)). This classification covers all forms of forest, range, or timber land manual labor. Such labor activities include but are not limited to tree planting, tree netting, tree shading, bud capping, chemical spraying, fertilizing, animal trapping (such as mountain beaver and gopher baiting), bear feeding, precommercial tree thinning, conifer release (chemical or manual), tree pruning, cone picking, scion collection, hydro seeding and erosion control, and wildlife habitat development. This classification includes all field crew supervisors and foremen assigned to oversee work covered by this classification including internal quality control audits irrespective of whether or not their assigned duties include manual labor.

This classification excludes ((forest)) forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest fire fighting, slashing, (~~(hand piling,))~~ pile burning, roadside brush-

ing, roadway dust/mud control which is to be reported separately in ((risk)) classification (~~(0101))~~ 5006 "forestry related machine work"; logging operations which are to be reported separately in ((risk)) classification 5001; logging road construction which is to be reported separately in ((risk)) classification 6902; and technical survey work which is to be reported separately in ((risk)) classification 1007.

NEW SECTION

WAC 296-17-66004 Classification 5006.

Forestry related machine work - to include but not limited to brush clearing, dust control, forest fire fighting, scarifying, slash piling or burning, and slope grooming.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-67601 Classification 5208.

Brass, bronze, iron-ornamental - shop fabricating, assembly and manufacturing
Iron or steel works, shop, fabricate or assemble structural iron or steel
Iron works - shop - fabricate, assemble or manufacture non-structural iron or steel
Iron works - shop - manufacturing railings, staircases, fire escapes, etc.
Unless otherwise specified in the ((subclassification)) classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-67602 Classification 5209.

Boilermaking, tank building (shop)
Metal goods manufacturing, N.O.C., from material 9 gauge or heavier
Wood stove manufacturing
Unless otherwise specified in the ((subclassification)) classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification
This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-677 Classification 5301.

Accounting or bookkeeping ((firms)) services
Court reporting ((firms)) services
Credit bureaus
Employment agencies
Law firms

PROPOSED

Management (~~(analyst or consulting firms)~~) consultant services, N.O.C.

Secretarial or telephone answering services

Travel agencies

Word processing services

This classification includes clerical office and sales personnel

~~((Use of))~~ This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operation to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-67901 Classification 5307.

State government, N.O.C.

~~((For the purpose of this rule,))~~ This classification ~~((will))~~ includes any state employee performing manual labor, supervising a work crew performing manual labor such as custodial or maintenance, construction, and machinery or equipment operators or ~~((professional white collar employments))~~ administrative personnel such as engineers, safety inspectors, biologists who have field exposures

This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government

See ~~((risk))~~ classifications 4902 ~~((WAC 296-17-651))~~, 4906 ~~((WAC 296-17-655))~~, 7201 ~~((WAC 296-17-763))~~, and 7103 ~~((WAC 296-17-756))~~ for other state employees.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-680 Classification 6103.

Athletic officials for amateur sports, N.O.C., such as umpires and referees

Churches

Day nurseries or child care centers

Libraries, N.O.C.

Museums, N.O.C.

Schools, N.O.C. including dance, modeling, music and flight instructions classroom only

Schools: Academic K-12

Schools, trade or vocational

~~((Use of))~~ This classification is limited to clerical office, sales personnel ~~((and white collar professional))~~, teachers N.O.C. and administrative employees

See ~~((risk))~~ classification 6104 ~~((WAC 296-17-681))~~ for other operations.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-681 Classification 6104.

Churches

Day nurseries or child care centers

Libraries, N.O.C.

Museums, N.O.C.

Schools, N.O.C. including dance, modeling, music

Schools: Academic K-12

Schools, trade or vocational

All other employments, N.O.C. including teachers exposed to machinery hazards such as metal and wood shop and driving instructors.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-687 Classification 6201.

Crematoriums

Funeral directors - mortuaries

This classification excludes cemetery operations ~~((rated under risk))~~ which are to be reported separately in classification 6202 ((WAC 296-17-688)).

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-692 Classification 6206.

Golf courses, N.O.C., excluding miniature golf and driving ranges which are to be reported separately in ~~((risk))~~ classification 6208 unless they are conducted in connection with operations subject to this classification.

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-693 Classification 6207.

Carnivals: Amusement rides and concessions, traveling.

This classification includes drivers and all employees engaged in the set up and tear down of all mechanical and nonmechanical rides, concession booths, or stands (i.e., game, food, souvenir, etc.), mobile offices, aid rooms, ticket booths, and all other temporary structures associated with a traveling carnival. Report carnival operations ~~((i.e.,))~~ such as ride operators, ticket takers ((and sellers, cooks, traveling clerical, game attendants)), etc.) separately in ~~((risk))~~ classification 6208 ~~((WAC 296-17-694))~~ "carnival operations." Report winter quartering and permanent yard or shop operations separately in ~~((risk))~~ classification 5206 ~~((WAC 296-17-675))~~ "contractors permanent yard."

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-694 Classification 6208.

Amusement parks

Carnival operations, N.O.C.

Caves or caverns operation for exhibition purposes - including rides, ticket sellers, gate attendants

Concessions - boats in parks

Fairs
Family indoor sports and entertainment centers
 Kiddie rides - permanent locations
 Miniature golf courses
 Race tracks, excluding parimutuel clerks and cashiers with no other duties which ~~((will))~~ are to be ((rated under risk)) reported separately in classification 4904 ((WAC 296-17-653)) "clerical office, N.O.C."
 Ranges - archery, ball, dart, golf
 Shooting galleries, air rifle - no firearms
 Shooting ranges - firearms
 Shows - animal
 Shows - flower, art
 This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-695 Classification 6209.

Camp grounds such as but not limited to church, recreational, or educational including incidental cottage or cabin rentals, boat concessions, grocery stores, and penny or video arcades
 Dude ranches - excluding cattle ranches
 Swimming pools - public
 This classification includes food and beverage operations~~((:))~~; and clerical office and sales personnel physically located at the above facilities.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-699 Classification 6304.

~~((Department stores
 This classification includes clerical office and sales personnel and installation of household furnishings such as lamps, pictures, draperies or curtains etc.
 This classification excludes automotive repair and service and other outside installation or construction.))~~ Antique variety stores - retail
 For purposes of this rule the term "antique variety stores" shall apply to retail establishment engaged in selling a variety of used merchandise or reproduction merchandise such as but not limited to furniture, glassware, wearing apparel, silverware, pictures, tools and jewelry. Antique specialty stores that are engaged exclusively in the sale of furniture and related home furnishings are to be reported separately in classification 6306 "furniture stores." Antique specialty stores engaged exclusively in the sale of glassware, china, or silverware are to be reported separately in classification 6406 "retail stores, N.O.C." Antique specialty stores engaged exclusively in the sale of wearing apparel and shoes are to be reported separately in classification 6305 "clothing stores - retail"

Department stores - retail

For purposes of this rule the term "department stores" shall apply only to retail establishments whose inventoried products available for sale to the public include all of the following merchandise: Wearing apparel; linens; home furnishings (other than furniture); and two or

more of the following product lines: Cosmetics; shoes; furniture; jewelry; sporting goods; luggage; toys; books; videos; compact discs or cassette music; greeting cards; portrait studios; candy; camera; stereo; television; small appliances; and collectibles. This classification applies to larger retail stores which are characterized by many separate departments each selling a specific type of merchandise. This classification includes employees of specialty departments such as alterations personnel, installation of home furnishings such as furniture, draperies, blinds, mirrors, closet organizers and pictures and delivery drivers, but excludes installation of carpeting, floor vinyl, tile, exterior siding, painting, cabinet installation, fencing, roofing or similar construction related activities and automotive service centers.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-700 Classification 6305.

Clothing stores - retail
 Concessions ~~((for))~~: Hat and coat checking
 Custom dressmaking and tailoring including alterations
 Shoe stores - retail.
~~((This classification includes clerical office and sales personnel.))~~

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-701 Classification 6306.

Appliance stores ~~((wholesale/retail))~~ - excluding second hand appliance stores which ((will be rated in risk)) are to be reported separately in classification 0607 ((WAC 296-17-527)) "household appliances service and repair"
 Furniture rental stores
 Furniture stores ~~((wholesale/retail))~~
 Office furniture stores ~~((wholesale/retail))~~
 Piano or organ stores, N.O.C. ~~((wholesale/retail))~~
 This classification ~~((will))~~ includes the installation of household furnishings, household floor coverings, and household appliances including incidental service and repair of household appliances ((This classification excludes)) but excludes second hand or used appliance dealers who are to be reported separately in classification 0607; and contract installation which for the purposes of this rule shall mean the bidding and ultimate furnishing to a purchaser such items listed in this classification that are specially ordered from others (i.e., factories, manufacturers, brokers, etc.) to fulfill the terms of the contract.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-703 Classification 6308.

Clock and watch stores ~~((wholesale/retail))~~
 Hearing-aid stores ~~((wholesale/retail))~~
 Jewelry stores ~~((wholesale/retail))~~
 Optical stores ~~((no))~~ - excluding lens grinding ((wholesale/retail))

~~This classification includes clerical office and sales personnel)) which is to be reported separately in classification 6604.~~

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-704 Classification 6309.

~~((Automobile, truck, motorcycle accessory or replacement parts stores — excluding repairs~~

~~Bicycle stores — including repairs~~

~~Custom picture or u-frame stores — including repairs~~

~~Gun stores — including repairs~~

~~Hardware variety stores, N.O.C.: — Excluding any operation that sells lumber or building materials which will be separately reported in risk classification 2009 and small engine repair which is to be separately reported in classification 3402~~

~~Locksmiths, including repairs but excluding installation of dead bolt locks or similar activities which will be separately reported in risk classification 0607~~

~~Stained art glass stores — excluding manufacturing~~

~~Wood stove and accessory stores — excluding installations or repairs~~

~~This classification includes clerical office and sales personnel)) Art galleries, custom picture or u-frame: Stores — including in-store custom frame making and frame repair~~

Automobile, truck or motorcycle: Accessory or replacement parts stores - excluding automobile or truck service or repair centers operated in connection with a store operation which is to be reported separately in classification 3411 "automobile or truck: Repair shops or garages"; machine shop services which is to be reported separately in classification 3402 "machine shops, N.O.C."; and motorcycle service or repair centers which is to be reported separately in classification 3309 "motorcycle service or repair centers." The automobile, truck or motorcycle accessory or replacement parts store classification (6309) shall not be assigned to any business engaged in the sale or rental of new or used automobiles, trucks, motor homes, motorcycles, machinery, mobile homes, boats, all terrain vehicles, golf carts or similar items which specifically includes parts department employees

Bicycle stores - including in-store service and repair but excluding all forms of bicycle manufacturing

Floor covering stores - excluding all installation work which is to be reported separately in the applicable construction classifications

Gun stores - including in-store service and repairs

Hardware variety stores, N.O.C. - excluding any store or operation that sells lumber or building materials which is to be reported separately in classification 2009 "hardware stores with lumber or building material supplies"

Hobby craft stores - excluding the manufacturing, fabrication or assembly of all hobby crafts goods sold by establishments covered by this classification

Locksmith services - including repairs but excluding installation of dead bolt lock sets or similar activities which is

to be reported separately in classification 0607 "dead bolt lock set: Installation"

Paint and wallpaper stores - excluding all installation work which is to be reported separately in the applicable construction classifications

Pawn shops

Sewing machine stores - including in-store service and repair

Spa/hot tub stores - including the sale of spa and pool accessories and related items, and the incidental repairs of pumps at store location; excluding installation service or repair of pumps performed at customer site which are to be reported separately in classification 0306; also excluding installation of spa/hot tubs and the construction of pads, sidewalks, decks, gazebos, or other related structures which are to be reported separately in the applicable construction classifications. Stores that sell only accessories for spa/tubs or pools are to be reported separately in classification 6406

Sporting goods stores

Stained art glass stores - excluding the manufacturing of all stained glass or the fabrication and assembly of stained art goods sold by establishments covered by this classification

Wood stove and accessory stores - excluding installation, service or repair which is to be reported separately in classification 0307 "wood stove installation" or as otherwise provided for in classification 0307.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-706 Classification 6402.

~~((Grocery stores with fresh meat counters, combined — retail This classification includes clerical office and sales personnel~~

~~This classification also includes but is not limited to such activities as in-store bakeries, delis, espresso bars, video rentals, film developing, and floral, but excludes in-store pharmacies, lunch counters, and restaurant operations to be separately rated-)) Grocery stores, N.O.C. - retail~~

For purposes of this rule the term "grocery stores, N.O.C. - retail" shall apply only to retail establishments whose inventoried products available for sale to the public include all of the following merchandise: Canned goods; dairy products; fresh and frozen meats; vegetables and fruits; carbonated and alcoholic beverages; juices; household cleaners; laundry and health care products; and baked goods. Retail establishments subject to this classification may also have other in-store departments or services which are provided for their customers convenience such as in-store bakeries, delis, espresso bars, video rental, film developing, floral and wine departments. These operations, although they may be physically separated within the general store area, are common to such stores and are included within the scope of classification 6402 when performed by employees of an employer subject to this classification. This classification excludes in-store pharmacy operations which are to be reported separately in classification 6406 "drug stores - retail"; and lunch counters and restaurants which are to be reported separately in classification 3905 "eating establishments, N.O.C."

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-707 Classification 6403.

Coffee, tea or spice stores - retail
Convenience grocery stores or mini markets, N.O.C. - retail
 Dairy products stores - retail
 Fruit or vegetable stores - retail
 ((~~Convenient grocery stores or mini markets - retail, N.O.C. excluding operations which include the sales of gasoline which are to be reported separately under classification 3410~~)
 This classification includes clerical office and sales personnel.) Soft drink stores - retail
Wine or liquor stores - retail
 This classification excludes any store operation engaged in the sales of gasoline which is to be reported separately in classification 3410 "convenient grocery stores with self service gasoline."

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-708 Classification 6404.

((~~Florists stores wholesale/retail~~)
Balloon arrangement stores wholesale/retail
 Plants: Interior household type - potted or planted, sales or leasing including plant watering and maintenance services associated with indoor plants
 This classification includes clerical office and sales personnel.) Balloon arrangement stores
Florists and artificial floral arrangement stores
Indoor plants: Sales or leasing - including plant watering and care services.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-709 Classification 6405.

Tire: ((~~Manufacturing, vulcanizing~~) Retreading, rebuilding and/or recapping
 Tire sales and service((; wholesale and retail)) center - including ((incidental mechanical repair work to)) automobile((s)) or truck((s))
 Tire bumper: Manufacturing
 Tire recycle or shredding - excluding tire dump operations which are to be reported separately under risk classification 4305 (WAC 296-17-634)) care service centers or repair garages operated in connection with a tire service or repair center.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-710 Classification 6406.

Baseball card stores - retail
 Book, record, tape, compact disc, and video stores - retail
 Camera((#)) or photo ((supplies)) supply stores - retail
 ((~~Candy, cigarette and tobacco stores - retail~~)
 Coin and stamp stores - retail
 Coin operated arcades((;)) - excluding repair ((~~rated under risk~~)) which is to be reported separately in classification

0606 ((~~(WAC 296-17-526))~~) "amusement devices, N.O.C."

Drug stores - retail
 ((~~Dry cleaning - coin operated self service~~)
 Fabric and yardage stores((;))_i yarn and needle work stores - retail
 ((~~Floor covering stores, carpet sample stores, retail - excluding installation which will be rated in risk classification 0502 (WAC 296-17-517)~~)
 Laundromats, coin operated self service))
 Microwave oven ((~~and stereo component~~)), blender, mixer, or toaster oven stores - retail
 Musical instrument stores - retail((;)) - excluding piano or organ stores which ((~~will be rated in risk~~)) are to be reported separately in classification 6306 ((WAC 296-17-701)) "piano or organ stores"
 News ((~~butchers or news~~) and) magazine stands - retail
Office machine stores - retail
 Office stationery stores((; ~~and office machinery stores including microcomputer and copy machines excluding repair~~)
 Paint/wallpaper stores - retail
 Pawn shops
 Pet shops - retail including incidental pet grooming))
 Private mailbox((;))_i safety deposit box_i or computer tape storage - facilities
 Retail stores, N.O.C. - retail
 ((~~Sewing machine stores - retail~~)
 Sporting goods stores - retail)) Stereo component stores - retail
 Telephone stores - retail
 ((~~Variety and five and ten cent stores - retail~~)
 Wine stores and retail liquor agencies; soft drink stores))
 This classification ((~~includes clerical office and sales personnel, but~~)) excludes all on premise manufacturing of any kind, repair work, delivery drivers, outside installation, lunch counters and restaurant operations which are to be reported separately ((~~rated~~)).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-711 Classification 6407.

((~~Barber and beauty supply houses~~)
 Clothing, wearing apparel or dry goods stores - wholesale
 Drug stores wholesale
 Mill supply dealers
 Paint and wallpaper dealers - wholesale
 Stores, combined wholesale and retail, N.O.C.
 Welding supply dealers))
 Wholesale stores, N.O.C.
For purposes of this rule the term "wholesale stores, N.O.C." shall also include combined wholesale and retail store operations. This classification is the wholesale store counterpart to risks assigned to retail store classifications 6304, 6305, 6309 and 6406
 This classification excludes delivery drivers which are to be reported separately ((~~rated under risk~~)) in classification 1101 ((~~(WAC 296-17-536))~~), "delivery by combined wholesale and retail stores."

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AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-712 Classification 6408.

Farm machinery/~~((equipment))~~ implement dealers
Farm machinery rental dealers

This classification includes parts departments, demonstration of machinery or ~~((equipment))~~ implements, and repair without regard to location. All other operations are to be reported separately ~~((rated))~~.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-717 Classification 6504.

Stores - welfare - such as Goodwill or Salvation Army
This classification includes ~~((clerical office and sales personnel and))~~ collecting, conditioning and resale of donated used household articles.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-719 Classification 6506.

Film exchanges - commercial type movie theatre films excluding video cassettes which are to be separately rated

Film print shops including developing and printing
Microfilming

Photograph studios including outside photographers

This classification ~~((includes clerical office and sales personnel but))~~ excludes drivers ~~((which))~~ who are to be reported separately ~~((rated under risk))~~ in classification 1101 ~~((WAC 296-17-536))~~, "delivery by combined wholesale and retail stores."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-723 Classification 6601.

Armored car services

Crowd control services

Detective agencies

Merchant police or patrol

Security guard agencies

Security guard at logging or construction sites as allowed for in WAC 296-17-441(1).

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-727 Classification 6605.

Actors and performers, N.O.C.

Dance halls - all employment, N.O.C.

Musicians, N.O.C.

This classification includes actors, performers, players and musicians of theaters but excludes entertainers such as ballet, dance, gymnastics, ice dance/skate performers which are to be reported separately ~~((under risk))~~ classification 6620 ~~((WAC 296-17-7311))~~.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-741 Classification 6801.

Airlines, scheduled - all members of the flying crew
Hot air balloon - flight crew.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-742 Classification 6802.

Airlines, scheduled - ground crew operations
Hot air balloon - ground crew operations
~~((All ground crew operations including))~~ This classification includes ticket sellers who handle baggage.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-746 Classification 6901.

Volunteers

This classification includes all volunteers performing services for any state agency, municipal corporation, political subdivision, or private nonprofit charitable organization
This classification excludes volunteer law enforcement officers which are to be reported separately ~~((rated))~~.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-747 Classification 6902.

Logging railroad construction or maintenance

Logging road construction or maintenance

For the purposes of this rule logging roads are roads for which the basic use is for the transporting of logs by truck. This classification includes roads constructed on public or private lands in connection with timber sales or logging, such as roads being constructed in accordance with the state department of natural resources or the United States Forest Service timber sales. Roads constructed subject to this classification are comprised of dirt and/or crushed rock. Operations covered include grading~~((s))~~; grubbing~~((s))~~; clearing of right-of-way ~~((and))~~ including culverts and bridges~~((s))~~; but excludes falling, bucking of right-of-way timber or any of the other logging activities as enumerated ~~((under risk))~~ in classification 5001 (WAC 296-17-659)

This classification excludes the construction of asphalt or concrete type roads which are to be reported separately in ~~((risk))~~ classifications ~~((0101 (WAC 296-17-501)))~~ 0210 "asphalt paving or repaving" or 0214 "concrete paving or repaving"

See ~~((risk))~~ classification 5206 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-753 Classification 6908.

Carbon paper, crepe paper, blue print paper, computer paper, calculation tape, note pad, file folder, envelope, stationery, and typewriter ribbon: Manufacturing

Lightweight paper goods: Manufacturing such as but not limited to such single or double ply paper items as surgical gowns, towels, napkins, table or shelf covers, florist papers, tissue, and shredded packing material
 Paper bag, (~~abrasive paper,~~) movers packing pads, and wallpaper: Manufacturing
 Paper box: Manufacturing - set up or folding (~~paper boxes~~).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-756 Classification 7103.

State government, this classification is to be used to report all workers who have law enforcement powers although such workers are (~~professional white collar~~) administrative employees

This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government, including employees having arrest powers or such other powers common to law enforcement, such as state patrol officers, fish and wildlife (~~(agents)~~) officers, guards or correctional officers of inmates, (~~(fishery patrol officers,)~~) lottery officers

See (~~(risk)~~) classifications 4902 (~~((WAC 296-17-651))~~), 5307 (~~((WAC 296-17-67901))~~), and 7201 (~~((WAC 296-17-763))~~) for other state government operations.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76207 Classification 7116.

Flagging services by specialty contractor: This classification applies to nonconstruction contractors that are providing flagging services on public utility, power, water or gas line construction projects. This classification does not apply to employees of a construction contractor that are assigned flagging duties which are to be reported separately in the classification applicable to the construction work being performed by their employer.

Temporary help company: Flagging for public utility, power, water, or gas line construction.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in flagging services for a public utility company involved in the extension of overhead or underground power line construction or underground water or gas line construction.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76209 Classification 7118.

Flagging services by specialty contractor, N.O.C.: This classification applies to nonconstruction contractors that are providing flagging services which are not covered in classification 7116. This classification does not apply to employees of a construction contractor that are assigned flagging duties which are to be reported separately in the classification applicable to the construction work being performed by their employer

Temporary help company: Construction.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in any aspect of construction work such as road, underground or overhead utility lines, fence, metal erection, signs or lighting including the operation of equipment, machinery, and tools by such employees. This classification also applies to construction security personnel and flaggers, N.O.C. Employees working in the specialty trades of plumbing, electrical wiring, or sheet metal work are to be reported separately in (~~(risk)~~) classification 7117.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-763 Classification 7201.

State government - this classification is to be used to report all employments of workers assigned to work at state operated facilities that provide patient or health care of any type. Usage of this classification is not limited to state-operated hospitals as it is intended to also cover health care facilities at state schools, infirmaries at correctional institutions, (~~(travelling)~~) traveling nurses and physicians, etc.

This classification excludes clerical office and (~~(white collar professional employments)~~) administrative personnel that are not engaged in providing or attending to patient care and all blue collar employments

See (~~(risk)~~) classifications 4902 (~~((WAC 296-17-651))~~), 5307 (~~((WAC 296-17-67901))~~) and 7103 (~~((WAC 296-17-756))~~) for other state government operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-778 Classification 7308.

Animal shelters

Dog grooming parlors

Dog pounds

Humane societies

(~~(This classification includes clerical office and sales personnel)~~) Pet boarding

Pet breeding kennels

Pet stores, N.O.C.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-870 Evaluation of actual losses. Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) **Valuation date.** The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895. For experience modifications effective January 1, 1990, and thereafter, the valuation date shall be

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June 1, seven months immediately preceding the effective date of premium rates.

(2) **Retroactive adjustments - revision of losses between valuation dates.** No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made, subject to subsection (4)(a) of this section.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim, which was previously evaluated as a compensable claim, is closed and is determined to be noncompensable (ineligible for benefits other than medical treatment).

(e) In cases where a claim is closed and is determined to be ineligible for any benefits.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included. Retroactive adjustments will not be made for rating periods more than ten years prior to the date on which the claim status was changed.

(3) **Average death value.** Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value," said value to be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in Table II.

(4) **Third-party recovery - effect on experience modification.** ((In the event of a third party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim for each year in which the claim's injury date falls within the experience period (see WAC 296-17-850). This portion shall be calculated at the time the recovery is made, and shall be determined by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payments. Both the primary and excess components of the actual loss amount shall be reduced in the same proportion.))

(a) For claims with injury dates prior to July 1, 1994, a potential claim cost recovery from action against a third party, either by the injured worker or by the department, shall not be considered in the evaluation of actual losses until such time as the third-party action has been completed. If a third-party recovery is made after a claim had previously been used in an experience modification calculation, the experience modification shall be retroactively adjusted. The department shall compute a percentage recovery by dividing the current valuation of the claim into the amount recovered or recoverable as of the recovery date, and shall reduce both primary and excess losses previously used in the experience modification calculation by that percentage.

(b) For claims with injury dates on or after July 1, 1994, if the department determines that there is a reasonable potential of recovery from an action against a third party,

both primary and excess values of the claim shall be reduced by fifty percent for purposes of experience modification calculation, until such time as the third-party action has been completed. This calculation shall not be retroactively adjusted, regardless of the final outcome of the third-party action. After a third-party recovery is made, the actual percentage recovery shall be applied to future experience modification calculations.

(c) For third-party actions completed before July 1, 1996, the claim shall be credited with the department's net share of the recovery, after deducting attorney fees and costs. For third-party actions completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees and costs.

(d) Definitions:

(i) As used in this section, "recovery date" means the date the money is received at the department or the date the order confirming the distribution of the recovery becomes final, whichever comes first.

(ii) As used in this section, "recoverable" means any amount due as of the recovery date and/or any amount available to offset case reserved future benefits.

(5) **Second injury claims.** The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) **Occupational disease claims.** When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purposes of experience rating, shall be the date on which the disability was diagnosed, giving rise to the filing of a claim for benefits. The cost of any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs.

(7) **Maximum claim value.** No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in Table II.

AMENDATORY SECTION (Amending WSR 95-23-080, filed 11/20/95, effective 1/1/96)

WAC 296-17-885 Table III.

**Expected Loss Rates and D-Ratios
Expected Loss Rates in Dollars Per Worker Hour
for Indicated Fiscal Year**

((Class 1991	1992	1993	1994	D-Ratio)
Class	1992	1993	1994	D-Ratio
0101	1.1989	1.0752	0.9885	0.398
0102	1.2669	1.1374	1.0465	0.425
0103	1.5214	1.3659	1.2576	0.457
0104	1.7115	1.5300	1.4001	0.339
0105	1.2527	1.1293	1.0413	0.476
0107	1.1592	1.0384	0.9544	0.428

0108	0.8302	0.7458	0.6867	0.455	1801	0.8112	0.7292	0.6706	0.437
0109	3.4617	3.0918	2.8359	0.384	1802	0.9892	0.8892	0.8191	0.458
0201	2.8121	2.5152	2.3078	0.359	2002	0.5153	0.4685	0.4335	0.583
0202	2.9836	2.6736	2.4572	0.440	2003	0.3633	0.3302	0.3051	0.558
0206	1.6044	1.4330	1.3142	0.394	2004	0.5465	0.4961	0.4589	0.579
0301	0.6061	0.5490	0.5070	0.519	2007	0.4514	0.4095	0.3784	0.521
0302	1.8073	1.6143	1.4807	0.374	2008	0.2472	0.2237	0.2064	0.511
0306	0.8818	0.7931	0.7300	0.454	2009	0.2997	0.2727	0.2522	0.568
0307	0.6904	0.6234	0.5750	0.508	2101	0.5491	0.4970	0.4590	0.498
0403	1.4108	1.2710	1.1708	0.455	2102	0.4088	0.3721	0.3444	0.596
0502	1.2405	1.1111	1.0209	0.415	2104	0.2452	0.2238	0.2072	0.597
0504	1.3263	1.1890	1.0932	0.410	2105	0.4801	0.4337	0.4007	0.550
0506	4.1578	3.7193	3.4136	0.390	2106	0.3119	0.2832	0.2615	0.536
0507	3.0705	2.7609	2.5423	0.427	2201	0.2304	0.2087	0.1928	0.517
0508	3.0159	2.6868	2.4589	0.360	2202	0.5305	0.4827	0.4470	0.608
0509	1.5651	1.4016	1.2869	0.396	2203	0.2663	0.2426	0.2242	0.569
0510	1.2750	1.1469	1.0564	0.461	2401	0.3965	0.3605	0.3330	0.514
0511	0.9657	0.8718	0.8044	0.536	2903	0.6185	0.5621	0.5199	0.556
0512	1.5555	1.3976	1.2862	0.448	2904	0.6783	0.6150	0.5678	0.508
0513	0.6610	0.5942	0.5471	0.460	2905	0.4520	0.4114	0.3805	0.574
0514	1.2750	1.1469	1.0564	0.469	2906	0.3003	0.2715	0.2502	0.514
0515	2.5374	2.2693	2.0844	0.402	2907	0.4749	0.4313	0.3990	0.570
0516	1.2750	1.1469	1.0564	0.469	2908	0.8763	0.7936	0.7335	0.552
0517	1.5296	1.3804	1.2740	0.496	2909	0.4871	0.4425	0.4093	0.572
0518	1.4257	1.2770	1.1732	0.410	3101	0.7388	0.6651	0.6124	0.434
0519	1.5475	1.3949	1.2846	0.431	3102	0.2890	0.2626	0.2429	0.577
0601	0.6196	0.5585	0.5146	0.477	3103	0.6996	0.6303	0.5805	0.463
0602	0.3697	0.3338	0.3085	0.555	3104	0.4524	0.4082	0.3764	0.505
0603	0.8873	0.7953	0.7307	0.391	3105	0.7311	0.6616	0.6107	0.516
0604	1.1480	1.0367	0.9553	0.467	3303	0.2180	0.1980	0.1828	0.549
0606	0.2652	0.2415	0.2236	0.602	3304	0.5465	0.4959	0.4583	0.539
0607	0.2814	0.2557	0.2362	0.558	3309	0.3716	0.3381	0.3129	0.556
0608	0.2969	0.2693	0.2485	0.486	3401	0.3679	0.3330	0.3073	0.521
0701	2.0444	1.8157	1.6592	0.335	3402	0.4474	0.4047	0.3736	0.524
0803	0.3212	0.2908	0.2685	0.552	3403	0.1977	0.1788	0.1646	0.471
0804	0.8810	0.7902	0.7259	0.406	3404	0.4314	0.3915	0.3618	0.550
0901	1.4268	1.2821	1.1794	0.449	3405	0.2874	0.2598	0.2396	0.521
1002	0.7252	0.6563	0.6064	0.536	3406	0.2210	0.2011	0.1859	0.578
1003	0.6730	0.6068	0.5593	0.486	3407	0.2826	0.2567	0.2374	0.571
1004	0.4867	0.4389	0.4043	0.474	3408	0.0910	0.0825	0.0762	0.529
1005	5.2607	4.7066	4.3257	0.402	3409	0.0888	0.0810	0.0749	0.586
1007	0.3120	0.2816	0.2597	0.506	3410	0.1925	0.1758	0.1628	0.586
1101	0.5120	0.4645	0.4295	0.557	3501	0.8488	0.7658	0.7065	0.461
1102	1.1239	1.0110	0.9319	0.461	3503	0.2890	0.2646	0.2453	0.564
1103	0.5018	0.4542	0.4197	0.522	3506	0.7684	0.6896	0.6349	0.493
1104	0.4772	0.4337	0.4011	0.544	3509	0.3716	0.3384	0.3137	0.629
1106	0.2400	0.2193	0.2028	0.576	3510	0.3858	0.3507	0.3244	0.584
1108	0.3976	0.3612	0.3332	0.528	3511	0.5674	0.5147	0.4755	0.541
1109	0.6910	0.6277	0.5796	0.497	3512	0.3524	0.3218	0.2978	0.585
1301	0.3565	0.3231	0.2986	0.527	3602	0.1011	0.0923	0.0854	0.596
1303	0.1595	0.1444	0.1334	0.552	3603	0.3843	0.3503	0.3241	0.561
1304	0.0210	0.0191	0.0177	0.550	3604	1.2508	1.1333	1.0482	0.572
1305	0.3568	0.3238	0.2992	0.542	3605	0.4256	0.3856	0.3563	0.546
1401	0.5826	0.5277	0.4877	0.509	3701	0.2479	0.2250	0.2077	0.519
1404	0.4894	0.4426	0.4089	0.535	3702	0.4443	0.4027	0.3724	0.571
1405	0.4698	0.4254	0.3920	0.483	3707	0.5192	0.4728	0.4373	0.458
1501	0.3530	0.3193	0.2950	0.532	3708	0.3386	0.3075	0.2844	0.566
1507	0.2760	0.2507	0.2318	0.579	3801	0.2653	0.2402	0.2214	0.505
1701	1.5265	1.3647	1.2510	0.370	3802	0.1669	0.1520	0.1407	0.599
1702	1.5925	1.4254	1.3074	0.365	3808	0.2847	0.2576	0.2375	0.488
1703	0.3183	0.2873	0.2650	0.514	3901	0.1664	0.1515	0.1401	0.587
1704	0.7185	0.6469	0.5954	0.426	3902	0.3683	0.3354	0.3104	0.592

3903	1.0842	0.9865	0.9109	0.515	5307	0.2933	0.2656	0.2456	0.560
3905	0.1525	0.1398	0.1294	0.626	6103	0.0582	0.0534	0.0495	0.638
3906	0.4797	0.4350	0.4021	0.547	6104	0.2250	0.2052	0.1900	0.588
3909	0.1768	0.1613	0.1492	0.583	6105	0.1732	0.1573	0.1454	0.546
4002	0.7303	0.6591	0.6094	0.556	6107	0.1166	0.1065	0.0984	0.587
4101	0.2084	0.1896	0.1753	0.561	6108	0.4487	0.4089	0.3784	0.578
4103	0.2364	0.2164	0.2007	0.671	6109	0.0581	0.0527	0.0487	0.545
4107	0.1379	0.1256	0.1161	0.553	6110	0.4214	0.3827	0.3541	0.571
4108	0.1620	0.1472	0.1358	0.537	6201	0.2410	0.2182	0.2013	0.512
4109	0.2084	0.1896	0.1753	0.561	6202	0.5339	0.4834	0.4458	0.480
4201	0.3067	0.2762	0.2548	0.513	6203	0.0778	0.0712	0.0660	0.657
4301	0.6996	0.6345	0.5862	0.533	6204	0.1777	0.1622	0.1502	0.611
4302	0.5811	0.5244	0.4849	0.552	6205	0.1777	0.1622	0.1502	0.611
4304	0.5856	0.5317	0.4915	0.543	6206	0.1777	0.1622	0.1502	0.611
4305	0.8488	0.7659	0.7075	0.536	6207	1.1415	1.0463	0.9691	0.585
4401	0.4335	0.3929	0.3627	0.494	6208	0.2490	0.2281	0.2108	0.587
4402	0.6026	0.5474	0.5056	0.548	6209	0.2283	0.2085	0.1928	0.587
4404	0.3847	0.3489	0.3221	0.528	6301	0.1145	0.1034	0.0952	0.467
4501	0.1315	0.1196	0.1105	0.540	6302	0.1486	0.1350	0.1245	0.493
4502	0.0379	0.0345	0.0318	0.559	6303	0.0645	0.0586	0.0541	0.515
4504	0.0863	0.0790	0.0732	0.624	6304	0.1607	0.1471	0.1362	0.602
4601	0.5740	0.5213	0.4819	0.538	6305	0.0678	0.0618	0.0571	0.579
4802	0.2061	0.1874	0.1732	0.558	6306	0.2470	0.2248	0.2080	0.589
4803	0.1983	0.1809	0.1674	0.577	6308	0.0454	0.0413	0.0381	0.560
4804	0.4673	0.4258	0.3942	0.586	6309	0.1246	0.1137	0.1051	0.583
4805	0.2855	0.2590	0.2390	0.517	6402	0.2604	0.2367	0.2190	0.585
4806	0.0597	0.0543	0.0501	0.527	6403	0.1925	0.1758	0.1628	0.586
4808	0.4074	0.3681	0.3395	0.484	6404	0.1402	0.1283	0.1188	0.598
4809	0.2264	0.2064	0.1912	0.616	6405	0.5233	0.4739	0.4375	0.526
4810	0.1376	0.1257	0.1164	0.597	6406	0.0802	0.0733	0.0678	0.603
4811	0.2340	0.2131	0.1970	0.566	6407	0.1896	0.1727	0.1597	0.576
4812	0.2928	0.2656	0.2453	0.544	6408	0.3144	0.2858	0.2645	0.596
4813	0.2128	0.1933	0.1787	0.516	6409	0.4715	0.4266	0.3934	0.503
4901	0.0443	0.0402	0.0371	0.554	6410	0.1488	0.1355	0.1253	0.565
4902	0.0579	0.0525	0.0486	0.580	6501	0.0876	0.0798	0.0740	0.630
4903	0.0443	0.0402	0.0371	0.554	6502	0.0254	0.0231	0.0214	0.560
4904	0.0234	0.0214	0.0198	0.629	6503	0.0616	0.0555	0.0511	0.476
4905	0.2407	0.2204	0.2043	0.638	6504	0.3832	0.3504	0.3244	0.577
4906	0.0704	0.0640	0.0591	0.575	6505	0.0934	0.0853	0.0787	0.532
4907	0.0583	0.0529	0.0488	0.535	6506	0.0738	0.0674	0.0622	0.546
4908	0.1001	0.0926	0.0857	0.621	6508	0.3274	0.2978	0.2754	0.552
4909	0.0494	0.0457	0.0422	0.605	6509	0.2221	0.2027	0.1877	0.575
4910	0.3591	0.3264	0.3016	0.531	6601	0.1758	0.1605	0.1485	0.588
5001	3.8664	3.4557	3.1723	0.380	6602	0.4176	0.3793	0.3506	0.536
5002	0.4531	0.4105	0.3795	0.562	6603	0.2678	0.2434	0.2250	0.564
5003	1.3737	1.2299	1.1302	0.395	6604	0.0591	0.0538	0.0496	0.500
5004	1.5457	1.3982	1.2898	0.481	6605	0.3070	0.2812	0.2607	0.657
5005	1.1989	1.0752	0.9885	0.398	6607	0.1453	0.1330	0.1232	0.642
5101	0.6854	0.6241	0.5783	0.613	6608	0.2645	0.2385	0.2199	0.483
5103	0.6265	0.5703	0.5278	0.587	6620	0.6389	0.5856	0.5443	0.723
5106	0.6261	0.5689	0.5251	0.523	6704	0.1213	0.1104	0.1021	0.585
5108	0.5557	0.5025	0.4636	0.518	6705	0.7477	0.6844	0.6343	0.635
5109	0.5730	0.5170	0.4763	0.487	6706	0.3598	0.3287	0.3039	0.571
5201	0.2934	0.2656	0.2452	0.541	6707	1.5575	1.4226	1.3179	0.614
5204	0.9101	0.8225	0.7582	0.487	6708	5.4435	4.9745	4.5904	0.463
5206	0.4570	0.4117	0.3790	0.456	6709	0.1747	0.1601	0.1485	0.653
5207	0.1392	0.1277	0.1183	0.645	6801	0.2259	0.2050	0.1894	0.578
5208	0.8143	0.7360	0.6785	0.499	6802	0.3577	0.3275	0.3031	0.633
5209	0.6304	0.5717	0.5284	0.546	6803	0.8188	0.7254	0.6602	0.310
5301	0.0275	0.0251	0.0232	0.587	6804	0.1775	0.1615	0.1494	0.619
5305	0.0389	0.0355	0.0328	0.617	6809	3.9144	3.6146	3.3450	0.623
5306	0.0447	0.0407	0.0376	0.544	6901	0.0288	0.0272	0.0252	0.644

6902	0.7234	0.6462	0.5928	0.376	0206	2.0484	0.6502
6903	3.5890	3.2206	2.9440	0.348	0301	0.6195	0.3680
6904	0.2052	0.1862	0.1722	0.587	0302	2.2865	0.7455
6905	0.2402	0.2184	0.2018	0.579	0306	1.0155	0.4454
6906	0.1168	0.1105	0.1025	0.679	0307	0.7527	0.3840
6907	1.0225	0.9243	0.8540	0.521	0403	1.5550	0.7622
6908	0.3749	0.3407	0.3151	0.580	0502	1.5176	0.5555
6909	0.0847	0.0773	0.0716	0.603	0504	1.5926	0.6164
7101	0.0294	0.0267	0.0246	0.505	0506	5.1355	1.8101
7102	3.5471	3.2740	3.0318	0.590	0507	3.4887	1.5784
7103	0.2690	0.2431	0.2244	0.502	0508	3.9724	1.1176
7104	0.0245	0.0224	0.0207	0.552	0509	1.8942	0.7103
7105	0.0265	0.0241	0.0223	0.565	0510	1.4694	0.6454
7106	0.1503	0.1361	0.1256	0.507	0511	1.0721	0.5259
7107	0.2441	0.2214	0.2046	0.532	0512	1.8231	0.7620
7108	0.1971	0.1801	0.1667	0.613	0513	0.7743	0.3254
7109	0.2064	0.1882	0.1739	0.565	0514	1.4694	0.6454
7110	0.3205	0.2891	0.2665	0.476	0515	3.1835	1.0775
7111	0.4442	0.4027	0.3722	0.517	0516	1.4694	0.6454
7112	0.5802	0.5250	0.4844	0.514	0517	1.6642	0.8519
7113	0.5978	0.5394	0.4968	0.487	0518	1.7432	0.6389
7114	0.6635	0.6071	0.5620	0.604	0519	1.6574	0.8660
7115	0.5073	0.4597	0.4243	0.534	0601	0.6904	0.3315
7116	0.5244	0.4742	0.4374	0.484	0602	0.4142	0.2003
7117	1.2706	1.1577	1.0725	0.547	0603	1.0539	0.4178
7118	2.4711	2.2381	2.0637	0.528	0604	1.2062	0.6635
7119	1.7427	1.5751	1.4531	0.513	0606	0.2494	0.1791
7120	5.1841	4.6913	4.3196	0.453	0607	0.2704	0.1837
7121	5.4012	4.8810	4.4974	0.463	0608	0.2834	0.1929
7201	0.8908	0.8030	0.7419	0.518	0701	2.8143	0.6631
7202	0.0477	0.0433	0.0400	0.516	0803	0.3385	0.1885
7203	0.1174	0.1076	0.0994	0.567	0804	1.0371	0.4216
7204	0.0000	0.0000	0.0000	0.644	0901	1.6607	0.7050
7301	0.5072	0.4590	0.4241	0.525	1002	0.7664	0.4244
7302	0.5870	0.5344	0.4939	0.538	1003	0.7456	0.3635
7307	0.6025	0.5484	0.5069	0.552	1004	0.5326	0.2664
7308	0.2174	0.1991	0.1843	0.608	1005	6.5179	2.2936
7309	0.1747	0.1601	0.1485	0.653	1007	0.3419	0.1720
					1101	0.5148	0.3196
					1102	1.2942	0.5709
					1103	0.5178	0.3014
					1104	0.4510	0.3173
					1106	0.2010	0.1785
					1108	0.3764	0.2618
					1109	0.6371	0.4659
					1301	0.3563	0.2224
					1303	0.1687	0.0933
					1304	0.0194	0.0143
					1305	0.3498	0.2279
					1401	0.5856	0.3604
					1404	0.5199	0.2839
					1405	0.4696	0.2892
					1501	0.3728	0.2062
					1507	0.2707	0.1773
					1701	1.8836	0.6601
					1702	1.9135	0.7256
					1703	0.3517	0.1739
					1704	0.7873	0.3885
					1801	0.9288	0.4103
					1802	1.1467	0.4951
					2002	0.4988	0.3366
					2003	0.3486	0.2379

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AMENDATORY SECTION (Amending WSR 95-23-080, filed 11/20/95, effective 1/1/96)

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

((Base Rates Effective
January 1, 1996

Class	Accident Fund	Medical Aid Fund
0101	1.4172	0.5715
0102	1.4854	0.6170
0103	1.8132	0.7254
0104	2.0801	0.7529
0105	1.3798	0.6819
0107	1.4288	0.5140
0108	0.9758	0.4055
0109	4.3956	1.4176
0201	3.4169	1.2550
0202	3.6615	1.3351

2004	0.5495	0.3423	4002	0.8284	0.3892
2007	0.4413	0.2883	4101	0.1962	0.1394
2008	0.2531	0.1489	4103	0.2041	0.1746
2009	0.2825	0.2007	4107	0.1228	0.0970
2101	0.5575	0.3345	4108	0.1557	0.1053
2102	0.3887	0.2727	4109	0.1962	0.1394
2104	0.2166	0.1754	4201	0.3532	0.1573
2105	0.5301	0.2652	4301	0.6919	0.4417
2106	0.3026	0.2009	4302	0.6578	0.3106
2201	0.2343	0.1407	4304	0.5683	0.3786
2202	0.5112	0.3500	4305	0.9549	0.4554
2203	0.2409	0.1850	4401	0.4242	0.2749
2401	0.3615	0.2710	4402	0.5802	0.3923
2903	0.5959	0.4045	4404	0.3797	0.2428
2904	0.6647	0.4304	4501	0.1213	0.0892
2905	0.4210	0.3061	4502	0.0350	0.0257
2906	0.3179	0.1733	4504	0.0708	0.0657
2907	0.4682	0.3037	4601	0.5520	0.3744
2908	0.9149	0.5218	4802	0.1959	0.1365
2909	0.4764	0.3140	4803	0.1749	0.1416
3101	0.8167	0.3955	4804	0.4269	0.3238
3102	0.2806	0.1879	4805	0.2778	0.1826
3103	0.7763	0.3747	4806	0.0553	0.0402
3104	0.4980	0.2476	4808	0.4313	0.2347
3105	0.7579	0.4351	4809	0.2102	0.1553
3303	0.2107	0.1412	4810	0.1175	0.1012
3304	0.5411	0.3456	4811	0.2118	0.1623
3309	0.3439	0.2532	4812	0.2908	0.1842
3401	0.3827	0.2183	4813	0.1999	0.1416
3402	0.4719	0.2611	4901	0.0448	0.0273
3403	0.2034	0.1172	4902	0.0588	0.0358
3404	0.4293	0.2718	4903	0.0448	0.0273
3405	0.3065	0.1646	4904	0.0211	0.0166
3406	0.2081	0.1481	4905	0.1988	0.1832
3407	0.2785	0.1807	4906	0.0694	0.0450
3408	0.0891	0.0580	4907	0.0572	0.0371
3409	0.0795	0.0626	4908	0.0546	0.0954
3410	0.1636	0.1420	4909	0.0275	0.0466
3501	0.9078	0.4806	4910	0.3382	0.2390
3503	0.2249	0.2278	5001	4.8459	1.6341
3506	0.9452	0.3481	5002	0.4719	0.2711
3509	0.3570	0.2475	5003	1.6736	0.6180
3510	0.3762	0.2501	5004	1.5740	0.9331
3511	0.5641	0.3567	5005	1.4172	0.5715
3512	0.3006	0.2589	5101	0.6534	0.4584
3602	0.0895	0.0721	5103	0.5867	0.4236
3603	0.3388	0.2735	5106	0.5849	0.4178
3604	1.3109	0.7452	5108	0.5873	0.3225
3605	0.4369	0.2582	5109	0.6227	0.3175
3701	0.2382	0.1609	5201	0.3060	0.1739
3702	0.4611	0.2676	5204	0.9533	0.5303
3707	0.4308	0.3834	5206	0.5067	0.2445
3708	0.3314	0.2178	5207	0.1086	0.1104
3801	0.2714	0.1596	5208	0.8609	0.4701
3802	0.1556	0.1136	5209	0.6317	0.3935
3808	0.2900	0.1717	5301	0.0255	0.0188
3901	0.1544	0.1133	5305	0.0352	0.0272
3902	0.3432	0.2503	5306	0.0409	0.0306
3903	0.9713	0.7528	5307	0.3101	0.1725
3905	0.1223	0.1184	6103	0.0431	0.0477
3906	0.4847	0.2968	6104	0.1994	0.1602
3909	0.1554	0.1264	6105	0.1665	0.1130

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6107	0.1014	0.0840
6108	0.4076	0.3121
6109	0.0558	0.0379
6110	0.4166	0.2688
6201	0.2464	0.1455
6202	0.5323	0.3301
6203	0.0674	0.0572
6204	0.1567	0.1276
6205	0.1567	0.1276
6206	0.1567	0.1276
6207	0.8677	0.9145
6208	0.1940	0.1954
6209	0.1954	0.1670
6301	0.1205	0.0660
6302	0.1369	0.0999
6303	0.0610	0.0426
6304	0.1302	0.1233
6305	0.0605	0.0478
6306	0.2344	0.1648
6308	0.0431	0.0301
6309	0.1105	0.0885
6402	0.2545	0.1687
6403	0.1636	0.1420
6404	0.1151	0.1064
6405	0.5351	0.3172
6406	0.0687	0.0588
6407	0.1731	0.1308
6408	0.3077	0.2036
6409	0.4872	0.2804
6410	0.1363	0.1022
6501	0.0839	0.0585
6502	0.0221	0.0182
6503	0.0685	0.0328
6504	0.3112	0.2923
6505	0.0762	0.0702
6506	0.0618	0.0546
6508	0.3065	0.2201
6509	0.1910	0.1621
6601	0.1510	0.1284
6602	0.4006	0.2731
6603	0.2564	0.1759
6604	0.0523	0.0413
6605	0.2564	0.2323
6607	0.1220	0.1091
6608	0.2925	0.1433
6614	283.7000**	185.0000**
6615	211.7000**	137.0000**
6616	27.7000**	16.0000**
6617	20.7000**	13.0000**
6618	80.7000**	68.0000**
6620	0.5566	0.4741
6704	0.1132	0.0821
6705	0.6240	0.5642
6706	0.2995	0.2683
6707	10.88*	9.04*
6708	4.0470	4.3290
6709	0.1408	0.1356
6801	0.2262	0.1416
6802	0.2939	0.2721
6803	1.1663	0.2311
6804	0.1742	0.1150
6809	2.3483	3.5833

6901	0.0000	0.0386
6902	0.9111	0.3011
6903	4.0416	1.7992
6904	0.2107	0.1257
6905	0.2314	0.1571
6906	0.0000	0.1571
6907	1.0944	0.5869
6908	0.3672	0.2416
6909	0.0754	0.0602
7101	0.0275	0.0195
7102	16.56*	24.24*
7103	0.2839	0.1561
7104	0.0207	0.0180
7105	0.0243	0.0182
7106	0.1510	0.0925
7107	0.2423	0.1537
7108	0.1697	0.1442
7109	0.1819	0.1467
7110	0.3464	0.1787
7111	0.4379	0.2811
7112	0.6007	0.3453
7113	0.6496	0.3309
7114	0.5444	0.5040
7115	0.5157	0.3098
7116	0.5403	0.3123
7117	1.1217	0.9047
7118	2.5270	1.4928
7119	1.8565	1.0001
7120	5.1221	3.2106
7121	5.5649	3.1963
7201	1.0186	0.4659
7202	0.0468	0.0303
7203	0.0877	0.0945
7204	0.0000	0.0000
7301	0.5289	0.3009
7302	0.5251	0.4101
7307	0.5511	0.4135
7308	0.1742	0.1680
7309	0.1408	0.1356))

Base Rates Effective
July 1, 1996

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
0101	1.0345	0.4173
0103	1.3236	0.5296
0104	1.5184	0.5497
0105	1.0073	0.4978
0107	1.0430	0.3753
0108	0.7123	0.2961
0112	0.7571	0.3078
0201	2.1765	0.7993
0202	2.6729	0.9747
0210	1.0345	0.4173
0212	1.0345	0.4173
0214	1.0843	0.4505
0217	1.0843	0.4505
0219	1.0345	0.4173
0301	0.4522	0.2687
0302	1.6691	0.5443

PROPOSED

PROPOSED

<u>0303</u>	<u>1.1626</u>	<u>0.4500</u>	<u>2004</u>	<u>0.4012</u>	<u>0.2499</u>
<u>0306</u>	<u>0.7413</u>	<u>0.3252</u>	<u>2007</u>	<u>0.3222</u>	<u>0.2105</u>
<u>0307</u>	<u>0.5494</u>	<u>0.2804</u>	<u>2008</u>	<u>0.1847</u>	<u>0.1088</u>
<u>0308</u>	<u>0.4522</u>	<u>0.2687</u>	<u>2009</u>	<u>0.2062</u>	<u>0.1466</u>
<u>0403</u>	<u>1.1351</u>	<u>0.5565</u>	<u>2101</u>	<u>0.4070</u>	<u>0.2442</u>
<u>0502</u>	<u>1.1078</u>	<u>0.4056</u>	<u>2102</u>	<u>0.2838</u>	<u>0.1991</u>
<u>0504</u>	<u>1.1626</u>	<u>0.4500</u>	<u>2104</u>	<u>0.1581</u>	<u>0.1281</u>
<u>0506</u>	<u>3.7489</u>	<u>1.3214</u>	<u>2105</u>	<u>0.3869</u>	<u>0.1937</u>
<u>0507</u>	<u>2.5467</u>	<u>1.1523</u>	<u>2106</u>	<u>0.2209</u>	<u>0.1467</u>
<u>0508</u>	<u>2.8999</u>	<u>0.8159</u>	<u>2201</u>	<u>0.1710</u>	<u>0.1028</u>
<u>0509</u>	<u>1.3827</u>	<u>0.5186</u>	<u>2202</u>	<u>0.3731</u>	<u>0.2556</u>
<u>0510</u>	<u>1.0727</u>	<u>0.4712</u>	<u>2203</u>	<u>0.1759</u>	<u>0.1351</u>
<u>0511</u>	<u>0.7826</u>	<u>0.3840</u>	<u>2204</u>	<u>0.0542</u>	<u>0.0465</u>
<u>0512</u>	<u>1.3309</u>	<u>0.5563</u>	<u>2401</u>	<u>0.2639</u>	<u>0.1979</u>
<u>0513</u>	<u>0.5652</u>	<u>0.2376</u>	<u>2903</u>	<u>0.4350</u>	<u>0.2953</u>
<u>0514</u>	<u>1.0727</u>	<u>0.4712</u>	<u>2904</u>	<u>0.4853</u>	<u>0.3142</u>
<u>0515</u>	<u>2.3240</u>	<u>0.7866</u>	<u>2905</u>	<u>0.3073</u>	<u>0.2235</u>
<u>0516</u>	<u>1.0727</u>	<u>0.4712</u>	<u>2906</u>	<u>0.2320</u>	<u>0.1266</u>
<u>0517</u>	<u>1.2149</u>	<u>0.6219</u>	<u>2907</u>	<u>0.3417</u>	<u>0.2218</u>
<u>0518</u>	<u>1.2725</u>	<u>0.4665</u>	<u>2908</u>	<u>0.6678</u>	<u>0.3810</u>
<u>0519</u>	<u>1.2099</u>	<u>0.6322</u>	<u>2909</u>	<u>0.3477</u>	<u>0.2293</u>
<u>0520</u>	<u>1.1626</u>	<u>0.4500</u>	<u>3101</u>	<u>0.5962</u>	<u>0.2888</u>
<u>0521</u>	<u>1.1626</u>	<u>0.4500</u>	<u>3102</u>	<u>0.2049</u>	<u>0.1372</u>
<u>0601</u>	<u>0.5039</u>	<u>0.2421</u>	<u>3103</u>	<u>0.5667</u>	<u>0.2736</u>
<u>0602</u>	<u>0.3023</u>	<u>0.1463</u>	<u>3104</u>	<u>0.3635</u>	<u>0.1808</u>
<u>0603</u>	<u>0.7693</u>	<u>0.3051</u>	<u>3105</u>	<u>0.5532</u>	<u>0.3177</u>
<u>0604</u>	<u>0.8805</u>	<u>0.4844</u>	<u>3303</u>	<u>0.1538</u>	<u>0.1031</u>
<u>0606</u>	<u>0.1821</u>	<u>0.1308</u>	<u>3304</u>	<u>0.3950</u>	<u>0.2523</u>
<u>0607</u>	<u>0.1973</u>	<u>0.1342</u>	<u>3309</u>	<u>0.2510</u>	<u>0.1849</u>
<u>0608</u>	<u>0.2069</u>	<u>0.1409</u>	<u>3402</u>	<u>0.3444</u>	<u>0.1907</u>
<u>0701</u>	<u>2.0545</u>	<u>0.4841</u>	<u>3403</u>	<u>0.1485</u>	<u>0.0856</u>
<u>0803</u>	<u>0.2471</u>	<u>0.1377</u>	<u>3404</u>	<u>0.3134</u>	<u>0.1985</u>
<u>0901</u>	<u>1.2123</u>	<u>0.5147</u>	<u>3405</u>	<u>0.2238</u>	<u>0.1202</u>
<u>1002</u>	<u>0.5594</u>	<u>0.3099</u>	<u>3406</u>	<u>0.1519</u>	<u>0.1082</u>
<u>1003</u>	<u>0.5443</u>	<u>0.2654</u>	<u>3407</u>	<u>0.2033</u>	<u>0.1320</u>
<u>1004</u>	<u>0.3888</u>	<u>0.1945</u>	<u>3408</u>	<u>0.0650</u>	<u>0.0424</u>
<u>1005</u>	<u>4.7581</u>	<u>1.6744</u>	<u>3409</u>	<u>0.0580</u>	<u>0.0458</u>
<u>1007</u>	<u>0.2496</u>	<u>0.1256</u>	<u>3410</u>	<u>0.1194</u>	<u>0.1037</u>
<u>1101</u>	<u>0.3758</u>	<u>0.2334</u>	<u>3411</u>	<u>0.2794</u>	<u>0.1594</u>
<u>1102</u>	<u>0.9448</u>	<u>0.4168</u>	<u>3412</u>	<u>0.2794</u>	<u>0.1594</u>
<u>1103</u>	<u>0.3780</u>	<u>0.2201</u>	<u>3413</u>	<u>0.2794</u>	<u>0.1594</u>
<u>1104</u>	<u>0.3292</u>	<u>0.2317</u>	<u>3414</u>	<u>0.2794</u>	<u>0.1594</u>
<u>1105</u>	<u>0.3758</u>	<u>0.2334</u>	<u>3415</u>	<u>0.2794</u>	<u>0.1594</u>
<u>1106</u>	<u>0.1467</u>	<u>0.1304</u>	<u>3501</u>	<u>0.6627</u>	<u>0.3509</u>
<u>1108</u>	<u>0.2747</u>	<u>0.1912</u>	<u>3503</u>	<u>0.1641</u>	<u>0.1664</u>
<u>1109</u>	<u>0.4650</u>	<u>0.3402</u>	<u>3506</u>	<u>0.6900</u>	<u>0.2542</u>
<u>1301</u>	<u>0.2601</u>	<u>0.1624</u>	<u>3509</u>	<u>0.2606</u>	<u>0.1807</u>
<u>1303</u>	<u>0.1231</u>	<u>0.0682</u>	<u>3510</u>	<u>0.2747</u>	<u>0.1826</u>
<u>1304</u>	<u>0.0142</u>	<u>0.0105</u>	<u>3511</u>	<u>0.4118</u>	<u>0.2604</u>
<u>1305</u>	<u>0.2554</u>	<u>0.1664</u>	<u>3512</u>	<u>0.2194</u>	<u>0.1891</u>
<u>1401</u>	<u>0.4275</u>	<u>0.2631</u>	<u>3513</u>	<u>0.2747</u>	<u>0.1826</u>
<u>1404</u>	<u>0.3795</u>	<u>0.2073</u>	<u>3602</u>	<u>0.0653</u>	<u>0.0527</u>
<u>1405</u>	<u>0.3428</u>	<u>0.2112</u>	<u>3603</u>	<u>0.2473</u>	<u>0.1997</u>
<u>1501</u>	<u>0.2721</u>	<u>0.1506</u>	<u>3604</u>	<u>0.9569</u>	<u>0.5441</u>
<u>1507</u>	<u>0.1976</u>	<u>0.1295</u>	<u>3605</u>	<u>0.3190</u>	<u>0.1885</u>
<u>1701</u>	<u>1.3751</u>	<u>0.4819</u>	<u>3701</u>	<u>0.1739</u>	<u>0.1175</u>
<u>1702</u>	<u>1.3969</u>	<u>0.5297</u>	<u>3702</u>	<u>0.3366</u>	<u>0.1954</u>
<u>1703</u>	<u>0.2567</u>	<u>0.1270</u>	<u>3707</u>	<u>0.3145</u>	<u>0.2799</u>
<u>1704</u>	<u>0.5747</u>	<u>0.2837</u>	<u>3708</u>	<u>0.2419</u>	<u>0.1591</u>
<u>1801</u>	<u>0.6780</u>	<u>0.2996</u>	<u>3802</u>	<u>0.1136</u>	<u>0.0830</u>
<u>1802</u>	<u>0.8371</u>	<u>0.3615</u>	<u>3808</u>	<u>0.2117</u>	<u>0.1254</u>
<u>2002</u>	<u>0.3641</u>	<u>0.2458</u>	<u>3901</u>	<u>0.1127</u>	<u>0.0828</u>

<u>3902</u>	<u>0.2505</u>	<u>0.1828</u>	<u>5301</u>	<u>0.0186</u>	<u>0.0138</u>
<u>3903</u>	<u>0.7090</u>	<u>0.5496</u>	<u>5305</u>	<u>0.0257</u>	<u>0.0199</u>
<u>3905</u>	<u>0.0893</u>	<u>0.0865</u>	<u>5306</u>	<u>0.0299</u>	<u>0.0224</u>
<u>3906</u>	<u>0.3539</u>	<u>0.2167</u>	<u>5307</u>	<u>0.2264</u>	<u>0.1260</u>
<u>3909</u>	<u>0.1135</u>	<u>0.0923</u>	<u>6103</u>	<u>0.0314</u>	<u>0.0349</u>
<u>4002</u>	<u>0.6047</u>	<u>0.2842</u>	<u>6104</u>	<u>0.1456</u>	<u>0.1170</u>
<u>4101</u>	<u>0.1432</u>	<u>0.1018</u>	<u>6105</u>	<u>0.1216</u>	<u>0.0825</u>
<u>4103</u>	<u>0.1490</u>	<u>0.1275</u>	<u>6107</u>	<u>0.0740</u>	<u>0.0614</u>
<u>4107</u>	<u>0.0896</u>	<u>0.0709</u>	<u>6108</u>	<u>0.2975</u>	<u>0.2279</u>
<u>4108</u>	<u>0.1137</u>	<u>0.0769</u>	<u>6109</u>	<u>0.0408</u>	<u>0.0277</u>
<u>4109</u>	<u>0.1432</u>	<u>0.1018</u>	<u>6110</u>	<u>0.3041</u>	<u>0.1963</u>
<u>4201</u>	<u>0.2578</u>	<u>0.1149</u>	<u>6201</u>	<u>0.1798</u>	<u>0.1063</u>
<u>4301</u>	<u>0.5051</u>	<u>0.3225</u>	<u>6202</u>	<u>0.3886</u>	<u>0.2410</u>
<u>4302</u>	<u>0.4802</u>	<u>0.2268</u>	<u>6203</u>	<u>0.0492</u>	<u>0.0418</u>
<u>4304</u>	<u>0.4149</u>	<u>0.2764</u>	<u>6204</u>	<u>0.1144</u>	<u>0.0932</u>
<u>4305</u>	<u>0.6971</u>	<u>0.3325</u>	<u>6205</u>	<u>0.1144</u>	<u>0.0932</u>
<u>4401</u>	<u>0.3097</u>	<u>0.2007</u>	<u>6206</u>	<u>0.1144</u>	<u>0.0932</u>
<u>4402</u>	<u>0.4236</u>	<u>0.2864</u>	<u>6207</u>	<u>0.6335</u>	<u>0.6676</u>
<u>4404</u>	<u>0.2772</u>	<u>0.1773</u>	<u>6208</u>	<u>0.1416</u>	<u>0.1427</u>
<u>4501</u>	<u>0.0885</u>	<u>0.0652</u>	<u>6209</u>	<u>0.1426</u>	<u>0.1220</u>
<u>4502</u>	<u>0.0256</u>	<u>0.0188</u>	<u>6301</u>	<u>0.0880</u>	<u>0.0482</u>
<u>4504</u>	<u>0.0517</u>	<u>0.0480</u>	<u>6302</u>	<u>0.0999</u>	<u>0.0730</u>
<u>4601</u>	<u>0.4029</u>	<u>0.2734</u>	<u>6303</u>	<u>0.0445</u>	<u>0.0312</u>
<u>4802</u>	<u>0.1430</u>	<u>0.0997</u>	<u>6304</u>	<u>0.1043</u>	<u>0.0990</u>
<u>4803</u>	<u>0.1277</u>	<u>0.1034</u>	<u>6305</u>	<u>0.0625</u>	<u>0.0497</u>
<u>4804</u>	<u>0.3117</u>	<u>0.2364</u>	<u>6306</u>	<u>0.1711</u>	<u>0.1204</u>
<u>4805</u>	<u>0.2027</u>	<u>0.1334</u>	<u>6308</u>	<u>0.0358</u>	<u>0.0251</u>
<u>4806</u>	<u>0.0404</u>	<u>0.0294</u>	<u>6309</u>	<u>0.0852</u>	<u>0.0683</u>
<u>4808</u>	<u>0.3148</u>	<u>0.1714</u>	<u>6402</u>	<u>0.1983</u>	<u>0.1329</u>
<u>4809</u>	<u>0.1535</u>	<u>0.1134</u>	<u>6403</u>	<u>0.1232</u>	<u>0.1072</u>
<u>4810</u>	<u>0.0858</u>	<u>0.0739</u>	<u>6404</u>	<u>0.0915</u>	<u>0.0846</u>
<u>4811</u>	<u>0.1546</u>	<u>0.1185</u>	<u>6405</u>	<u>0.3906</u>	<u>0.2316</u>
<u>4812</u>	<u>0.2123</u>	<u>0.1345</u>	<u>6406</u>	<u>0.0542</u>	<u>0.0465</u>
<u>4813</u>	<u>0.1460</u>	<u>0.1034</u>	<u>6407</u>	<u>0.1264</u>	<u>0.0955</u>
<u>4900</u>	<u>0.3699</u>	<u>0.1785</u>	<u>6408</u>	<u>0.2246</u>	<u>0.1487</u>
<u>4901</u>	<u>0.0327</u>	<u>0.0200</u>	<u>6409</u>	<u>0.3557</u>	<u>0.2047</u>
<u>4902</u>	<u>0.0429</u>	<u>0.0262</u>	<u>6410</u>	<u>0.0995</u>	<u>0.0747</u>
<u>4903</u>	<u>0.0327</u>	<u>0.0200</u>	<u>6501</u>	<u>0.0612</u>	<u>0.0428</u>
<u>4904</u>	<u>0.0154</u>	<u>0.0122</u>	<u>6502</u>	<u>0.0162</u>	<u>0.0133</u>
<u>4905</u>	<u>0.1451</u>	<u>0.1338</u>	<u>6503</u>	<u>0.0500</u>	<u>0.0240</u>
<u>4906</u>	<u>0.0507</u>	<u>0.0329</u>	<u>6504</u>	<u>0.2272</u>	<u>0.2134</u>
<u>4907</u>	<u>0.0418</u>	<u>0.0271</u>	<u>6505</u>	<u>0.0556</u>	<u>0.0513</u>
<u>4908</u>	<u>0.0399</u>	<u>0.0697</u>	<u>6506</u>	<u>0.0470</u>	<u>0.0416</u>
<u>4909</u>	<u>0.0200</u>	<u>0.0341</u>	<u>6508</u>	<u>0.2238</u>	<u>0.1607</u>
<u>4910</u>	<u>0.2469</u>	<u>0.1745</u>	<u>6509</u>	<u>0.1394</u>	<u>0.1184</u>
<u>5001</u>	<u>3.5376</u>	<u>1.1929</u>	<u>6601</u>	<u>0.1102</u>	<u>0.0938</u>
<u>5002</u>	<u>0.3444</u>	<u>0.1980</u>	<u>6602</u>	<u>0.2925</u>	<u>0.1994</u>
<u>5003</u>	<u>1.2217</u>	<u>0.4512</u>	<u>6603</u>	<u>0.1871</u>	<u>0.1285</u>
<u>5004</u>	<u>1.1490</u>	<u>0.6812</u>	<u>6604</u>	<u>0.0382</u>	<u>0.0302</u>
<u>5005</u>	<u>1.0345</u>	<u>0.4173</u>	<u>6605</u>	<u>0.1872</u>	<u>0.1696</u>
<u>5006</u>	<u>1.0345</u>	<u>0.4173</u>	<u>6607</u>	<u>0.0891</u>	<u>0.0797</u>
<u>5101</u>	<u>0.4770</u>	<u>0.3347</u>	<u>6608</u>	<u>0.2135</u>	<u>0.1047</u>
<u>5103</u>	<u>0.4283</u>	<u>0.3093</u>	<u>6614</u>	<u>283.7000*</u>	<u>185.0000*</u>
<u>5106</u>	<u>0.4269</u>	<u>0.3051</u>	<u>6615</u>	<u>211.7000*</u>	<u>137.0000*</u>
<u>5108</u>	<u>0.4287</u>	<u>0.2355</u>	<u>6616</u>	<u>27.7000*</u>	<u>16.0000*</u>
<u>5109</u>	<u>0.4546</u>	<u>0.2318</u>	<u>6617</u>	<u>20.7000*</u>	<u>13.0000*</u>
<u>5201</u>	<u>0.2234</u>	<u>0.1270</u>	<u>6618</u>	<u>80.7000*</u>	<u>68.0000*</u>
<u>5204</u>	<u>0.6959</u>	<u>0.3872</u>	<u>6620</u>	<u>0.4064</u>	<u>0.3461</u>
<u>5206</u>	<u>0.3699</u>	<u>0.1785</u>	<u>6704</u>	<u>0.0826</u>	<u>0.0600</u>
<u>5207</u>	<u>0.0793</u>	<u>0.0806</u>	<u>6705</u>	<u>0.4555</u>	<u>0.4119</u>
<u>5208</u>	<u>0.6285</u>	<u>0.3432</u>	<u>6706</u>	<u>0.2187</u>	<u>0.1959</u>
<u>5209</u>	<u>0.4612</u>	<u>0.2873</u>	<u>6707</u>	<u>0.9928</u>	<u>0.8250</u>

6708	2.9544	3.1602
6709	0.1028	0.0990
6801	0.1652	0.1034
6802	0.2145	0.1987
6803	0.8514	0.1688
6804	0.1272	0.0840
6809	1.7142	2.6159
6901	0.0000	0.0282
6902	0.6651	0.2199
6903	2.9503	1.3135
6904	0.1538	0.0918
6905	0.1690	0.1147
6906	0.0000	0.1147
6907	0.7989	0.4285
6908	0.2681	0.1764
6909	0.0550	0.0440
7101	0.0201	0.0143
7102	1.5111	2.3945
7103	0.2073	0.1140
7104	0.0151	0.0132
7105	0.0178	0.0133
7106	0.1102	0.0676
7107	0.1768	0.1123
7108	0.1239	0.1053
7109	0.1328	0.1071
7110	0.2529	0.1305
7111	0.3196	0.2053
7112	0.4385	0.2521
7113	0.4742	0.2416
7114	0.3974	0.3680
7115	0.3765	0.2262
7116	0.3945	0.2280
7117	0.8188	0.6605
7118	1.8447	1.0898
7119	1.3553	0.7301
7120	3.7391	2.3438
7121	4.0623	2.3334
7201	0.7435	0.3402
7202	0.0341	0.0222
7203	0.0641	0.0690
7204	0.0000	0.0000
7301	0.3861	0.2197
7302	0.3834	0.2994
7307	0.4023	0.3019
7308	0.0766	0.0738
7309	0.1028	0.0990

(*)Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

) These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

AMENDATORY SECTION (Amending WSR 95-06-069, filed 3/1/95, effective 4/10/95)

WAC 296-17-915 Evaluation of incurred losses dividend and retrospective rating plans. The initial evaluation date for each claim arising from incidents occurring during the coverage period shall be approximately twelve months following the end of the coverage period. Each subsequent annual incurred loss evaluation under the retrospective rating plan shall be approximately twelve months following the preceding evaluation date.

The estimated cost of each claim shall include all payments made as of the valuation date and may also include a reserve for future payments. The claim cost for any one claim or group of claims arising from a single accident shall be limited to a maximum of \$500,000.

For claims with injury dates prior to July 1, 1996, a potential claim cost recovery from action against a third party, either by the injured worker or by the department, shall not be considered in the evaluation of incurred losses until such time as the third-party action has been completed. For claims with injury dates after July 1, 1996, if the department determines that there is a reasonable potential of recovery from an action against a third party, the incurred loss shall be reduced by fifty percent during the period of time that the third-party action is pending. Regardless of the final outcome of the third-party action, the incurred loss will not be reevaluated after the final retrospective rating adjustment.

For a third-party action completed before the final adjustment, the claim shall be credited with the department's net share of the recovery, after deducting attorney fees, if the action is completed prior to July 1, 1996. If a third-party action is completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees.

AMENDATORY SECTION (Amending WSR 95-23-080, filed 11/20/95, effective 1/1/96)

WAC 296-17-920 Assessment for supplemental pension fund. The amount of ~~((23.6))~~ 17.2 mills ~~(((\$0.236))~~ (\$0.172) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. ~~((Provided that in classifications 6707 and 7102, the employer shall retain nineteen cents per day from each worker.))~~ The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-17-502 Classification 0102.
- WAC 296-17-507 Classification 0109.
- WAC 296-17-50904 Classification 0206.
- WAC 296-17-530 Classification 0804.
- WAC 296-17-556 Classification 2003.
- WAC 296-17-579 Classification 3401.
- WAC 296-17-605 Classification 3801.

WSR 96-05-065
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 20, 1996, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-109.

Title of Rule: Workers' compensation classification plan, chapter 296-17 WAC.

Purpose: Agency proposes to revise general reporting rules, classification plan, the corresponding base insurance rate tables, a retrospective rating rule, and a new rating rule related to third-party actions applicable to workers' compensation insurance underwritten by the Department of Labor and Industries.

Statutory Authority for Adoption: RCW 51.16.035.

Statute Being Implemented: RCW 51.16.035.

Summary: The department proposes to establish twenty new risk classification definitions; discontinue six risk classification definitions; amend one hundred twenty-three risk classification definitions; amend three general reporting rules; and amend four experience rating and base insurance rate tables.

Reasons Supporting Proposal: RCW 51.16.035 requires the department to maintain actuarial solvency of the industrial insurance funds and maintain a classification plan. Adjustments to the classification and rating plan reflect changes in Washington industries. Revisions to general reporting rules are intended to provide greater clarity to the rules.

Name of Agency Personnel Responsible for Drafting: Frank Romero, Classification Services/Ken Woehl, Classification Services, Tumwater, Washington, 902-4748/902-4775; **Implementation:** Theresa Whitmarsh, Assistant Director for Insurance Services/Kathy Kimbel, Program Manager, Tumwater, Washington, 902-4209/902-4835; and **Enforcement:** Doug Mathers, Chief Field Auditor, Tumwater, Washington, 902-4750.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department is required by RCW 51.16.035 to establish and maintain a workers' compensation insurance classification plan that classifies all occupations or industries within the state, and to set basic rates of premium for all classifications. The rule proposals are intended to better clarify the reporting rules, to distribute the costs of insurance fairly among employers, and to ensure actuarial solvency. The department proposes to revise general reporting rules, classification plan, the corresponding base insurance rate tables, a retrospective rating rule, and a new rating rule related to third-party actions. The department has conducted a review of various classifications and determined that certain classifications are in need of revision. Other changes include the addition of new emerging industries to the classification plan. The elimination of a clerical office inclusion within certain store classifications requested by the business community and changes to commercial construction classes requested by the industry.

Proposal Changes the Following Existing Rules: Amending general reporting rules, WAC 296-17-420 General inclusions, 296-17-440 Standard exceptions, and 296-17-45003 Special construction industry rule.

Amending classifications, WAC 296-17-501 Classification 0101 Road building, 296-17-503 Classification 0103 Drilling, N.O.C., 296-17-505 Classification 0105 Fence erection, 296-17-507 Classification 0109 Reinforcing steel installation, 296-17-508 Classification 0201 Bridge work, 296-17-510 Classification 0301 Landscaping, 296-17-511 Classification 0302 Masonry work, 296-17-512 Classification 0306 Plumbing, 296-17-513 Classification 0307 Heating systems, 296-17-517 Classification 0502 Floor covering installation, 296-17-519 Classification 0504 Painting, 296-17-52002 Classification 0507 Roof work, 296-17-52103 Classification 0511 Glass installation - buildings, 296-17-52104 Classification 0512 Insulation installation, 296-17-52107 Classification 0515 Wallboard installation, 296-17-52110 Classification 0518 Building construction, N.O.C., 296-17-524 Classification 0603 Millwright work, 296-17-526 Classification 0606 Vending machine installation, 296-17-527 Classification 0607 Household appliance installation, 296-17-528 Classification 0701 Dam construction, 296-17-529 Classification 0803 Cities and towns - miscellaneous employees, 296-17-534 Classification 1002 Sawmills, 296-17-53501 Classification 1004 Log storage yards, 296-17-53502 Classification 1005 Shake and shingle mills, 296-17-536 Classification 1101 Parcel and package delivery, 296-17-538 Classification 1103 Soil dealers, 296-17-53803 Classification 1106 Rental stores, N.O.C., 296-17-53805 Classification 1108 Glass merchants, 296-17-53806 Classification 1109 Towing services, 296-17-539 Classification 1301 Electric power companies, 296-17-540 Classification 1303 Telephone companies, 296-17-54101 Classification 1305 Television cable companies, 296-17-545 Classification 1501 County employees, N.O.C., 296-17-546 Classification 1507 Waterworks, 296-17-55201 Classification 1802 Aluminum smelters, 296-17-555 Classification 2002 Freight handlers, 296-17-561 Classification 2008 Field bonded warehouses, 296-17-56101 Classification 2009 Building material dealers, 296-17-562 Classification 2101 Feed mills, 296-17-563 Classification 2102 Grocery distributors, 296-17-564 Classification 2104 Fruit and vegetable packing operations, 296-17-56401 Classification 2105 Beer, wine and ale distributors, 296-17-56402 Classification 2106 Fertilizer dealers, 296-17-565 Classification 2201 Laundries, 296-17-567 Classification 2401 Paper goods mfg., 296-17-568 Classification 2903 Wood products mfg., 296-17-56901 Classification 2905 Furniture mfg. - wood, 296-17-57001 Classification 2907 Cabinet shops, 296-17-57003 Classification 2909 Wooden ware mfg., 296-17-571 Classification 3101 Redi mix dealers, 296-17-572 Classification 3102 Rock wool insulation mfg., 296-17-573 Classification 3103 Cement mfg., 296-17-57602 Classification 3303 Meat dealers - retail, 296-17-57603 Classification 3304 Meat dealers - wholesale, 296-17-580 Classification 3402 Machine shops, 296-17-582 Classification 3404 Aluminum goods mfg., 296-17-58201 Classification 3405 Aircraft parts, 296-17-583 Classification 3406 Gasoline service stations, 296-17-585 Classification 3408 Natural gas companies, 296-17-58501 Classification 3409 Self service gas stations, 296-17-586 Classification 3501 Brick or clay product mfg., 296-17-590 Classification 3506

PROPOSED

Crane services, 296-17-59201 Classification 3509 Plaster statue mfg., 296-17-59202 Classification 3510 Plastic products mfg., 296-17-594 Classification 3602 Electronic parts mfg., 296-17-599 Classification 3701 Chemical mixing, 296-17-604 Classification 3708 Cotton/textile goods mfg., 296-17-606 Classification 3802 Cloth goods mfg., 296-17-619 Classification 4002 Milk processing, 296-17-620 Classification 4101 Printing, 296-17-622 Classification 4103 Newspapers, 296-17-628 Classification 4109 Sign painting - shop, 296-17-634 Classification 4305 Solid waste hauling, 296-17-643 Classification 4802 Berry farms, 296-17-644 Classification 4803 Orchards, 296-17-645 Classification 4804 Poultry farms, 296-17-646 Classification 4805 Nurseries, 296-17-649 Classification 4808 Field crops, 296-17-64901 Classification 4809 Flower raising, 296-17-64902 Classification 4810 Vegetable farms, 296-17-64903 Classification 4811 Hop farms, 296-17-64904 Classification 4812 Fish hatcheries, 296-17-64905 Classification 4813 Vineyards, 296-17-651 Classification 4902 State government - office, 296-17-654 Classification 4905 Hotels and motels, 296-17-659 Classification 5001 Logging, 296-17-66002 Classification 5004 Reforestation, 296-17-67601 Classification 5208 Metal work, 296-17-67602 Classification 5209 Heavy metal work, 296-17-677 Classification 5301 Accounting/bookkeeping firms, 296-17-67901 Classification 5307 State government, N.O.C., 296-17-680 Classification 6103 Schools - office and teachers, 296-17-681 Classification 6104 Schools - custodians, 296-17-687 Classification 6201 Funeral homes, 296-17-692 Classification 6206 Golf courses, 296-17-693 Classification 6207 Carnivals, 296-17-694 Classification 6208 Carnivals, 296-17-695 Classification 6209 Campgrounds, 296-17-699 Classification 6304 Department stores, 296-17-700 Classification 6305 Clothing stores, 296-17-701 Classification 6306 Furniture stores, 296-17-703 Classification 6308 Jewelry stores, 296-17-704 Classification 6309 Hardware stores, 296-17-706 Classification 6402 Grocery stores, 296-17-707 Classification 6403 Mini markets, 296-17-708 Classification 6404 Florists, 296-17-709 Classification 6405 Tire stores, 296-17-710 Classification 6406 Retail stores, N.O.C., 296-17-711 Classification 6407 Wholesale stores, 296-17-712 Classification 6408 Farm machinery dealers, 296-17-717 Classification 6504 Welfare special works, 296-17-719 Classification 6506 Photo studios, 296-17-723 Classification 6601 Security guard services, 296-17-727 Classification 6605 Musicians, 296-17-741 Classification 6801 Airlines - scheduled - flight crew, 296-17-742 Classification 6802 Airlines - scheduled - ground crew, 296-17-746 Classification 6901 Volunteers, 296-17-747 Classification 6902 Logging road construction, 296-17-753 Classification 6908 Paper bag mfg., 296-17-756 Classification 7103 State government-law enforcement, 296-17-76207 Classification 7116 Temporary help - flagging - utilities, 296-17-76209 Classification 7118 Temporary help - flagging - construction, 296-17-763 Classification 7201 State government - health care workers, and 296-17-778 Classification 7308 Dog grooming and pet stores.

Proposed new classifications, WAC 296-17-50703 Classification 0112 Sand and gravel dealers, 296-17-50908 Classification 0210 Paving - streets or roads, 296-17-50910 Classification 0212 Paving, N.O.C., 296-17-50912 Classification 0214 Concrete work, N.O.C., 296-17-50915 Classification 0217 Concrete flatwork, 296-17-50917 Classification

0219 Construction specialty services, 296-17-51101 Classification 0303 Plastering and stucco work, 296-17-51301 Classification 0308 Lawn care, 296-17-52112 Classification 0520 Wallboard taping and texturing, 296-17-52113 Classification 0521 Painting building - interiors, 296-17-53802 Classification 1105 Septic tanks pumping, 296-17-56602 Classification 2204 Coin operated laundries, 296-17-58503 Classification 3411 Car and truck dealers, 296-17-58504 Classification 3412 Auto body shops, 296-17-58505 Classification 3413 Semi truck repair shops, 296-17-58506 Classification 3414 Boat dealers, 296-17-58507 Classification 3415 Mobile home dealers, 296-17-59205 Classification 3513 Rubber goods mfg., 296-17-64999 Classification 4900 Construction superintendent, and 296-17-66004 Classification 5006 Reforestation - machine work.

Proposed classifications to be repealed, WAC 296-17-502 Classification 0102 Concrete construction, 296-17-50904 Classification 0206 Concrete work, N.O.C., 296-17-530 Classification 0804 Sand and gravel dealers, 296-17-556 Classification 2003 Hide or leather dealers, 296-17-579 Classification 3401 Auto repair garages, and 296-17-605 Classification 3801 Leather goods mfg.

Amending experience rating and base rate tables, WAC 296-17-870 Third party recovery, 296-17-885 Expected loss ratios and D-ratios, 296-17-895 Industrial insurance base rate table, 296-17-915 Evaluation of incurred losses, and 296-17-920 Assessment for supplemental pension fund.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not prepared because there was no negative cost impact to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 51.16.035 requires the Department of Labor and Industries to establish a classification plan and premium rates for all risk classification in accordance with recognized principles of insurance.

Hearing Location: On April 15, at 10 a.m., at the Labor and Industries Auditorium, 7273 Linderson Way S.W., Tumwater, WA; and on April 16, at 10 a.m., at the Wenatchee Red Lion, 1225 North Wenatchee Avenue, Wenatchee, WA.

Assistance for Persons with Disabilities: Contact Classification Services, (360) 902-4776.

Submit Written Comments to: FAX (360) 902-4721, by April 16, 1996.

Date of Intended Adoption: May 31, 1996.

February 21 [20], 1996

Dorette M. Markham
for Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-420 General inclusions. All of the basic classifications in this manual, other than standard exceptions, include certain operations which would be classified separately if they were run as separate business undertakings. These operations are referred to as general inclusions and are included in the scope of each basic classification. The following operations are included in all

basic classifications unless they are specifically excluded by the language of the basic classification.

(1) Aircraft travel by employees, other than members of the flying crew.

(2) Commissaries and restaurants for the employers' employees. Provided that such operations conducted in connection with construction, erection, lumbering, or mining operations shall be assigned to Code 3905 "restaurants."

(3) Manufacture of containers, such as bags, barrels, bottles, boxes, cans, cartons, wooden pallets, or packing cases by employees of the employers for use in the employer's operations.

(4) Hospitals, medical facilities, or dispensaries operated by the employers for their employees.

(5) Printing, lithography, or similar operations of the employer when used exclusively for their own products.

(6) Maintenance or ordinary repair of the employer's building or equipment when performed by employees of the employer.

(7) Pick up and delivery when done by employees of the employer in connection with the business of the employer.

(8) Sales of all goods or products being manufactured by the employer.

(9) Warehousing, handling, packing, and shipping when done by an employee of the employer and done in connection with the business of the employer.

(10) Testing or analytical laboratories when done by an employee of the employer and done in connection with the business of the employer.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-440 Standard exceptions. ((The following employments referred to as standard exceptions are to be separately rated unless these employments are specifically included within the scope of a basic classification by use of words such as "including clerical office and outside sales." (Use of the words "clerical office" will also include draftsmen and use of the words "sales personnel" will also include collectors, messengers and corporate officers.) Provided that a division of a single employee's worker hours shall not be permitted between two standard exception classifications or between a standard exception classification and a basic business classification except as provided in the general exclusion rules of this manual.

The standard exceptions are defined below:

(1) Clerical office employees are defined as those employees whose duties are confined to keeping the books or records of the employer, or conducting correspondence or who are engaged wholly in office work where such books or records are kept or where such correspondence is conducted, having no other duty of any nature in or about the employer's premises. If any clerical office employee is exposed to any operative hazard of the business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed. The clerical office classification shall be applied only to persons as herein described who are employed exclusively in separate buildings or on separate floors of buildings or in departments on such floors which are physically separated from all other work areas of

the employer by structural partitions and within which no work is performed other than clerical office duties as defined in this paragraph.

(2) Draftsmen will be considered to be clerical office employees when their duties are limited to office work only and who are engaged strictly as draftsmen in such a manner that they are not exposed to the operative hazard of the business. If any draftsman is exposed to any operative hazard of this business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed.

(3) "Sales personnel outside" covered under risk classifications 6301, 6302, and 6303 are defined as those employees engaged in such duties away from the premises of the employer who sell or solicit new accounts or customers for the employer or who service existing accounts or customers for the employer. Provided that no employee shall be assigned to a sales classification code if their duties include delivery, even though they may also solicit or collect. Employees having delivery duties, even if they walk or use public transportation, shall be assigned to the basic classification of the employer.

(4) Messengers will be considered sales employees, provided the following conditions are met:

(a) The messenger is used solely by the employer in connection with the administration of the employer's business operation.

(b) The operation is not provided to the public as a general delivery service.

(c) The employer's basic classification does not include the standard exception classification designations.

If all the above conditions do not exist, any employee assigned such duties shall be assigned to the governing classification of the employer when multiple basic classifications are assigned or to the basic classification in the event an employer has only a single basic classification assigned.

(5) Corporate officers are defined as those employees of a corporation elected and empowered in accordance with the articles of incorporation or bylaws as officers of the corporation who are also shareholders and serve on the board of directors of the corporation and whose duties are limited to administrative, clerical office and outside sales activities for the corporations. Any corporate officer who performs any duty that relates directly to the operational activities of the business shall be assigned to the basic classification(s) of the employer applicable to the work being performed. A corporate officer engaged exclusively in outside sales shall be assigned classification 6303. In no event however will a corporate officer be assigned the clerical office classification 4904.

With the exceptions of occupations falling within any classification that specifically includes clerical office, inside draftsmen or sales personnel, the following designated occupational classifications shall apply:

Classification 4904 clerical office employees including inside draftsmen.

Classification 6303 sales personnel, outside or away from the employers premises including collectors, counselors, N.O.C., and messengers.

Classification 6301 automobile, truck, camper, trailer, mobile home, motorcycle and pleasure craft sales personnel.

Classification 6302 all door to door sales personnel.

Classification 7101 corporate officers.) The policy (WAC 296-17-310) used by labor and industries to classify workers' compensation risks states in part that ". . . workers' compensation classification(s) are to be assigned to an employer based on the nature of the employer's business, not the separate employments or occupations of workers found within the employer's business. . . ." There are several exceptions to this general classification policy noted in WAC 296-17-310. One such exception relates to "standard exception" employments. These are types of employments (*occupations*) in which employees are not exposed to any operative hazards of their employer's business and because they are common to so many businesses special classifications and reporting rules have been established for them. Through the establishment of special classifications recognition can be made within the rating plan of less hazardous nature of the work being performed by these classes of workers. In addition this practice is consistent with recognized principles of workers' compensation insurance and provides greater rate payer equity to employers. Standard exception employments described in this rule are to be rated (*classified*) separately in all cases unless these employments are specifically included within the scope of the basic classification(s) assigned to an employer. For example classification 5301 (WAC 296-17-677) which applies to "accounting or bookkeeping firms" specifies that it includes clerical office work and outside sales activities. A business assigned this classification (5301) would not be permitted to use any of the standard exception classifications described in subsections (1) through (3) of this section since they are specifically included within the scope of the classification. When the words "including clerical office" appear in any basic classification it will also include "drafting employees" although they may not be specifically mentioned and the use of the words "sales personnel" in any basic classification will include "sales personnel - outside, messengers and corporate officers." Because standard exception employments (*occupations*) exclude exposure to the operative hazards of an employer's business a division of work time between a standard exception classification and a basic classification is not permitted except as otherwise provided in the general exclusion rules (WAC 296-17-430) of this manual. Any employee that is assigned any duty which exposes him or her to any operative hazard of the employer's business is to be assigned without a division of hours to the basic classification of the business when the employer has only a single basic classification assigned, or to the governing classification of the business when multiple basic classifications are assigned to the employer.

(1) Clerical office employees. Clerical office employees who are not specifically included in the basic classification(s) assigned to an employer may qualify to be reported (*classified*) separately under standard exception classification 4904 (WAC 296-17-653) provided that all of the conditions set forth in (a) and (b) of this subsection are met:

(a) Definition of clerical office duties. The duties of a clerical office employee include answering telephones; handling correspondence; computer composition; creation or maintenance of financial, employment, personnel and payroll records; creation or maintenance of computer software; and technical drafting. Cashiering and telephone sales may

qualify for this classification (4904) provided that the employee does not handle, show, demonstrate or deliver any of the products sold by the employer and does not provide any retail or wholesale customer service. Similarly the clerical office classification (4904) may still apply to an employee who is required to make bank deposits, pick up mail from or deliver mail to the post office or purchase supplies, provided that such an employee's primary work duties are clerical office duties as defined in this rule.

(b) Definition of a clerical office. A clerical office is a work area which is physically separated from all other work areas of the employer by walls, partitions or other physical barriers and wherein only clerical office work as described in (a) of this subsection is performed. Clerical offices are routinely found on separate floors of buildings or in physically separate buildings. A clerical office does not include any work area where inventory is located; any work area where products are displayed for sale; or any work area where the purchaser or customer brings the product to for payment. A clerical office must be distinguishable from all other work areas of the employer and must be free from all the operative hazards of the business.

Drafting employees who are not specifically included in the basic classification(s) assigned to an employer may qualify to be rated (*classified*) separately under standard exception classification 4904 (WAC 296-17-653) provided the work they are assigned is performed in a clerical office as defined in subsection (1)(b) of this section and the work consists exclusively of drafting work or clerical office duties as defined in subsection (1)(a) of this section. Any clerical office or drafting employee that is assigned any duty which exposes him or her to any operative hazard of the employer's business is to be assigned without a division of hours to the basic classification of the business when the employer has only a single basic classification assigned, or to the governing classification of the business when multiple basic classifications are assigned to the employer.

(2) Sales personnel - outside. Sales personnel - outside who are not specifically included in the basic classification(s) assigned to an employer may qualify to be reported (*classified*) separately under standard exception classification 6301 (296-17-696), classification 6302 (WAC 296-17-697), or classification 6303 (WAC 296-17-698) provided that all of the conditions set forth in (a) and (b) of this subsection are met:

(a) Definition of sales personnel - outside duties. The duties of a sales personnel - outside employee include soliciting new customers for the employer; servicing existing customer accounts; demonstrating and selling products; completing correspondence; placing orders; public relations; estimating and telephone sales. Although some of the work may be conducted within a clerical office the duties assigned to these standard exception classifications differ significantly in that their principle duties of soliciting new customers, demonstrating products and sales is conducted primarily away from the employers premises or place of business.

(b) Duties prohibited. No employee whose duties include any retail or wholesale customer service such as stocking of shelves, handling inventory, delivery of products, or merchandising of products being sold by the employer shall be assigned to standard exception classification 6301 (WAC 296-17-696), classification 6302 (WAC 296-17-697)

or classification 6303 (WAC 296-17-698) even though such employee may have duties described in (a) of this subsection. Any employee whose duties include delivery of goods or products or the handling of merchandise is to be assigned without a division of hours to the basic classification of the business when the employer has only a single basic classification assigned, or to the governing classification of the business when multiple basic classifications are assigned to the employer.

(c) Messengers - outside. Just as a drafting employee may qualify to be rated separately as a clerical office employee, a messenger may qualify to be rated (classified) separately under standard exception classification 6303 (WAC 296-17-698) "sales personnel - outside" provided that all of the conditions set forth in (b)(i) through (iii) of this subsection are met:

(i) The messenger must be used exclusively by the employer in connection with the administration of the employer's business operation for the delivery of interoffice correspondence and/or mail, making deposits or similar duties.

(ii) The messenger service is not provided as a service to the employer's customers or the public as a general or specialty delivery service.

(iii) The employer's basic classification(s) does not include the standard exception designation.

If all of the above conditions are not met, any employee assigned messenger duties is to be assigned to the basic classification of the business when the employer has only a single basic classification assigned or the governing classification of the business when multiple basic classifications are assigned.

(3) Corporate officers. Corporate officers who are not specifically included in the basic classification(s) assigned to an employer may qualify to be reported (classified) separately under standard exception classification 7101 (WAC 296-17-754) provided that all of the conditions set forth in (a) and (b) of this subsection are met:

(a) Definition of corporate officer. For purposes of this rule and classification 7101 (WAC 296-17-754) a corporate officer is defined as any employee who is elected and empowered in accordance with the articles of incorporation or bylaws of the corporation as an officer of the corporation, who is also a share holder in the corporation and serves on the corporation's board of directors.

(b) Definition of corporate officer duties. The duties of a corporate officer rated (classified) under classification 7101 (WAC 296-17-754) include clerical duties as described in subsection (1)(a) of this section, outside sales duties as described in subsection (2)(a) of this section and administrative duties such as hiring staff, attending meetings, negotiating contracts and public relations work.

Any corporate officer who is exposed to any operative hazard of the business or who directly supervise employees that are exposed to any operative hazard of the business shall be assigned to the basic classification of the business when the employer has only a single basic classification assigned or to the governing classification of the business when multiple basic classifications are assigned to the employer. In the event that a corporate officer's duties are limited outside sales activities described under subsection (2)(a) of this section, such an employee may qualify to be rated

(classified) separately under classification 6303 (WAC 296-17-698) provided that all of the other conditions set forth in subsection (2) of this section are met. Under no circumstance will classification 4904 (WAC 296-17-653) be assigned to any corporate officer as defined in this rule.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-45003 Special construction industry rule. (1) Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll/time records are maintained for each such operation and which show in detail the name, rate of pay, and actual hours worked for each employee.

In the event payroll/time records are not maintained to support separate classification assignments the entire number of work hours in question shall be assigned to the highest rated classification which applies to the job site or location where the operation is being performed. The department may upon request by an employer (contractor) prior to the commencement of a contract authorize the use of a single basic classification to cover an entire project.

Selection of the basic classification will be determined by estimating the work hours for each construction operation at the site or location and calculating the premiums by each applicable classification—total estimated premiums will then be divided by the total estimated hours to produce an average rate. The basic classification assigned to the employer that carries the rate nearest to the estimated average rate will be selected provided that if the estimated average rate is equally between two classifications assigned to the employer the lower of the two rates will be selected.

Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location. For example a carpenter employed by a concrete contractor to build foundation forms is to be assigned to a concrete construction classification and not a carpentry classification.

(2) Subcontracted work. The general contractor as defined in RCW 18.27.010, who subcontracts work out to others must ensure that such subcontractors are properly registered and licensed under chapter 18.27 or 19.28 RCW as applicable to avoid being held liable for industrial insurance premiums for such subcontractors (RCW 51.12.070). At the time of audit or within thirty days thereafter the general contractor or specialist contractor as the case may be who has subcontracted work out to others must provide the department's traveling auditors, agents or assistants a list containing the names of such subcontractors, their contractors registration of license number, the expiration date of such registration or license, and their uniform business identifier or industrial insurance account number. Failure by the general contractor or specialist contractor to provide this record at the time of audit may result in a premium assessment being made for each subcontractor used by the general contractor or specialist contractor.

(3) Debris removal. Work hours related to the removal of construction materials equipment or debris from a job site

or location by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction work being supported by such clean up personnel. However, if clean up personnel are involved in general job site or location clean up then risk classification 0510 or 0518 will apply as applicable to the job site or location. Employees of a specialist contractor engaged exclusively in debris removal services shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location serviced.

(4) Scaffolding, hoists, and towers. Work hours related to the installation, maintenance or removal of scaffolding, hod hoists, distributing towers, sidewalk bridges, and elevators by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction being supported. However, if the scaffolding, hod hoists, distributing towers, sidewalk bridges and elevators being installed supports several phases of construction then risk classification 0510 or 0518 will apply as applicable to the jobsite or location. Employees of a specialist contractor engaged exclusively in work described in this subsection shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location.

(5) Preoccupancy clean up. Work hours related to preoccupancy clean up by employees of a general contractor or specialist contractor are to be assigned to classification 6602 "Janitors, N.O.C." provided that the term "preoccupancy clean up" for purposes of this rule is limited in scope to dusting, washing windows, vacuuming carpets, mopping floors, and cleaning fixtures. A division of individual work hours between classification 6602 and any construction, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy clean up are to be reported in the applicable construction classification.

(6) Shop or yard operations. Construction or erection contractors who maintain a permanent shop or yard operation may report the work hours of such employees in classification 5206, provided that this classification shall not apply to any yard or shop employee during any work shift in which the yard or shop employee has duties subject to another classification or if the classification assigned to the employer requires a separate treatment for shop operations.

(7) Construction superintendent or project manager. Applies to construction superintendents or project managers applicable to both general and specialty contractors for construction or erection projects. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally temporarily stationed at the construction site or project location and confined to a modular type of clerical office to schedule activities and arrival of supplies applicable to the job or project. Construction superintendents and project managers can be assigned classification 4900 provided such employees have no direct control over work crews and are not performing construction labor at the job site or project location. An employee performing superintendent or project manager duties and some type of construction labor or control over a work crew shall not be permitted a

division of work hours between classification 4900 and any other construction classification, all work hours are to be reported in the applicable construction classification.

AMENDATORY SECTION (Amending WSR 94-12-051, filed 5/27/94, effective 7/1/94)

WAC 296-17-501 Classification 0101.

Airports, landing strips, runways and taxi ways: Construction ~~((and repair))~~ - including operations such as clearing, grubbing, grading, cut and fill work, and bringing roadbed or project site to grade

Alley and parking lot: Construction - including operations such as clearing, grubbing, grading, cut and fill work, and bringing roadbed or project site to grade

~~((Diking, N.O.C. - including oil spill clean up involving diking and/or ditching work))~~

Excavation work, N.O.C.

~~((Forest trail construction, fire fighting and slash burning, N.O.C.))~~

Grading work, N.O.C. - including land leveling and grading of farm lands by contractor

Highway ~~((, street and road, N.O.C.: Construction and repair - includes operations such as grading, grubbing, clearing, surfacing, striping, guard rail highway divider installation, highway lighting and highway sign installation))~~ road construction, N.O.C.: Construction - including operations such as clearing, grubbing, grading, cut and fill work, and bringing roadbed to grade

~~((Humus or peat digging - including humus or peat dealers))~~

Land clearing, N.O.C. - including slope grooming

~~((Parking lot striping~~

~~Pit, crusher and bunker operations in connection with road, street and highway construction))~~

Pool or pond excavation

Railroad line: Construction, maintenance and repair, N.O.C., - including the dismantling of tracks and the sale of salvaged track metal and ties

Retaining wall: Construction or repair when done in connection with road, street and highway construction, N.O.C.

~~((Sand, gravel, or shale - Digging, N.O.C.))~~

Tree ~~((topping))~~ care and pruning services, N.O.C. - use of this ~~((subclassification))~~ classification is limited to employers engaged in providing a variety of tree care services such as tree topping and tree pruning. Work performed subject to this ~~((subclassification))~~ classification will generally take place in residential areas, or settings adjacent to roadways, parking lots, business parks, shopping malls. A primary purpose of this work is to remove tree or branch hazards from power lines or building structures. This ~~((subclassification))~~ classification includes all the incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree topping or limbing operation, spraying or fumigating, and debris removal. This ~~((subclassification))~~ classification excludes tree pruning done in connection with an orchard operation which is to be reported separately in classification 4803; tree pruning done in connection with a nursery operation which is to be reported separately in classification 4805; tree ~~((topping))~~ care or tree pruning

done in connection with a public or private forest, range land operation which is to be reported separately in classification 5004; or tree pruning done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307.

~~((Tunnels and approaches including lining, cofferdam work, shaft sinking, and well digging with caisson))~~

This classification excludes asphalt surfacing/resurfacing which is to be reported separately in classification 0210 or 0212; concrete construction which is to be reported separately in the applicable concrete construction classification(s); bridge construction which is to be reported separately in classification 0201 although such a structure may be constructed as a part of a highway, street or road construction project; logging road construction which is to be reported separately in classification 6902; log railroad construction which is to be reported separately in classification 6902; and tunnels and approaches - including lining, cofferdam work, shaft sinking and well digging with caisson done in connection with dam construction which is to be reported separately in classification 0701.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-503 Classification 0103.

Drilling, N.O.C. - excluding drilling work done in connection with a construction project which is to be reported separately in the classification applicable to the phase of work being supported

Geophysical exploration, seismic detection of the mechanical properties of the earth.

~~((See construction classification applicable to work being done, for drilling done in connection with construction work.))~~

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-505 Classification 0105.

Fence erection or repair(---): All types, N.O.C.

Parking meter: Installation(---report) - excluding parking meter mechanism service or repair which is to be reported separately in ((risk)) classification 0606 ((WAC 296-17-526)), "vending or coin-operated machine service(---)"

Placement of wire mesh on slopes for slope protection.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-507 Classification 0109.

Reinforcing steel installation ~~((---placing for concrete construction)), N.O.C.~~

~~((Reinforcing steel installation in connection with the construction of tunnels, cofferdams, caissons, dams, bridges, and steel erection shall be assigned to the classification describing the construction with which such reinforcing steel installation is connected.))~~

NEW SECTION

WAC 296-17-50703 Classification 0112.

Commercial production of sand, gravel and processing clay and stone products including rock crushing
Humus or peat digging
Pit, crusher and bunker operations in connection with road, street and highway construction
Sand, gravel, or shale: Digging, N.O.C.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-508 Classification 0201.

Bridge, trestle, overhead crossing, viaducts, construction, maintenance and repair including the foundations and approaches
Breakwater, jetty, levee, construction, maintenance and repair
Bulkhead retaining walls, construction, maintenance and repair, riprapping - all water hazard
Concrete culverts or other types over 12 feet
Diking, N.O.C. - including oil spill clean-up involving diking and/or ditching work
Tunnels and approaches - including lining, cofferdam work, shaft sinking, and well digging with caisson
Undercrossings and approaches - including lining.
~~((Debris removal and other work with water hazard, N.O.C., will be rated under bulkhead construction with water hazard.))~~

NEW SECTION

WAC 296-17-50908 Classification 0210.

Construction: Asphalt paving or surfacing - streets or roadways
This classification covers all forms of asphalt paving, repaving, surfacing, resurfacing, and sawing or cutting operations performed in connection with highway, street or roadway projects.

NEW SECTION

WAC 296-17-50910 Classification 0212.

Construction: Asphalt paving or surfacing, N.O.C.
This classification covers asphalt paving, repaving, surfacing, resurfacing, and sawing or cutting operations not in connection with highway, street or roadway projects such as but not limited to parking lots, alleys, runways, landing strips, driveways, walking paths, bicycle trails, tennis courts, playgrounds, and golf cart paths.

NEW SECTION

WAC 296-17-50912 Classification 0214.

Construction: Concrete paving and repaving - streets or roadways
Construction: Concrete curbs, gutters, and sidewalks - streets or roadways
Construction: Concrete median walls and retaining walls - streets or roadways

PROPOSED

Construction: Concrete sawing, drilling and cutting - streets or roadways

This classification includes the set-up and tear down of forms, pouring, and finishing of concrete operations performed on or in connection with highway, street or roadway projects.

NEW SECTION

WAC 296-17-50915 Classification 0217.

Construction: Concrete flatwork, N.O.C.

Construction: Concrete foundation and flatwork of wood structural buildings.

Construction: Concrete sawing, drilling and cutting, N.O.C.

This classification applies to concrete foundation and flatwork in connection with wood structural buildings not to exceed three stories in height and includes the set-up and tear down of forms, pouring, and finishing of concrete footings, stem walls, floor pads, cellar or basement floors, garage floors, sidewalks, walkways, driveways, patios and swimming pools. This classification also includes other types of concrete flatwork such as sidewalks, walkways, pathways, swimming pools, and curbs and gutters including the set-up and tear down of forms, placement of reinforcing steel or wire mesh, pouring and finishing. This classification includes concrete sawing, drilling, and cutting unless specified elsewhere

This classification excludes all concrete work contained within a concrete, masonry, iron or steel frame building or structure such as the foundation, floor slabs, precast or poured in place bearing floors or wall panels, columns, pillars, metal erection or any other portion of the building or structure itself. This classification also excludes all concrete or asphalt work such as sidewalks, curbs, gutters, retaining walls, and sawing or cutting operations performed on or in connection with highway, street or roadway projects.

NEW SECTION

WAC 296-17-50917 Classification 0219.

Construction specialty services, N.O.C. - including the installation of guardrails, lighting standards and striping.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-510 Classification 0301.

Agricultural sprinkler/irrigation systems, N.O.C.: Above or below ground - installation, service or repair

Landscape ((gardening)) operations: Lawn, tree, shrub and garden

Lawn ((and yard care)) type sprinkler systems installation, service or repair

Landscape work, N.O.C.

This classification ~~((includes all work related to employers engaged in landscaping or lawn and yard care such as planting or replanting a lawn, including mixing and spreading top soil, seeding or sodding, chemical spraying or fertilizing; all lawn care such as mowing, edging, and thatching; planting and caring for trees, shrubs, and~~

~~plants; installing, servicing, or repairing underground lawn or landscape sprinkler systems; weeding flower beds; spreading decorative rock or garden bark; and the construction of incidental arbors or trellis and rock or brick paver walkways when done in connection with landscaping or lawn care project or contract~~

~~This classification also includes the installation, service, and repair of above and below ground agricultural sprinkler/irrigation systems; and the planting, spraying or fumigating trees, shrubs, and plants when done separate from and not in connection with or incidental to tree care services and care of landscape for the beautification of median strips and roadsides~~

~~This classification excludes chemical spraying by aircraft which is to be reported separately in classification 6903; land clearing or grading operations which are to be reported separately in classification 0101; construction or maintenance of ditches or canals which are to be reported separately in classification 0108; tree care services by contractor which are to be reported separately in risk classification 0106; or contract forest and range land service activities for public or private landowners are to be reported separately)) applies to new landscape construction or renovation projects such as the laying out of the grounds, mixing or spreading of top soil, planting or replanting grass from seed or sod, planting of trees and shrubs, spreading bark or decorative rock, and the construction of incidental arbors, trellis, or concrete borders.~~

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-511 Classification 0302.

Brick, block, rock and slate work, N.O.C.

Masonry, N.O.C., including chimney and fireplace construction.

~~((Plastering and stuccoing work outside, N.O.C.))~~

NEW SECTION

WAC 296-17-51101 Classification 0303.

Plastering, stuccoing and lathing buildings - interior and exterior work, N.O.C.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-512 Classification 0306.

Boilers, N.O.C., installation, service or repair including boiler scaling and tank erection within buildings

Hot water heater - installation, service, or repair

Plumbing, N.O.C.; including incidental side sewer hook ups (street to house) when performed by a plumbing contractor subject to this classification, and only when it is performed as a part of a plumbing contract which includes installation of water lines and waste carry systems within a building; and sewer pipe cleaning including services provided by Roto Rooter or similar service providers engaged in line cleaning or unplugging. Side sewer hookups done as a separate contract

is to be reported separately (~~reported~~) in classification 0101 "excavation"

Pump installation, service or repair, N.O.C.
Sprinkler installation - automatic
Steam pipe, boiler, etc., covering insulation
Water softening or treatment systems - installation of new equipment systems.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-513 Classification 0307.

Ventilating, air conditioning and refrigeration systems, installation, service and repair, N.O.C.
Furnaces, installation, service and repair including duct work cleaning
Heating systems, installation, service and repair including solar heating systems
Wood stove installation excluding masonry work (~~rated under risk~~) which is to be reported separately in classification 0302 ((WAC 296-17-511))
See (~~risk~~) classification 3404 (~~((WAC 296-17-582))~~) for sheet metal shop work.

NEW SECTION

WAC 296-17-51301 Classification 0308.

Chemical spraying and fumigating
Lawn care: Maintenance
Lawn care is limited to maintenance or care of established lawns and gardens. Work activities include mowing and thatching lawns, edging, weeding flower beds, raking, rototilling gardens, application of fertilizers, and spraying and trimming of shrubs. This classification includes minor landscape renovation and/or restoration activities incidental to and performed as part of the landscape maintenance contract of an existing lawn or landscape such as the removal and replacement of plants, turf repair or reseeding of grass, and the addition of topsoil or bark
This classification also includes the maintenance and cleaning of lawn type sprinkler systems which is incidental to the lawn care maintenance contract but excludes installation or repair of lawn and/or irrigation sprinkler systems
This classification excludes new landscape construction and installation operations which are to be reported separately in classification 0301. Classifications 0308 and 0301 may be assigned to the same business as set forth in WAC 296-17-410 provided accurate records are maintained which distinguishes lawn care maintenance and restoration contracts from new landscape construction and installation contract projects.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-517 Classification 0502.

Rug, linoleum, tile and other types of floor or drainboard covering installation excluding hardwood floor installation (~~rated under risk~~) which is to be reported separately in classification 0513.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-519 Classification 0504.

~~((Cleaning, washing, and/or sandblasting buildings, N.O.C. - including shop operations
Painting bridges, including incidental preparation work
Painting, coating or cleaning oil or gas storage tanks, beer vats, and sewage treatment tanks
Painting, decorating or paperhanging, N.O.C., including incidental preparation, including shop
Painting towers, smokestacks and steel or iron structures
Plastering, stuccoing, and lathing buildings - interior work
Sandblasting, N.O.C., including shop operations
Wallboard taping and texturing, excluding wallboard installation rated under risk classification 0515 (WAC 296-17-52107)
Water proofing, N.O.C., excluding roofing or subaqueous work:))~~
Painting: Building exteriors, N.O.C.
Painting: Structure exteriors, N.O.C.
Pressure washing services, N.O.C. - buildings or structures
Sandblasting, N.O.C. - buildings or structures
Waterproofing, N.O.C. - buildings or structures
This classification involves painting the exterior of buildings or structures and includes all preparation work such as the set-up of scaffolding or power lifts, pressure washing, sandblasting, taping or masking, clean up work and shop operations related to such projects described by this classification. This classification also includes cleaning of gas or oil storage tanks and beer vats.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-52002 Classification 0507.

Roofwork, all types, construction and repair
~~((This classification excludes))~~ Roof cleaning and moss removal ((which)) is to be reported separately under ((risk)) classification 6602 ((WAC 296-17-724)) provided such service is not incidental to or part of a roofing contract. For purposes of this rule the term "roofwork" will include repairs to the subroof such as replacement of trusses, rafters, supports, sheathing, etc., but will not include the placement of trusses, rafters, or sheathing on new building construction.

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-52103 Classification 0511.

Glass installation in buildings(=)
This classification includes installation of window/door glass, plastic, or similar materials; skylights, mirrors, storm windows, and window sashes in buildings and residences. ~~((Report))~~ Installation of auto glass is to be reported separately in ((risk)) classification 1108 ((WAC 296-17-53805)) "glass merchants."

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-52104 Classification 0512.

Asbestos abatement - all operations
Insulation or soundproofing materials installation, N.O.C.
This classification includes installation of weather strip and caulking, roof or soffit ventilators, energy-efficient doors and related carpentry work done in connection with the weatherization or retrofitting of buildings and residences. ~~((Report))~~ Installation of windows is to be reported separately in ~~((risk))~~ classification 0511 ~~((WAC 296-17-52103))~~ "glass installation—buildings" and energy auditors with no installation or delivery duties are to be reported separately in ~~((risk))~~ classification 6303 ~~((WAC 296-17-698))~~ "outside sales—estimators."

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-52107 Classification 0515.

Wallboard installation
This classification excludes taping and texturing work which is to be reported separately in ~~((risk))~~ classification ~~((0504))~~ 0520 "wallboard taping and texturing."

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-52110 Classification 0518.

Building construction, N.O.C., including alterations
Carport construction - metal: Erection
Concrete construction, N.O.C. - including alterations
Service station canopy - metal: Erection
This classification applies to concrete, iron and steel work in connection with nonwood structural buildings and other construction projects such as but not limited to nonwood structural buildings of single or multiple stories, waste treatment and waste disposal plants, fish hatcheries and stadiums. This classification includes such activities as the set-up and tear down of forms, pouring and finishing of concrete, standing or raising of precast concrete portions, and raising and securing of metal frames or members.

NEW SECTION

WAC 296-17-52112 Classification 0520.

Wallboard taping and texturing
This classification includes incidental painting when performed by employees of an employer whose work is subject to this classification, but excludes wallboard installation work which is to be reported separately in classification 0515.

NEW SECTION

WAC 296-17-52113 Classification 0521.

Painting: Building interiors
This classification includes decorating and hanging wallpaper, and all preparation work such as the set-up of

scaffolding, taping or masking, clean up and shop operations.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-524 Classification 0603.

Commercial equipment installation, service and repair
Dynamos: Installation, service and repair including electrical generators and turbines
Engines and gas machines: Service and repair including installation, replacement of drive belts, erection of shafting
Industrial plant maintenance by contractor such as but not limited to paper mills, refineries, food processing plants and manufacturing plants
Machinery: Installation, service and repair - including installation and repair of escalator and conveyor systems, printing presses, and commercial laundry equipment N.O.C. and millwright work, N.O.C.
Playground equipment - metal: Installation and repair
This classification includes the dismantling of all the above types of machinery ~~((and will also include plant maintenance by contractor which will be rated as millwright work)).~~

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-526 Classification 0606.

Amusement devices, N.O.C.: Installation, service, repair, and removal - coin-operated in stores and shopping malls
Coin-operated machines - money collecting service
Fire extinguisher sales and service
Vending or coin-operated machines ~~((-operation-))~~: Installation ~~((maintenance and service))~~, service, repair and removal - includes product preparation by vending company employees but ~~((This classification))~~ excludes honor snack food services which ~~((will))~~ are to be reported ~~((under risk))~~ separately in classification 1101 "driver delivery sales," provided that in the event ~~((such an operation))~~ that an honor snack food service is conducted as a part of and in connection with an operation ~~((rated in))~~ subject to this classification (0606), ~~((risk))~~ classification 0606 will be assigned to cover both operations.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-527 Classification 0607.

Advertising display set-up service ~~((for stores))~~ within buildings by nonstore employees
Car stereo, two way radio, and cellular phone system - installation, service and repair within vehicles
Dead bolt lock set: Installation - new construction by locksmith or contractor
~~((Drapes or curtain: Installation~~
~~Household appliances—electrical: Installation, service and repair))~~ Drapery or curtain rod: Installation - including the hanging of drapes and curtains

Household appliances: Used or second hand dealers - including installation, service and repair

Household appliances: Installation, service and repair by nonstore service and repair company

Meat slicer or grinder: Installation, service and repair

Rubber dock bumper: Installation, service and repair

Safes and vaults: Installation, service, repair and removal

Television and radio receiving sets: Installation, service and repair

Television antenna or satellite disc dish: Installation, service and repair

~~(Venetian)~~ Window blinds and shades: Installation, service and repair.

~~((This classification will include installation, service and repair of radio and television receiving sets, two-way radio, car stereo systems and radio-television repair.))~~

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-528 Classification 0701.

Dam construction, all operations in damsite area

This classification only applies to new dam construction ~~((only))~~ - all other ~~((activities))~~ work is to be reported separately ((rated)) in the applicable construction class or classes.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-529 Classification 0803.

Cities and towns, excluding municipal power and transit systems, law enforcement officers and fire fighters

This classification excludes clerical office~~((sales))~~ and administrative office personnel ~~((and white collar employees rated under risk))~~ which are to be reported separately in classification 5305 ((WAC 296-17-678)).

AMENDATORY SECTION (Amending Order 89-21, filed 12/8/89, effective 1/8/90)

WAC 296-17-534 Classification 1002.

Mills: Shake and shingle - automated processes

For purposes of this ~~((subclassification))~~ classification, automated processes refers to shake and shingle mills equipped with automatic feeders on all saws, adjustable packing and cutting stations, and fully automatic systems for conveying material to work stations. All equipment must be equipped with automatic shut off switches. Within a shingle mill the operation of a trim saw must be performed by an individual as a separate function from that of the shingle saw operator (shingle sawyer is not to perform both functions). Shake splitters must be equipped with a gauge control mechanism which permits the operator to automatically set the thickness of the cut. Conveyor systems must have dual controls to allow the deckman and sawyer the ability to control incoming material to the work station.

Block mills must be equipped with an automated pallet dump to eliminate the handling of material to the sawyer work station or an adjustable scissor lift adjacent to the shingle saw or shake splitter. Blocked wood

purchased by mills must be contained in pallets prior to entering the mill yard or premises. Log mills must be equipped with a fully mechanized log slip (used to move logs into the deck area), log levelers, stabilizers, and lifters must be present in the deck area, automatic deck cut-off saw, live deck for moving material from the deck to the splitting area and overhead mounted splitters. Trim saws, also referred to as clipper saws, must be equipped with a laser guide or quartz light. This lighting reveals to the operator where its saw blade is in relationship to the material being processed.

For purposes of this ~~((subclassification))~~ classification, the following terms or words shall be given the meanings below:

Automatic deck or cut-off saw - A large saw, usually circular, used to trim logs to a specified length (rounds) before they enter a manufacturing plant.

Clipper saw - A machine used to make shingle edges parallel.

Shingle - Roofing or siding material having sawn faces and backs, are of a standard thickness at the butt end and tapered finish at the other end.

Shake - Roofing or siding material having at least one surface with a natural grain textured split surface.

Live deck - A chain driven platform located in the same proximity as the deck saw and is used to convey cut rounds from the cutting area to the splitting area.

Log stabilizer - A levered device adjacent to the deck saw used to hold the log steady while it is being cut.

Log slip - A chain driven conveyor used to move logs into the deck area.

Laser or quartz guide light - An overhead mounted light above a saw that illuminates that portion of a work surface where the saw blade will pass or make a cut.

Log leveler - A levered device adjacent to the deck saw used to level a log automatically.

Overhead splitter - A ceiling mounted hydraulic, air or electrically operated apparatus with wedge shaped end that is used to split log rounds into block wood when activated by the splitterman.

Shingle saw - A machine used to make shingles.

Shake splitter - A machine used to split blocks into shake blanks.

Shake saw - A machine used to saw shake blanks into a finished wedged shape product.

Shake and shingle mills not meeting all the conditions as set forth above shall be separately classified in classification 1005 "Shake and shingle mills, N.O.C."

Sawmills, operation and maintenance

This ~~((subclassification))~~ classification excludes operations conducted in the woods ~~((rated under risk))~~ which is to be reported separately in classification 5001 ((WAC 296-17-659)) "logging, N.O.C."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53501 Classification 1004.

Log storage and log sorting yards ~~((independent from logging operations rated under risk classification 5001 (WAC 296-17-659)))~~ - excluding log storage or sorting yards operated in connection with all logging operations

and by an employer whose operations are subject to either classification 5001 or 5005

This classification (~~does not include any~~) excludes all log trucking operations ((that are)) conducted outside of the log storage and log sorting yards.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53502 Classification 1005.

Shingle mills, operations and maintenance

Shake mills, operations and maintenance

This classification excludes operations conducted in the woods (~~rated under risk~~) which is to be reported separately in classification 5001 ((WAC 296-17-659)) "logging, N.O.C."

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-536 Classification 1101.

~~((Armored car service))~~

Automobile delivery drive away, automobile repossessing

Computer tape/accounting records delivery service

Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C.

Delivery companies, deliver parcels and packages, no bulk merchandise

Distribution of sample merchandise by vehicle

Driver delivery sales, N.O.C.

Drivers of sound trucks

News agents or distributors of magazines, periodicals and telephone books, no retail dealer

Route food services, (~~excludes~~) excluding food preparation which is to be reported ((under risk) separately in classification 3905 ((WAC 296-17-618))

~~((Septic tank pumping, excludes installation, repair or cleaning~~

~~Street sweeping, parking lot sweeping, portable chemical toilets servicing))~~

Street vending vehicles.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-538 Classification 1103.

~~((Coal merchants, solid fuel yards, firewood dealers, excludes operations subject to risk classification 1004 (WAC 296-17-53501), risk classification 1702 (WAC 296-17-549), risk classification 1703 (WAC 296-17-550), risk classification 5001 (WAC 296-17-659).))~~

Beauty bark dealers: Yard operations - excludes bark grinding operations which are to be reported separately in classification 2903

Composting services: Yard operations including mulching and chipping vegetative matter

Coal and solid fuel dealers: Yard operations - excludes mining or digging operations which are to be reported separately in the applicable classification

Firewood dealers: Yard operations - excludes firewood cutting in the woods which is to be reported separately in classification 5001

Pallet recycle service: Yard operations - excludes pallet manufacturing, assembly or repair which is to be reported separately in classification 2903

Peat or humus dealers - excluding digging operations which are to be reported separately in classification 0112

Top soil dealers: Yard operations

This classification includes delivery when performed by employees of an employer subject to this classification.

NEW SECTION

WAC 296-17-53802 Classification 1105.

Portable chemical toilet service

Septic tank pumping services - installation and repair of septic systems are to be reported separately in classification 0108

Street or parking lot sweeping services

Vacuum truck services such as but not limited to recovery of waste oil, cleaning solvents and antifreeze

This classification includes the related disposal of waste products which are recovered by establishments subject to this classification; and maintenance of vehicles and equipment unless another classification treatment is provided for by the rules in this manual.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53803 Classification 1106.

Rental stores N.O.C.

~~((This classification includes clerical office and sales personnel.))~~

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-53805 Classification 1108.

Auto glass merchants

Glass merchants - including bending, grinding, beveling, silvering or tempering of plate or sheet glass

~~((Report))~~ Glass frosting, etching, beveling including cutting

This classification excludes the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop ((in risk) which are to be reported separately in classification 0511 ((WAC 296-17-52103))).

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-53806 Classification 1109.

~~((Auto))~~ Automobile or truck towing companies

Automobile or truck towing, N.O.C.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-539 Classification 1301.

Bridge tenders, electrically operated bridges, vehicular tunnels operation

Electric light and power cooperatives

Electric light and power plants, cities, towns and counties

Electric light and power public utility districts

Electric systems, N.O.C.

Steam heat and power plants

This classification includes extension of lines and meter readers when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in underground line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0107 ((~~WAC 296-17-50601~~)); contractors engaged in overhead line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0509 ((~~WAC 296-17-52101~~)); and contractors engaged in wiring within buildings (~~(subject to risk)~~) which are to be reported separately in classification 0601 ((~~WAC 296-17-522~~)).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-540 Classification 1303.

Telegraph companies, all other employees, operation and maintenance, extension of lines

Telephone companies, all other employees, operation and maintenance, extension of lines

This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in underground line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0107 ((~~WAC 296-17-50601~~)); contractors engaged in overhead line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0509 ((~~WAC 296-17-52101~~)); and contractors engaged in wiring within buildings (~~(subject to risk)~~) which are to be reported separately in classification 0608 ((~~WAC 296-17-52701~~)).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-54101 Classification 1305.

Television cable companies, operation and maintenance, extension of lines all outside employments

This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in underground line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0107 ((~~WAC 296-17-50601~~)); contractors engaged in overhead line construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0509 ((~~WAC 296-17-52101~~)); and contractors engaged in wiring within buildings and telecable hookups within buildings (~~(subject to risk)~~) which are to be reported separately in classification 0601 ((~~WAC 296-17-522~~)).

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-545 Classification 1501.

Counties and taxing districts, N.O.C., all other employees
Housing authorities, local public, all other employees including meter readers

Indian tribal councils, all other employees

This classification excludes public utility districts subject to (~~(risk)~~) classification 1301 (~~((~~WAC 296-17-539~~))~~) and 1507 (~~((~~WAC 296-17-546~~))~~); bus or transit services subject to (~~(risk)~~) classification 1404; port districts subject to (~~(risk)~~) classification 4201 (~~((~~WAC 296-17-629~~))~~); library districts, museum districts and school districts subject to (~~(risk)~~) classifications 6103 (~~((~~WAC 296-17-680~~))~~) and 6104 (~~((~~WAC 296-17-681~~))~~); hospital districts subject to (~~(risk)~~) classification 6105 (~~((~~WAC 296-17-682~~))~~); fire fighters subject to (~~(risk)~~) classification 6904 (~~((~~WAC 296-17-749~~))~~); and law enforcement officers subject to (~~(risk)~~) classification 6905 (~~((~~WAC 296-17-750~~))~~)

This classification also excludes clerical office and white collar employees.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-546 Classification 1507.

Irrigation ditches, operation, repair and maintenance when done by employees of firms subject to this classification
Waterworks including extension of lines and meter readers when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in waterline construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in classification 0107 ((~~WAC 296-17-50601~~)); and contractors engaged in ditch or canal construction, maintenance or repair (~~(subject to risk)~~) which are to be reported separately in either classifications ((~~0108~~ (~~WAC 296-17-50602~~)) 0108 or 0201 as applicable.

AMENDATORY SECTION (Amending Order 87-33, filed 3/1/88)

WAC 296-17-55201 Classification 1802.

Aluminum smelting: Primary smelting of aluminum from alumina using an electrolytic reduction process(=)

This classification includes the alloying and casting of sheet ingots, T-ingots, rolling ingots, notched ingots, sows, pigs, extrusion logs, extrusion billets, and other primary production shapes when performed by a primary producer subject to this classification

This classification excludes secondary processors who do not reduce aluminum from alumina, but whose principle business is casting, rolling, extruding, foiling, or recycling aluminum and aluminum alloys from molten aluminum, primary production shapes or used scrap and dross which are reported separately in (~~(risk)~~) classification 1801.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-555 Classification 2002.

Freight handler services - packing, handling or shipping merchandise N.O.C.

Refrigeration car - loading, unloading or icing

This classification also includes employees engaged in repackaging of goods from damaged containers(=)

This classification excludes drivers or other employees with driving duties which are to be reported separately (~~(under risk)~~) in classification 1102 without a division of work hours.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-561 Classification 2008.

Warehouses-field bonded, including clerical office at such location

This classification excludes drivers which are to be reported separately (~~(rated under risk)~~) in classification 1102 (~~(WAC 296-17-537)~~).

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-56101 Classification 2009.

Building material dealers, warehouse centers, home improvement centers, and lumber yards

Electrical supply dealers

Farm supply stores

Hardware stores with lumber or building material supplies

Pump, plumbing, irrigation (~~(pipe;)~~) and pipe supply dealers:
Includes pump repair if done in shop

For the purposes of this rule the term "building materials" includes but is not limited to such items as wallboard, roofing, insulation, sheet metal, bricks, blocks, windows, etc.

This classification includes all store and yard operations with inventory of building material, lumber and lumber products. Such stores may also carry a variety of hardware items, hand and power tools, paints, floor coverings, garden supplies, housewares, and similar types of products. Transfer of product or material inventory between related stores is included within this classification

This classification excludes delivery drivers (~~(which)~~) who are to be reported separately (~~(rated under risk)~~) in classification 1101 "delivery-stores: Retail/wholesale." This classification further excludes all other activities conducted away from the (~~(shop)~~) store or (~~(plant operation)~~) yard.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-562 Classification 2101.

Grain milling, feed mills, feed manufacture - including preparation of cereal or compound feeds for livestock

Flour mills

Hay, grain or feed dealers

Hop pellet manufacturing

Seed merchants including operation of seed sorting machinery.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-563 Classification 2102.

Grocery, fruit or produce distributors, wholesale or combined wholesale and retail. Drivers (~~(will)~~) are to be reported separately (~~(rated under risk)~~) in classification 1101 (~~(WAC 296-17-536)~~) "delivery by combined wholesale and retail stores"

Recycle, collection and receiving stations, and dealers of rags, bottles, paper and metal containers, N.O.C. including cashiers and attendants but excludes, ((=)) junk dealers. Drivers (~~(will)~~) are to be reported separately (~~(rated under risk)~~) in classification 1102 (~~(WAC 296-17-537)~~) "trucking, N.O.C."

Warehouses - general merchandise(~~(= Wholesale dealers to be separately rated. Drivers will be separately rated under risk classification 1102 (WAC 296-17-537) trucking, N.O.C.)~~) - excluding wholesale dealers which are to be reported separately in the applicable classification; and drivers which are to be reported separately in classification 1102 "trucking, N.O.C."

Wool or cotton merchants. Drivers (~~(will)~~) are to be reported separately (~~(rated under risk)~~) in classification 1102 (~~(WAC 296-17-537)~~) "trucking, N.O.C."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-564 Classification 2104.

Fruit packing - fresh

Vegetable packing - fresh

This classification includes cold storage operations (~~(if it is)~~) when conducted (~~(as a part of)~~) in connection with a fruit or vegetable packing operation(~~(s; if a separate distinct operation or business exists, it is to be separately rated)~~)

This classification excludes all canning or freezing operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-56401 Classification 2105.

Beer, ale, wine or soft drink importers, exporters and distributors, wholesale or combined wholesale and retail (~~(This classification is not to be assigned if a business operation is already assigned to report operations subject to risk classification 3702 (WAC 296-17-600;))~~) Classification 2105 and 3702 are not to be assigned to the same establishment unless each operation is conducted as a separate and distinct business and the conditions set forth in WAC 296-17-390 have been met

This classification excludes the installation, service and repair of vending machines which are to be reported separately in classification 0606.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-56402 Classification 2106.

Anhydrous ammonia, fertilizer, and agricultural chemical dealers including incidental mixing of chemicals(-) purchased from others

This classification does not apply to any establishment engaged in the production of raw materials ((for use)) or chemicals used in the manufacture of the above products.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-565 Classification 2201.

Laundries and dry cleaning establishments all operations including alterations, repair, and drop off stations operated by such establishments

Cleaning and dyeing

This classification is limited to establishments providing services primarily to retail walk-in customers.

NEW SECTION

WAC 296-17-56602 Classification 2204.

Laundry or dry cleaning: Coin-operated - self service operations.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-567 Classification 2401.

~~((Building and roofing paper including felt - Manufacturing))~~

Corrugated and fiber board container: Manufacturing, including corrugating and laminating of paper

Paper: Coating, corrugating, laminating or oiling

Paper goods: Manufacturing, N.O.C., such as but not limited to counter tops, panels, spiral tubes, milk cartons, and paper-mache items

Paper or pulp: Manufacturing

Wood fiber: Manufacturing.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-568 Classification 2903.

Boat: Manufacturing, repair, or refinish - wood

Box, shook, pallet, bin: Manufacturing, assembly or repair - wood - including assembly work performed at the customer's place of business

Door, jamb, window, sash, stair, molding and miscellaneous millwork manufacturing((?)) including prehanging or assembly - wood

Furniture stock manufacturing - wood

Lumber remanufacturing

Sign manufacturing - wood

Truss manufacturing - wood

Veneer products manufacturing

Wood chip, hog fuel, bark, bark flour, presto log and lath manufacturing

Wood products manufacturing or assembly N.O.C.

Sawmill operations are to be reported separately (~~(under risk))~~ in classification 1002. Veneer manufacturing is to be reported separately (~~(under risk))~~ in classification 2904

Unless otherwise specified in the (~~(subclassification))~~ classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-56901 Classification 2905.

Furniture and casket manufacturing or assembly - wood

Furniture refinishing including repair - wood

Furniture refinishing with no repair work is to be reported separately (~~(under risk))~~ in classification 3603

Physically separated upholstery departments of firms engaged in furniture or casket manufacturing, assembly or finishing may be reported separately (~~(under risk))~~ in classification 3808, (~~(and in accordance with WAC 296-17-410))~~ provided that the conditions set forth in WAC 296-17-410 have been met

Unless otherwise specified in the (~~(subclassification))~~ classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-57001 Classification 2907.

Cabinet, countertop, and fixture: Manufacturing, modifying or assembly - wood

Unless otherwise specified in the (~~(subclassification))~~ classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-57003 Classification 2909.

Woodenware: Household and sporting goods manufacturing or assembly, N.O.C.

This classification excludes wood products manufacturing or assembly which are to be reported (~~(under risk))~~ separately as applicable in classifications 2903, 2905, and 2907

Unless otherwise specified in the (~~(subclassification))~~ classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an

employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-571 Classification 3101.

Ready mix concrete dealers

This classification ~~((to))~~ includes ~~((any miscellaneous operations made up))~~ the sale of tools, equipment and incidental building materials ~~((sales which is less than twenty five percent of the dollar volume of ready mix concrete sales))~~ such as bricks and concrete blocks.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-572 Classification 3102.

Rock wool insulation: Manufacturing - digging or quarrying to be ~~((separately rated))~~ reported separately in the applicable classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-573 Classification 3103.

Cement manufacturing, lime manufacturing
Lightweight aggregate building or insulation material manufacturing
Perlite, pozzolan, magnesite or expanded shale aggregate manufacturing

This classification excludes digging or quarrying which is to be reported separately ~~((rated))~~ in the applicable classification.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-57602 Classification 3303.

Meat, fish and poultry dealers, retail

This classification is limited to employers engaged in selling fresh meats, fish and poultry over the counter, by the pound to a retail consumer and who maintain show cases displaying fresh cuts of meat, fish and poultry available for sale by the pound to such consumers

This classification excludes "custom meat cutting facilities" which are ~~((subject to risk))~~ to be reported separately in classification 4302; and "wholesale meat dealers" ~~((subject to risk))~~ which are to be reported separately in classification 3304.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-57603 Classification 3304.

Fish processors, packers and repackagers: Wholesale or combined wholesale/retail - excluding cold storage or locker operations when conducted as a separate and distinct business operation

Meat and/or poultry dealers: Wholesale or combined wholesale/retail - excluding slaughter or packing house

operations which are to be reported separately in ~~((risk))~~ classification 4301; and cold storage or locker operations which are to be reported separately when conducted as a separate and distinct business operation.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-580 Classification 3402.

Abrasive wheel manufacturing
Air compressor manufacturing or assembly, elevator manufacturing, gear grinding or manufacturing
Automobile or truck, radiator and heater core manufacturing and repair shops
Auto body manufacturing - truck, trailer, bus body manufacturing, travel trailer body repair
Auto or motorcycle manufacturing or assembly
Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.
Auto or truck parts~~((;))~~: Machining or rebuild not in vehicle
Battery manufacturing~~((;))~~: Assembly and repair~~((+))~~ - storage type
Bed spring or wire mattress: Manufacturing
Confectioners machinery: Manufacturing or assembly~~((;))~~; food processing machinery: Manufacturing or assembly~~((;))~~; precision machined parts, N.O.C.~~((;))~~: Manufacturing
Coppersmithing, shop
Die castings manufacturing
Furnace, heater or radiator: Manufacturing
Heat treating metal
Lead burning~~((;))~~; metal spraying - copper
Machinery manufacturing or assembly, N.O.C.
Machine shops, N.O.C.~~((;))~~ - including mobile shops~~((;))~~; provided that mobile machine shop operations subject to this classification are limited to the repair of equipment and machinery; tool sharpening; and marine engine repair
Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.
Office machinery: Manufacturing or assembly, N.O.C.~~((;))~~; cash register and sewing machine: Manufacturing or assembly
Photo processing machinery: Manufacturing or assembly
Power saw, lawn and garden equipment; and small motor: Repair, N.O.C.
Printing or bookbinding machinery: Manufacturing or assembly
Pump manufacturing or assembly~~((;))~~; safe: Manufacturing or assembly~~((;))~~; scale: Manufacturing or assembly - including repair~~((;))~~; auto jack: Manufacturing or assembly~~((;))~~; water meter: Manufacturing or assembly - including repair
Sand blasting shop including all mediums such as but not limited to glass, plastic or sand
Saw: Manufacturing or assembly
Sewing machine~~((;))~~: Commercial - repair and rebuild
Shoe machinery: Manufacturing or assembly~~((;))~~; sprinkler head: Manufacturing or assembly~~((;))~~; textile machinery: Manufacturing or assembly
Small arms, speedometer and carburetor: Manufacturing or assembly - including rebuild

Tool manufacturing(~~(?)~~): Machine finishing
 Tool manufacturing(~~(?)~~): Not hot forming or stamping(~~(?)~~);
 die manufacturing - ferrous
 Valve manufacturing
 Welding or cutting, N.O.C. including mobile operations -
provided that mobile welding operations subject to this
 classification are limited to repair of equipment and
 machinery

Unless otherwise specified in the (~~(subclassification)~~)
classification wording this is a shop or plant only
 classification. This classification includes work being
 performed in an adjacent yard when operated by an
 employer having operations subject to this classification;
and includes the repair of items being manufactured or
 assembled when done by employees of an employer
 having operations subject to this classification when the
 repair is done as a part of and in connection with the
 manufacturing or assembly operation. This classifica-
 tion excludes all activities away from the shop or plant.
 (~~((This classification includes the repair of items being
 manufactured or assembled when done by employees of
 an employer having operations rated within this classifica-
 tion when the repair is done as a part of and in
 connection with the manufacturing or assembly opera-
 tion.))~~)

AMENDATORY SECTION (Amending WSR 93-12-093,
 filed 5/31/93, effective 7/1/93)

WAC 296-17-582 Classification 3404.

Aluminum ware manufacturing - from sheet aluminum
 Auto or truck parts manufacturing or assembly N.O.C. -
 miscellaneous stamped parts
 Awning manufacturing or assembly - metal
 Brass or copper goods manufacturing
 Cans manufacturing - aluminum or galvanized
 Coffin-casket manufacturing or assembly, other than wood
 Electric or gas lighting fixtures, lampshades or lantern
 manufacturing or assembly - metal
 Furniture, shower-door, showcases - not wood - manufactur-
 ing or assembly
 Galvanized iron works, manufacturing - not structural
 Hardware manufacturing, N.O.C.
 Metal goods manufacturing, N.O.C., from material lighter
 than 9 gauge
 Metal stamping, including plating and polishing
 Sign manufacturing - metal
 Ski manufacturing and toboggan manufacturing (~~((other than
 wood))~~) - metal
 Stove manufacturing, excluding wood stove manufacturing
 and other stoves made from material 9 gauge or heavier
 (~~((rated under risk))~~) which are to be reported separately
 in classification 5209 ((WAC 296-17-67602))
 Water heater manufacturing or assembly
 Window, sash or door manufacturing or assembly - alumi-
 num
 Physically separate upholstery departments of firms engaged
 in furniture, coffin or casket manufacturing, assembly,
 or finishing may be reported separately ((rated under
 risk) in classification 3808 ((WAC 296-17-612), and
 in accordance with) provided that conditions set forth
 in WAC 296-17-410 have been met

Unless otherwise specified in the (~~(subclassification)~~)
classification wording this is a shop or plant only
 classification. This classification includes work being
 performed in an adjacent yard when operated by an
 employer having operations subject to this classification;
and the repair of items being manufactured or assem-
 bled when done by employees of an employer having
 operations subject to this classification when the repair
 is done as a part of and in connection with the manufac-
 turing or assembly operation. This classification
 excludes all activities away from the shop or plant.
 (~~((This classification includes the repair of items being
 manufactured or assembled when done by employees of
 an employer having operations rated in this classifica-
 tion when the repair is done as a part of and in connec-
 tion with the manufacturing or assembly operation.))~~)

AMENDATORY SECTION (Amending WSR 93-12-093,
 filed 5/31/93, effective 7/1/93)

WAC 296-17-58201 Classification 3405.

Aircraft parts manufacturing, N.O.C.
 For the purpose of this rule; aircraft parts means the compo-
 nent parts making the aircraft operative and becoming
 part of the aircraft when being manufactured by the
 aircraft manufacturing company
 (~~((Provided that))~~) This classification ((with)) is not ((be
 assigned)) applicable to an employer who has operations
 ((rated)) reported in ((risk)) classification 3402 ((WAC
 296-17-580)); ((risk)) classification 3404 ((WAC 296-
 17-582)); ((risk)) classification 3510 ((WAC 296-17-
 59202)); 3511 ((WAC 296-17-55203)); 3512 ((WAC
 296-17-59204)); or ((risk)) classification 5201 ((WAC
 296-17-670)) unless such operations are conducted as
 a distinct and separate business undertaking and ((rated
 in accordance with)) the conditions set forth in WAC
 296-17-390 have been met
 This is a shop or plant only classification but does contem-
 plate work being performed in an adjacent yard when
 operated by an employer having operations subject to
 this classification.

AMENDATORY SECTION (Amending Order 85-33, filed
 11/27/85, effective 1/1/86)

WAC 296-17-583 Classification 3406.

Automobile or truck car washes
 Automobile or truck gas service stations, N.O.C.
 Automobile or truck storage garages - no repair
 This classification includes cashiers who receive payments
 from customers (~~(and)~~) but excludes portable automobile
 or truck car washes subject to ((risk)) classification
 6602 ((WAC 296-17-724)).

AMENDATORY SECTION (Amending Order 85-33, filed
 11/27/85, effective 1/1/86)

WAC 296-17-585 Classification 3408.

Gas companies - natural gas including clerical office and
 sales personnel

This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in gas line construction, maintenance or repair subject to ((~~risk~~)) classification 0107 ((~~WAC 296-17-50601~~)).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-58501 Classification 3409.

Self service gas stations

This classification applies to service stations that are completely self service with no employees performing a direct service of any kind to customer's vehicle. Service stations providing direct services of any kind to a customer's vehicle will be ((~~rated under risk~~)) reported separately in classification 3406 ((~~WAC 296-17-583~~)) even though such establishments may also have self service gas facilities.

NEW SECTION

WAC 296-17-58503 Classification 3411.

Automobile: Dealers - service centers, repair garages and lot personnel

Automobile: Rental agencies - service centers, repair garages and lot personnel

Automobile: Service centers, repair garages and lot personnel

Automobile: Specialty service shops such as but not limited to air conditioning systems, radiator repair, electrical systems, cruise controls, mufflers, brakes, sun roofs

Camper, travel trailer and canopy: Dealers - service centers, repair garages and lot personnel

Motor home or recreational vehicle: Dealers - service centers, repair garages and lot personnel

Motor home or recreational vehicle: Service centers, repair garages and lot personnel

This classification includes the incidental sales of auto replacement parts including related parts counter personnel; and passenger shuttle services done in connection with automobile dealer, rental or repair services

This classification excludes tow truck operations which are to be reported separately in classification 1109 "automobile or truck towing, N.O.C.;" tire sales, installation and repair which are to be reported separately in classification 6405; and sales, service and repair of diesel or gas tractor/semi trucks which are to be reported separately in classification 3413. Establishments assigned to this classification whose operations include a full line auto replacement parts store or full line auto replacement parts department may qualify to have the parts store/department classified separately provided that the parts department employees are not exposed to any operative hazards of the service center or repair garage and all of the conditions set forth in WAC 296-17-390 have been met

For the purpose of this rule a "full line auto parts store or department" is an operation that sells a variety of auto replacement parts as opposed to single product line over-the-counter to nonrepair shop customers. To

qualify for this classification "a full line auto parts store or department" must stock and sell all of the following items: Starters, carburetors; fuel injection components; gasket and seals; water pumps; generators; alternators; batteries; head lamps; mufflers and exhaust systems; brake components; oil and fuel filters; lubricants; steering and suspension components; and auto accessories.

NEW SECTION

WAC 296-17-58504 Classification 3412.

Automobile or truck: Body and fender/collision repair shops - including painting, incidental upholstery work and glass replacement and repair

This classification includes parts department personnel, parts runners and passenger shuttle service when performed by employees of an employer subject to this classification but excludes tow truck operations which are to be reported separately in classification 1109 "automobile or truck towing N.O.C."

NEW SECTION

WAC 296-17-58505 Classification 3413.

Semi truck: Service centers or repair garages and lot personnel

Bus - passenger type: Service centers or repair garages and lot personnel

Semi tractor: Service centers or repair garages and lot personnel

Farm tractor and equipment: Service centers or repair garages and lot personnel

Construction equipment: Service centers or repair garages and lot personnel

This classification only applies to businesses that provide vehicle and equipment repair services to the general public but is not applicable to an employer who operates or maintains a shop for the repair or maintenance of their own equipment or vehicles or to vehicle and equipment dealers who are to be reported separately in the classification applicable to the employers business or as otherwise provided for in the general reporting rules contained in this chapter. This classification includes parts department personnel and parts runners when performed by employees of an employer subject to this classification but excludes tow truck operations which are to be reported separately in classification 1109 "automobile or truck towing N.O.C."

NEW SECTION

WAC 296-17-58506 Classification 3414.

Boat dealers - including service centers or repair garages, lot personnel and parts departments

Marinas and boat house operations - including service centers or repair garages, lot personnel and parts departments.

NEW SECTION**WAC 296-17-58507 Classification 3415.****Modular and mobile home dealers**

This classification includes parts department and service center employees; and the sales of campers, travel trailers and truck canopies when conducted in connection with a mobile or modular home dealership or sales agency. Also included within the scope of this classification is the installation of canopies when performed by employees of an employer subject to this classification and mobile or modular home delivery when done by employees of the modular or mobile home dealer. This classification excludes the delivery and set-up of mobile or modular homes by nondealer employees; and all on-site construction activities such as but not limited to pouring foundations, constructing decks, carports or garages, and landscaping which are to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-586 Classification 3501.

Brick or clay products manufacturing, N.O.C.
Refractory products, fireproofing tile, flue lining and roofing tile manufacturing

~~((Sewer tile, drainage tile and tile, N.O.C., manufacturing
Fireclay products manufacturing, foundry crucible
Briquettes manufacturing, peat fuel manufacturing))~~

This classification does not apply to the production of raw materials for use in the manufacture of the above articles.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-590 Classification 3506.

~~((Crane, hoisting service and rigging contractors. This classification excludes operations incidental to risk classifications 0201 (WAC 296-17-508), 0202 (WAC 296-17-509), 0506 (WAC 296-17-52001), 0507 (WAC 296-17-52002), 0508 (WAC 296-17-521), 0509 (WAC 296-17-52101), 0510 (WAC 296-17-52102), 0518 (WAC 296-17-52110), 0604 (WAC 296-17-525), 0701 (WAC 296-17-528) and 5001 (WAC 296-17-659).))~~
Concrete pump truck service - including pump truck control box operator. This classification does not apply to a redi mix concrete dealer that may also provide a concrete pump truck service in connection with concrete delivery which is to be reported separately in classification 3101

Mobile crane and hoisting services; and rigging contractors, N.O.C. This classification does not apply to the construction or erection of nonmobile cranes which are to be reported separately in classification 0508 or to construction or erection contractors that use cranes, hoisting devices or rigging in connection with work covered under a construction classification which are to be reported separately in the applicable construction classification.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-59201 Classification 3509.

~~((Glass frosting, etching, leveling including cutting))~~
Plaster/concrete statuary or ornament manufacturing.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-59202 Classification 3510.

Artificial marble: Manufacturing

Graphite composite goods: Manufacturing such as but not limited to garden carts, hose reels, auto parts, basketball back boards and fishing poles or rods

Plastic goods: Manufacturing - using processes such as but not limited to blow molding, extrusion vacuum forming, foam molding, rotary molding, liquid molding, and injection molding

Plastic goods, N.O.C.: Manufacturing((N.O.C.)).

NEW SECTION**WAC 296-17-59205 Classification 3513.**

Rubber goods, N.O.C.: Manufacturing

This classification includes rubber shredding or pulverizing. This classification excludes the manufacture of synthetic rubber which is to be reported separately in classification 3407, and tire dump operations which are to be reported separately in classification 4305.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-594 Classification 3602.

~~((Camera manufacturing or assembly including repair in shop~~

~~Dental laboratories~~

~~Electric cordset radio and ignition assembly~~

~~Electronic circuit board assembly, N.O.C.~~

~~Electronic products manufacturing; resistors, capacitors, chip and relays manufacturing~~

~~Fishing tackle manufacturing, N.O.C., including assembly~~

~~Incandescent lamp manufacturing, electric tube or transistor manufacturing~~

~~Instrument manufacturing, scientific, medical or professional~~

~~Jewelry manufacturing or engraving~~

~~Magnetic tape manufacturing~~

~~Motion picture projectors manufacturing or assembly including repair in shop~~

~~Musical instrument repair—metal~~

~~Silverware manufacturing, watch case manufacturing~~

~~Sound recording equipment, thermometer and steam gauge manufacturing~~

~~Stereo components manufacturing or assembly~~

~~Tag, button, zipper or fastener manufacturing, bottle cap manufacturing~~

~~Telegraph or radio apparatus manufacturing, N.O.C.~~

~~Telephone set manufacturing or repair, N.O.C.~~

~~Trophy engraving~~

~~Watch manufacturing~~

PROPOSED

~~This is a shop or plant only classification although the classification allows for repair work when specified it is contemplated that such repairs are limited to those brought into the shop by the customer or sent through a common carrier. This classification excludes all outside repair work~~

~~This classification does not apply to the production of raw material for use in the manufacturing of the above articles.)~~

Bottle cap manufacturing

Camera or video camcorder manufacturing or assembly - including repair in shop

Compact disc and video tape player manufacturing or assembly - including repair in shop

Dental laboratories

Electronic circuit board assembly, N.O.C.

Electronic ignition assembly

Electronic products manufacturing such as but not limited to resistors; transistors; capacitors; and computer chips

Fishing tackle manufacturing or assembly. For purposes of this rule the term "fishing tackle" is limited to lures; spinners; spoons; flies; plugs; sinkers; artificial bait or similar items but does not include fishing pole or reel manufacturing or assembly which are to be reported separately in the applicable manufacturing classification(s)

Incandescent lamp manufacturing; electric tube manufacturing

Instrument manufacturing - scientific; medical; or professional

Jewelry manufacturing or engraving

Magnetic tape manufacturing

Motion picture projector manufacturing or assembly - including repair in shop

Musical instrument: Metal type - assembly - including repair in shop

Silverware manufacturing; watch case manufacturing

Sound recording equipment manufacturing

Stereo components manufacturing or assembly

Tag, button, zipper or fastener manufacturing

Thermometer and steam gauge manufacturing

Telegraph or radio component manufacturing or assembly - including repair in shop

Telephone set manufacturing or assembly - including repair

Trophy assembly or engraving

Watch case manufacturing or assembly - including repair in shop

This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification does not include the production of raw materials used in manufacturing the above articles.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-599 Classification 3701.

Ammonia, nitrogen and ammonium nitrate manufacturing
Nitrate recovery from x-ray and photo films
Manufacturing dye and chemicals for tinting candles
Chemical manufacturing, N.O.C., by nitration, alkylation, oxidation, etc. process. This classification includes the

manufacturing of chemicals involving, but not limited to, the following chemical processes: Nitration, alkylation, distillation, reduction, oxidation, sulphonation, compression of gasses, halogenation and amidation
Chemical mixing, blending and repackaging only - no manufacturing of ingredients

Cosmetics manufacturing, no manufacturing of ingredients
Drug, medicine or pharmaceutical preparation manufacturing, no manufacturing of ingredients

Oxygen or hydrogen manufacturing, acetylene gas or carbonic acid gas manufacturing

Alcohol manufacturing, distilling, N.O.C.

Polish, dressing, ink or mucilage manufacturing

Extract manufacturing((?)) - including distillation of essential oils

Perfumery manufacturing((?)) - including distillation of essential oils

~~((Flavoring manufacturing, including distillation of essential oils))~~

Mint distilling

Salt, borax or potash producing or refining

Serum, anti-toxin or virus manufacturing

Paint, varnish or lacquer manufacturing

Putty manufacturing, synthetic resin manufacturing

Acid manufacturing

Candle, crayon and paste manufacturing

This classification excludes hop pellet manufacturing which is to be reported separately in classification 2101.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-604 Classification 3708.

Abrasive cloth preparation

~~((Awning, tent, sail, flag, wind sock or sleeping bag: Manufacturing))~~

Bag or sack - industrial size: Manufacturing ~~((or renovating - cotton, burlap, gunny, nylon, or textile)), N.O.C.~~

~~((Braid, net, plush and velvet, thread, webbing and yarn))~~

Batting, wadding or waste: Manufacturing

Broom and brush: Manufacturing or assembly, N.O.C.

Carpet or rug: Manufacturing - tufting operations

Cordage, rope or twine: Manufacturing

~~((Cotton batting, wadding or waste: Manufacturing~~

~~Cotton cord or cotton twine: Manufacturing~~

~~Fire hose: Manufacturing from linen thread~~

~~Fishing rod wrappings: Manufacturing~~

~~Life preservers and canvas goods: Manufacturing, N.O.C.))~~

Hide dealers

Linoleum, oil cloth or imitation leather: Manufacturing

~~((Match: Manufacturing))~~

Mattress or box springs: Manufacturing - ~~((no manufacturing))~~ excluding the manufacture of wire springs which is to be reported separately in classification 3402, or excelsior which is to be reported separately in classification 2903

~~((Nylon or synthetic goods: Manufacturing, N.O.C.~~

~~Parachutes, suspenders, fur goods and bandages: Manufacturing~~

~~Pillow, quilt or cushion: Manufacturing including stuffed animal or doll manufacturing))~~ Net, thread, webbing,

yarn: Manufacturing

Plush, velvet, felt: Manufacturing
Spinning or weaving - natural or synthetic ((fibres)) fiber, N.O.C.
Styrofoam or foam rubber: Cutting, bonding, laminating, N.O.C. - excluding molding and mixing of rubber or plastic which is to be reported separately in the appropriate manufacturing classification
Taxidermists and hide pelting
Textile bleaching, dyeing, coating, impregnating, laminating, waterproofing, N.O.C.
Textile goods: Manufacturing, N.O.C.
Textile: Manufacturing, N.O.C.
~~((Wader, wet suit, and survival suit: Manufacturing))~~
Wool combing or scouring.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-606 Classification 3802.

Artificial feather or flower: Manufacturing, N.O.C.
~~((Clothing or cloth goods: Manufacturing, N.O.C.))~~
Cloth printing
~~Computer covers and accessories: Manufacturing, N.O.C. - cotton, nylon, or other textiles~~
Dressmaking or tailoring
~~Fabric: Coating, impregnating or waterproofing, N.O.C.))~~
Awning or shade: Manufacturing - excluding the welding of frames which is to be reported separately in classification 3402
Embroidery services
Garment: Manufacturing
Glove((s)): Manufacturing, N.O.C.
Handbag((s)) or pack((s)): Manufacturing ((-cotton, nylon, or other textile))
Hand carved or inlaid rug: Manufacturing
Hosiery: Manufacturing
~~((Lace, embroidery, cloth hats, umbrella and draperies: Manufacturing))~~
Household furnishings, such as draperies, shades, pillows, quilts, sleeping bags: Manufacturing - excluding the manufacture of batting, wadding, or waste which is to be reported separately in classification 3708
Knitted fabric or garments: Manufacturing
Lace: Manufacturing
Leather goods such as tack, holsters, accessories, sports balls: Manufacturing
Millinery: Manufacturing
~~((Textiles: Bleaching, dyeing, or finishing - new goods, not garments))~~
Rubber or pliable goods: Manufacturing by cutting or gluing - excluding rubber molding, shredding, pulverizing, which is to be reported separately in classification 3513
Sails or boat covers or tops: Manufacturing
Screen printing
Shoe or boot: Manufacturing or repair - excluding molding of shoe parts which is to be reported separately in classification 3513
Tents, tarps: Manufacturing - excluding the welding of frames which is to be reported separately in classification 3402
Textile soft goods such as medical supports, tie downs, craft items, award ribbons: Manufacturing

Wig making

This classification excludes the tanning of leather and the dressing of fur which is to be reported separately in classification 4301; and the installation of goods manufactured subject to this classification which is to be reported separately in the classification applicable to the installation work being performed.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-619 Classification 4002.

Creameries or milk and milk products processing including butter, cheese, ice cream, ice cream mix, and condensed milk
This classification does not include dairy or farming operations ((subject to risk)) which are to be reported separately in classification 7301 ((WAC 296-17-644)).

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-620 Classification 4101.

Printing, lithography, engraving, map printing, and silk screening, N.O.C.
Rubber stamp manufacturing and assembling
Bookbinding
This classification excludes photographic composition or prepress work such as photographic or computerized typesetting, layout, paste up, editing and proofreading, camera work and plate making which ((with)) is to be reported separately in ((risk)) classification 4904
Any employee involved in printing operations subject to this classification will be reported in ((risk)) classification 4101 without division of hours.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-622 Classification 4103.

Newspaper publishing
This classification excludes photographic composition or prepress work such as photographic or computerized typesetting, layout, paste up, editing and proofreading, camera work and plate making which ((with)) is to be reported separately in ((risk)) classification 4904
Any employee involved in printing operations subject to this classification will be reported in ((risk)) classification 4103 without division of hours
Outside reporters, advertising or circulation solicitors and photographers with no other duties ((with)) are to be ((rated under risk)) reported separately in classification 6303 ((WAC 296-17-698))
Newspaper publishers with no printing operations will be governed by WAC 296-17-44001, "business described by a standard exception classification."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-628 Classification 4109.

Sign painting in shop
Sign painting or lettering inside buildings
This classification does not include painting done in connection with sign manufacturing (~~(rated under risk)~~) which is to be reported separately in classification 2903 ((WAC 296-17-568); risk), classification 3404 ((WAC 296-17-582); risk), classification 3503 ((WAC 296-17-587);), or ((risk) classification ((3508-(WAC 296-17-592))) 3510 as applicable; or painting done in connection with sign repair ((rated under risk) which is to be reported separately in classification 0403 ((WAC 296-17-516))). Sign erection - outside ((will be rated under risk) is to be reported separately in classification 0403 ((WAC 296-17-516))).

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-634 Classification 4305.

~~((Garbage, refuse or ashes collecting))~~
Garbage works, landfill, reduction or incineration operations - including cashiers collecting fees from customers and incidental recycle operation conducted in connection with a landfill or garbage works operation
~~((Radioactive waste landfill))~~ Hazardous waste and toxic material processing or handling, N.O.C.
Solid waste, refuse or ashes collecting - including curbside recycle services
Tire dumps or collection centers.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-643 Classification 4802.

~~((Berry farms))~~
Bulb raising
Farms: Berries - all types
Field vegetable crops, such as bush beans, peas, sweet corn, potatoes, sugar beets, and field carrots which are mechanically harvested
Flower or vegetable seed growing including harvesting of seeds
Flowers: Field growing
Picking of forest products, N.O.C.
This classification excludes fresh fruit or vegetable packing operations (~~(rated under risk)~~) which are to be reported separately in classification 2104 ((WAC 296-17-564)); and fruit or vegetable cannery or freezer operations ((rated under risk) which are to be reported separately in classification 3902 ((WAC 296-17-615) unless specifically included by manual language)) unless another classification treatment is provided for by other rules.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-644 Classification 4803.

Farms, N.O.C.
Orchards - applies to all deciduous fruit and nut tree crops (~~(= deciduous and fruits, nuts, and shall include)) including all acreage devoted to the raising of such crops~~
This classification includes operations incidental to the enterprises described above including harvesting of all crops. However; ground hand picking of prunes and nuts will be reported separately ((rated under risk) in classification 4806 ((WAC 296-17-647)) if the conditions stipulated in that ~~((risk))~~ classification are met
This classification excludes fresh fruit packing operations (~~(rated under risk)~~) which are to be reported separately in classification 2104 ((WAC 296-17-564)); and fruit cannery or freezer operations or nut processing ((rated under risk) which is to be reported separately in classification 3902 ((WAC 296-17-615))).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-645 Classification 4804.

~~((Poultry raising, egg production and hatcheries Egg grading, candling and packing Fur bearing animals and rabbit raising))~~ Egg grading, candling and packing
Farms: Apiaries
Farms: Aviaries
Farms: Egg production
Farms: Fur bearing animals such as but not limited to rabbit, mink, fox, etc.
Farms: Poultry
Farms: Worms
This classification applies to acreage devoted to the raising of poultry, rabbits and fur bearing animals.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-646 Classification 4805.

Christmas tree sales from u-cut farms or retail sales lots
Farms: Aquatic plants
Farms: Shellfish - excluding mechanical harvesting which is to be reported separately in classification 4808
Farms: Sod growing
Nurseries - including incidental greenhouse operations
This classification applies to all acreage devoted to nursery operations including tree nurseries and sod growing
Classification 4805 and classification 5004 shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses and each business has separate and distinct employees.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-649 Classification 4808.

Alfalfa and clover seed growing
 Custom farm services by contractor
Farms: Shellfish - mechanical harvesting
 Field crops, N.O.C., including raising of all hay, and cereal grains
 Potato sorting and storage, N.O.C.
 This classification applies to all operations incidental to the enterprises described above
 This classification excludes grain milling operations (~~rated under risk~~) which are to be reported separately in classification 2101 (~~((WAC 296-17-562))~~); fresh vegetable packing operations (~~rated under risk~~) which are to be reported separately in classification 2104 (~~((WAC 296-17-564))~~); and vegetable cannery or freezer operations (~~rated under risk~~) which are to be reported separately in classification 3902 (~~((WAC 296-17-615))~~).

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-64901 Classification 4809.

Greenhouses, N.O.C.
 (~~Flowers - field growing, excluding bulb raising rated in risk classification 4802 (WAC 296-17-643))~~)
 Mushroom raising and harvesting
 Sprouts raising and harvesting
 This classification excludes fresh vegetable packing operations (~~rated under risk~~) which are to be reported separately in classification 2104 (~~((WAC 296-17-564))~~); and vegetable cannery or freezer operations (~~rated under risk~~) which are to be reported separately in classification 3902 (~~((WAC 296-17-615))~~).

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-64902 Classification 4810.

Farms - field vegetables(~~(s)~~) and herbs, N.O.C. - including truck gardening for fresh market. This classification includes all ground preparation, growing husbandry and hand harvesting with the aid of a hand held cutting device such as a paring or cutting knife used in the harvest of broccoli or cauliflower and by hand alone as in the case of cucumbers(~~(s)~~
~~Separately report~~) but excludes ground preparation, growing and harvesting of vegetable crops such as bush beans, peas, sweet corn, potatoes and field carrots which are mechanically harvested (~~in risk~~) which are to be reported separately in classification 4802 (~~((WAC 296-17-643))~~) "Farms: Vegetables - mechanically harvested"; fresh vegetable packing operations which are to be reported separately (~~under risk~~) in classification 2104 (~~((WAC 296-17-564))~~); and vegetable cannery or freezer operations which are to be reported separately (~~under risk~~) in classification 3902 (~~((WAC 296-17-615))~~).

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-64903 Classification 4811.

Farms: Hops - including cultivating, picking, drying and baling hops (~~(and all other operations incidental to the enterprise described above)~~) at the farm and all other incidental farm operations, but excludes hop pellet manufacturing which is to be reported separately in classification 2101 and hop extract manufacturing which is to be reported separately in classification 3701
 Farms: Mint - including distillery operations when conducted in connection with a mint farm operation and when performed by employees of an employer subject to this classification.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-64904 Classification 4812.

Fish and shellfish hatcheries including raising, egg production, grading, harvesting and shipping
 This classification excludes fish and shellfish processing which (~~are~~) is to be reported separately (~~under risk~~) in classification 3304.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-64905 Classification 4813.

Vineyards - all operations including harvesting of fruit
 This classification excludes fresh fruit packing operations which are to be reported separately (~~under risk~~) in classification 2104 (~~((WAC 296-17-564))~~); wine making which (~~are~~) is to be reported separately (~~under risk~~) in classification 3702 (~~((WAC 296-17-600))~~); and fruit cannery, processing, or freezing operations which are to be reported separately (~~under risk~~) in classification 3902 (~~((WAC 296-17-615))~~).

NEW SECTION

WAC 296-17-64999 Classification 4900.

Construction: Superintendent or project manager
 This classification applies to construction superintendents or project managers applicable to both general and specialty contractors for construction or erection projects. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally temporarily stationed at the construction site or project location and confined to a modular type of clerical office to schedule activities and arrival of supplies applicable to the job or project. Construction superintendents and project managers applicable to this classification shall have no direct control over work crews and shall not be performing construction labor at the job site or project location. An employee performing duties of this classification and some type of construction labor or control over a work crew shall not be permitted a

division of work hours between this classification and a construction classification, all work hours are to be reported in the applicable construction classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-651 Classification 4902.

State government - ~~((use of))~~ this classification is limited to clerical office, sales personnel and ~~((professional white collar))~~ administrative employees that have no field exposure, law enforcement powers, or provide patient health care. For the purposes of this rule field exposure is defined as anything other than the normal travel to a work assignment such as a field auditor or social worker would encounter

This classification includes all departments, agencies, boards, commissions ~~((and))~~, committees and elected officials of either the executive, legislative or judicial branches of state government. See ~~((risk))~~ classifications 4906 ~~((WAC 296-17-655))~~, 5307 ~~((WAC 296-17-67901))~~, 7103 ~~((WAC 296-17-756))~~ and 7201 ~~((WAC 296-17-763))~~ for other state government operations.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-654 Classification 4905.

Hotels

Motels

This classification excludes restaurant and lounge employees which are to be reported separately in ~~((risk))~~ classification 3905 "restaurants, N.O.C.". Hotel and motel desk clerks with no other duties will be reported separately in ~~((risk))~~ classification 4904 "clerical office N.O.C."

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-659 Classification 5001.

Firewood cutting - all woods operations

Logging, N.O.C.

Sawmill operations conducted in the woods in connection with logging operations

Shake, shingle bolt and post cutting - all woods operations

For the purposes of this rule, logging~~((;))~~ N.O.C. shall be considered the complete operation~~((, including such activities as falling and bucking,))~~ of felling, skidding, yarding, ~~((loading, and maintenance of equipment except as otherwise provided and aircraft operations incident thereto~~

See risk classification 5206 (WAC 296-17-675) for permanent yard operations) delimiting, and bucking of trees into logs or block wood and the loading of logs and block wood onto trucks or rail cars. This classification also includes the operation of aircraft and helicopters used in connection with the removal of felled trees or block wood, and equipment maintenance not performed subject to the provisions of classification 5206.

AMENDATORY SECTION (Amending WSR 92-18-065, filed 8/31/92, effective 10/1/92)

WAC 296-17-66002 Classification 5004.

Forest, range, or timber land labor services by landowner or contractor~~((;))~~. This classification covers all forms of forest, range, or timber land manual labor. Such labor activities include but are not limited to tree planting, tree netting, tree shading, bud capping, chemical spraying, fertilizing, animal trapping (such as mountain beaver and gopher baiting), bear feeding, precommercial tree thinning, conifer release (chemical or manual), tree pruning, cone picking, scion collection, hydro seeding and erosion control, and wildlife habitat development. This classification includes all field crew supervisors and foremen assigned to oversee work covered by this classification including internal quality control audits irrespective of whether or not their assigned duties include manual labor.

This classification excludes ~~((forest))~~ forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest fire fighting, slashing, ~~((hand piling,))~~ pile burning, roadside brushing, roadway dust/mud control which is to be reported separately in ~~((risk))~~ classification ~~((0101))~~ 5006 "forestry related machine work"; logging operations which are to be reported separately in ~~((risk))~~ classification 5001; logging road construction which is to be reported separately in ~~((risk))~~ classification 6902; and technical survey work which is to be reported separately in ~~((risk))~~ classification 1007.

NEW SECTION

WAC 296-17-66004 Classification 5006.

Forestry related machine work - to include but not limited to brush clearing, dust control, forest fire fighting, scarifying, slash piling or burning, and slope grooming.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-67601 Classification 5208.

Brass, bronze, iron-ornamental - shop fabricating, assembly and manufacturing

Iron or steel works, shop, fabricate or assemble structural iron or steel

Iron works - shop - fabricate, assemble or manufacture non-structural iron or steel

Iron works - shop - manufacturing railings, staircases, fire escapes, etc.

Unless otherwise specified in the ~~((subclassification))~~ classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-67602 Classification 5209.

Boilermaking, tank building (shop)
Metal goods manufacturing, N.O.C., from material 9 gauge or heavier
Wood stove manufacturing
Unless otherwise specified in the ~~((subclassification))~~ classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification
This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-677 Classification 5301.

Accounting or bookkeeping ~~((firms))~~ services
Court reporting ~~((firms))~~ services
Credit bureaus
Employment agencies
Law firms
Management ~~((analyst or consulting firms))~~ consultant services, N.O.C.
Secretarial or telephone answering services
Travel agencies
Word processing services
This classification includes clerical office and sales personnel
~~((Use of))~~ This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operation to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-67901 Classification 5307.

State government, N.O.C.
~~((For the purpose of this rule,))~~ This classification ~~((will))~~ includes any state employee performing manual labor, supervising a work crew performing manual labor such as custodial or maintenance, construction, and machinery or equipment operators or ~~((professional white collar employments))~~ administrative personnel such as engineers, safety inspectors, biologists who have field exposures
This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government
See ~~((risk))~~ classifications 4902 ~~((WAC 296-17-651))~~, 4906 ~~((WAC 296-17-655))~~, 7201 ~~((WAC 296-17-763))~~, and 7103 ~~((WAC 296-17-756))~~ for other state employees.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-680 Classification 6103.

Athletic officials for amateur sports, N.O.C., such as umpires and referees
Churches
Day nurseries or child care centers
Libraries, N.O.C.
Museums, N.O.C.
Schools, N.O.C. including dance, modeling, music and flight instructions classroom only
Schools: Academic K-12
Schools, trade or vocational
~~((Use of))~~ This classification is limited to clerical office, sales personnel ~~((and white collar professional))~~, teachers N.O.C. and administrative employees
See ~~((risk))~~ classification 6104 ~~((WAC 296-17-681))~~ for other operations.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-681 Classification 6104.

Churches
Day nurseries or child care centers
Libraries, N.O.C.
Museums, N.O.C.
Schools, N.O.C. including dance, modeling, music
Schools: Academic K-12
Schools, trade or vocational
All other employments, N.O.C. including teachers exposed to machinery hazards such as metal and wood shop and driving instructors.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-687 Classification 6201.

Crematoriums
Funeral directors - mortuaries
This classification excludes cemetery operations ~~((rated under risk))~~ which are to be reported separately in classification 6202 ~~((WAC 296-17-688))~~.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-692 Classification 6206.

Golf courses, N.O.C., excluding miniature golf and driving ranges which are to be reported separately in ~~((risk))~~ classification 6208 unless they are conducted in connection with operations subject to this classification.

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-693 Classification 6207.

Carnivals: Amusement rides and concessions, traveling.
This classification includes drivers and all employees engaged in the set up and tear down of all mechanical and nonmechanical rides, concession booths, or stands

(i.e., game, food, souvenir, etc.), mobile offices, aid rooms, ticket booths, and all other temporary structures associated with a traveling carnival. Report carnival operations ~~((i.e.,))~~ such as ride operators, ticket takers ~~((and sellers, cooks, traveling clerical, game attendants)),~~ etc.) separately in ~~((risk))~~ classification 6208 ~~((WAC 296-17-694))~~ "carnival operations." Report winter quartering and permanent yard or shop operations separately in ~~((risk))~~ classification 5206 ~~((WAC 296-17-675))~~ "contractors permanent yard."

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-694 Classification 6208.

Amusement parks
Carnival operations, N.O.C.
Caves or caverns operation for exhibition purposes - including rides, ticket sellers, gate attendants
Concessions - boats in parks
Fairs
Family indoor sports and entertainment centers
Kiddie rides - permanent locations
Miniature golf courses
Race tracks, excluding parimutuel clerks and cashiers with no other duties which ~~((will))~~ are to be ~~((rated under risk))~~ reported separately in classification 4904 ~~((WAC 296-17-653))~~ "clerical office, N.O.C."
Ranges - archery, ball, dart, golf
Shooting galleries, air rifle - no firearms
Shooting ranges - firearms
Shows - animal
Shows - flower, art
This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-695 Classification 6209.

Camp grounds such as but not limited to church, recreational, or educational including incidental cottage or cabin rentals, boat concessions, grocery stores, and penny or video arcades
Dude ranches - excluding cattle ranches
Swimming pools - public
This classification includes food and beverage operations~~((;))~~; and clerical office and sales personnel physically located at the above facilities.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-699 Classification 6304.

~~((Department stores
This classification includes clerical office and sales personnel and installation of household furnishings such as lamps, pictures, draperies or curtains etc.
This classification excludes automotive repair and service and other outside installation or construction.))~~ Antique variety stores - retail

For purposes of this rule the term "antique variety stores" shall apply to retail establishment engaged in selling a variety of used merchandise or reproduction merchandise such as but not limited to furniture, glassware, wearing apparel, silverware, pictures, tools and jewelry. Antique specialty stores that are engaged exclusively in the sale of furniture and related home furnishings are to be reported separately in classification 6306 "furniture stores." Antique specialty stores engaged exclusively in the sale of glassware, china, or silverware are to be reported separately in classification 6406 "retail stores, N.O.C." Antique specialty stores engaged exclusively in the sale of wearing apparel and shoes are to be reported separately in classification 6305 "clothing stores - retail"

Department stores - retail

For purposes of this rule the term "department stores" shall apply only to retail establishments whose inventoried products available for sale to the public include all of the following merchandise: Wearing apparel; linens; home furnishings (other than furniture); and two or more of the following product lines: Cosmetics; shoes; furniture; jewelry; sporting goods; luggage; toys; books; videos; compact discs or cassette music; greeting cards; portrait studios; candy; camera; stereo; television; small appliances; and collectibles. This classification applies to larger retail stores which are characterized by many separate departments each selling a specific type of merchandise. This classification includes employees of specialty departments such as alterations personnel, installation of home furnishings such as furniture, draperies, blinds, mirrors, closet organizers and pictures and delivery drivers, but excludes installation of carpeting, floor vinyl, tile, exterior siding, painting, cabinet installation, fencing, roofing or similar construction related activities and automotive service centers.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-700 Classification 6305.

Clothing stores - retail
Concessions ~~((for))~~; Hat and coat checking
Custom dressmaking and tailoring including alterations
Shoe stores - retail.
~~((This classification includes clerical office and sales personnel.))~~

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-701 Classification 6306.

Appliance stores ~~((wholesale/retail))~~ - excluding second hand appliance stores which ~~((will be rated in risk))~~ are to be reported separately in classification 0607 ~~((WAC 296-17-527))~~ "household appliances service and repair"
Furniture rental stores
Furniture stores ~~((wholesale/retail))~~
Office furniture stores ~~((wholesale/retail))~~
Piano or organ stores, N.O.C. ~~((wholesale/retail))~~
This classification ~~((will))~~ includes the installation of household furnishings, household floor coverings, and house-

hold appliances including incidental service and repair of household appliances (~~(This classification excludes)~~) but excludes second hand or used appliance dealers who are to be reported separately in classification 0607; and contract installation which for the purposes of this rule shall mean the bidding and ultimate furnishing to a purchaser such items listed in this classification that are specially ordered from others (i.e., factories, manufacturers, brokers, etc.) to fulfill the terms of the contract.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-703 Classification 6308.

~~Clock and watch stores ((-wholesale/retail))
Hearing-aid stores ((-wholesale/retail))
Jewelry stores ((-wholesale/retail))
Optical stores((-no)) - excluding lens grinding ((-wholesale/retail
~~This classification includes clerical office and sales personnel)) which is to be reported separately in classification 6604.~~~~

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-704 Classification 6309.

~~((Automobile, truck, motorcycle accessory or replacement parts stores—excluding repairs
Bicycle stores—including repairs
Custom picture or u frame stores—including repairs
Gun stores—including repairs
Hardware variety stores, N.O.C.: Excluding any operation that sells lumber or building materials which will be separately reported in risk classification 2009 and small engine repair which is to be separately reported in classification 3402
Locksmiths, including repairs but excluding installation of dead bolt locks or similar activities which will be separately reported in risk classification 0607
Stained art glass stores—excluding manufacturing
Wood stove and accessory stores—excluding installations or repairs
This classification includes clerical office and sales personnel.)) Art galleries, custom picture or u-frame: Stores - including in-store custom frame making and frame repair
Automobile, truck or motorcycle: Accessory or replacement parts stores - excluding automobile or truck service or repair centers operated in connection with a store operation which is to be reported separately in classification 3411 "automobile or truck: Repair shops or garages"; machine shop services which is to be reported separately in classification 3402 "machine shops, N.O.C."; and motorcycle service or repair centers which is to be reported separately in classification 3309 "motorcycle service or repair centers." The automobile, truck or motorcycle accessory or replacement parts store classification (6309) shall not be assigned to any business engaged in the sale or rental of new or used automobiles, trucks, motor homes, motorcycles, machinery, mobile homes, boats, all terrain vehicles, golf carts~~

or similar items which specifically includes parts department employees

Bicycle stores - including in-store service and repair but excluding all forms of bicycle manufacturing

Floor covering stores - excluding all installation work which is to be reported separately in the applicable construction classifications

Gun stores - including in-store service and repairs

Hardware variety stores, N.O.C. - excluding any store or operation that sells lumber or building materials which is to be reported separately in classification 2009 "hardware stores with lumber or building material supplies"

Hobby craft stores - excluding the manufacturing, fabrication or assembly of all hobby crafts goods sold by establishments covered by this classification

Locksmith services - including repairs but excluding installation of dead bolt lock sets or similar activities which is to be reported separately in classification 0607 "dead bolt lock set: Installation"

Paint and wallpaper stores - excluding all installation work which is to be reported separately in the applicable construction classifications

Pawn shops

Sewing machine stores - including in-store service and repair

Spa/hot tub stores - including the sale of spa and pool accessories and related items, and the incidental repairs of pumps at store location; excluding installation service or repair of pumps performed at customer site which are to be reported separately in classification 0306; also excluding installation of spa/hot tubs and the construction of pads, sidewalks, decks, gazebos, or other related structures which are to be reported separately in the applicable construction classifications. Stores that sell only accessories for spa/tubs or pools are to be reported separately in classification 6406

Sporting goods stores

Stained art glass stores - excluding the manufacturing of all stained glass or the fabrication and assembly of stained art goods sold by establishments covered by this classification

Wood stove and accessory stores - excluding installation, service or repair which is to be reported separately in classification 0307 "wood stove installation" or as otherwise provided for in classification 0307.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-706 Classification 6402.

~~((Grocery stores with fresh meat counters, combined—retail This classification includes clerical office and sales personnel~~

~~This classification also includes but is not limited to such activities as in-store bakeries, delis, espresso bars, video rentals, film developing, and floral, but excludes in-store pharmacies, lunch counters, and restaurant operations to be separately rated.)) Grocery stores, N.O.C. - retail~~

For purposes of this rule the term "grocery stores, N.O.C. - retail" shall apply only to retail establishments whose inventoried products available for sale to the public include all of the following merchandise: Canned

goods; dairy products; fresh and frozen meats; vegetables and fruits; carbonated and alcoholic beverages; juices; household cleaners; laundry and health care products; and baked goods. Retail establishments subject to this classification may also have other in-store departments or services which are provided for their customers convenience such as in-store bakeries, delis, espresso bars, video rental, film developing, floral and wine departments. These operations, although they may be physically separated within the general store area, are common to such stores and are included within the scope of classification 6402 when performed by employees of an employer subject to this classification. This classification excludes in-store pharmacy operations which are to be reported separately in classification 6406 "drug stores - retail"; and lunch counters and restaurants which are to be reported separately in classification 3905 "eating establishments, N.O.C."

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-707 Classification 6403.

Coffee, tea or spice stores - retail
Convenience grocery stores or mini markets, N.O.C. - retail
 Dairy products stores - retail
 Fruit or vegetable stores - retail
 ((Convenient grocery stores or mini markets - retail, N.O.C. excluding operations which include the sales of gasoline which are to be reported separately under classification 3410
 This classification includes clerical office and sales personnel.) Soft drink stores - retail
Wine or liquor stores - retail
This classification excludes any store operation engaged in the sales of gasoline which is to be reported separately in classification 3410 "convenient grocery stores with self service gasoline."

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-708 Classification 6404.

((Florists stores wholesale/retail
 Balloon arrangement stores wholesale/retail
 Plants: Interior household type - potted or planted, sales or leasing including plant watering and maintenance services associated with indoor plants
 This classification includes clerical office and sales personnel.) Balloon arrangement stores
Florists and artificial floral arrangement stores
Indoor plants: Sales or leasing - including plant watering and care services.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-709 Classification 6405.

Tire: ((Manufacturing, vulcanizing)) Retreading, rebuilding and/or recapping

~~Tire sales and service((, wholesale and retail)) center - including ((incidental mechanical repair work to) automobile((s)) or truck((s) Tire bumper: Manufacturing
Tire recycle or shredding - excluding tire dump operations which are to be reported separately under risk classification 4305 (WAC 296-17-634)) care service centers or repair garages operated in connection with a tire service or repair center.~~

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-710 Classification 6406.

Baseball card stores - retail
 Book, record, tape, compact disc, and video stores - retail
 Camera((s)) or photo ((supplies)) supply stores - retail
 ((Candy, cigarette and tobacco stores - retail))
 Coin and stamp stores - retail
 Coin operated arcades((;)) - excluding repair ((rated under risk)) which is to be reported separately in classification 0606 ((WAC 296-17-526)) "amusement devices, N.O.C."
 Drug stores - retail
 ((Dry cleaning - coin operated self service))
 Fabric and yardage stores((;)), yarn and needle work stores - retail
 ((Floor covering stores, carpet sample stores, retail - excluding installation which will be rated in risk classification 0502 (WAC 296-17-517) Laundromats, coin operated self service)
 Microwave oven ((and stereo component)), blender, mixer, or toaster oven stores - retail
 Musical instrument stores - retail((;)) - excluding piano or organ stores which ((will be rated in risk)) are to be reported separately in classification 6306 ((WAC 296-17-701)) "piano or organ stores"
 News ((butchers or news)) and magazine stands - retail
Office machine stores - retail
 Office stationery stores((, and office machinery stores including microcomputer and copy machines excluding repair
 Paint/wallpaper stores - retail
 Pawn shops
 Pet shops - retail including incidental pet grooming))
 Private mailbox((;)), safety deposit box, or computer tape storage - facilities
 Retail stores, N.O.C. - retail
 ((Sewing machine stores - retail
 Sporting goods stores - retail)) Stereo component stores - retail
 Telephone stores - retail
 ((Variety and five and ten cent stores - retail
 Wine stores and retail liquor agencies; soft drink stores))
 This classification ((includes clerical office and sales personnel, but)) excludes all on premise manufacturing of any kind, repair work, delivery drivers, outside installation, lunch counters and restaurant operations which are to be reported separately ((rated)).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-711 Classification 6407.

~~((Barber and beauty supply houses
Clothing, wearing apparel or dry goods stores—wholesale
Drug stores—wholesale
Mill supply dealers
Paint and wallpaper dealers—wholesale
Stores, combined wholesale and retail, N.O.C.
Welding supply dealers))
Wholesale stores, N.O.C.~~

For purposes of this rule the term "wholesale stores, N.O.C." shall also include combined wholesale and retail store operations. This classification is the wholesale store counterpart to risks assigned to retail store classifications 6304, 6305, 6309 and 6406

This classification excludes delivery drivers which are to be reported separately (~~(rated under risk)~~) in classification 1101 (~~((WAC 296-17-536))~~), "delivery by combined wholesale and retail stores."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-712 Classification 6408.

Farm machinery/~~((equipment))~~ implement dealers
Farm machinery rental dealers

This classification includes parts departments, demonstration of machinery or ~~((equipment))~~ implements, and repair without regard to location. All other operations are to be reported separately (~~(rated)~~).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-717 Classification 6504.

Stores - welfare - such as Goodwill or Salvation Army
This classification includes ~~((clerical office and sales personnel and))~~ collecting, conditioning and resale of donated used household articles.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-719 Classification 6506.

Film exchanges - commercial type movie theatre films excluding video cassettes which are to be separately rated

Film print shops including developing and printing
Microfilming

Photograph studios including outside photographers
This classification ~~((includes clerical office and sales personnel but))~~ excludes drivers ~~((which))~~ who are to be reported separately (~~(rated under risk)~~) in classification 1101 (~~((WAC 296-17-536))~~), "delivery by combined wholesale and retail stores."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-723 Classification 6601.

Armored car services
Crowd control services
Detective agencies
Merchant police or patrol
Security guard agencies
Security guard at logging or construction sites as allowed for in WAC 296-17-441(1).

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-727 Classification 6605.

Actors and performers, N.O.C.
Dance halls - all employment, N.O.C.
Musicians, N.O.C.

This classification includes actors, performers, players and musicians of theaters but excludes entertainers such as ballet, dance, gymnastics, ice dance/skate performers which are to be reported separately (~~(under risk)~~) classification 6620 (~~((WAC 296-17-7311))~~).

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-741 Classification 6801.

Airlines, scheduled - all members of the flying crew
Hot air balloon - flight crew.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-742 Classification 6802.

Airlines, scheduled - ground crew operations
Hot air balloon - ground crew operations
~~((All ground crew operations including))~~ This classification includes ticket sellers who handle baggage.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-746 Classification 6901.

Volunteers

This classification includes all volunteers performing services for any state agency, municipal corporation, political subdivision, or private nonprofit charitable organization
This classification excludes volunteer law enforcement officers which are to be reported separately (~~(rated)~~).

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-747 Classification 6902.

Logging railroad construction or maintenance
Logging road construction or maintenance
For the purposes of this rule logging roads are roads for which the basic use is for the transporting of logs by truck. This classification includes roads constructed on public or private lands in connection with timber sales

or logging, such as roads being constructed in accordance with the state department of natural resources or the United States Forest Service timber sales. Roads constructed subject to this classification are comprised of grading(~~(=)~~); grubbing(~~(=)~~); clearing of right-of-way (~~(and)~~) including culverts and bridges(~~(=)~~); but excludes falling, bucking of right-of-way timber or any of the other logging activities as enumerated (~~(under risk)~~) in classification 5001 (WAC 296-17-659)

This classification excludes the construction of asphalt or concrete type roads which are to be reported separately in (~~(risk)~~) classifications ~~((0101 (WAC 296-17-501)))~~ 0210 "asphalt paving or repaving" or 0214 "concrete paving or repaving"

See (~~(risk)~~) classification 5206 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-753 Classification 6908.

Carbon paper, crepe paper, blue print paper, computer paper, calculation tape, note pad, file folder, envelope, stationery, and typewriter ribbon: Manufacturing

Lightweight paper goods: Manufacturing such as but not limited to such single or double ply paper items as surgical gowns, towels, napkins, table or shelf covers, florist papers, tissue, and shredded packing material

Paper bag, (~~(abrasive paper)~~) movers packing pads, and wallpaper: Manufacturing

Paper box: Manufacturing - set up or folding (~~(paper boxes)~~).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-756 Classification 7103.

State government, this classification is to be used to report all workers who have law enforcement powers although such workers are (~~(professional white collar)~~) administrative employees

This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government, including employees having arrest powers or such other powers common to law enforcement, such as state patrol officers, fish and wildlife (~~(agents)~~) officers, guards or correctional officers of inmates, (~~(fishery patrol officers)~~) lottery officers

See (~~(risk)~~) classifications 4902 (~~((WAC 296-17-651))~~), 5307 (~~((WAC 296-17-67901))~~), and 7201 (~~((WAC 296-17-763))~~) for other state government operations.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76207 Classification 7116.

Flagging services by specialty contractor: This classification applies to nonconstruction contractors that are providing flagging services on public utility, power, water or gas line construction projects. This classification does not

apply to employees of a construction contractor that are assigned flagging duties which are to be reported separately in the classification applicable to the construction work being performed by their employer.

Temporary help company: Flagging for public utility, power, water, or gas line construction.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in flagging services for a public utility company involved in the extension of overhead or underground power line construction or underground water or gas line construction.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76209 Classification 7118.

Flagging services by specialty contractor, N.O.C.: This classification applies to nonconstruction contractors that are providing flagging services which are not covered in classification 7116. This classification does not apply to employees of a construction contractor that are assigned flagging duties which are to be reported separately in the classification applicable to the construction work being performed by their employer

Temporary help company: Construction.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in any aspect of construction work such as road, underground or overhead utility lines, fence, metal erection, signs or lighting including the operation of equipment, machinery, and tools by such employees. This classification also applies to construction security personnel and flaggers, N.O.C. Employees working in the specialty trades of plumbing, electrical wiring, or sheet metal work are to be reported separately in (~~(risk)~~) classification 7117.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-763 Classification 7201.

State government - this classification is to be used to report all employments of workers assigned to work at state operated facilities that provide patient or health care of any type. Usage of this classification is not limited to state-operated hospitals as it is intended to also cover health care facilities at state schools, infirmaries at correctional institutions, (~~(travelling)~~) traveling nurses and physicians, etc.

This classification excludes clerical office and (~~(white collar professional employments)~~) administrative personnel that are not engaged in providing or attending to patient care and all blue collar employments

See (~~(risk)~~) classifications 4902 (~~((WAC 296-17-651))~~), 5307 (~~((WAC 296-17-67901))~~) and 7103 (~~((WAC 296-17-756))~~) for other state government operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-778 Classification 7308.

Animal shelters
 Dog grooming parlors
 Dog pounds
 Humane societies
 ((This classification includes clerical office and sales personnel)) Pet boarding
Pet breeding kennels
Pet stores, N.O.C.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-870 Evaluation of actual losses. Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) **Valuation date.** The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895. For experience modifications effective January 1, 1990, and thereafter, the valuation date shall be June 1, seven months immediately preceding the effective date of premium rates.

(2) **Retroactive adjustments - revision of losses between valuation dates.** No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of dispute concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made, subject to subsection (4)(a) of this section.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim, which was previously evaluated as a compensable claim, is closed and is determined to be noncompensable (ineligible for benefits other than medical treatment).

(e) In cases where a claim is closed and is determined to be ineligible for any benefits.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included. Retroactive adjustments will not be made for rating periods more than ten years prior to the date on which the claim status was changed.

(3) **Average death value.** Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value," said value to be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in Table II.

(4) **Third-party recovery - effect on experience modification.** ~~((In the event of a third-party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim for each year in which the claim's injury date falls within the experience period (see WAC 296-17-850). This portion shall be calculated at the time the recovery is made, and shall be determined by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payments. Both the primary and excess components of the actual loss amount shall be reduced in the same proportion.))~~

(a) For claims with injury dates prior to July 1, 1994, a potential claim cost recovery from action against a third party, either by the injured worker or by the department, shall not be considered in the evaluation of actual losses until such time as the third-party action has been completed. If a third-party recovery is made after a claim had previously been used in an experience modification calculation, the experience modification shall be retroactively adjusted. The department shall compute a percentage recovery by dividing the current valuation of the claim into the amount recovered or recoverable as of the recovery date, and shall reduce both primary and excess losses previously used in the experience modification calculation by that percentage.

(b) For claims with injury dates on or after July 1, 1994, if the department determines that there is a reasonable potential of recovery from an action against a third party, both primary and excess values of the claim shall be reduced by fifty percent for purposes of experience modification calculation, until such time as the third-party action has been completed. This calculation shall not be retroactively adjusted, regardless of the final outcome of the third-party action. After a third-party recovery is made, the actual percentage recovery shall be applied to future experience modification calculations.

(c) For third-party actions completed before July 1, 1996, the claim shall be credited with the department's net share of the recovery, after deducting attorney fees and costs. For third-party actions completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees and costs.

(d) Definitions:

(i) As used in this section, "recovery date" means the date the money is received at the department or the date the order confirming the distribution of the recovery becomes final, whichever comes first.

(ii) As used in this section, "recoverable" means any amount due as of the recovery date and/or any amount available to offset case reserved future benefits.

(5) **Second injury claims.** The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) **Occupational disease claims.** When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purposes of experience rating, shall be the date on which the disability was diagnosed, giving rise to the filing of a claim for benefits. The

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cost of any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs.

(7) **Maximum claim value.** No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in Table II.

AMENDATORY SECTION (Amending WSR 95-23-080, filed 11/20/95, effective 1/1/96)

WAC 296-17-885 Table III.

**Expected Loss Rates and D-Ratios
Expected Loss Rates in Dollars Per Worker Hour
for Indicated Fiscal Year**

((Class 1991 1992 1993 D-Ratio))

Class 1992 1993 1994 D-Ratio

0101	1.1989	1.0752	0.9885	0.398
0102	1.2669	1.1374	1.0465	0.425
0103	1.5214	1.3659	1.2576	0.457
0104	1.7115	1.5300	1.4001	0.339
0105	1.2527	1.1293	1.0413	0.476
0107	1.1592	1.0384	0.9544	0.428
0108	0.8302	0.7458	0.6867	0.455
0109	3.4617	3.0918	2.8359	0.384
0201	2.8121	2.5152	2.3078	0.359
0202	2.9836	2.6736	2.4572	0.440
0206	1.6044	1.4330	1.3142	0.394
0301	0.6061	0.5490	0.5070	0.519
0302	1.8073	1.6143	1.4807	0.374
0306	0.8818	0.7931	0.7300	0.454
0307	0.6904	0.6234	0.5750	0.508
0403	1.4108	1.2710	1.1708	0.455
0502	1.2405	1.1111	1.0209	0.415
0504	1.3263	1.1890	1.0932	0.410
0506	4.1578	3.7193	3.4136	0.390
0507	3.0705	2.7609	2.5423	0.427
0508	3.0159	2.6868	2.4589	0.360
0509	1.5651	1.4016	1.2869	0.396
0510	1.2750	1.1469	1.0564	0.461
0511	0.9657	0.8718	0.8044	0.536
0512	1.5555	1.3976	1.2862	0.448
0513	0.6610	0.5942	0.5471	0.460
0514	1.2750	1.1469	1.0564	0.469
0515	2.5374	2.2693	2.0844	0.402
0516	1.2750	1.1469	1.0564	0.469
0517	1.5296	1.3804	1.2740	0.496
0518	1.4257	1.2770	1.1732	0.410
0519	1.5475	1.3949	1.2846	0.431
0601	0.6196	0.5585	0.5146	0.477
0602	0.3697	0.3338	0.3085	0.555
0603	0.8873	0.7953	0.7307	0.391
0604	1.1480	1.0367	0.9553	0.467
0606	0.2652	0.2415	0.2236	0.602
0607	0.2814	0.2557	0.2362	0.558

0608	0.2969	0.2693	0.2485	0.486
0701	2.0444	1.8157	1.6592	0.335
0803	0.3212	0.2908	0.2685	0.552
0804	0.8810	0.7902	0.7259	0.406
0901	1.4268	1.2821	1.1794	0.449
1002	0.7252	0.6563	0.6064	0.536
1003	0.6730	0.6068	0.5593	0.486
1004	0.4867	0.4389	0.4043	0.474
1005	5.2607	4.7066	4.3257	0.402
1007	0.3120	0.2816	0.2597	0.506
1101	0.5120	0.4645	0.4295	0.557
1102	1.1239	1.0110	0.9319	0.461
1103	0.5018	0.4542	0.4197	0.522
1104	0.4772	0.4337	0.4011	0.544
1106	0.2400	0.2193	0.2028	0.576
1108	0.3976	0.3612	0.3332	0.528
1109	0.6910	0.6277	0.5796	0.497
1301	0.3565	0.3231	0.2986	0.527
1303	0.1595	0.1444	0.1334	0.552
1304	0.0210	0.0191	0.0177	0.550
1305	0.3568	0.3238	0.2992	0.542
1401	0.5826	0.5277	0.4877	0.509
1404	0.4894	0.4426	0.4089	0.535
1405	0.4698	0.4254	0.3920	0.483
1501	0.3530	0.3193	0.2950	0.532
1507	0.2760	0.2507	0.2318	0.579
1701	1.5265	1.3647	1.2510	0.370
1702	1.5925	1.4254	1.3074	0.365
1703	0.3183	0.2873	0.2650	0.514
1704	0.7185	0.6469	0.5954	0.426
1801	0.8112	0.7292	0.6706	0.437
1802	0.9892	0.8892	0.8191	0.458
2002	0.5153	0.4685	0.4335	0.583
2003	0.3633	0.3302	0.3051	0.558
2004	0.5465	0.4961	0.4589	0.579
2007	0.4514	0.4095	0.3784	0.521
2008	0.2472	0.2237	0.2064	0.511
2009	0.2997	0.2727	0.2522	0.568
2101	0.5491	0.4970	0.4590	0.498
2102	0.4088	0.3721	0.3444	0.596
2104	0.2452	0.2238	0.2072	0.597
2105	0.4801	0.4337	0.4007	0.550
2106	0.3119	0.2832	0.2615	0.536
2201	0.2304	0.2087	0.1928	0.517
2202	0.5305	0.4827	0.4470	0.608
2203	0.2663	0.2426	0.2242	0.569
2401	0.3965	0.3605	0.3330	0.514
2903	0.6185	0.5621	0.5199	0.556
2904	0.6783	0.6150	0.5678	0.508
2905	0.4520	0.4114	0.3805	0.574
2906	0.3003	0.2715	0.2502	0.514
2907	0.4749	0.4313	0.3990	0.570
2908	0.8763	0.7936	0.7335	0.552
2909	0.4871	0.4425	0.4093	0.572
3101	0.7388	0.6651	0.6124	0.434
3102	0.2890	0.2626	0.2429	0.577
3103	0.6996	0.6303	0.5805	0.463
3104	0.4524	0.4082	0.3764	0.505
3105	0.7311	0.6616	0.6107	0.516
3303	0.2180	0.1980	0.1828	0.549
3304	0.5465	0.4959	0.4583	0.539
3309	0.3716	0.3381	0.3129	0.556

3401	0.3679	0.3330	0.3073	0.521	4813	0.2128	0.1933	0.1787	0.516
3402	0.4474	0.4047	0.3736	0.524	4901	0.0443	0.0402	0.0371	0.554
3403	0.1977	0.1788	0.1646	0.471	4902	0.0579	0.0525	0.0486	0.580
3404	0.4314	0.3915	0.3618	0.550	4903	0.0443	0.0402	0.0371	0.554
3405	0.2874	0.2598	0.2396	0.521	4904	0.0234	0.0214	0.0198	0.629
3406	0.2210	0.2011	0.1859	0.578	4905	0.2407	0.2204	0.2043	0.638
3407	0.2826	0.2567	0.2374	0.571	4906	0.0704	0.0640	0.0591	0.575
3408	0.0910	0.0825	0.0762	0.529	4907	0.0583	0.0529	0.0488	0.535
3409	0.0888	0.0810	0.0749	0.586	4908	0.1001	0.0926	0.0857	0.621
3410	0.1925	0.1758	0.1628	0.586	4909	0.0494	0.0457	0.0422	0.605
3501	0.8488	0.7658	0.7065	0.461	4910	0.3591	0.3264	0.3016	0.531
3503	0.2890	0.2646	0.2453	0.564	5001	3.8664	3.4557	3.1723	0.380
3506	0.7684	0.6896	0.6349	0.493	5002	0.4531	0.4105	0.3795	0.562
3509	0.3716	0.3384	0.3137	0.629	5003	1.3737	1.2299	1.1302	0.395
3510	0.3858	0.3507	0.3244	0.584	5004	1.5457	1.3982	1.2898	0.481
3511	0.5674	0.5147	0.4755	0.541	5005	1.1989	1.0752	0.9885	0.398
3512	0.3524	0.3218	0.2978	0.585	5101	0.6854	0.6241	0.5783	0.613
3602	0.1011	0.0923	0.0854	0.596	5103	0.6265	0.5703	0.5278	0.587
3603	0.3843	0.3503	0.3241	0.561	5106	0.6261	0.5689	0.5251	0.523
3604	1.2508	1.1333	1.0482	0.572	5108	0.5557	0.5025	0.4636	0.518
3605	0.4256	0.3856	0.3563	0.546	5109	0.5730	0.5170	0.4763	0.487
3701	0.2479	0.2250	0.2077	0.519	5201	0.2934	0.2656	0.2452	0.541
3702	0.4443	0.4027	0.3724	0.571	5204	0.9101	0.8225	0.7582	0.487
3707	0.5192	0.4728	0.4373	0.458	5206	0.4570	0.4117	0.3790	0.456
3708	0.3386	0.3075	0.2844	0.566	5207	0.1392	0.1277	0.1183	0.645
3801	0.2653	0.2402	0.2214	0.505	5208	0.8143	0.7360	0.6785	0.499
3802	0.1669	0.1520	0.1407	0.599	5209	0.6304	0.5717	0.5284	0.546
3808	0.2847	0.2576	0.2375	0.488	5301	0.0275	0.0251	0.0232	0.587
3901	0.1664	0.1515	0.1401	0.587	5305	0.0389	0.0355	0.0328	0.617
3902	0.3683	0.3354	0.3104	0.592	5306	0.0447	0.0407	0.0376	0.544
3903	1.0842	0.9865	0.9109	0.515	5307	0.2933	0.2656	0.2456	0.560
3905	0.1525	0.1398	0.1294	0.626	6103	0.0582	0.0534	0.0495	0.638
3906	0.4797	0.4350	0.4021	0.547	6104	0.2250	0.2052	0.1900	0.588
3909	0.1768	0.1613	0.1492	0.583	6105	0.1732	0.1573	0.1454	0.546
4002	0.7303	0.6591	0.6094	0.556	6107	0.1166	0.1065	0.0984	0.587
4101	0.2084	0.1896	0.1753	0.561	6108	0.4487	0.4089	0.3784	0.578
4103	0.2364	0.2164	0.2007	0.671	6109	0.0581	0.0527	0.0487	0.545
4107	0.1379	0.1256	0.1161	0.553	6110	0.4214	0.3827	0.3541	0.571
4108	0.1620	0.1472	0.1358	0.537	6201	0.2410	0.2182	0.2013	0.512
4109	0.2084	0.1896	0.1753	0.561	6202	0.5339	0.4834	0.4458	0.480
4201	0.3067	0.2762	0.2548	0.513	6203	0.0778	0.0712	0.0660	0.657
4301	0.6996	0.6345	0.5862	0.533	6204	0.1777	0.1622	0.1502	0.611
4302	0.5811	0.5244	0.4849	0.552	6205	0.1777	0.1622	0.1502	0.611
4304	0.5856	0.5317	0.4915	0.543	6206	0.1777	0.1622	0.1502	0.611
4305	0.8488	0.7659	0.7075	0.536	6207	1.1415	1.0463	0.9691	0.585
4401	0.4335	0.3929	0.3627	0.494	6208	0.2490	0.2281	0.2108	0.587
4402	0.6026	0.5474	0.5056	0.548	6209	0.2283	0.2085	0.1928	0.587
4404	0.3847	0.3489	0.3221	0.528	6301	0.1145	0.1034	0.0952	0.467
4501	0.1315	0.1196	0.1105	0.540	6302	0.1486	0.1350	0.1245	0.493
4502	0.0379	0.0345	0.0318	0.559	6303	0.0645	0.0586	0.0541	0.515
4504	0.0863	0.0790	0.0732	0.624	6304	0.1607	0.1471	0.1362	0.602
4601	0.5740	0.5213	0.4819	0.538	6305	0.0678	0.0618	0.0571	0.579
4802	0.2061	0.1874	0.1732	0.558	6306	0.2470	0.2248	0.2080	0.589
4803	0.1983	0.1809	0.1674	0.577	6308	0.0454	0.0413	0.0381	0.560
4804	0.4673	0.4258	0.3942	0.586	6309	0.1246	0.1137	0.1051	0.583
4805	0.2855	0.2590	0.2390	0.517	6402	0.2604	0.2367	0.2190	0.585
4806	0.0597	0.0543	0.0501	0.527	6403	0.1925	0.1758	0.1628	0.586
4808	0.4074	0.3681	0.3395	0.484	6404	0.1402	0.1283	0.1188	0.598
4809	0.2264	0.2064	0.1912	0.616	6405	0.5233	0.4739	0.4375	0.526
4810	0.1376	0.1257	0.1164	0.597	6406	0.0802	0.0733	0.0678	0.603
4811	0.2340	0.2131	0.1970	0.566	6407	0.1896	0.1727	0.1597	0.576
4812	0.2928	0.2656	0.2453	0.544	6408	0.3144	0.2858	0.2645	0.596

6409	0.4715	0.4266	0.3934	0.503
6410	0.1488	0.1355	0.1253	0.565
6501	0.0876	0.0798	0.0740	0.630
6502	0.0254	0.0231	0.0214	0.560
6503	0.0616	0.0555	0.0511	0.476
6504	0.3832	0.3504	0.3244	0.577
6505	0.0934	0.0853	0.0787	0.532
6506	0.0738	0.0674	0.0622	0.546
6508	0.3274	0.2978	0.2754	0.552
6509	0.2221	0.2027	0.1877	0.575
6601	0.1758	0.1605	0.1485	0.588
6602	0.4176	0.3793	0.3506	0.536
6603	0.2678	0.2434	0.2250	0.564
6604	0.0591	0.0538	0.0496	0.500
6605	0.3070	0.2812	0.2607	0.657
6607	0.1453	0.1330	0.1232	0.642
6608	0.2645	0.2385	0.2199	0.483
6620	0.6389	0.5856	0.5443	0.723
6704	0.1213	0.1104	0.1021	0.585
6705	0.7477	0.6844	0.6343	0.635
6706	0.3598	0.3287	0.3039	0.571
6707	1.5575	1.4226	1.3179	0.614
6708	5.4435	4.9745	4.5904	0.463
6709	0.1747	0.1601	0.1485	0.653
6801	0.2259	0.2050	0.1894	0.578
6802	0.3577	0.3275	0.3031	0.633
6803	0.8188	0.7254	0.6602	0.310
6804	0.1775	0.1615	0.1494	0.619
6809	3.9144	3.6146	3.3450	0.623
6901	0.0288	0.0272	0.0252	0.644
6902	0.7234	0.6462	0.5928	0.376
6903	3.5890	3.2206	2.9440	0.348
6904	0.2052	0.1862	0.1722	0.587
6905	0.2402	0.2184	0.2018	0.579
6906	0.1168	0.1105	0.1025	0.679
6907	1.0225	0.9243	0.8540	0.521
6908	0.3749	0.3407	0.3151	0.580
6909	0.0847	0.0773	0.0716	0.603
7101	0.0294	0.0267	0.0246	0.505
7102	3.5471	3.2740	3.0318	0.590
7103	0.2690	0.2431	0.2244	0.502
7104	0.0245	0.0224	0.0207	0.552
7105	0.0265	0.0241	0.0223	0.565
7106	0.1503	0.1361	0.1256	0.507
7107	0.2441	0.2214	0.2046	0.532
7108	0.1971	0.1801	0.1667	0.613
7109	0.2064	0.1882	0.1739	0.565
7110	0.3205	0.2891	0.2665	0.476
7111	0.4442	0.4027	0.3722	0.517
7112	0.5802	0.5250	0.4844	0.514
7113	0.5978	0.5394	0.4968	0.487
7114	0.6635	0.6071	0.5620	0.604
7115	0.5073	0.4597	0.4243	0.534
7116	0.5244	0.4742	0.4374	0.484
7117	1.2706	1.1577	1.0725	0.547
7118	2.4711	2.2381	2.0637	0.528
7119	1.7427	1.5751	1.4531	0.513
7120	5.1841	4.6913	4.3196	0.453
7121	5.4012	4.8810	4.4974	0.463
7201	0.8908	0.8030	0.7419	0.518
7202	0.0477	0.0433	0.0400	0.516
7203	0.1174	0.1076	0.0994	0.567

7204	0.0000	0.0000	0.0000	0.644
7301	0.5072	0.4590	0.4241	0.525
7302	0.5870	0.5344	0.4939	0.538
7307	0.6025	0.5484	0.5069	0.552
7308	0.2174	0.1991	0.1843	0.608
7309	0.1747	0.1601	0.1485	0.653

AMENDATORY SECTION (Amending WSR 95-23-080 filed 11/20/95, effective 1/1/96)

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

((Base Rates Effective January 1, 1996

Class	Accident Fund	Medical Aid Fund
0101	1.4172	0.5715
0102	1.4854	0.6170
0103	1.8132	0.7254
0104	2.0801	0.7529
0105	1.3798	0.6819
0107	1.4288	0.5140
0108	0.9758	0.4055
0109	4.3956	1.4176
0201	3.4169	1.2550
0202	3.6615	1.3351
0206	2.0484	0.6502
0301	0.6195	0.3680
0302	2.2865	0.7455
0306	1.0155	0.4454
0307	0.7527	0.3840
0403	1.5550	0.7622
0502	1.5176	0.5555
0504	1.5926	0.6164
0506	5.1355	1.8101
0507	3.4887	1.5784
0508	3.9724	1.1176
0509	1.8942	0.7103
0510	1.4694	0.6454
0511	1.0721	0.5259
0512	1.8231	0.7620
0513	0.7743	0.3254
0514	1.4694	0.6454
0515	3.1835	1.0775
0516	1.4694	0.6454
0517	1.6642	0.8519
0518	1.7432	0.6389
0519	1.6574	0.8660
0601	0.6904	0.3315
0602	0.4142	0.2003
0603	1.0539	0.4178
0604	1.2062	0.6635
0606	0.2494	0.1791
0607	0.2704	0.1837
0608	0.2834	0.1929
0701	2.8143	0.6631
0803	0.3385	0.1885
0804	1.0371	0.4216

PROPOSED

0901	1.6607	0.7050	3405	0.3065	0.1646
1002	0.7664	0.4244	3406	0.2081	0.1481
1003	0.7456	0.3635	3407	0.2785	0.1807
1004	0.5326	0.2664	3408	0.0891	0.0580
1005	6.5179	2.2936	3409	0.0795	0.0626
1007	0.3419	0.1720	3410	0.1636	0.1420
1101	0.5148	0.3196	3501	0.9078	0.4806
1102	1.2942	0.5709	3503	0.2249	0.2278
1103	0.5178	0.3014	3506	0.9452	0.3481
1104	0.4510	0.3173	3509	0.3570	0.2475
1106	0.2010	0.1785	3510	0.3762	0.2501
1108	0.3764	0.2618	3511	0.5641	0.3567
1109	0.6371	0.4659	3512	0.3006	0.2589
1301	0.3563	0.2224	3602	0.0895	0.0721
1303	0.1687	0.0933	3603	0.3388	0.2735
1304	0.0194	0.0143	3604	1.3109	0.7452
1305	0.3498	0.2279	3605	0.4369	0.2582
1401	0.5856	0.3604	3701	0.2382	0.1609
1404	0.5199	0.2839	3702	0.4611	0.2676
1405	0.4696	0.2892	3707	0.4308	0.3834
1501	0.3728	0.2062	3708	0.3314	0.2178
1507	0.2707	0.1773	3801	0.2714	0.1596
1701	1.8836	0.6601	3802	0.1556	0.1136
1702	1.9135	0.7256	3808	0.2900	0.1717
1703	0.3517	0.1739	3901	0.1544	0.1133
1704	0.7873	0.3885	3902	0.3432	0.2503
1801	0.9288	0.4103	3903	0.9713	0.7528
1802	1.1467	0.4951	3905	0.1223	0.1184
2002	0.4988	0.3366	3906	0.4847	0.2968
2003	0.3486	0.2379	3909	0.1554	0.1264
2004	0.5495	0.3423	4002	0.8284	0.3892
2007	0.4413	0.2883	4101	0.1962	0.1394
2008	0.2531	0.1489	4103	0.2041	0.1746
2009	0.2825	0.2007	4107	0.1228	0.0970
2101	0.5575	0.3345	4108	0.1557	0.1053
2102	0.3887	0.2727	4109	0.1962	0.1394
2104	0.2166	0.1754	4201	0.3532	0.1573
2105	0.5301	0.2652	4301	0.6919	0.4417
2106	0.3026	0.2009	4302	0.6578	0.3106
2201	0.2343	0.1407	4304	0.5683	0.3786
2202	0.5112	0.3500	4305	0.9549	0.4554
2203	0.2409	0.1850	4401	0.4242	0.2749
2401	0.3615	0.2710	4402	0.5802	0.3923
2903	0.5959	0.4045	4404	0.3797	0.2428
2904	0.6647	0.4304	4501	0.1213	0.0892
2905	0.4210	0.3061	4502	0.0350	0.0257
2906	0.3179	0.1733	4504	0.0708	0.0657
2907	0.4682	0.3037	4601	0.5520	0.3744
2908	0.9149	0.5218	4802	0.1959	0.1365
2909	0.4764	0.3140	4803	0.1749	0.1416
3101	0.8167	0.3955	4804	0.4269	0.3238
3102	0.2806	0.1879	4805	0.2778	0.1826
3103	0.7763	0.3747	4806	0.0553	0.0402
3104	0.4980	0.2476	4808	0.4313	0.2347
3105	0.7579	0.4351	4809	0.2102	0.1553
3303	0.2107	0.1412	4810	0.1175	0.1012
3304	0.5411	0.3456	4811	0.2118	0.1623
3309	0.3439	0.2532	4812	0.2908	0.1842
3401	0.3827	0.2183	4813	0.1999	0.1416
3402	0.4719	0.2611	4901	0.0448	0.0273
3403	0.2034	0.1172	4902	0.0588	0.0358
3404	0.4293	0.2718	4903	0.0448	0.0273

PROPOSED

4904	0.0211	0.0166	6503	0.0685	0.0328
4905	0.1988	0.1832	6504	0.3112	0.2923
4906	0.0694	0.0450	6505	0.0762	0.0702
4907	0.0572	0.0371	6506	0.0618	0.0546
4908	0.0546	0.0954	6508	0.3065	0.2201
4909	0.0275	0.0466	6509	0.1910	0.1621
4910	0.3382	0.2390	6601	0.1510	0.1284
5001	4.8459	1.6341	6602	0.4006	0.2731
5002	0.4719	0.2711	6603	0.2564	0.1759
5003	1.6736	0.6180	6604	0.0523	0.0413
5004	1.5740	0.9331	6605	0.2564	0.2323
5005	1.4172	0.5715	6607	0.1220	0.1091
5101	0.6534	0.4584	6608	0.2925	0.1433
5103	0.5867	0.4236	6614	283.7000**	185.0000**
5106	0.5849	0.4178	6615	211.7000**	137.0000**
5108	0.5873	0.3225	6616	27.7000**	16.0000**
5109	0.6227	0.3175	6617	20.7000**	13.0000**
5201	0.3060	0.1739	6618	80.7000**	68.0000**
5204	0.9533	0.5303	6620	0.5566	0.4741
5206	0.5067	0.2445	6704	0.1132	0.0821
5207	0.1086	0.1104	6705	0.6240	0.5642
5208	0.8609	0.4701	6706	0.2995	0.2683
5209	0.6317	0.3935	6707	10.88*	9.04*
5301	0.0255	0.0188	6708	4.0470	4.3290
5305	0.0352	0.0272	6709	0.1408	0.1356
5306	0.0409	0.0306	6801	0.2262	0.1416
5307	0.3101	0.1725	6802	0.2939	0.2721
6103	0.0431	0.0477	6803	1.1663	0.2311
6104	0.1994	0.1602	6804	0.1742	0.1150
6105	0.1665	0.1130	6809	2.3483	3.5833
6107	0.1014	0.0840	6901	0.0000	0.0386
6108	0.4076	0.3121	6902	0.9111	0.3011
6109	0.0558	0.0379	6903	4.0416	1.7992
6110	0.4166	0.2688	6904	0.2107	0.1257
6201	0.2464	0.1455	6905	0.2314	0.1571
6202	0.5323	0.3301	6906	0.0000	0.1571
6203	0.0674	0.0572	6907	1.0944	0.5869
6204	0.1567	0.1276	6908	0.3672	0.2416
6205	0.1567	0.1276	6909	0.0754	0.0602
6206	0.1567	0.1276	7101	0.0275	0.0195
6207	0.8677	0.9145	7102	16.56*	24.24*
6208	0.1940	0.1954	7103	0.2839	0.1561
6209	0.1954	0.1670	7104	0.0207	0.0180
6301	0.1205	0.0660	7105	0.0243	0.0182
6302	0.1369	0.0999	7106	0.1510	0.0925
6303	0.0610	0.0426	7107	0.2423	0.1537
6304	0.1302	0.1233	7108	0.1697	0.1442
6305	0.0605	0.0478	7109	0.1819	0.1467
6306	0.2344	0.1648	7110	0.3464	0.1787
6308	0.0431	0.0301	7111	0.4379	0.2811
6309	0.1105	0.0885	7112	0.6007	0.3453
6402	0.2545	0.1687	7113	0.6496	0.3309
6403	0.1636	0.1420	7114	0.5444	0.5040
6404	0.1151	0.1064	7115	0.5157	0.3098
6405	0.5351	0.3172	7116	0.5403	0.3123
6406	0.0687	0.0588	7117	1.1217	0.9047
6407	0.1731	0.1308	7118	2.5270	1.4928
6408	0.3077	0.2036	7119	1.8565	1.0001
6409	0.4872	0.2804	7120	5.1221	3.2106
6410	0.1363	0.1022	7121	5.5649	3.1963
6501	0.0839	0.0585	7201	1.0186	0.4659
6502	0.0221	0.0182	7202	0.0468	0.0303

7203	0.0877	0.0945
7204	0.0000	0.0000
7301	0.5289	0.3009
7302	0.5251	0.4101
7307	0.5511	0.4135
7308	0.1742	0.1680
7309	0.1408	0.1356))

Base Rates Effective

July 1, 1996

<u>Class</u>	<u>Accident Fund</u>	<u>Medical Aid Fund</u>
0101	1.0345	0.4173
0103	1.3236	0.5296
0104	1.5184	0.5497
0105	1.0073	0.4978
0107	1.0430	0.3753
0108	0.7123	0.2961
0109	3.2088	1.0349
0112	0.7571	0.3078
0201	2.1765	0.7993
0202	2.6729	0.9747
0210	1.0345	0.4173
0212	1.0345	0.4173
0214	1.0843	0.4505
0217	1.0843	0.4505
0219	1.0345	0.4173
0301	0.4522	0.2687
0302	1.6691	0.5443
0303	1.1626	0.4500
0306	0.7413	0.3252
0307	0.5494	0.2804
0308	0.4522	0.2687
0403	1.1351	0.5565
0502	1.1078	0.4056
0504	1.1626	0.4500
0506	3.7489	1.3214
0507	2.5467	1.1523
0508	2.8999	0.8159
0509	1.3827	0.5186
0510	1.0727	0.4712
0511	0.7826	0.3840
0512	1.3309	0.5563
0513	0.5652	0.2376
0514	1.0727	0.4712
0515	2.3240	0.7866
0516	1.0727	0.4712
0517	1.2149	0.6219
0518	1.2725	0.4665
0519	1.2099	0.6322
0520	1.1626	0.4500
0521	1.1626	0.4500
0601	0.5039	0.2421
0602	0.3023	0.1463
0603	0.7693	0.3051
0604	0.8805	0.4844
0606	0.1821	0.1308
0607	0.1973	0.1342
0608	0.2069	0.1409
0701	2.0545	0.4841

0803	0.2471	0.1377
0901	1.2123	0.5147
1002	0.5594	0.3099
1003	0.5443	0.2654
1004	0.3888	0.1945
1005	4.7581	1.6744
1007	0.2496	0.1256
1101	0.3758	0.2334
1102	0.9448	0.4168
1103	0.3780	0.2201
1104	0.3292	0.2317
1105	0.3758	0.2334
1106	0.1467	0.1304
1108	0.2747	0.1912
1109	0.4650	0.3402
1301	0.2601	0.1624
1303	0.1231	0.0682
1304	0.0142	0.0105
1305	0.2554	0.1664
1401	0.4275	0.2631
1404	0.3795	0.2073
1405	0.3428	0.2112
1501	0.2721	0.1506
1507	0.1976	0.1295
1701	1.3751	0.4819
1702	1.3969	0.5297
1703	0.2567	0.1270
1704	0.5747	0.2837
1801	0.6780	0.2996
1802	0.8371	0.3615
2002	0.3641	0.2458
2004	0.4012	0.2499
2007	0.3222	0.2105
2008	0.1847	0.1088
2009	0.2062	0.1466
2101	0.4070	0.2442
2102	0.2838	0.1991
2104	0.1581	0.1281
2105	0.3869	0.1937
2106	0.2209	0.1467
2201	0.1710	0.1028
2202	0.3731	0.2556
2203	0.1759	0.1351
2204	0.0542	0.0465
2401	0.2639	0.1979
2903	0.4350	0.2953
2904	0.4853	0.3142
2905	0.3073	0.2235
2906	0.2320	0.1266
2907	0.3417	0.2218
2908	0.6678	0.3810
2909	0.3477	0.2293
3101	0.5962	0.2888
3102	0.2049	0.1372
3103	0.5667	0.2736
3104	0.3635	0.1808
3105	0.5532	0.3177
3303	0.1538	0.1031
3304	0.3950	0.2523
3309	0.2510	0.1849
3402	0.3444	0.1907
3403	0.1485	0.0856

PROPOSED

<u>3404</u>	<u>0.3134</u>	<u>0.1985</u>	<u>4811</u>	<u>0.1546</u>	<u>0.1185</u>
<u>3405</u>	<u>0.2238</u>	<u>0.1202</u>	<u>4812</u>	<u>0.2123</u>	<u>0.1345</u>
<u>3406</u>	<u>0.1519</u>	<u>0.1082</u>	<u>4813</u>	<u>0.1460</u>	<u>0.1034</u>
<u>3407</u>	<u>0.2033</u>	<u>0.1320</u>	<u>4900</u>	<u>0.3699</u>	<u>0.1785</u>
<u>3408</u>	<u>0.0650</u>	<u>0.0424</u>	<u>4901</u>	<u>0.0327</u>	<u>0.0200</u>
<u>3409</u>	<u>0.0580</u>	<u>0.0458</u>	<u>4902</u>	<u>0.0429</u>	<u>0.0262</u>
<u>3410</u>	<u>0.1194</u>	<u>0.1037</u>	<u>4903</u>	<u>0.0327</u>	<u>0.0200</u>
<u>3411</u>	<u>0.2794</u>	<u>0.1594</u>	<u>4904</u>	<u>0.0154</u>	<u>0.0122</u>
<u>3412</u>	<u>0.2794</u>	<u>0.1594</u>	<u>4905</u>	<u>0.1451</u>	<u>0.1338</u>
<u>3413</u>	<u>0.2794</u>	<u>0.1594</u>	<u>4906</u>	<u>0.0507</u>	<u>0.0329</u>
<u>3414</u>	<u>0.2794</u>	<u>0.1594</u>	<u>4907</u>	<u>0.0418</u>	<u>0.0271</u>
<u>3415</u>	<u>0.2794</u>	<u>0.1594</u>	<u>4908</u>	<u>0.0399</u>	<u>0.0697</u>
<u>3501</u>	<u>0.6627</u>	<u>0.3509</u>	<u>4909</u>	<u>0.0200</u>	<u>0.0341</u>
<u>3503</u>	<u>0.1641</u>	<u>0.1664</u>	<u>4910</u>	<u>0.2469</u>	<u>0.1745</u>
<u>3506</u>	<u>0.6900</u>	<u>0.2542</u>	<u>5001</u>	<u>3.5376</u>	<u>1.1929</u>
<u>3509</u>	<u>0.2606</u>	<u>0.1807</u>	<u>5002</u>	<u>0.3444</u>	<u>0.1980</u>
<u>3510</u>	<u>0.2747</u>	<u>0.1826</u>	<u>5003</u>	<u>1.2217</u>	<u>0.4512</u>
<u>3511</u>	<u>0.4118</u>	<u>0.2604</u>	<u>5004</u>	<u>1.1490</u>	<u>0.6812</u>
<u>3512</u>	<u>0.2194</u>	<u>0.1891</u>	<u>5005</u>	<u>1.0345</u>	<u>0.4173</u>
<u>3513</u>	<u>0.2747</u>	<u>0.1826</u>	<u>5006</u>	<u>1.0345</u>	<u>0.4173</u>
<u>3602</u>	<u>0.0653</u>	<u>0.0527</u>	<u>5101</u>	<u>0.4770</u>	<u>0.3347</u>
<u>3603</u>	<u>0.2473</u>	<u>0.1997</u>	<u>5103</u>	<u>0.4283</u>	<u>0.3093</u>
<u>3604</u>	<u>0.9569</u>	<u>0.5441</u>	<u>5106</u>	<u>0.4269</u>	<u>0.3051</u>
<u>3605</u>	<u>0.3190</u>	<u>0.1885</u>	<u>5108</u>	<u>0.4287</u>	<u>0.2355</u>
<u>3701</u>	<u>0.1739</u>	<u>0.1175</u>	<u>5109</u>	<u>0.4546</u>	<u>0.2318</u>
<u>3702</u>	<u>0.3366</u>	<u>0.1954</u>	<u>5201</u>	<u>0.2234</u>	<u>0.1270</u>
<u>3707</u>	<u>0.3145</u>	<u>0.2799</u>	<u>5204</u>	<u>0.6959</u>	<u>0.3872</u>
<u>3708</u>	<u>0.2419</u>	<u>0.1591</u>	<u>5206</u>	<u>0.3699</u>	<u>0.1785</u>
<u>3802</u>	<u>0.1136</u>	<u>0.0830</u>	<u>5207</u>	<u>0.0793</u>	<u>0.0806</u>
<u>3808</u>	<u>0.2117</u>	<u>0.1254</u>	<u>5208</u>	<u>0.6285</u>	<u>0.3432</u>
<u>3901</u>	<u>0.1127</u>	<u>0.0828</u>	<u>5209</u>	<u>0.4612</u>	<u>0.2873</u>
<u>3902</u>	<u>0.2505</u>	<u>0.1828</u>	<u>5301</u>	<u>0.0186</u>	<u>0.0138</u>
<u>3903</u>	<u>0.7090</u>	<u>0.5496</u>	<u>5305</u>	<u>0.0257</u>	<u>0.0199</u>
<u>3905</u>	<u>0.0893</u>	<u>0.0865</u>	<u>5306</u>	<u>0.0299</u>	<u>0.0224</u>
<u>3906</u>	<u>0.3539</u>	<u>0.2167</u>	<u>5307</u>	<u>0.2264</u>	<u>0.1260</u>
<u>3909</u>	<u>0.1135</u>	<u>0.0923</u>	<u>6103</u>	<u>0.0314</u>	<u>0.0349</u>
<u>4002</u>	<u>0.6047</u>	<u>0.2842</u>	<u>6104</u>	<u>0.1456</u>	<u>0.1170</u>
<u>4101</u>	<u>0.1432</u>	<u>0.1018</u>	<u>6105</u>	<u>0.1216</u>	<u>0.0825</u>
<u>4103</u>	<u>0.1490</u>	<u>0.1275</u>	<u>6107</u>	<u>0.0740</u>	<u>0.0614</u>
<u>4107</u>	<u>0.0896</u>	<u>0.0709</u>	<u>6108</u>	<u>0.2975</u>	<u>0.2279</u>
<u>4108</u>	<u>0.1137</u>	<u>0.0769</u>	<u>6109</u>	<u>0.0408</u>	<u>0.0277</u>
<u>4109</u>	<u>0.1432</u>	<u>0.1018</u>	<u>6110</u>	<u>0.3041</u>	<u>0.1963</u>
<u>4201</u>	<u>0.2578</u>	<u>0.1149</u>	<u>6201</u>	<u>0.1798</u>	<u>0.1063</u>
<u>4301</u>	<u>0.5051</u>	<u>0.3225</u>	<u>6202</u>	<u>0.3886</u>	<u>0.2410</u>
<u>4302</u>	<u>0.4802</u>	<u>0.2268</u>	<u>6203</u>	<u>0.0492</u>	<u>0.0418</u>
<u>4304</u>	<u>0.4149</u>	<u>0.2764</u>	<u>6204</u>	<u>0.1144</u>	<u>0.0932</u>
<u>4305</u>	<u>0.6971</u>	<u>0.3325</u>	<u>6205</u>	<u>0.1144</u>	<u>0.0932</u>
<u>4401</u>	<u>0.3097</u>	<u>0.2007</u>	<u>6206</u>	<u>0.1144</u>	<u>0.0932</u>
<u>4402</u>	<u>0.4236</u>	<u>0.2864</u>	<u>6207</u>	<u>0.6335</u>	<u>0.6676</u>
<u>4404</u>	<u>0.2772</u>	<u>0.1773</u>	<u>6208</u>	<u>0.1416</u>	<u>0.1427</u>
<u>4501</u>	<u>0.0885</u>	<u>0.0652</u>	<u>6209</u>	<u>0.1426</u>	<u>0.1220</u>
<u>4502</u>	<u>0.0256</u>	<u>0.0188</u>	<u>6301</u>	<u>0.0880</u>	<u>0.0482</u>
<u>4504</u>	<u>0.0517</u>	<u>0.0480</u>	<u>6302</u>	<u>0.0999</u>	<u>0.0730</u>
<u>4601</u>	<u>0.4029</u>	<u>0.2734</u>	<u>6303</u>	<u>0.0445</u>	<u>0.0312</u>
<u>4802</u>	<u>0.1430</u>	<u>0.0997</u>	<u>6304</u>	<u>0.1043</u>	<u>0.0990</u>
<u>4803</u>	<u>0.1277</u>	<u>0.1034</u>	<u>6305</u>	<u>0.0625</u>	<u>0.0497</u>
<u>4804</u>	<u>0.3117</u>	<u>0.2364</u>	<u>6306</u>	<u>0.1711</u>	<u>0.1204</u>
<u>4805</u>	<u>0.2027</u>	<u>0.1334</u>	<u>6308</u>	<u>0.0358</u>	<u>0.0251</u>
<u>4806</u>	<u>0.0404</u>	<u>0.0294</u>	<u>6309</u>	<u>0.0852</u>	<u>0.0683</u>
<u>4808</u>	<u>0.3148</u>	<u>0.1714</u>	<u>6402</u>	<u>0.1983</u>	<u>0.1329</u>
<u>4809</u>	<u>0.1535</u>	<u>0.1134</u>	<u>6403</u>	<u>0.1232</u>	<u>0.1072</u>
<u>4810</u>	<u>0.0858</u>	<u>0.0739</u>	<u>6404</u>	<u>0.0915</u>	<u>0.0846</u>

<u>6405</u>	<u>0.3906</u>	<u>0.2316</u>
<u>6406</u>	<u>0.0542</u>	<u>0.0465</u>
<u>6407</u>	<u>0.1264</u>	<u>0.0955</u>
<u>6408</u>	<u>0.2246</u>	<u>0.1487</u>
<u>6409</u>	<u>0.3557</u>	<u>0.2047</u>
<u>6410</u>	<u>0.0995</u>	<u>0.0747</u>
<u>6501</u>	<u>0.0612</u>	<u>0.0428</u>
<u>6502</u>	<u>0.0162</u>	<u>0.0133</u>
<u>6503</u>	<u>0.0500</u>	<u>0.0240</u>
<u>6504</u>	<u>0.2272</u>	<u>0.2134</u>
<u>6505</u>	<u>0.0556</u>	<u>0.0513</u>
<u>6506</u>	<u>0.0470</u>	<u>0.0416</u>
<u>6508</u>	<u>0.2238</u>	<u>0.1607</u>
<u>6509</u>	<u>0.1394</u>	<u>0.1184</u>
<u>6601</u>	<u>0.1102</u>	<u>0.0938</u>
<u>6602</u>	<u>0.2925</u>	<u>0.1994</u>
<u>6603</u>	<u>0.1871</u>	<u>0.1285</u>
<u>6604</u>	<u>0.0382</u>	<u>0.0302</u>
<u>6605</u>	<u>0.1872</u>	<u>0.1696</u>
<u>6607</u>	<u>0.0891</u>	<u>0.0797</u>
<u>6608</u>	<u>0.2135</u>	<u>0.1047</u>
<u>6614</u>	<u>283.7000*</u>	<u>185.0000*</u>
<u>6615</u>	<u>211.7000*</u>	<u>137.0000*</u>
<u>6616</u>	<u>27.7000*</u>	<u>16.0000*</u>
<u>6617</u>	<u>20.7000*</u>	<u>13.0000*</u>
<u>6618</u>	<u>80.7000*</u>	<u>68.0000*</u>
<u>6620</u>	<u>0.4064</u>	<u>0.3461</u>
<u>6704</u>	<u>0.0826</u>	<u>0.0600</u>
<u>6705</u>	<u>0.4555</u>	<u>0.4119</u>
<u>6706</u>	<u>0.2187</u>	<u>0.1959</u>
<u>6707</u>	<u>0.9928</u>	<u>0.8250</u>
<u>6708</u>	<u>2.9544</u>	<u>3.1602</u>
<u>6709</u>	<u>0.1028</u>	<u>0.0990</u>
<u>6801</u>	<u>0.1652</u>	<u>0.1034</u>
<u>6802</u>	<u>0.2145</u>	<u>0.1987</u>
<u>6803</u>	<u>0.8514</u>	<u>0.1688</u>
<u>6804</u>	<u>0.1272</u>	<u>0.0840</u>
<u>6809</u>	<u>1.7142</u>	<u>2.6159</u>
<u>6901</u>	<u>0.0000</u>	<u>0.0282</u>
<u>6902</u>	<u>0.6651</u>	<u>0.2199</u>
<u>6903</u>	<u>2.9503</u>	<u>1.3135</u>
<u>6904</u>	<u>0.1538</u>	<u>0.0918</u>
<u>6905</u>	<u>0.1690</u>	<u>0.1147</u>
<u>6906</u>	<u>0.0000</u>	<u>0.1147</u>
<u>6907</u>	<u>0.7989</u>	<u>0.4285</u>
<u>6908</u>	<u>0.2681</u>	<u>0.1764</u>
<u>6909</u>	<u>0.0550</u>	<u>0.0440</u>
<u>7101</u>	<u>0.0201</u>	<u>0.0143</u>
<u>7102</u>	<u>1.5111</u>	<u>2.3945</u>
<u>7103</u>	<u>0.2073</u>	<u>0.1140</u>
<u>7104</u>	<u>0.0151</u>	<u>0.0132</u>
<u>7105</u>	<u>0.0178</u>	<u>0.0133</u>
<u>7106</u>	<u>0.1102</u>	<u>0.0676</u>
<u>7107</u>	<u>0.1768</u>	<u>0.1123</u>
<u>7108</u>	<u>0.1239</u>	<u>0.1053</u>
<u>7109</u>	<u>0.1328</u>	<u>0.1071</u>
<u>7110</u>	<u>0.2529</u>	<u>0.1305</u>
<u>7111</u>	<u>0.3196</u>	<u>0.2053</u>
<u>7112</u>	<u>0.4385</u>	<u>0.2521</u>
<u>7113</u>	<u>0.4742</u>	<u>0.2416</u>
<u>7114</u>	<u>0.3974</u>	<u>0.3680</u>
<u>7115</u>	<u>0.3765</u>	<u>0.2262</u>

<u>7116</u>	<u>0.3945</u>	<u>0.2280</u>
<u>7117</u>	<u>0.8188</u>	<u>0.6605</u>
<u>7118</u>	<u>1.8447</u>	<u>1.0898</u>
<u>7119</u>	<u>1.3553</u>	<u>0.7301</u>
<u>7120</u>	<u>3.7391</u>	<u>2.3438</u>
<u>7121</u>	<u>4.0623</u>	<u>2.3334</u>
<u>7201</u>	<u>0.7435</u>	<u>0.3402</u>
<u>7202</u>	<u>0.0341</u>	<u>0.0222</u>
<u>7203</u>	<u>0.0641</u>	<u>0.0690</u>
<u>7204</u>	<u>0.0000</u>	<u>0.0000</u>
<u>7301</u>	<u>0.3861</u>	<u>0.2197</u>
<u>7302</u>	<u>0.3834</u>	<u>0.2994</u>
<u>7307</u>	<u>0.4023</u>	<u>0.3019</u>
<u>7308</u>	<u>0.0766</u>	<u>0.0738</u>
<u>7309</u>	<u>0.1028</u>	<u>0.0990</u>

(*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

) These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

AMENDATORY SECTION (Amending WSR 95-06-069, filed 3/1/95, effective 4/10/95)

WAC 296-17-915 Evaluation of incurred losses dividend and retrospective rating plans. The initial evaluation date for each claim arising from incidents occurring during the coverage period shall be approximately twelve months following the end of the coverage period. Each subsequent annual incurred loss evaluation under the retrospective rating plan shall be approximately twelve months following the preceding evaluation date.

The estimated cost of each claim shall include all payments made as of the valuation date and may also include a reserve for future payments. The claim cost for any one claim or group of claims arising from a single accident shall be limited to a maximum of \$500,000.

For claims with injury dates prior to July 1, 1996, a potential claim cost recovery from action against a third party, either by the injured worker or by the department, shall not be considered in the evaluation of incurred losses until such time as the third-party action has been completed. For claims with injury dates after July 1, 1996, if the department determines that there is a reasonable potential of recovery from an action against a third party, the incurred loss shall be reduced by fifty percent during the period of time that the third-party action is pending. Regardless of the final outcome of the third-party action, the incurred loss will not be reevaluated after the final retrospective rating adjustment.

For a third-party action completed before the final adjustment, the claim shall be credited with the department's net share of the recovery, after deducting attorney fees, if the action is completed prior to July 1, 1996. If a third-party action is completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees.

PROPOSED

AMENDATORY SECTION (Amending WSR 95-23-080, filed 11/20/95, effective 1/1/96)

WAC 296-17-920 Assessment for supplemental pension fund. The amount of ~~((23.6))~~ 17.2 mills ~~((\$.0236))~~ (\$.0172) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. ~~((Provided that in classifications 6707 and 7102, the employer shall retain nineteen cents per day from each worker.))~~ The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|------------------|----------------------|
| WAC 296-17-502 | Classification 0102. |
| WAC 296-17-50904 | Classification 0206. |
| WAC 296-17-530 | Classification 0804. |
| WAC 296-17-556 | Classification 2003. |
| WAC 296-17-579 | Classification 3401. |
| WAC 296-17-605 | Classification 3801. |

WSR 96-05-066
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 20, 1996, 12:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-052.

Title of Rule: Medical aid rules updates.

Purpose: (1) Update payment rates allowed to medical providers. (2) Housekeeping changes.

Statutory Authority for Adoption: RCW 51.04.020(4) and 51.04.030.

Statute Being Implemented: RCW 51.04.020(4) and 51.04.030.

Summary: (1) Change conversion factor used to calculate reimbursement levels for services payable through the RBRVS fee schedule. (2) Change conversion factor used to calculate reimbursement for anesthesia services. (3) Increase the physical and occupational therapy daily maximum rates. (4) Housekeeping changes.

Reasons Supporting Proposal: Update provider reimbursement rates and add clarity to WACs.

Name of Agency Personnel Responsible for Drafting: Marilyn Gisser, Tumwater, Washington, (360) 902-6801; Implementation and Enforcement: Joe Bell, Assistant Director, Tumwater, Washington, (360) 902-6696.

Name of Proponent: [Department of Labor and Industries], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The first three changes increase reimbursement to affected medical providers. The purpose and anticipated effect of these proposed changes is to: (1) Change the conversion factor used to calculate maximum reimbursement levels for services reimbursed under the resource based relative value scale (RBRVS) fee schedule. The proposed change adjusts the conversion factor to accommodate changes in the relative values units which are used to calculate reimbursement levels and grants a 2.31% cost-of-living adjustment to RBRVS providers. (2) Change the conversion factor used to calculate maximum reimbursement for anesthesia services. The proposed change adjusts the conversion factor to accommodate changes in the anesthesia base values that are used to calculate reimbursement and grants a 3.00% cost-of-living adjustment to anesthesia providers. (3) Apply a 2.31% cost-of-living adjustment to the maximum daily rate for physical and occupational therapy services. The other proposed changes are housekeeping changes to clarify the WACs and correct errors. These changes will have no impact on department policy or practice.

Proposal Changes the Following Existing Rules: In WAC 296-20-135(2), increases to the RBRVS conversion factor to \$45.02; in WAC 296-20-135(3), increases anesthesia conversion factor to \$1.87; in WAC 296-23-220, 296-23-230, 296-23A-400, increases the maximum daily rate for physical and occupational therapy services to \$73.70; and housekeeping changes in WAC 296-20-010, 296-20-132, 296-23-180, 296-23-185, 296-23-220, correct incorrect zip codes, correct an incorrect reference to a WAC, edit language to add clarity, and delete unnecessary text and codes from WACs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not required for these WACs because the amendments do not impose any cost, not even a minor cost, on small business. In fact, the amendments increase reimbursement for affected medical providers.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The amendment is not a significant change to existing department policy.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way, Tumwater, WA, on March 27, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Marilyn Gisser by March 20, 1996, TDD (360) 902-5056, or (360) 902-6801.

Submit Written Comments to: Marilyn Gisser, FAX (360) 902-4249, by April 3, 1996.

Date of Intended Adoption: May 1, 1996.

February 13, 1996
 Mark O. Brown
 Director

PROPOSED

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-23-180 Vehicle and home modification. Requires prior approval from the assistant director for industrial insurance.

~~((8914H Home modification
8915H Vehicle modification))~~

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-23-185 Drug and alcohol rehabilitation services. Authorization requirements for these services may be found in WAC 296-20-03001 and 296-20-055.

~~((0141M Intake evaluation
0142M Physical examination
0143M Individual therapy, routine visit
0144M Individual therapy, brief visit
0145M Group therapy
0146M Chemotherapy
0147M Medication adjustment
0149M Detoxification facility (room & board))~~

AMENDATORY SECTION (Amending WSR 95-05-072, filed 2/15/95, effective 3/18/95)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC ~~((296-21-095))~~ 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ~~(((\$72.04))~~ \$73.70 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 95-05-072, filed 2/15/95, effective 3/18/95)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condi-

tion. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$72.04~~)) \$73.70 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 94-14-044, filed 6/29/94, effective 7/30/94)

WAC 296-20-010 General information. (1) The following rules are promulgated pursuant to RCW 51.04.020 and 51.04.030. The department or self-insurer may purchase necessary physician and other provider services according to the fee schedules. The fee schedules shall be established in consultation with interested persons and updated at times determined by the department in consultation with those interested persons. Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Health Services Analysis
Interested Person's Mailing List for the Fee Schedules
P.O. Box 44322
Olympia, WA 98504-4322

The department or self-insurer will require the current version of the federal Health Care Financing Administration's Common Procedure Coding System (HCPCS) Level I (or CPT) and II codes on January 1, of each new year. CPT refers to the American Medical Association's Physicians' Current Procedural Terminology codes.

The department and self-insurer will allow a "grace period" in which codes deleted each year may be submitted for payment. This grace period will start on January 1 of each year and the length of time will be determined by department policy.

The adoption of these codes on an annual basis is designed to reduce the administrative burden on providers and lead to more accurate reporting of services. However, the inclusion of a service, product or supply within these new codes does not necessarily imply coverage, reimbursement or endorsement, by the department or self-insurer. The department will make coverage and reimbursement decisions for these new codes on an individual basis.

If there are any services, procedures or narrative text contained in the new HCPCS Level I and II codes that conflict with the medical aid rules or fee schedules, the department's rules and policies take precedence.

Copies of the HCPCS Level I and II codes are available for public inspection. These documents are available in each of the department's service locations.

Copies of the HCPCS Level II codes may be purchased from:

The Superintendent of Documents
United States Government Printing Office
Washington, DC 20402
(202) 783-3238

Copies of the Level I (or CPT) codes may be purchased from:

The American Medical Association
Chicago, Illinois 60601
(800) 621-8335

In addition to the sources listed above, both the Level I and II codes may be purchased from a variety of private sources.

(2) The fee schedules are intended to cover all services for accepted industrial insurance claims. All fees listed are the maximum fees allowable. Practitioners shall bill their usual and customary fee for services. **If a usual and customary fee for any particular service is lower to the general public than listed in the fee schedules, the practitioner shall bill the department or self-insurer at the lower rate.** The department or self-insurer will pay the lesser of the billed charge or the fee schedules' maximum allowable.

(3) The rules contained in the introductory section pertain to *all* practitioners regardless of specialty area or limitation of practice. Additional rules pertaining to special-

ty areas will be found in the appropriate section of the medical aid rules.

(4) The methodology for ~~((determining the maximum allowable fee for a procedure))~~ making conversion factor cost of living adjustments is listed in WAC 296-20-132 ~~((and))~~. The conversion factors are listed in WAC 296-20-135.

(5) No fee is payable for missed appointments unless the appointment is for an examination arranged by the department or self-insurer.

(6) When a claim has been accepted by the department or self-insurer, no provider or his/her representative may bill the worker for the difference between the allowable fee and the usual and customary charge. Nor can the worker be charged a fee, either for interest or completion of forms, related to services rendered for the industrial injury or condition. Refer to chapter 51.04 RCW.

(7) Practitioners must maintain documentation in claimant medical or health care service records adequate to verify the level, type, and extent of services provided to claimants. A health care practitioner's bill for services, appointment book, accounting records, or other similar methodology do not qualify as appropriate documentation for services rendered. Refer to chapter 296-20 WAC and department policy for reporting requirements.

(8) Except as provided in WAC 296-20-055 (Limitation of treatment and temporary treatment of unrelated conditions when retarding recovery), practitioners shall bill, and the department or self-insurer shall pay, only for proper and necessary medical care required for the diagnosis and curative or rehabilitative treatment of the accepted condition.

(9) When a worker is being treated concurrently for an unrelated condition the fee allowable for the service(s) rendered must be shared proportionally between the payors.

(10) Correspondence: Correspondence pertaining to state fund and department of energy claims should be sent to: Department of Labor and Industries, Claims Administration, P.O. Box 44291, Olympia, Washington 98504-4291.

Accident reports should be sent to: Department of Labor and Industries, P.O. Box 44299, Olympia, Washington 98504-4299.

Send provider bills by type (UB-92) to: Department of Labor and Industries, P.O. Box 44266, Olympia, Washington 98504-4266.

Adjustments, Home Nursing and Miscellaneous to: Department of Labor and Industries, P.O. Box 44267, Olympia, Washington ~~((99504-44267))~~ 98504-4267.

Pharmacy to: Department of Labor and Industries, P.O. Box 44268, Olympia, Washington ~~((99504-4268))~~ 98504-4268.

HFCA to: Department of Labor and Industries, P.O. Box 44269, Olympia, Washington 98504-4269.

State fund claims have six digit numbers preceded by a letter other than "S," "T," or "V."

Department of energy claims have seven digit numbers with no letter prefix.

All correspondence and billings pertaining to *crime victims* claims should be sent to Crime Victims Division, Department of Labor and Industries, P.O. Box 44520, Olympia, Washington 98504-4520.

Crime victim claims have six digit numbers preceded by a "V."

All correspondence and billings pertaining to self-insured claims should be sent directly to the employer or the service representative as the case may be.

Self-insured claims are six digit numbers preceded by a "S," or "T."

Communications to the department or self-insurer must show the patient's full name and claim number. If the claim number is unavailable, providers should contact the department or self-insurer for the number, indicating the patient's name, Social Security number, the date and the nature of the injury, and the employer's name. A communication should refer to one claim only. Correspondence must be legible and reproducible, as department records are microfilmed. Correspondence regarding specific claim matters should be sent directly to the department in Olympia or self-insurer in order to avoid rehandling by the service location.

(11) The department's various local service locations should be utilized by providers to obtain information, supplies, or assistance in dealing with matters pertaining to industrial injuries.

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-20-132 Determination of conversion factor adjustments. Adjustments to the conversion factors for providers and services covered by the fee schedules and by department policy may occur annually following prior public hearings.

Such adjustments will be based on the estimated increase/decrease in the state's average wage for the current year and on other factors as determined by department policy. The following calendar year's estimate, of the average state wage will be adjusted to reflect the actual increase/decrease in the state's average wage for the preceding year.

The total percentage change for any one calendar year for the conversion factors may not exceed the total of the estimated increase/decrease in the current year, plus or minus the actual adjustment for the preceding calendar year.

~~((Starting with services rendered on or after September 1, 1993, the department will adopt a new Washington State Resource Based Relative Value Scale. Due to the changes in reimbursement that will occur through implementation of this scale and supporting reimbursement policies, the department will transition its reimbursement levels over a few years. As a result, during this transition period, the fee schedules may list dollar values, instead of relative value units.~~

~~Payment for anesthesia services will continue to use base and time units. The fee schedules will not list dollar values for these services.))~~

AMENDATORY SECTION (Amending WSR 95-17-001, filed 8/2/95, effective 10/1/95)

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services rendered on or after May 1, 1995, have a conversion factor of ~~(((\$42.63))~~ \$45.02.

The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of (~~(\$1.81)~~) \$1.87 per minute. The base units and payment policies can be found in the fee schedules.

(4) Services that do **not** use a conversion factor to establish reimbursement levels have dollar values, not relative values listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 95-05-072, filed 2/15/95, effective 3/18/95)

WAC 296-23A-400 Hospital outpatient physical therapy rules. Hospitals should refer to chapter 296-20 WAC for general information and rules, and to department billing instructions pertaining to the care of workers and the billing of services.

The procedure codes and maximum allowable fees for physical therapy services are listed in the fee schedules. Also refer to WAC 296-20-132 and 296-20-135 regarding use of the conversion factor.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist.

The department or self-insurer will review the quality and medical necessity of physical therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or a flat dollar rate of (~~(\$72.04)~~) \$73.70, whichever is less. These limits will not apply to physical therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-075 and 296-23A-100 for further information.

Biofeedback treatment may be rendered on physician's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC and department policy for rules pertaining to the authorized conditions and the reporting requirements. The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists

of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

WSR 96-05-071

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 21, 1996, 9:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-036.

Title of Rule: Changing hourly rates for inspection activities, the overtime rate, and costs for certificates.

Purpose: Raise fees within fiscal growth factor. Current fees are below actual costs of providing service.

Statutory Authority for Adoption: Chapter 15.17 RCW. Statute Being Implemented: Chapter 15.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: Large warehouses help pay costs of small houses. This proposal reduces their support.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Quigley, Olympia, (360) 902-1833.

Name of Proponent: Department of Agriculture, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Per hour expenses cost the program \$24.79, current fees are \$20.00.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to raise the hourly, overtime, and certificate costs within the fiscal growth factor allowed by Initiative 601. The fees raised will reduce the disparity between the costs of conducting inspection services which are being charged to large warehouses vs. small warehouses, and the subsidy the large operations pay towards the cost of inspecting small warehouses. The industry has suggested that hourly rates should be increased to narrow this disparity and to reflect the actual cost of the program activities. Current hourly fees are \$20.00 while actual costs of providing the services are \$24.79 per hour. The fee increase will have minimal impact on the small warehouses.

Proposal Changes the Following Existing Rules: The rule raises hourly fees from \$20.00 to \$21.00 on June 1, 1996, and to \$21.50 beginning July 1, 1996. It raises charges for overtime activities from \$27.00 to \$28.00 on June 1, 1996, and to \$29.00 beginning July 1, 1996. Charges for certificates are raised from \$6.00 to \$6.25 on June 1, 1996, and to \$6.50 beginning July 1, 1996.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Costs were determined to be minimal. The rule impacts only a few growers in the F&V program, i.e. less than ten percent of the one industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: On March 28, 1996, Wenatchee Tree Fruit Res. Station, at 9:00 a.m. and Moses Lake Shilo Inn at

PROPOSED

2:00 p.m.; and on March 29, in Yakima Agricultural Center at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Quigley by March 1, 1996, (360) 902-1833.

Submit Written Comments to: Jim Quigley, WSDA F&V Program Manager, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-2068, FAX (360) 902-2094, by April 10, 1996.

Date of Intended Adoption: April 30, 1996.

February 20, 1996
K. Diane Dolstad
Assistant Director

AMENDATORY SECTION (Amending Order 2001, filed 3/31/89)

WAC 16-400-040 Grade and condition certificates—Vegetables. Charges for grade and condition certificates for all vegetables shall be:

(1) The minimum charge for all vegetables shall be nine dollars.

(2) Charges for grade and condition certificates for fresh market vegetables in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:

(a) For federal-state certification:

Asparagus	21¢
Cantaloupes, and corn	12.5¢
Onions	8¢
Potatoes, and seed potatoes	6¢
Processing potatoes	6¢

Complete inspection (rate shall be reduced for level of service required)

Tomatoes 19¢

(b) For state certification:

Asparagus 19¢

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate of twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

(4) Inspection for quality, condition, and/or size determination, whether in bulk or in containers, for all vegetables for processing, except potatoes, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate, but not less than the minimum certificate charge of nine dollars.

AMENDATORY SECTION (Amending Order 2031, filed 4/11/90, effective 5/12/90)

WAC 16-400-100 Certificates. Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of nine dollars.

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

(d) For lots of controlled atmosphere storage apples which were previously certified, a state condition certificate or quality control inspection may be issued without additional charge.

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Six dollars and twenty-five cents beginning June 1, 1996, and six dollars and fifty cents beginning July 1, 1996, for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state or state certificates.

(b) Six dollars and twenty-five cents beginning June 1, 1996, and six dollars and fifty cents beginning July 1, 1996, per set when the shipment is covered by federal-state or state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

(6) Federal-state certification shall meet the criteria for sampling as established by United States Department of Agriculture, Agricultural Marketing Service. When the federal-state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

AMENDATORY SECTION (Amending Order 5054, filed 7/28/94, effective 8/28/94)

WAC 16-400-210 Other charges. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate

charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, nonpermanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

(4) Seed sampling fees shall be arranged with the plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to twenty-~~(seven)~~ eight dollars beginning June 1, 1996, and twenty-nine dollars beginning July 1, 1996.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations

shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 with an additional charge of ten percent. The minimum shall be twelve dollars per inspection. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide nonprofit organizations: *Provided*, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method; \$.0075 per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards.

WSR 96-05-072

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed February 21, 1996, 9:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-081.

Title of Rule: WAC 390-05-210 Definition—Contribution, 390-05-190 Agent—Definition, and 390-05-245 Officer of a candidate's committee or political committee—Definition.

Purpose: Implement the contribution limits imposed by Initiative 134 in a comprehensive manner and clarify what types of expenditures constitute contributions that are subject to limit.

Statutory Authority for Adoption: RCW 42.17.370(1). Statute Being Implemented: Chapter 42.17 RCW.

Summary: Amending WAC 390-05-210 to further clarify what constitutes a contribution and is subject to the limits of RCW 42.17.640 and the restriction in RCW 42.17.105(8). Adopt new section, [amending] WAC 390-05-190, defining who qualifies as an agent for purposes of the Public Disclosure Commission rules. Adopt new section, WAC 390-05-245, defining who is considered an officer of a candidate's committee or other political committee.

Reasons Supporting Proposal: The proposed rules are necessary for the proper implementation and enforcement of the contribution limits and restrictions contained in chapter 42.17 RCW and the administrative rules that clarify this law.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, Olympia, 586-4838; and Enforcement: Susan Harris, Public Disclosure Commission, Olympia, 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 42.17 RCW specifies that an expenditure made by a person in cooperation, consultation, or concert with a candidate, political committee or their agents is a contribution. Proposed WAC 390-05-210 clarifies specific circumstances that will give rise to a presumption that an expenditure has been made in cooperation, consultation or concert with a candidate, political party, caucus political committee or other political committee such that the expenditure is a contribution and subject to limit under the law. Proposed WAC 390-05-190 defines the term "agent." Further, to assist with implementing contribution limits and other provisions of chapter 42.17 RCW, the term officer of a candidate's committee or political committee is defined to include persons making contribution, expenditure, strategic or policy decisions on behalf of the committee.

Proposal Changes the Following Existing Rules: The current definition of contribution in the rules is being amended to implement statutory language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed rules do not impose any new or additional reporting requirements on individuals or entities, including small businesses, that make campaign contributions.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not an agency listed in subsection (5)(a)(i) of section 201. Further, the Public Disclosure Commission does not voluntarily make section 201 applicable to these rules pursuant to subsection (5)(a)(ii) of section 201 and the Joint Administrative Rules Review Committee has not made section 201 applicable to these rules.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98501, on March 26, 1996, at 9:00 a.m.

Submit Written Comments to: Vicki Rippie, Assistant Director, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, FAX (360) 753-1112, by March 22, 1996 [1996].

Date of Intended Adoption: March 26, 1996.

February 16, 1996

Melissa Warheit
Executive Director

NEW SECTION

WAC 390-05-245 Officer of a candidate's committee or political committee—Definition. For purposes of chapter 42.17 RCW and chapter 390 WAC, "officer of a candidate's authorized committee," or "officer of a

candidate's committee" or "officer of a political committee" includes the following persons: the treasurer, any person designated by the committee as an officer on the C-1 or C-1pc registration statement and any persons who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee.

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

AMENDATORY SECTION (Amending WSR 93-22-022 [93-22-002], filed 10/23/93 [10/20/93])

WAC 390-05-190 Agent—Definition. "Agent", as that term is used in chapter 42.17 RCW and chapter 390 WAC, means a person, whether the authority or consent is direct or indirect, express or implied, oral or written, who:

- (1) Is authorized by another to act on his or her behalf; or
- (2) Represents and acts for another with the authority or consent of the person represented; or
- (3) Acts for or in place of another by authority from him or her.

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

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

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93)

WAC 390-05-210 Definition—Contribution. (1) The term "contribution" as defined in RCW 42.17.020~~((+10) and RCW 42.17.630(5))~~ shall be deemed to include, among other things, furnishing services or property or rights on a discriminatory basis or at less than their fair market value as defined in WAC 390-05-235, for the purpose of assisting any candidate or political committee. When such in-kind contribution of goods or services is provided, it shall be reported at its fair market value, per WAC 390-05-235 and, pursuant to RCW 42.17.640, the fair market value is the amount of the contribution to be allocated to the contributor in determining compliance with the contributor's contribution limit.

(2) ~~((The following activities are not considered to be)) contributions or independent campaign expenditures reportable under RCW 42.17.090 or 42.17.100):~~

~~(a) News, feature, or editorial comment in a broadcast media program or in a regularly scheduled issue of a printed periodical to communicate ratings, evaluations, endorsements, or recommendations for or against a candidate or ballot proposition; *Provided*, That the medium is controlled by a person whose primary business is broadcasting or publishing and this person is not a candidate or political committee;~~

~~(b) Internal publications or other communications containing political comment of (i) a corporation or similar enterprise for its officers, management staff, and stockholders, (ii) of a union, association, or other membership~~

organization for its members, or (iii) of a political party organization or political committee for its contributors;

~~(e) Messages in the form of reader boards, banners, yard, or window signs displayed on a person's own property or property occupied by a person: *Provided*, That any facility used for such political advertising for which a rental charge is normally made shall be reported as an in-kind contribution and shall count towards the contribution limit of the person providing the facility.))~~

Duplicating Political Advertising. The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee is a contribution to the candidate or political committee.

(3) Consulting with a State, Local or Judicial Candidate. An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent is a contribution to such candidate. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a candidate, the candidate's authorized committee or agent when:

(a) any arrangement, coordination or direction by the candidate, the candidate's authorized committee or agent is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or prior to an expenditure being made by that person supporting that candidate or opposing one or more of that candidate's opponents; or

(b) an expenditure is made based on information about the candidate's plans, projects or needs provided to the expending person by the candidate, the candidate's authorized committee or agent with a view toward having an expenditure made; or

(c) an expenditure is made by, through or in consultation with any person who, during the current election cycle, (i) is or has been authorized to raise or spend over \$500 per election on behalf of the candidate, or (ii) is or has been an officer of the candidate's authorized committee; or

(d) the expenditure is made by or in consultation with any person who, during the current election cycle, is or has been receiving any form of campaign-related compensation or reimbursement from the candidate, the candidate's authorized committee or agent.

(4) Consulting with a Caucus Political Committee. An expenditure, that does not qualify as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent is a contribution to such caucus political committee. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a caucus political committee or its agent when:

(a) any arrangement, coordination or direction by the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or

prior to an expenditure being made by that person supporting that caucus political committee or one or more of the candidates supported by it or opposing one or more of those candidates' opponents; or

(b) an expenditure is made based on information about the caucus political committee's plans, projects or needs provided to the expending person by the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus with a view toward having an expenditure made; or

(c) an expenditure is made by, through or in consultation with any person who, during the current election cycle, (i) is or has been authorized to raise or spend over \$500 per year on behalf of the caucus political committee, or (ii) is or has been an officer of another political committee financed, controlled or operated by the caucus; or

(d) the expenditure is made by or in consultation with any person who, during the current election cycle, is or has been receiving any form of campaign-related compensation or reimbursement from the caucus political committee, its agent or another political committee financed, controlled or operated by the caucus.

(5) Consulting with a Bona Fide Political Party. An expenditure, that does not qualify as a contribution to a candidate under subsection (3) of this section, made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a bona fide political party or its agent is a contribution to such bona fide political party. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a bona fide political party when:

(a) any arrangement, coordination or direction by the bona fide political party, its agent or a political committee financed, controlled or operated by the party is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or prior to an expenditure being made by that person supporting that bona fide political party or one or more of the candidates supported by it or opposing one or more of those candidates' opponents; or

(b) an expenditure is made based on information about the bona fide political party's plans, projects or needs provided to the expending person by the bona fide political party or its agent with a view toward having an expenditure made; or

(c) an expenditure is made by, through or in consultation with any person who, during the current election cycle, (i) is or has been authorized to raise or spend over \$2,500 per year in non-exempt funds on behalf of the bona fide political party, or (ii) is or has been an officer of a political committee financed, controlled or operated by the bona fide political party; or

(d) the expenditure is made by or in consultation with any person who, during the current election cycle, is or has been receiving any form of campaign-related compensation or reimbursement from the bona fide political party, its agent or a political committee financed, controlled or operated by the bona fide political party.

(6) Consulting with Other Political Committees. An expenditure made by a person in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee is a contribution to such political

committee. An expenditure is presumed to be made in cooperation, consultation, concert or collaboration with, or at the request or suggestion of a political committee when:

(a) any arrangement, coordination or direction by the political committee, its agent or another political committee financed, controlled or operated by the committee is given to the expending person prior to the publication, distribution, display or broadcast of political advertising or prior to an expenditure being made by that person supporting that political committee; or

(b) an expenditure is made based on information about the political committee's plans, projects or needs provided to the expending person by the political committee or its agent with a view toward having an expenditure made; or

(c) an expenditure is made by, through or in consultation with any person who, during the current election cycle, (i) is or has been authorized to raise or spend over \$5,000 on behalf of the political committee or another political committee financed, controlled or operated by the committee, or (ii) is or has been an officer of the political committee or another political committee financed, controlled or operated by the committee; or

(d) an expenditure is made by or in consultation with any person who, during the current election cycle, is or has been receiving any form of campaign-related compensation or reimbursement from the political committee, its agent or another political committee financed, controlled or operated by the committee.

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

Reviser's note: 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 96-05-073

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed February 21, 1996, 9:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-082.

Title of Rule: WAC 390-16-313 Independent expenditure—Definition and application, 390-16-314 Independent expenditure—Disclosure, 390-16-038 Definition—Aggregate, 390-17-050 Independent expenditure—Definition, and 390-17-052 Independent expenditure—Disclosure.

Purpose: Clarify under what circumstances an expenditure that supports or opposes a candidate for state or local office is considered independent and not subject to any otherwise applicable contribution limit.

Statutory Authority for Adoption: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.100, [42.17].105, [42.17].180, [42.17].510, [42.17].550, and [42.17].640.

Summary: Adopting new section WAC 390-16-313, defining and applying the term independent expenditure. Adopting new section WAC 390-16-314, clarifying where

copies of independent expenditure mailings must be filed. Amending WAC 390-16-038, defining the term aggregate as it applies to independent expenditures and the reporting and other disclosure requirements that are applicable to such expenses. Repealing WAC 390-17-050 Independent expenditure—Definition and 390-17-052 Independent expenditure—Disclosure

Reasons Supporting Proposal: The proposed rules are necessary for the proper implementation and enforcement of the contribution limits and the independent expenditure disclosure provisions of Initiative 134 as approved by nearly 73% of the voters in 1992.

Name of Agency Personnel Responsible for Drafting and Implementation: Vicki Rippie, Public Disclosure Commission, Olympia, 586-4383; and Enforcement: Susan Harris, Public Disclosure Commission, Olympia, 753-1981.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 42.17 RCW places limits and other restrictions on contributions to candidates, political parties and caucus political committees from most contributors. Since no corresponding limits or restrictions are applicable to political expenditures that are undertaken independent of candidates, parties and caucus committees, it is necessary to distinguish between expenditures that constitute contributions and those that qualify as independent expenditures. Chapter 42.17 RCW also requires certain entities that mail out 1,000 or more nearly identical pieces of advertising in one year to file information about the mailing with the county auditor. Proposed WAC 390-16-314 advises where out-of-state entities making such expenditures file this information. Further, chapter 42.17 RCW requires persons making independent political advertising expenditures of \$100 or more and \$500 or more to file disclosure reports and put special identification on their adds. The definition of "aggregate" makes it clear when these monetary thresholds have been reached.

Proposal Changes the Following Existing Rules: Two existing rules are being repealed because they are placed in the wrong section of the rules and are inadequate.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed rules do not impose any new or additional reporting requirements on individuals or entities, including small businesses, that make expenditures supporting or opposing candidates or ballot measures. The proposed rules merely clarify existing statutory requirements.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not an agency listed in subsection (5)(a)(i) of section 201. Further, the Public Disclosure Commission does not voluntarily make section 201 applicable to these rules pursuant to subsection (5)(a)(ii) of section 201 and the Joint Administrative Rules Review Committee has not made section 201 applicable to these rules.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98501, on March 26, 1996, at 9:00 a.m.

Submit Written Comments to: Vicki Rippie, Assistant Director, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, FAX (360) 753-1112, by March 22, 1996 [1996].

Date of Intended Adoption: March 26, 1996.

February 16, 1996

Melissa Warheit
Executive Director

NEW SECTION

WAC 390-16-313 Independent expenditure—
Definition and application. "Independent expenditure," as that term is used in chapter 42.17 RCW, except RCW 42.17.100, means an "expenditure" as defined in RCW 42.17.020 that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for public office, except federal elective office or precinct committee officer, by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for any political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(2) **Political Parties.** An expenditure in support of a candidate or in opposition to one or more of that candidate's opponents is a contribution to that candidate and is subject to the applicable limits found in RCW 42.17.105(8) and RCW 42.17.640 if it is made by, through or in cooperation, consultation, concert or collaboration with one or more of the following persons or their agents: a bona fide political party, a national committee or federal committee of a political party organization, or a political committee financed, controlled or operated by one or more officers, employees or agents of a bona fide political party.

(3) **Caucus and Legislator Operated Committees.** An expenditure in support of a state legislative office candidate or in opposition to one or more of that candidate's opponents is a contribution to that candidate and is subject to the applicable limits found in RCW 42.17.105(8) and RCW 42.17.640 if it is made by, through or in cooperation, consultation, concert or collaboration with one or more of the following persons or their agent: a caucus political committee or another political committee financed, controlled

or operated by one or more state legislators, one or more employees or agents of a caucus political committee, or a combination thereof.

(4) **Exempt Activities.** The following activities are not considered independent expenditures for purposes of RCW 42.17.100, .180, .510 or .550:

(a) Ordinary home hospitality;

(b) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(c) An internal political communication primarily limited to (i) the members of or contributors to a political party organization or political committee, (ii) the officers, management staff or stockholders of a corporation or similar enterprise, or (iii) the members of a labor organization or other membership organization;

(d) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or the property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made shall be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the person providing the facility; or

(e) The rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid by the worker.

NEW SECTION

WAC 390-16-314 Independent expenditure—
Disclosure. For purposes of the disclosure requirement in RCW 42.17.550, the county of residence for an out-of-state person making an independent expenditure in support of or opposition to a ballot proposition shall be either:

(1) Thurston county if the independent expenditure is for a statewide ballot proposition; or

(2) For local ballot propositions, the county or counties where the ballot proposition will appear on the election ballot.

AMENDATORY SECTION (Amending WSR 93-22-002, filed 10/20/93)

WAC 390-16-038 Definition—Aggregate. The term "aggregate" means, for purposes of:

(1) A candidate for state office, the total amount of contributions received by the candidate, an agent of the candidate and any political committee affiliated with the candidate from the beginning of the election cycle;

(2) A candidate for local or judicial office, the total amount of contributions received by the candidate, an agent of the candidate and any political committee affiliated with the candidate from the beginning of the candidate's campaign;

(3) A bona fide political party or ((legislative)) caucus political committee, the total amount of contributions received by the committee from January 1 of the current calendar year;

PROPOSED

(4) A political committee, the total amount of contributions received by the committee from the date of organization;

(5) A continuing political committee, the total amount of contributions received by the committee from January 1 of the current calendar year;

(6) A contributor, the total amount of all contributions received from a person, and any person affiliated with the person, to any one candidate or political committee;

(7) A person making independent (~~campaign~~) expenditures with respect to a candidate (~~(, the total amount of expenditures made to a person or vendor during the period for which the report is submitted)~~) and the reporting and disclosure provisions of RCW 42.17.100, .180, .510 and .550, an independent expenditure made by a person in support of a candidate shall be added to any independent expenditure by the same person in opposition to one or more of the candidate's opponents; and, for purposes of a person making independent expenditures with respect to a ballot proposition, an independent expenditure made by a person in support of a ballot proposition shall be added to any independent expenditure by the same person in opposition to the ballot proposition or in support of an alternative ballot proposition;

(8) The special reports required by RCW 42.17.105 and 42.17.175, the total amount of contributions received or expenditures made by a single person or entity during the special reporting period;

(9) An employer of a registered lobbyist, the total amount of all contributions made to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition during the preceding calendar year;

(10) The sponsor of a grass roots lobbying campaign, the total amount of contributions received since the beginning of the campaign and the total amount of expenditures made during the time frames specified in RCW 42.17.200(1);

(11) RCW 42.17.245, the total amount of all time and demand deposits in each financial institution on December 31;

(12) RCW 42.17.395(4), the total amount of monetary penalty that the commission may impose for multiple violations of the act.

Title of Rule: WAC 390-24-010 Forms for statement of financial affairs and 390-24-020 Forms for amending statement of financial affairs.

Purpose: Establish official forms for statements required by RCW 42.17.240.

Statutory Authority for Adoption: RCW 42.17.390.

Statute Being Implemented: RCW 42.17.240 and [42.17].241.

Summary: The reporting forms are being changed to eliminate the annual reporting by officials of all gifts received by them, but retains the reporting of food and beverages, travel and educational benefits.

Reasons Supporting Proposal: Reflects statutory changes made by chapter 397, Laws of 1995.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicki Rippie, Public Disclosure Commission, Olympia, 586-4838.

Name of Proponent: Public Disclosure Commission.

Explanation of Rule, its Purpose, and Anticipated Effects: Title: Forms for statement of financial affairs and amending statement of financial affairs. Explanation: Chapter 397, Laws of 1995, removed all reference to reporting the receipt of "gifts," but did specify that the receipt of certain items permitted under the Ethics Law would continue to be reported: Food and beverages costing over \$50, permissible travel and permissible educational benefits. The reporting forms used by officials have been modified to reflect this statutory change and also accommodate the requirement that officials certify that they have read and are familiar with the prohibition against using public facilities in an election campaign.

Proposal Changes the Following Existing Rules: Modifies Part 5(E) of the F-1 form; Part C of the F-1 Supplement, with comparable changes to the F-1A form.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Only affects state and local elected officials and some state appointed officials.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Public Disclosure Commission is not an agency listed in subsection (5)(a)(i) of section 201. Further, the Public Disclosure Commission does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date, the Joint Administrative Rules Review Committee has not made section 201 applicable to this rule adoption.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way, Olympia, WA 98501, on March 26, 1996, at 9:00 a.m.

Submit Written Comments to: Vicki Rippie, Assistant Director, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, FAX (360) 753-1112, by March 15, 1996.

Date of Intended Adoption: March 26, 1996.

February 16, 1996
Melissa Warheit
Executive Director

REPEALER

The following rules are hereby repealed:

- WAC 390-17-050 Independent expenditure—
Definition
- WAC 390-17-052 Independent expenditure—
Disclosure

WSR 96-05-074
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
[Filed February 21, 1996, 9:15 a.m.]

Supplemental Notice to WSR 95-21-006.
Preproposal statement of inquiry was filed as WSR 95-17-106.

AMENDATORY SECTION (Amending WSR 91-20-153
[91-24-011], filed 10/2/91 [11/22/91])

WAC 390-24-010 Forms for statement of financial affairs. The official form for statements of financial affairs as required by RCW 42.17.240 is designated "F-1," revised ((10/91)) 11/95. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments must be on 8-1/2" x 11" white paper.

PROPOSED



711 CAPITOL WAY RM 403 FJ42
PO BOX 40908
OLYMPIA WA 98504-0908
(206) 753-1111

PDC FORM
F-1
(10/91)

**PERSONAL FINANCIAL
AFFAIRS STATEMENT**

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PDC OFFICE USE

Refer to instruction manual for detailed assistance and examples.

Deadlines: Incumbent elected and appointed officials—by April 15.
Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION.

Last Name	First	Middle Initial	Names of Spouse and Dependents	Political Party If partisan office or pertinent to appointment
Mailing Address				
City	County	Zip + 4		

Filing Status (Check only one box.)

An elected or state appointed official filing annual report

Final report as an elected official. Term expired _____

Candidate running in an election: month _____ year _____

Newly appointed to an elective office

Newly appointed to a state appointive office

Office Held or Sought

Office title _____

County, city, district or agency of the office, name and number: _____

Position number _____

Term begins: _____ ends: _____

1 INCOME List each employer, or other source of income (Pension, social security, legal judgments) from which you or a family member received \$1,000 or more during the period. (Report interest and dividends in item 2 on reverse)

Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)
Check here <input type="checkbox"/> If continued on attached sheet		

2 REAL ESTATE List each address, assessed parcel number, or legal description and county for each parcel of Washington real estate having a value of over \$5,000 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received			
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount—(Use Code) Original	Current
All Other Property Entirely or Partially Owned						

Check here If continued on attached sheet

CONTINUE ON REVERSE

PDC FORM F-1 (REV. 10/91)-1

PROPOSED

PROPOSED

3 Name and address of each bank or financial institution in which you or a family member had an account over \$10,000 any time during the reporting period.

4 Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$10,000 during the period.

5 Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.

Check here if continued on attached sheet

Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)

4 CREDITORS: List each creditor you or a family member owed \$1,000 or more any time during the period. Don't include retail charge accounts, credit cards or mortgages or real estate reported in Item 5.

Check here if continued on attached sheet

Creditor's Name and Address	Terms of Payment	Security Given	AMOUNT (USE CODE)	
			Original	Present

5 All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a non-incumbent candidate or a non-executive officer filing your initial report after appointment, no F-1 Supplement is required. (The F-1 Supplement is required of incumbent elected officials and state executive officers filing annual financial affairs reports (see questions E-A). F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.)

- A. Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? _____ If yes, complete supplement, Part A.
- B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? _____ If yes, complete supplement, Part A.
- C. Did you, your spouse or dependents own your own business at any time during the reporting period? _____ If yes, complete supplement, Part A.
- D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for your currently-held public office) at any time during the reporting period? _____ If yes, complete supplement, Part B.
- E. (Incumbent officeholders only.) Did you, your spouse or dependents receive during the previous calendar year any gift valued at over \$50 that may have been intended to gain or maintain influence with you or the governmental entity you serve? (See F-1 manual for definition of "gift.") _____ If yes, complete Part C.

Dollar Code	Amount
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$49,999
D	\$50,000 to \$49,999
E	\$50,000 or more

HAVE YOU ??? ?
 Answered each item?
 Put your name on each attached page?
 Kept a copy for your records?

Certification: I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature _____ Date _____

Daytime Telephone () _____



PDC FORM F-1 SUPPLEMENT (10/91)	SUPPLEMENT PAGE PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

LAST NAME	FIRST	MIDDLE INITIAL	DATE
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- A OFFICES HELD, BUSINESS INTERESTS:** For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner—provide the following information:
- Legal Name: Report name used on legal documents establishing the entity.
 - Trade or Operating Name: Report name used for business purposes if different from the legal name.
 - Position or Percent of Ownership: The office, title and/or percent of ownership held.
 - Brief Description of the Business Organization: Report the purpose, product(s), and/or the service(s) rendered.
 - Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
 - Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$5,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
 - Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1 Reporting for: Self _____ Spouse _____ Dependent _____

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments	Amount (actual dollars)
---------------------	-------------------------

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:

Customer name:	Purpose of payment (amount not required)
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WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

PDC FORM F-1 SUPPLEMENT (REVISED 10/91)-4

CONTINUE PARTS B AND C ON REVERSE

PROPOSED

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PROPOSED

ENTITY NO. 2 Reporting for: Self _____ Spouse _____ Dependent _____
LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP _____
TRADE OR OPERATING NAME:
ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:
 Purpose of payments _____ Amount (actual dollars) _____

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:
 Customer name: _____ Purpose of payment (amount not required) _____

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

B LOBBYING: List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

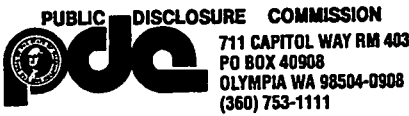
Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

Check here if continued on attached sheet

C GIFTS: List the date, source, brief description, and value of each gift of entertainment, travel, goods, services economic advantage, etc. valued at more than \$50 (entertainment at receptions where pro-rata share exceeds \$100). Exclude gifts that, without doubt, were clearly not intended to gain or maintain influence with respect to your governmental entity (e.g., most intra-family and private sector business related gifts). See Gift section of F-1 manual for details.

Date Received	Donor's Name, City and State	Brief Description	Approx. Dollar Value

Check here if continued on attached sheet



PDC FORM F-1 (11/95)

PERSONAL FINANCIAL AFFAIRS STATEMENT

PDC OFFICE USE

RECEIVED

Refer to instruction manual for detailed assistance and examples. This form includes changes made by Chapter 397, 1995 Session Laws.

Deadlines: Incumbent elected and appointed officials—by April 15. Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION.

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

Last Name	First	Middle Initial	Names of Spouse and Dependents	Political Party If partisan office or pertinent to appointment
Mailing Address				
City	County	Zip + 4		

Filing Status (Check only one box.)	Office Held or Sought
<input type="checkbox"/> An elected official or state appointed official filing annual report	Office title _____
<input type="checkbox"/> Final report as an elected official. Term expired _____	County, city, district or agency of the office, name and number: _____
<input type="checkbox"/> Candidate running in an election: month _____ year _____	Position number _____
<input type="checkbox"/> Newly appointed to an elective office	Term begins: _____ ends: _____
<input type="checkbox"/> Newly appointed to a state appointive office	

1 INCOME List each employer, or other source of income (Pension, social security, legal judgment) from which you or a family member received \$1,000 or more during the period. (Report interest and dividends in Item 3 on reverse)

Show: Self (S) Spouse (SP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)

Check here if continued on attached sheet

2 REAL ESTATE List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$5,000 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received		
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount—(Use Code) Original Current
All Other Property Entirely or Partially Owned					

Check here if continued on attached sheet

PROPOSED

3 ASSETS / INVESTMENTS—INTEREST / DIVIDENDS List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member had an account over \$10,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount: (Use Code)
B. Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$10,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.			

Check here if continued on attached sheet

4 CREDITORS List each creditor you or a family member owed \$1,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.

Creditor's Name and Address	Terms of Payment	Security Given	AMOUNT (USE CODE)	
			Original	Present

Check here if continued on attached sheet

5 All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filling your initial report, no F-1 Supplement is required. Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? _____ If yes, complete Supplement, Part A.
- B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? _____ If yes, complete Supplement, Part A.
- C. Did you, your spouse or dependents own a business at any time during the reporting period? _____ If yes, complete Supplement, Part A.
- D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? _____ If yes, complete Supplement, Part B.
- E. Only for Persons Filing Annual Report. Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? _____ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse and/or dependents to travel or to attend a seminar or other training? _____ If yes to either or both questions, complete Supplement, Part C.

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

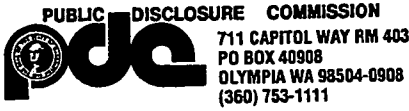
I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature _____ Date _____

Daytime Telephone: () _____

PROPOSED



PDC FORM F-1 SUPPLEMENT (11/95) SUPPLEMENT PAGE PERSONAL FINANCIAL AFFAIRS STATEMENT

PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

Table with columns: LAST NAME, FIRST, MIDDLE INITIAL, DATE

A OFFICES HELD, BUSINESS INTERESTS:

For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner—provide the following information:

- Legal Name: Report name used on legal documents establishing the entity.
• Trade or Operating Name: Report name used for business purposes if different from the legal name.
• Position or Percent of Ownership: The office, title and/or percent of ownership held.
• Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
• Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
• Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$5,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
• Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1

Reporting for: Self _____ Spouse _____ Dependent _____
POSITION OR PERCENT OF OWNERSHIP

LEGAL NAME:
TRADE OR OPERATING NAME:
ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:
Purpose of payments Amount (actual dollars)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:
Customer name: Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

PROPOSED

PROPOSED

ENTITY NO. 2

Reporting for: Self _____ Spouse _____ Dependent _____
POSITION OR PERCENT OF OWNERSHIP

LEGAL NAME:

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments

Amount (actual dollars)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$5,000:

Customer name:

Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$10,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

B LOBBYING

List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered

Description of Legislation, Rules, Etc.

Compensation (Use Code)

Check here if continued on attached sheet

C FOOD TRAVEL SEMINARS

Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received

Donor's Name, City and State

Brief Description

Actual Dollar Amount

Value (Use Code)

Check here if continued on attached sheet

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

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

AMENDATORY SECTION (Amending WSR 91-20-153 [91-24-011], filed 10/2/91 [11/22/91])

WAC 390-24-020 Forms for amending statement of financial affairs. (1) The official form for amending statements of financial affairs as required by RCW 42.17.240 for all persons who have previously filed the form F-1 is designated form "F-1A," revised (~~(10/91)~~) 11/95.

(2) No more than three F-1A forms may be filed to amend a previously submitted statement of financial affairs (form F-1). The form can be used only to update information required on an F-1.

(3) The commission reserves the right to reject amendatory forms and require a new statement of financial affairs (form F-1) at any time the amendments are confusing or create misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of Form F-1A are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments must be on 8-1/2" x 11" white paper.

PROPOSED



PDC FORM F-1A (10/91)	PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form	P M O A S T R K R E C E I V E D	PDC OFFICE USE
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The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed.
 A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports.
Deadlines: Incumbent elected and appointed officials—by April 15.
 Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

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Last Name		First	Middle Initial	Names of Spouse and Dependents	Political Party If partisan office or pertinent to appointment
Mailing Address					
City	County	Zip + 4			

Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office	Office Held or Sought Office title _____ County, city, district or agency of the office, name and number: _____ Position number _____ Term begins: _____ ends: _____
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Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

NO CHANGE REPORT. I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period.

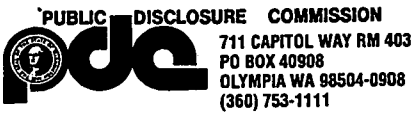
MINOR CHANGE REPORT. I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers when describing changes. Provide all information required on F-1 report.

GIFTS: (This information required of incumbent elected and appointed officials only.) List the date, source, brief description and value of each gift of entertainment, travel, goods, services, economic advantage, etc. valued at more than \$50 (entertainment receptions where pro-rata share exceeds \$100). Exclude gifts that, without doubt, were clearly not intended to gain or maintain influence with respect to your governmental entity (e.g., most intra-family and private sector business related gifts). See Gift section of F-1 manual for details.

Date Received	Donor's Name, City and State	Brief Description	Approx. Dollar Value
Check here <input type="checkbox"/> if continued on attached sheet.			

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.	Signature	Date
	Daytime Telephone: ()	

Report Not Acceptable Without Filer's Signature



PDC FORM F-1A (11/95)	PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form	P M A R K R E C E I V E D	PDC OFFICE USE
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Deadlines: Incumbent elected and appointed officials—by April 15.
 Candidates and others—within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$1,999
B	\$2,000 to \$9,999
C	\$10,000 to \$19,999
D	\$20,000 to \$49,999
E	\$50,000 or more

Last Name	First	Middle Initial	Names of Spouse and Dependents	Political Party <small>If partisan office or pertinent to appointment</small>
Mailing Address				
City	County	Zip + 4		

Filing Status (Check only one box.)

An elected official or state appointed official filing annual report

Final report as an elected official. Term expired _____

Candidate running in an election: month _____ year _____

Newly appointed to an elective office

Newly appointed to a state appointive office

Office Held or Sought

Office title _____

County, city, district or agency of the office, name and number: _____

Position number _____

Term begins: _____ ends: _____

Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

NO CHANGE REPORT. I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period.

MINOR CHANGE REPORT. I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers when describing changes. Provide all information required on F-1 report.

Check here if continued on attached sheet

FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof:
 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)

Check here if continued on attached sheet

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature _____ Date _____

Daytime Telephone: () _____

PROPOSED

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

WSR 96-05-086
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed February 21, 1996, 10:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-082.

Title of Rule: Chapter 16-532 WAC, Hops marketing order, credit for market promotion activities.

Purpose: The rule will establish a procedure for the Hop Commission board to grant credit against assessments or refund payment to growers for individual marketing efforts. A credit or refund will require proof of expenditures associated with eligible promotional activities.

Statutory Authority for Adoption: RCW 15.65.050 and 15.65.430.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The rule will provide credit in the amount up to 66 2/3% of documented expenditures for eligible promotional expenses. The credit shall not exceed that portion of the producer's annual assessment from his/her own production designated for marketing or promotion.

Reasons Supporting Proposal: In compliance with RCW 15.65.050, the director of agriculture received a petition from the hop growers to amend the marketing order.

Name of Agency Personnel Responsible for Drafting: Washington Department of Agriculture, Walter Swenson, 1111 Washington, Olympia, (360) 902-1928; Implementation and Enforcement: Washington Hop Commission, Ann George, 504 North Naches Avenue, Yakima, (509) 453-4749.

Name of Proponent: Washington Hop Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Affected producers must approve the rule in compliance with RCW 15.65.160, before the rule becomes effective.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Hop Commission is proposing rules to establish a procedure to grant credit against assessments or to refund assessments on a pro rata basis to hop growers who engage in individual marketing efforts and show proof of expenditures associated with eligible promotional activities.

Proposal Changes the Following Existing Rules: The rule will establish a procedure to refund a portion of grower assessments used for generic advertising programs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will not increase the assessment rate on hops, or impose a direct cost to the grower.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Washington Department of Agriculture is not a listed agency under section 201.

Hearing Location: Oxford Suites Hotel, 1701 Terrace Heights Drive, Yakima, WA, on April 9, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by April 9, 1996, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Walter Swenson, Agricultural Programs Administrator, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2089, by April 9, 1996.

Date of Intended Adoption: July 24, 1996.

February 21, 1996
 William E. Brookreson
 Assistant Director
 Agency Operations

AMENDATORY SECTION [(Amending WSR 92-09-068, filed 4/14/92)]

WAC 16-532-010 Definitions. For the purpose of this marketing order:

- (1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.
- (4) "Person" means any person, firm, association or corporation.
- (5) "Affected producer" or "producer" means any person who produces hops in commercial quantities in the state of Washington.
- (6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.
- (7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.
- (8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.
- (9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.
- (10) "Marketing season" or "~~fiscal year~~" means the twelve month period beginning with ~~July~~ January 1 of any year and ending ~~with the last day of June~~ December 31, both dates being inclusive.
- (11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.
- (12) "Affected area" means the state of Washington.
- (13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.
- (14) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.
- (15) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at

PROPOSED

meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington grown hops.

(16) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

(17) "Affiliate" as used in these rules means a corporation, limited liability company, partnership, or other entity in common ownership with a producer or producer-handler.

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.

NEW SECTION

WAC 16-532-0402 Credit for market promotion activities. (1) As provided in this chapter, a producer, as defined in WAC 16-532-010(5), may receive credit against his annual assessment for eligible promotional activities. Credit will be granted either in the form of a refund payment from the Board, or, if eligible promotional activities are conducted, documented and approved by the Board prior to the assessment due date, as an offset to the annual assessment. Credit shall be granted in an amount up to sixty six and two thirds per cent (66 2/3%) of a producer's documented expenditures for eligible promotional activities. However, in no case shall credit be granted in excess of that portion of the producer's annual assessment from his own production designated for marketing or promotion, including paid advertising.

(2) The portion of the annual assessment for which credit may be received is due and payable as otherwise provided in this chapter unless a producer conducts and documents promotional activities prior to the date assessments are due as provided in subsection (1) above. A producer's annual assessment will be reduced according to the amount of proven promotional activities approved by the Board as provided in this chapter.

(3) The Board shall grant credit for eligible activities only to the producer, or an affiliate thereof as defined in WAC 16-532-020(17), who performs the activities and who files a claim for credit as provided in this section.

(4) The Board shall grant credit only for eligible promotional activities that are conducted and completed during the marketing season for which credit is requested. The marketing season is defined as January 1 through December 31 of the year in which the crop is harvested.

NEW SECTION

WAC 16-532-0404 General requirements for credit. The following requirements apply to credit granted for all promotional activities:

(1) A primary purpose of each activity shall be to promote the sale, consumption, or use of USA produced hops.

(2) Credit shall not be granted for advertising in publications that target the farming or producer trade.

NEW SECTION

WAC 16-532-0406 Eligible activities. Credit shall be granted for the following eligible activities:

(1) Paid advertising directed to end-users, trade or industrial users. Credit shall be granted for money spent on paid advertising space or time including, but not limited to, newspapers, magazines, and broadcast media, including agency commission.

(2) Travel expenses incurred for hosting international customers on visits to the U.S. hop industry. Credit shall not be granted for any other travel expenses.

(3) Other market promotion activities. Credit shall be granted for other market promotion activities as follows:

(a) Development and printing costs for promotional material;

(b) Sales and marketing presentation kits;

(c) Trade fairs and exhibits;

(d) Trade seminars; and

(e) Other activities deemed acceptable to the Board that meet the purpose stated in WAC 16-532-0404(1).

NEW SECTION

WAC 16-532-0408 No duplication of credit. Credit shall be granted for eligible promotional activities only if the producer certifies in writing that he was not and will not be reimbursed for the same activity by the Foreign Agricultural Service, United States Department of Agriculture (FAS) or by any other federal or state program.

NEW SECTION

WAC 16-532-0410 Filing of claims. To obtain credit against the promotional assessment paid on his own production for promotional expenditures, a producer must file a claim with the Board, which must include the documentation set forth in either subsection (1) or subsection (2) of this section.

(1) To obtain credit under this subsection, the claim filed must include:

(a) A description of the activity and when and where it was conducted, including a statement of how this activity promoted USA hops;

(b) Copies of all invoices from suppliers or agencies;

(c) Copies of all canceled checks issued by the producer in payment of these invoices; and

(d) An actual sample, picture or other evidence of the activity.

(e) The Board shall grant credit for expenditures claimed under this subsection in accordance with the WAC 16-532-0404 and 16-532-0406.

(2)(a) To obtain credit under this subsection, the claim filed must include a certificate prepared by a certified auditor stating that the auditor has examined the producer's records for the current marketing season and has determined that expenditures eligible for credit under these rules equal or exceed the credit requested by the producer. In accordance with WAC 16-532-0404 and 16-532-0406, the Board shall grant credit for expenditures certified by the producer's auditor unless an auditor appointed by the Board under subsection (2)(b) disputes the claim.

PROPOSED

(b) If a producer submits an auditor's certificate under subsection (2)(a), the Board may appoint its own certified auditor to examine the producer's records to verify the claimed expenditures. Any information provided by the producer to the Board's auditor shall not be disclosed to the Board or any other person without the producer's written consent. In the event that the Board's auditor disputes the eligibility of the producer's claimed expenditures, the producer may submit his records directly to the Board for review or may withdraw his claim for credit to the extent of the dispute. The Board shall promptly review any further materials provided by the producer and determine whether credit or a refund will be granted.

NEW SECTION

WAC 16-532-0412 Time for filing and determinations. Preliminary claims must be submitted by the last day of the marketing season, subject to final documentation within 60 days. No claims may be submitted retroactively after said marketing season has ended. A producer may receive credit against his annual assessment if he submits the required documentation for an eligible activity and obtains Board approval prior to the date the assessment is due. In all other instances, a producer must remit the full annual assessment to the Board when it is due, and a refund payment will be issued following receipt of the required documentation and approval by the Board. The Board shall promptly notify a producer if a dispute exists as to eligibility of claimed expenditures. Unless a dispute exists, the Board shall issue credits or refunds within 60 days after receiving final documentation of eligible expenditures from a producer.

NEW SECTION

WAC 16-532-0414 Appeals. (1) In the event that Board staff determines that a particular promotional activity is not eligible for credit because it does not meet the criteria specified herein, or for any other reason, the Board shall review the staff's decision if the affected producer so requests.

(2) The Board's denial in whole or in part of a producer's claim constitutes an agency action under chapter 34.05 RCW, the administrative procedure act.

WSR 96-05-087
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed February 21, 1996, 10:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-095.

Title of Rule: WAC 388-530-1950 Point-of-sale (POS) system/prospective drug use review (Pro-DUR).

Purpose: To allow for an MAA-facilitated on-line point-of-sale prospective drug use review and adjudication system.

Statutory Authority for Adoption: RCW 74.08.090.

Summary: WAC 388-530-1950 Point-of-sale/prospective drug use review, will include policy for a new on-line pharmacy adjudication and prospective drug use review system.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Anne DeJarnette, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 664-2320.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-530-1950 will allow for an MAA-facilitated, on-line point-of-sale/prospective drug use review (POS/Pro-DUR) system. This system will allow on-line adjudication of claims. As a result, pharmacies using the POS/Pro-DUR system will be able to bill MAA and have claims adjudicated much more quickly. Most claims will be adjudicated at the same time or before a drug product is dispensed to the client. This WAC will save pharmacies the cost of unreimbursed products.

Proposal Changes the Following Existing Rules: This WAC allows for the use of an MAA-facilitated point-of-sale/prospective drug use review (POS/Pro-DUR) program to adjudicate pharmacy claims in a more efficient and cost-saving manner.

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

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

BACKGROUND: This report has been prepared in consideration of the notice of proposed rule making under the Administrative Procedure Act.

The Medical Assistance Administration (MAA) of the Department of Social and Health Services (DSHS) is proposing a new section 1900 of chapter 388-530 WAC. This chapter will allow pharmacists the option to send claims to MAA through an on-line, point-of-sale computer system for the following services at the time the drug product is dispensed:

- A review and screen of possible drug interactions/problems; and
- Claim processing and adjudication.

AFFECTED INDUSTRIES: Pharmacies (Standard Industrial Classification Code 5912).

SUMMARY OF RULES CHANGE: In 1991, the federal government mandated that state Medicaid agencies implement prospective drug use review programs.

Currently, pharmacists conduct drug use review in one of two ways: 1. Through the use of POS systems developed by private industry; or 2. Manually.

Pharmacists who conduct drug use review manually must refer to state Drug Utilization and Education (DUE) Council publications for criteria and standards.

Because MAA has not developed a point-of-sale system until now, MAA currently requires pharmacists to submit their MAA claims on paper, by tape or via batch processing.

WAC 388-530-1900 provides an optional system-facilitated point-of-sale computer service to pharmacists.

This allows pharmacy providers to: (a) Identify potential drug interaction problems; (b) receive payment confirmation including the amount reimbursed; and (c) receive notification of special payment requirements.

In most cases, the point-of-sale system provides information to the pharmacists before they dispense drug products to MAA clients.

COMPLIANCE REQUIREMENTS: Pharmacists who choose to participate in the point-of-sale system must have or acquire National Council for Prescription Data Processing (NCPDP)-approved technology that will allow them to use the MAA point-of-sale system.

The Washington State Pharmacy Association (WSPA) has reported that an estimated 98% of Washington state pharmacies are currently able to use a point-of-sale electronic claims management system. These pharmacies would incur no financial or resource costs to comply with proposed WAC 388-530-1950.

The remaining estimated two percent who choose to participate in the point-of-sale system may choose to purchase/rent:

- A personal computer, modem, and POS software; or
- A "black box" device (similar in function to a credit card machine)

to process claims through the MAA point-of-sale system.

The personal computer, modem/switch vendor service, and point-of-sale software can cost a pharmacy about \$2,300.00. However, the rental of a "black box" device can cost only \$25.00 per month.

Standard claim transmission costs are approximately eleven cents for every four claims. This rate is cheaper or equivalent to mailing or batch transmission services currently available to pharmacies.

In summary, pharmacists may choose to use a personal computer, a "black box," or may choose not to participate in the point-of-sale program.

STEPS TO REDUCE THE COST TO SMALL BUSINESS: Factors to consider in mitigating costs to small businesses are:

- Participation in the MAA point-of-sale process is voluntary.
- Pharmacies are not required to buy personal computers; they can opt for the less expensive rental of a "black box."
- Currently, pharmacies lose money for drug products they dispense to MAA clients which are later denied by MAA. Getting payment information on the point-of-sale system before dispensing products means pharmacists will be able to cut costs previously incurred through unreimbursed inventory. These savings are estimated at four percent of total pharmacy program costs.

SMALL BUSINESS INVOLVEMENT PLAN: MAA has assured pharmacist input and involvement in the preparation of the point-of-sale system and its related WAC through several activities:

- MAA has held meetings in relation to these rules attended by representatives of the Washington State

Pharmacy Association (WSPA). All individuals expressing interest in or requesting additional information about the proposed WAC during its drafting were invited to attend these meetings.

- MAA has been conducting ongoing, weekly project meetings to review the entire scope of the new claims adjudication system and screening implementation. A WSPA liaison attends these meetings, provides input, and disseminates information to the pharmacy community.
- MAA representatives currently attend WSPA's Third-Party Committee meetings on a regular basis to learn of pharmacy issues and concerns related to the developing system and its related WAC.

CONCLUSION: Pharmacy participation in the point-of-sale program is voluntary. If all state pharmacies decided to participate in this program, about two percent would need to purchase equipment to participate in the MAA point-of-sale system.

If a pharmacist chooses to use an on-line system, the least expensive setup would cost \$300.00 per year, which represents more than a minor impact on participating pharmacies. However, by using this system, participating pharmacists will save about four percent of their program costs. These savings should outweigh the initial setup costs outlined in this report.

A copy of the statement may be obtained by writing to Anne E. DeJarnette, Administrative Regulations Analyst, Medical Assistance Administration, P.O. Box 54430, Olympia, WA 98504, phone (360) 664-2320, FAX (360) 753-7315.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on March 26, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by March 19, 1996, TTY (360) 753-0625.

Submit Written Comments to: Merry Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 664-0118, by March 19, 1996.

Date of Intended Adoption: March 26, 1996.

February 21, 1996

Sydney Doré

for Merry Kogut, Supervisor
Rules and Policies Assistance Unit

Chapter 388-530 WAC PHARMACY SERVICES

NEW SECTION

WAC 388-530-1950 Point-of-sale (POS) system/prospective drug utilization review (Pro-DUR). (1) Pharmacy claims processed through the medical assistance administration (MAA) payment system shall be adjudicated by the MAA point-of-sale (POS) system. This includes claims received on-line, via paper or by modem, disk, or tape.

(2) MAA shall ensure claims processed through the POS system undergo a system-facilitated prospective drug utilization review (Pro-DUR) screening. The system-

facilitated Pro-DUR screening shall be performed by the MAA POS computer system at the time a drug claim is received and shall be intended as a complement to the Pro-DUR screening required of pharmacists as stated in WAC 388-530-1900.

(3) For the purposes of this section, the following definition applies: "MAA-approved national council for prescription data processing (NCPDP) codes" means those NCPDP codes appearing in the MAA prescription drug program billing instructions which MAA has approved for use in overriding MAA POS system alert messages.

(4) If the MAA POS/Pro-DUR system identifies a potential drug therapy problem during system-facilitated Pro-DUR screening, MAA may deny the claim with an alert message indicating the type of potential problem, including but not limited to:

- (a) Therapeutic duplication;
 - (b) Duration of therapy exceeds maximum;
 - (c) Serious drug-to-drug interaction;
 - (d) Overdosage;
 - (e) Ingredient duplication;
 - (f) Drug age conflict; or
 - (g) Refill too soon.
- (5) MAA may deny claims:
- (a) Which trigger an alert message in the POS system;

or

(b) For drugs for which the department has established specific utilization criteria to address MAA concerns over the drug's high cost, potential for clinical misuse, narrow therapeutic indication or safety:

- (i) For which prior authorization has not been received;

or

(ii) Which do not include an appropriate MAA-approved expedited prior authorization code or MAA-approved NCPDP code.

(6) If the MAA POS/Pro-DUR system identifies a potential drug therapy problem as described in subsection (4) of this section and the claim is denied for this reason, the dispensing pharmacist shall attempt to resolve the issue through professional utilization review as specified in WAC 388-530-1900. If upon further investigation a therapy problem is found not to exist, the pharmacist may dispense the drug product and:

(a) Request MAA authorization for payment as specified in WAC 388-530-1250, prior authorization; or

(b) Resubmit the claim using an applicable MAA-approved NCPDP override code as listed in the prescription drug program billing instructions.

(7) The department shall determine POS/Pro-DUR screening is not applicable to pharmacy claims included in the managed care capitated rate.

WSR 96-05-088

PROPOSED RULES

SECRETARY OF STATE

[Filed February 21, 1996, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-23-087 and 95-23-093.

Title of Rule: Chapter 434-120 WAC, Charitable solicitations organizations and charitable trust.

Purpose: To change the annual renewal date for charitable trusts and to define the jurisdiction of charitable trusts.

Statutory Authority for Adoption: RCW 11.110.070.

Statute Being Implemented: RCW 11.110.020, 11.110.070, 11.110.073, and 11.110.075.

Summary: There have been requests from constituents to clarify, review and revise the renewal requirements and the jurisdiction of charitable trusts.

Name of Agency Personnel Responsible for Drafting: Colleen Kemp, 505 East Union, 1st Floor, (360) 586-8465; Implementation and Enforcement: Linda Mackintosh, 505 East Union, 1st Floor, (360) 586-8424.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-120-300, clarifies the jurisdiction of the Charitable Trust Act; and WAC 434-120-335, changes the renewal date for charitable trusts.

Proposal Changes the Following Existing Rules: WAC 434-120-300, clarifies who is subject to Washington jurisdiction under the Charitable Trust Act; and WAC 434-120-335, charitable trusts will renew their registration no later than the fifteenth day of the fifth month after the end of their fiscal year.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Based upon the proposed changes to the Charitable Trust Act there is no economic impact on small business.

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

Hearing Location: Office of the Secretary of State, 2nd Floor, Legislative Building, Olympia, WA 98504, on March 27, 1996, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Barbara Siemion by March 20, 1996, TDD (360) 586-1485, or (360) 586-0393.

Submit Written Comments to: Colleen Kemp, P.O. Box 40244, Olympia, 98504-0244, FAX (360) 586-4250, by March 25, 1996.

Date of Intended Adoption: March 29, 1996.

February 20, 1996

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

WAC 434-120-300 Who shall register. (1) Any trustee as defined in RCW 11.110.020 of a trust subject to Washington jurisdiction holding property in trust for a public charitable purpose and any corporation formed for the administration of a charitable trust or holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes shall register with the office of the secretary of state, corporations division.

(2) A trust is subject to Washington jurisdiction if:

(a) It is created pursuant to a trust instrument that specifies that it is subject to the jurisdiction of the state of Washington or that its terms are to be construed pursuant to the laws of the state of Washington;

(b) It is a testamentary trust, and the will was probated or recorded, or letters testamentary and of administration were granted in the state of Washington;

(c) The trust was created pursuant to order of a Washington court or by operation of Washington law;

(d) The trust was created by or pursuant to the articles of incorporation of a Washington corporation; or

(e) No state, territory, or nation may assert a superior claim of jurisdiction, and:

(i) The trust was created pursuant to an inter vivos agreement or document executed or recorded within the state of Washington but which does not expressly vest jurisdiction in another state, territory, or nation; or

(ii) The trust corpus consists predominantly of property located in or administered from Washington; or

(iii) A basis exists upon which to assert or concede jurisdiction in the state of Washington.

(3) Exempt from registration under the Trust Act are the following:

(a) Any trustee making distributions only to individuals or organizations expressly named in the governing instrument or mere titleholders, custodians, or depositaries of property held for charitable purposes who have no powers or duties to administer such property;

(b) Governmental bodies such as the United States, any state, territory, or possession of the United States, the District of Columbia, Puerto Rico, or any of their agencies or governmental subdivisions;

(c) Religious bodies incorporated as tax exempt religious organizations, and subsidiary organizations under their auspices including but not limited to:

(i) Charitable agencies or organizations affiliated with and forming an integral part of the religious body, or operated, supervised, or controlled directly by the religious body; or

(ii) Any officer of a religious body holding property for religious purposes;

To be exempt under this act, a newly formed religious body, or subsidiary organizations (~~as described in subsection (2)(d))~~) must be able to show that it is seeking tax exempt status from the federal Internal Revenue Service. If a written declaration granting the tax exempt status is not received within two years of formation, the organization must register the trust immediately.

(d) Nonprofit educational institutions having a course of studies equivalent to that of a public school or college operated by a Washington state school district or by Washington state.

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

WAC 434-120-335 When to file annual reports. (1) Annual reports or other information required to be filed annually by WAC 434-120-315, shall be filed ~~((at the same time as renewal or annual reports of corporation status or as charitable solicitation annual reports. If the trust is not registered under any of the corporation acts or the Charitable~~

~~Solicitations Act, the annual report shall be filed by the last day of the same month of each year (the anniversary date) as the original charitable trust registration with the secretary of state)) by no later than the fifteenth day of the fifth month after the end of its fiscal year.~~

(2) Annual reporting of trusts for several or mixed purposes, or in which the only property to be used for charitable purposes consists of a vested or contingent charitable remainder, shall commence within one year after trust income or principal is authorized or required to be used for a charitable purpose.

WSR 96-05-089

PROPOSED RULES

SECRETARY OF STATE

[Filed February 21, 1996, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-23-086 and 95-23-092.

Title of Rule: Chapter 434-120 WAC, Charitable solicitation organizations and charitable trusts.

Purpose: To raise threshold of annual solicitations that require filing, revise the form for charitable organization registration, change the annual renewal date for both charities and commercial fund-raisers and to revise and clarify requirements involving financial statements.

Statutory Authority for Adoption: RCW 19.09.315 and 19.09.075.

Statute Being Implemented: RCW 19.09.075, 19.09.-076, 19.09.095, 19.09.210, and 19.09.315.

Summary: There have been requests from constituents to clarify, review and revise the registration and financial reporting requirements for both charities and commercial fund-raisers.

Name of Agency Personnel Responsible for Drafting: Colleen Kemp, 505 East Union, 1st Floor, Olympia, (360) 586-8465; Implementation and Enforcement: Linda Mackintosh, 505 East Union, 1st Floor, Olympia, (360) 586-8424.

Name of Proponent: Office of Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-120-100, changes minimum filing requirements; WAC 434-120-105, description of the content of registration form and solicitation report; WAC 434-120-130, description of the contents of financial statements and required standards of review for a charitable organization; WAC 434-120-140, changes renewal date for charitable organizations and clarifies the renewal requirements; WAC 434-120-225, changes renewal date for commercial fund-raisers; and WAC 434-120-255, description of the contents of financial statements and required standards of review for a commercial fund-raiser.

Proposal Changes the Following Existing Rules: WAC 434-120-100, organizations will no longer be required to register unless total annual revenue exceeds twenty-five thousand dollars; WAC 434-120-105, information collected on forms will facilitate better information for public disclosure. Use of the uniform registration statement with the

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required addendum will be accepted; WAC 434-120-130, organizations whose annual net revenue is less than \$250,000 shall prepare a financial statement. Organizations whose annual net revenue is more than \$250,000 but less than \$500,000 shall perform either a financial review or if preferred by the charitable organization an audit by a certified public accountant. Organizations whose annual net revenue is more than \$500,000 shall perform an audit by an independent certified public accountant; WAC 434-120-140, charitable organizations will renew their registration no later than the fifteenth day of the fifth month after the end of their fiscal year. The solicitation report will be based upon the most recently completed fiscal year; WAC 434-120-225, commercial fund-raisers will renew their registration no later than the fifteenth day of the fifth month after the end of the fiscal year; and WAC 434-120-255, commercial fund-raisers whose annual revenue is more than \$350,000 shall perform either a financial review or, if preferred by the commercial fund-raiser, an audit by a certified public accountant. Commercial fund-raisers whose annual revenue is more than \$350,000 shall perform an audit by an independent certified public accountant.

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

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

BACKGROUND: Under the Charitable Solicitations Act, chapter 19.09 RCW, charitable organizations and commercial fund-raisers are required to register with the Secretary of State. This office is responsible for providing citizens with information relating to people or organizations who solicit funds from the public for charitable purposes. The Secretary of State is proposing changes to WAC 434-120-100, 434-120-105, 434-120-130, 434-120-140, 434-120-225 and 434-120-255.

The changes made in these amendments do not necessarily increase costs imposed on regulated entities. This statement has been prepared so that there can be no question regarding intent or potential impact.

The office has consulted extensively with the regulated entities in preparing these amendments. Proposed rules were previously published in WSR 95-08-073 and 95-12-017. Amendments on the subjects presently under consideration were not adopted because comments and testimony of the organizations who would be required to comply suggested that further study was appropriate. Additionally, the office has consulted informally with such organizations both with respect to the previous proposals and the current proposal.

SUMMARY OF AMENDMENTS: These amendments would clarify and modify several existing provisions regarding registration of charitable organizations and commercial fund-raisers. The first such change would exempt some charitable organizations from registration by raising the threshold level of contributions. In the past, organizations were required to register if they raised at least \$5,000 annually. These amendments would raise that level to \$25,000, thus exempting the smallest charities from these registration and financial reporting requirements.

The amendments would change the form on which charitable organizations register, and clarify the information sought. This form would also provide more information to members of the public.

The amendments would also clarify and modify the existing rules regarding financial statements by both charitable organizations and commercial fund-raisers. The amendments would clarify the purpose and contents of those statements.

The amendments will require and establish different levels of accounting review, based upon the dollar amount of money raised through charitable solicitations. The secretary changed these categories based upon the analysis presented in this statement. Charitable organizations raising less than two hundred fifty thousand dollars a year (raised from one hundred thousand based on this analysis) would not be required to retain an independent certified public accountant in order to prepare their financial statements. Those raising over that amount must obtain either a review or an audit, depending upon the amount solicited. Those raising between two hundred fifty thousand and five hundred thousand may obtain a review, but may choose to have performed a full audit. Those raising over that amount must obtain a full audit.

With regard to commercial fund-raisers, the amendments would clarify the purpose and content of the financial statements in a way that is similar to the amendments for charitable organizations. All commercial fund-raisers must retain an independent certified public accountant in order to prepare the financial statements. If the solicitations of the fund-raiser result in less than three hundred fifty thousand dollars in contributions on behalf of the charitable organizations for which the fund-raiser solicits, that financial statement can either be in the form of a review or an audit, at the fund-raiser's option. If the amount of revenue raised is greater than three hundred fifty thousand dollars, the financial statement must consist of a full audit. After preparing this statement, the secretary modified the proposed rules to allow commercial fund-raisers who meet the statutory definition of a small business and raise revenue of less than one hundred ninety-five thousand dollars to prepare a financial statement in the form of a compilation.

The dollar amounts used in determining the nature of the financial statement for either a charitable organization or commercial fund-raiser do not necessarily include all funds that an entity might obtain. An existing administrative rule defines "revenue" as meaning, "all proceeds from charitable solicitations or from similar activities which would be charitable solicitations except that they are exempt from chapter 19.09 RCW by virtue of being regulated by the Gambling Commission." WAC 434-120-025(4). These rules do not amend that definition. Money received from other sources therefore would not be included when determining the degree of accounting scrutiny these rules would require. Additionally, for charitable organizations (but not commercial fund-raisers), most funds paid to or retained by a commercial fund-raiser would also be excluded when determining the level of accounting scrutiny, although those amounts would be accounted for in the financial statement.

Finally, the amendments change the way of determining the renewal dates of both charitable organizations and commercial fund-raisers. Currently those dates are the same as either the corporate annual report deadline or, if the entity is not incorporated, the anniversary date of the original filing. The amendments would change those dates to the fifteenth day of the fifth month after the end of the entity's

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fiscal year, so as to better correspond with the accounting periods of registrants.

ADDITIONAL PROFESSIONAL SERVICES NEEDED: In order to comply with these requirements, many charitable organizations, and all commercial fund-raisers, will require the services of a certified public accountant.

Charitable organizations raising between twenty-five and two hundred fifty thousand dollars are not required to retain an accountant.

Those charitable organizations raising less than twenty-five thousand dollars in revenue are not required to register, and therefore would not be required by these rules to incur any costs.

The accounting services required by this rule do not necessarily exceed the services that many organizations find necessary or desirable for their own purposes. Many organizations already engage a certified public accountant to perform the tasks required by this rule for such purposes as preparing tax returns, financial statements required for internal purposes, grant applications, or (for certain recipients

of federal funds) compliance with the federal single audit act (31 U.S.C. § 7501 et seq.). It is estimated that approximately 60% to 70% of charitable organizations with annual net revenue between \$25,000 and \$100,000 hire an accountant for some form of independent accounting function (i.e. compilation, review or audit), and that virtually all charitable organizations with annual net revenue exceeding \$500,000 undergo an audit, prior to the adoption of these rules. The proposed rules do not require that the entity obtain additional professional services if doing so would merely duplicate other services already performed by an independent certified public accountant.

EFFECT ON SALES OR REVENUE: Charities who contract with commercial fund-raisers normally have revenues in excess of \$500,000 and the audit requirements imposed on them by this rule would not effect their decision to engage the services of a commercial fund-raiser. The rules will have no impact on sales or revenue.

COSTS OF COMPLIANCE: Based upon rates in the Western Washington area, the estimated cost of the different types of financial statements required is:

Charitable organizations with net revenue of: ¹	Internal Financial Statement Cost	Financial Review Cost	Audit Cost
\$25,000 to \$100,000	Incremental ²	\$4,000 to \$5,000	\$6,000 to \$9,000
\$100,000 to \$500,000	NA	\$4,000 to \$7,000	\$7,000 to \$10,000
Over \$500,000	NA	NA ³	\$8,000 to \$12,000 ⁴

- ¹ Cost for charitable organizations reflect discounted rates generally available to such organizations.
- ² The proposed rule does not require that a certified public accountant prepare the financial statement for organizations in this category. The cost of compliance with the financial statement provisions of this rule for such organizations is therefore not significantly larger than the expense that would be necessary in order to maintain the organization's records for internal purposes. For purposes of comparison only, it is estimated that a compilation conducted by a certified public accountant (which is not required by the rule) would cost approximately \$2,000.
- ³ The cost of a financial review is not listed in the table because this option is not available under the proposed rule. For purposes of comparison, it is estimated that a financial review for organizations in this category would cost between \$6,000 and \$7,000.
- ⁴ Audits for organizations with substantially larger net revenue may be more expensive.

Commercial fund-raiser with revenue of:	Internal Financial Statement Cost	Financial Review Cost	Audit Cost
Up to \$350,000	NA	\$6,000 to \$10,000	\$9,000 to \$13,000
Over \$350,000	NA	NA	\$11,000 to \$18,000 ⁵

- ⁵ Audits for commercial fund-raisers with substantially larger revenues may be more expensive.

COMPARISON OF COSTS: RCW 19.85.040(1) requires a comparison for the cost of compliance for small businesses with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with proposed rules. This comparison is based upon the cost of compliance per one hundred dollars in net revenue (for charitable organizations) or revenue (for commercial fund-raisers) RCW 19.85.040 (1)(c).

Charitable Organizations: No charitable organization will meet the definition of a "small business" contained in

RCW 19.85.020(1), since by their nature such organizations do not have the purpose of making a profit. Therefore, it is legally impossible for these rules, as they relate to charitable organizations, to have a disproportionate impact on small business. Even so, the secretary does not desire that these rules place a disproportionate impact on the smallest charities and has therefore conducted a comparison between the costs imposed on charities in the smallest reporting category with those in the highest reporting category.

The cost of preparing financial statements for the various categories of entities can be compared by dividing the cost of the required financial statement by the dollar amount of revenue or net revenue of the entity raising the smallest amount in each reporting category, and multiplying by 100.

Since the smallest charitable organizations are not required to incur more than incremental costs, the cost per one hundred dollars of net revenue will approximate zero. This study therefore reveals no disproportionate impact on the smallest charities.

As the proposal was first drafted, those in the intermediate category, may incur somewhat higher costs than those in the highest revenue category. An organization raising a net revenue of \$100,000 may incur expenses between \$4.00 and \$7.00 per one hundred dollars raised. This compares to a range of \$1.60 to \$2.40 per hundred dollars raised for an organization with net revenue of \$500,000 to obtain an audit. This disparity substantially disappears, however, for any organization raising more than approximately \$250,000 in net revenue. An organization raising \$250,000 in net revenue would experience a cost per \$100 raised between \$1.60 and \$2.80, which is similar to the estimate for the larger charities.

In order to assure that costs will be proportionate throughout the various categories, the secretary modified the categories after conducting this study. The proposed rules therefore redefine the lowest category as consisting of those organizations with net revenue up to \$250,000. The intermediate category includes those over \$250,000 to \$500,000. The highest category is unchanged.

Commercial fund-raisers: The secretary conducted a similar comparison regarding commercial fund-raisers. This comparison shows that a commercial fund-raiser with revenue of \$100,000 annually could experience a cost ranging from \$6.00 to \$10.00 per hundred dollars raised in order to obtain a financial review. By contrast, a fund-raiser with revenue of \$350,000 annually could experience a cost between \$3.14 and \$5.14 per hundred dollars raised in order to obtain an audit. This disparity, however, diminishes, and even reverses, as the revenue level increases above \$100,000 and approaches \$350,000. A fund-raiser with revenue of \$340,000 could experience a cost between \$1.76 and \$2.94 per hundred dollars raised to obtain a financial review, which is significantly below the comparable cost for fund-raisers in the higher category.

A fund-raiser with annual revenue of \$195,000 may incur an expense between \$3.08 and \$5.13 per hundred dollars raised to obtain a financial review. Therefore as revenues rise to this level, the proportionate disparity with costs of larger organization disappears. Therefore, after conducting this study, the secretary modified the proposed rules to mitigate costs that might be incurred by small businesses with revenues of less than \$195,000 annually. A fund-raiser that qualifies as a small business under RCW 19.85.020(1) may therefore elect to prepare a financial statement in the form of a compilation prepared by a certified public accountant. This option is not available to fund-raisers that do not meet the terms of the statutory definition.

Under this provision a fund-raiser who is a small business would incur a cost of between \$2,000.00 and

\$5,000.00 to obtain a compilation. Based upon revenues this would cost between \$1.02 and \$2.56 per hundred dollars raised. This is significantly below the costs for larger organizations and compares reasonably with those cost[s] incurred by the largest ten percent of businesses in the industry. The largest ten percent of commercial fund-raisers report revenue of, as a mean, \$3.5 million, with audit costs of approximately \$0.51 per hundred dollars raised.

MITIGATION: The amendments reduce costs on small businesses, including small charities, by:

(a) Eliminating substantive requirements in the case of small charitable organizations by raising the minimum level of revenue requiring registration from \$5,000 to \$25,000;

(b) Reducing the level of financial scrutiny required in financial statements based upon the amount of revenue of the entity and modifying those levels of revenue based upon this analysis; and

(c) Providing commercial fund-raisers who are small businesses a lower cost option in the preparation of financial statements.

Additionally, many charitable organizations and commercial fund-raisers prepare financial statements for their own purposes. The amendments clarify that the rules do not require the preparation of a separate document of another document meeting at least the minimal requirements if the rule is prepared for another purpose.

In comments on a previous rule, it was suggested that an additional step in mitigation might be to exclude charitable organizations from the requirements of obtaining a financial statement if they employed a commercial fund-raiser who obtained a statement. This suggestion was rejected because the two statements would not simply duplicate each other, and would not eliminate the need for a separate statement.

DESCRIPTION OF HOW AGENCY WILL INVOLVE SMALL BUSINESS IN DEVELOPMENT OF RULE: The office has conducted several informal meetings with representatives of charitable organizations and commercial fund-raisers, and has conducted hearings on previous drafts of these amendments. Drafts have been circulated for comment.

LIST OF INDUSTRIES REQUIRED TO COMPLY: List of industries that will be required to comply with the rule: Fund-raising on contract or fee-bases (Code 7389); and fund-raising not on contract or fee-bases (Code 8399).

CONCLUSION: The Secretary of State finds that, given the mitigating measures incorporated within the rule, adoption of the proposed rule will not have an adverse economic impact on small business.

A copy of the statement may be obtained by writing to Colleen Kemp, Program Manager, P.O. Box 40244, Olympia, WA 98504-0244, phone (360) 586-8465, or FAX (360) 586-4250.

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

Hearing Location: Office of the Secretary of State, 2nd Floor, Legislative Building, Olympia, Washington 98504, on March 27, 1996, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Barbara Siemion by March 20, 1996, TDD (360) 586-1485, or (360) 586-0393.

Submit Written Comments to: Colleen Kemp, P.O. Box 40244, Olympia, 98504-0244, FAX (360) 586-4250, by March 27, 1996.

Date of Intended Adoption: March 29, 1996.

February 20, 1996

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-100 Who shall register. (1) Any entity that will conduct a charitable solicitation or solicit funds from the general public for charitable purposes shall register with the corporations division under the solicitations act((4)).

(2) Entities exempt from registration are the following:

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives any contribution for or on behalf of any such charitable organization;

(b) Any entity whose sole purpose is religious or political;

(c) Any entity who raises less than twenty-five thousand dollars in revenue in any accounting year, all of whose activities including fund-raising are ((done)) conducted by volunteers, and whose officers or members do not receive assets of or benefits from the organization;

(d) A bona fide officer or other employee of ((a)) the charitable organization for which the funds are solicited; and

(e) Charitable organizations located outside of the state of Washington that meet the statutory requirements under RCW 19.09.076(2).

(3) Any entity exempt from registration by these regulations soliciting or conducting a solicitation shall comply with the conditions for solicitations as described in RCW 19.09.100.

(4) Interpretive note: The secretary of state does not interpret RCW 19.09.065 as requiring a registration by an employee of an educational institution who, as part of his or her employment with the institution, solicits contributions on behalf of a nonprofit charitable foundation affiliated with that institution, if the foundation is registered and the educational institution is either:

(a) A public school, college, or university operated by the state of Washington, one of its school districts, or a comparable public institution of another state or nation; or

(b) A private entity that is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-105 Form. ((Charitable organizations registering under this act shall use the combined charitable organization, charitable trust, and public benefit form available in the office of the corporations division or shall provide, by letter, the required information organized and topically sectioned in exactly the following manner:

(1) ~~Section I. The name, address, and telephone number of the charitable organization; and the name under which the organization will solicit contributions.~~

(2) ~~Section II. The name, address, and telephone number of the corporate officers, directors of the board, or persons accepting responsibility for the organization; and the names of the three officers, directors, or employees who receive the greatest amount of compensation from the organization. If this is a consolidated registration, then list the names of the three officers or employees of the parent organization.~~

(3) ~~Section III. The purpose of the charitable organization; the names and addresses of beneficiaries or the selected group of persons or activities which the charitable organization supports; and to whom assets would be given in the event of dissolution.~~

(4) ~~Section IV. Whether or not the organization has a federal income tax exempt status, and, if so, the basis. Attach a copy of the letter or other written proof of the status declaration if granted under 26 U.S.C. 501 (c)(3) by the Internal Revenue Service. Include the name, address, and telephone number of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable organization.~~

(5) ~~Section V. A financial statement in the form of a solicitation report, which includes the following information:~~

(a) ~~From a newly formed entity that has not completed its first accounting year, the annual budget expenditures approved by the board of directors or other responsible person(s), which must clearly identify the reported figures as budget estimates not based upon actual funds expended; or, from an entity that has completed one or more accounting years but has not previously registered under this act, its actual expenditures from the preceding fiscal year, and its proposed budget for the coming fiscal year; and~~

(i) ~~The number and types of solicitations planned; and~~

(ii) ~~From the existing entity, total revenue for the preceding year and the amount that was used for the charitable purpose;~~

~~In addition, seven months after registration all newly formed entities shall file a six month report containing actual budget figures.~~

(b) ~~From charitable organizations registering for the second or more years, the following information from the preceding fiscal year:~~

(i) ~~The number and types of solicitations conducted;~~

(ii) ~~The total dollar value of gross revenue received from solicitations conducted by or on behalf of the organization and from all other sources (including revenue from activities regulated by the gambling commission) received, which must equal the total revenue of the organization;~~

(iii) ~~A solicitation report that contains the gross revenue applied to charitable purposes, fund raising costs, and other expenses, which are figured in accordance with WAC 434-120-125, including the amount of any compensation allocated to charitable purposes and paid to a commercial fund raiser or other entity, who is not a bona fide employee, as defined in RCW 19.09.020(1), for fund raising services; and~~

(iv) ~~The name, physical address, and telephone number of any commercial fund raiser used by the organization.~~

~~A parent organization may file a consolidated solicitation report when registering including the solicitation~~

PROPOSED

information required for each of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington. Alternatively, it may file a single combined solicitation report including funds raised by all such units of the parent organization and listing the individual names of all units who raised five thousand dollars or more in the preceding year.

(6) Section VI: A signed statement from the entity who prepares, compiles, reviews, or audits the financial statement who is listed under the requirement of WAC 434-120-105(4), attesting that the figures of the solicitation report are consistent with the organization's annual financial statement; and a written list of the copies of any annual or periodic reports on file that were made by the charitable organization and its subsidiaries, or affiliates, if any, which substantiate the figures; and

(7) An irrevocable appointment of the secretary to receive service of process in non-criminal proceedings.) (1) Charitable organizations registering under this act shall use the registration form available in the office of the corporations division. The secretary of state shall develop a form in compliance with this rule. The secretary may accept the Uniform Registration Statement developed by the National Association of State Charity Officials if accompanied by an addendum developed by the secretary for use in Washington, if the uniform form and addendum contain all of the information required by this rule. The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW shall not excuse the failure to comply.

(2) A registration form is not complete, and will not be accepted for filing, unless it includes:

(a) The name of the organization, and every address (including both physical address and any mailing address if different), telephone number(s), FAX number(s), and taxpayer identification number, including those of all offices, chapters, branches, and affiliates used in charitable solicitations reflected in the registration (which may optionally include any electronic mail or internet addresses used by the organization);

(b) All of the names under which the organization will solicit contributions;

(c) If incorporated, the corporate name, unified business identifier number, state and date of incorporation, or if not incorporated, the type of organization and date established;

(d) The end date of its current fiscal year;

(e) The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or action is currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or recordkeeping, whether such action has been instituted by a public agency or a private person or entity;

(f) A list of all states where the organization is registered for charitable solicitations, including any other names under which the organization is currently registered or has been registered in the past three years;

(g) The name, address, and telephone number of the officers or of persons accepting responsibility for the organization;

(h) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(i) The purpose of the charitable organization, including, if applicable, the names and addresses of any specific beneficiaries which the charitable organization supports or to whom assets would be distributed in the event of dissolution;

(j) Whether the charitable organization is exempt from federal income tax, and, if so, attaching a copy of the letter by which the Internal Revenue Service granted such status to its initial registration;

(k) The name and address of the person or entity who prepares, reviews, or audits the financial statement of the organization required by WAC 434-120-130, which in the case of organizations governed by WAC 434-120-130 (2)(b) or (c) must be an independent certified public accountant;

(l) The name and address of an individual with expenditure authority who can respond to questions regarding expenditures of funds, and the names and addresses of any commercial fund-raisers who have the authority to expend funds or incur obligations on behalf of the organization;

(m) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305;

(n) A solicitation report of the charitable organization for the preceding fiscal year including:

(i) The types of solicitations conducted;

(ii) The total dollar value of the following:

(A) Gross revenue of the organization for the fiscal year, as defined by WAC 434-120-025;

(B) Gross cost of solicitation (including cost of goods sold);

(C) Cost of goods sold;

(D) Net cost of solicitation ((n)(ii)(B) of this subsection minus (n)(ii)(C) of this subsection);

(E) Net amount allocated to charitable purpose ((n)(ii)(A) of this subsection minus (n)(ii)(B) of this subsection);

(F) The amount, if any, reported in (n)(ii)(E) of this subsection that was paid to or retained by a commercial fund-raiser but attributed to charitable purposes; and

(G) The percentage of revenue, after subtracting costs of goods sold, devoted to charity ((n)(ii)(E) of this subsection divided by the difference between (n)(ii)(A) and (n)(ii)(C) of this subsection, and multiplied by 100—symbolically represented by the formula: $P = E / (A - C) \times 100$, where P represents the percentage and the other letters represent the amounts reported pursuant to the subsection bearing the same letter); and

(iii) The name, physical address, and telephone number of any commercial fund-raiser used by the organization; and

(iv) The signature of the person responsible for preparation of its financial statement, attesting that the financial statement has been prepared and that the figures presented in the solicitation report are consistent with the financial statement;

(o) The form shall also include a space within which any charitable organization may provide additional information which the organization believes would be of assistance

in understanding other reported information, or to provide context for reported information.

(3) Solicitation reports shall not report estimates, but shall report actual figures. If the organization did not directly or indirectly conduct any charitable solicitations in the previous accounting year, it shall file a supplemental registration form no later than the end of the ninth month after registering which provides a complete solicitation report with actual figures from the first six months of activity after registering, if it raises at least twelve thousand five hundred dollars during that six months.

(4) A parent organization may file a consolidated registration form, including the solicitation report, when registering including the solicitation information required for each of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington, which are supervised or controlled by the parent organization. A parent organization may report financial information either separately or in consolidated form for all subsidiary organizations. A filing by the parent organization relieves each subsidiary organization identified in that filing of any duty to file independently.

(5) All charitable solicitation organization registrations shall be signed by the president, treasurer, or comparable officer of the organization or, in the absence of officers, person responsible for the organization, whose signature shall be notarized.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-130 (~~(Auditing standards and requirements-)~~) **Financial statements.** ((A charitable organization's solicitation report shall be signed by the following entities who attest that the figures are consistent with the annual financial statement:

~~(1) Those with a gross revenue of less than three hundred fifty thousand dollars a year, shall submit an annual solicitation report))~~ (1) A charitable organization required to register shall have a financial statement prepared, sufficient to verify the information included in the solicitation report. The financial statement shall conform to the accounting standards specified in subsection (2) of this section, but does not need to include financial transactions unrelated to the information contained in the solicitation report. It is not necessary for the charitable organization to have a separate document prepared specifically for compliance with this section, if it has caused to be prepared (by an independent certified public accountant in the case of organizations described by subsection (2)(b) or (c) of this section) another document meeting all of the requirements of this section (but an IRS Form 990 or 990 PF is not such a document).

(2) Such statements shall conform to the following standards:

(a) Those reporting less than two hundred fifty thousand dollars annually in net amount allocated to charity pursuant to WAC 434-120-105 (2)(n)(ii)(E) shall prepare a financial statement signed by the president and treasurer, or absent a board of directors and officers, two persons responsible for the organization, and ~~((the))~~ any other entity listed in the registration form as required by WAC 434-120-105(~~((4))~~) who prepared the financial statement (~~(or made the compila-~~

tion, review, or audit report)) that supports the solicitation report; and

~~((2) Those having a gross revenue of more than three hundred fifty thousand dollars annually, shall submit an annual solicitation report signed by the president, treasurer, and the entity listed in the registration form according to WAC 434-120-105(4) who made the "audit report" of the solicitation report-))~~

(b) Those reporting more than two hundred fifty thousand but less than five hundred thousand dollars annually in net amount allocated to charity pursuant to WAC 434-120-105 (2)(n)(ii)(E), shall have caused to be performed, by an independent certified public accountant in accordance with chapter 18.04 RCW and the rules made thereunder, either a financial review or, if preferred by the charitable organization, an audit; and

(c) Those reporting five hundred thousand dollars or more annually in net amount allocated to charity pursuant to WAC 434-120-105 (2)(n)(ii)(E), shall have caused to be performed, by an independent certified public accountant, an audit in accordance with chapter 18.04 RCW and the rules made thereunder.

(3) References in subsection (2) of this section to "net amount allocated to charity" are only for purposes of determining the type of financial statement required. They do not limit the content of the financial statement, which must be sufficient to verify the amounts reported in the solicitation report.

(4) An organization subject to audit by the state auditor may contract with the state auditor for the preparation of the financial statement required by this section, pursuant to chapter 39.34 RCW. An organization electing to exercise this option must include, with its annual registration, a statement signed by an authorized individual declaring that all proceeds of solicitation are subject to audit by the state auditor, and that a contract has been executed with the auditor.

(5) The charitable organization shall retain the statement required by this section at its principal office. Upon the written request of the secretary, attorney general((-)) or county prosecutor, an organization shall submit ~~((an audit report))~~ its financial statement for the year requested within ~~((thirty))~~ ten working days from the date of request.

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

WAC 434-120-140 How and when. (1) Original registration: An entity required to register as a charitable organization shall complete the form described in WAC 434-120-105 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation(=).

(2) Annual renewal:

(a) An entity shall renew its charitable registration ~~((at the same time as it submits its annual corporation renewal or nonprofit annual report, or, if not a corporation, the last day of the same month of the year as the entity's original registration for charitable solicitation purposes))~~ by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(b) The renewal shall include the same information required for registration as described in WAC 434-120-105

and RCW 19.09.075, except that a determination letter from the Internal Revenue Service need not be attached if it was previously filed. The solicitation report will be based on the most recent filing with the Internal Revenue Service or if the organization does not file with the Internal Revenue Service, the solicitation report will be based on the most recently completed fiscal year. No organization may submit the same fiscal information for two consecutive years.

(c) ~~((The renewal cycle shall begin on July 1, 1994, for all organizations whose corporation renewal is due July 1, 1994, or later in the year. All charitable organizations whose corporation renewal comes due in the months of January through June shall renew in the new cycle beginning January 1995. The 1994 renewal shall be effective, without additional fees, until the new 1995 renewal date.))~~ No change in an entity's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for registration and financial statement requirements shall be determined on a pro rated basis.

(3) ~~((Organizations not required to file a solicitation report with the secretary, may renew registrations every other year unless revenue is more than twenty five thousand dollars in the previous registration or renewal period.~~

(4)) Change in status, notification: An organization shall notify the corporations division of a change in principal officer, owner, ((or)) Washington representative, tax status, fiscal year, or any other information filed under RCW 19.09.075 or WAC 434-120-105, within thirty days after the change.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-225 Annual reregistration. (1) Each commercial fund-raiser shall reregister annually ((at the same time as it files either the annual license renewal for profit corporations or annual report for nonprofit corporations, whichever is appropriate. If the commercial fund-raiser is not registered as a corporation, it shall reregister annually by the last working day of the month (the anniversary date) of the original registration)) by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(2) A fund-raiser that changes its fiscal year shall notify the secretary of state of the change, in writing, within thirty days of making the change. No change in a fund-raiser's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for financial statement requirements shall be determined on a pro rated basis.

AMENDATORY SECTION (Amending WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94)

WAC 434-120-255 ((Auditing standards)) Financial statements. (1) Each commercial fund-raiser ((shall make one or more annual)) required to file a solicitation report((s for each campaign conducted or in which it participated,

~~whether engaged by another commercial fund-raiser or by a charitable organization to solicit or conduct a solicitation. Each solicitation report shall be signed by the entity listed under WAC 434-120-215(3), who attests that the figures are consistent with the annual financial statement:~~

(1)) shall have a financial statement prepared, sufficient to verify the information included in the solicitation report. The financial statement shall conform to the accounting standards specified in subsection (2) of this section, but does not need to include financial transactions unrelated to the information contained in the solicitation report. It is not necessary for the commercial fund-raiser to have a separate document prepared specifically for compliance with this section, if it has caused to be prepared, by an independent certified public accountant, another document meeting all of the requirements of this section.

(2) Each such financial statement shall conform to the following standards:

(a) Those whose solicitations ((or offers to solicit)) result in ((less)) no more than three hundred fifty thousand dollars in revenue from all contributions made on behalf of all charitable organizations ((in Washington shall have on file for three years the complete compilation, review, or audit report of the financial statement that was filed in the form of a solicitations report and signed by the entity named as required by WAC 434-120-215(3)).

(2)) on whose behalf the commercial fund-raiser solicits shall cause to have performed, by an independent certified public accountant in accordance with chapter 18.04 RCW and the rules made thereunder, either a financial review or, if preferred by the commercial fund-raiser, an audit; and

(b) Those whose solicitations ((and offers to solicit)) result in more than three hundred fifty thousand dollars in revenue from all contributions made on behalf of all charitable organizations ((in the state of Washington shall have on file an audit report of the financial statement that was filed in the form of a solicitation report and signed by the entity named as required by WAC 434-120-215(3)).

(3)(a) A commercial fund-raiser who engages another commercial fund-raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for and shall include the total contributions and the total expenses related to that campaign in its solicitations report of that campaign.

(b) If a reporting commercial fund-raiser's contributions and expenses for a campaign are included in another commercial fund-raiser's solicitations report, the reporting fund-raiser shall list in its report the name of that fund-raiser, the name of the charitable organization, the dates of the campaign, and the total contributions and expenses for which it was responsible.

The annual financial statement in the form of a solicitation report, as verified in accordance with the auditing standards, shall be filed with the application required in WAC 434-124-215.

(4)) shall cause to have performed, by an independent certified public accountant, an audit in accordance with chapter 18.04 RCW and the rules made thereunder.

(3) In order to mitigate any disproportionate expense that small business might otherwise incur, a commercial fund-raiser may have the financial statement required by subsection (2) of this section prepared as a compilation if:

(a) The commercial fund-raiser is a small business as defined by RCW 19.85.020(1);

(b) The solicitations conducted by the fund-raiser result in no more than one hundred ninety-five thousand dollars in revenue from contributions made on behalf of all charitable organizations on whose behalf the fund-raiser solicits; and

(c) The compilation is prepared by an independent certified public accountant in accordance with chapter 18.04 RCW and the rules made thereunder.

(4) The commercial fund-raiser shall retain the statement required by this rule at its principal office. Upon written demand by the secretary, the attorney general(7) or the county prosecutor, a commercial fund-raiser shall submit an audit report for the year requested within ((thirty)) ten working days.

WSR 96-05-090
PROPOSED RULES
FOREST PRACTICES BOARD
 [Filed February 21, 1996, 11:29 a.m.]

Continuance of WSR 95-24-093 and 96-04-076.

Preproposal statement of inquiry was filed as WSR 94-13-066.

Title of Rule: Amendment to forest practices rules, Title 222 WAC.

Purpose: The purpose of this proposed rule is to identify critical wildlife habitat (state) for the northern spotted owl and the marbled murrelet. This notice continues the comment period to March 8, 1996.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050.

Statute Being Implemented: Chapter 76.09 RCW.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, FAX (360) 902-1784, by March 8, 1996.

Date of Intended Adoption: May 22, 1996.

February 20, 1996

Jennifer M. Belcher

Commissioner of Public Lands

WSR 96-05-091
PROPOSED RULES
INSURANCE COMMISSIONER'S OFFICE
 [Filed February 21, 1996, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-24-099.

Title of Rule: Annual statement instructions and statements to be filed in electronic form.

Purpose: To enhance intrastate and interstate financial surveillance and consolidate company reports and annual statement rules for insurers, health care service contractors, and health maintenance organizations.

Other Identifying Information: Insurance Commissioner's Matter No. R 95-18.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, and 48.46.200.

Statute Being Implemented: RCW 48.02.140, 48.05.250, 48.05.400, 48.44.095, 48.46.080.

Summary: To establish requirements for paper and electronic filing of statutory financial statements to the commissioner and the National Association of Insurance Commissioners.

Reasons Supporting Proposal: These amended rules are needed to implement the statutes and enhance financial surveillance. These rules will improve access to financial statement access, efficiency and retrievability for the commissioner, the insurance departments of other states, and for the public.

Name of Agency Personnel Responsible for Drafting and Implementation: Dennis Edward Julnes, Lacey, Washington, (360) 407-0536; and Enforcement: John B. Woodall, Lacey, Washington, (360) 407-0535.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules prescribe and give instructions for paper and electronic filing of statutory financial statements for insurers, health care service contractors, and health maintenance organizations. This rule making will amend WAC 284-07-050 and 284-07-070, and will repeal WAC 284-44-345 and 284-46-060.

Proposal Changes the Following Existing Rules: This rule making consolidates existing rules and includes health care service contractors and health maintenance organizations into existing rules on annual statement instructions and statements to be filed in electronic form. This rule making will amend WAC 284-07-050 and 284-07-070 and repeal WAC 284-44-345 and 284-46-060.

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

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

This proposed rule making will amend WAC 284-07-050 and 284-07-070 and repeal WAC 284-44-345 and 284-46-060. These amendments do not qualify as a "significant legislative rule"; rather, this rule making is considered a "procedural rule" (as defined at RCW 34.05.328 (5)(c)(i)).

The following industries are affected by the proposed rule¹, as classified by the "Standard Industrial Classification Manual" published by the Executive Office of the President, Office of Management and Budget, 1987:

- * Hospital and medical service plans (called health care service contractors and health maintenance organizations in Title 48 RCW) (6324)
- * Life insurers (6311)
- * Accident and health insurers (6321)
- * Fire, marine, and casualty insurers (6331)
- * Surety insurers (6351)
- * Title insurers (6361)
- * Other insurers, not otherwise classified (6399)

The commissioner expects that nearly 100% of these listed industries will be affected; however, some insurers may not be required to file electronically because they operate only in Washington.

The amendments to WAC 284-07-050 and 284-07-070 require insurers to file a diskette with the Washington State Insurance Commissioner and the National Association of Insurance Commissioners (NAIC). Record keeping and paper filing of financial statements by health care service contractors (HCSCs) and health maintenance organizations (HMOs) is currently required at WAC 284-44-345 and 284-46-060. These sections will be repealed and their requirements consolidated into WAC 284-07-050 and 284-07-070. No additional record keeping is imposed by the proposed amendments. Insurers should be able to use existing staff to provide the filing of statements.

The specific authority to adopt these amendments is found [in] RCW 48.02.060, 48.44.050, and 48.46.200. These amended rules implement RCW 48.02.140, 48.05.250, 48.05.400, 48.44.095, and 48.46.080. RCW 48.05.250 requires insurers to file their statutory financial statements with the Washington State Insurance Commissioner and with the National Association of Insurance Commissioners (NAIC). RCW 48.44.095 and 48.46.080 require HCSCs and HMOs to file their statutory financial statements with the commissioner. The annual financial statements must be in the format prescribed by the commissioner.

The cost impact to comply with these rules for HCSCs and HMOs will be in new software, additional staff time to set up the program, and the cost of the NAIC filing fee. These costs should not be a significant burden. Most of these entities already have purchased the software, employ appropriate staff knowledgeable in the use of it, and some already file with the NAIC. Further, if these entities transact business in other states, those states also impose paper and electronic filing requirements similar to, or identical to, these proposed amendments.

The effect of these amendments is to treat all types of issuers of insurance-type policies or contracts (those entities traditionally called insurers, health care service contractors, and health maintenance organizations) alike for purposes of filing financial statements. These amendments are in the public interest as they will enable the Washington State Insurance Commissioner to efficiently and effectively monitor the financial health of all regulated entities.

Currently, all insurers file their required statutory financial statements with the Insurance Commissioner on paper. The amendments do not change the requirement as to traditional insurers (see RCW 48.05.250). Most of them file their statements in electronic form as well. HCSCs and HMOs file their required statutory financial statements with the commissioner in paper form; however, not all of these entities file their statutory financial statements with the commissioner in electronic form or with the NAIC. The amendments to WAC 284-07-050 and 284-07-070 are needed to re prescribe the form and manner in which HCSCs and HMOs file their statutory financial statements with the commissioner. In addition, these amendments require HCSCs and HMOs to file financial statements with the NAIC.

These amendments will improve intrastate and interstate financial surveillance, access to financial statement information, efficiency, and retrievability of financial data for the commissioner, other state insurance commissioners, and the public; and the amendments will place HCSCs and HMOs

on an equal footing with traditional insurers for financial reporting purposes.

In addition, the amendments consolidate existing statutory financial statement rules for insurers, HCSCs, and HMOs (all of these entities are defined in the proposed amendments as "insurers" for ease of reference — see proposed WAC 284-07-050 (1)(a) and 284-07-070(1)). The consolidation of the rules does not change existing requirements.

The commissioner considered creating her own electronic data base and retrieval system; however, Commissioner Senn determined that it is not reasonable or efficient to duplicate the multi-million dollar system already built and in place by the NAIC which would be necessary to adequately monitor the financial health of these regulated entities. The commissioner does not have the significant resources (in terms of staff or money) that is required to implement and maintain a comparable financial monitoring and reporting system. In partial mitigation of the cost of implementing these rules, the commissioner will permit insurers that have not previously filed their financial reports with the NAIC an additional sixty days to file their 1995 financial statements with the NAIC. (See proposed WAC 284-07-050(9).) In addition, insurers that conduct insurance business only in Washington are exempt from the requirement to file with the NAIC.

The commissioner's staff will provide technical assistance to all affected entities by responding to inquires about specific statutory accounting and reporting problems; this should be particularly useful to small businesses (fifty or fewer employees). Elimination of requirements for all small businesses was considered, but not incorporated into these amendments. The proposed amendments proportionally impact all insurers. The commissioner has identified one small business; this insurer just received its registration in September of 1995. It has projected it will not be a "small business" by the end of 1996.

If these amendments are not adopted, the commissioner, other state commissioners, and the public (hereinafter referred to collectively as "users") will not be able to adequately of [or] efficiently monitor the solvency and market practices, industry trend and analysis, or engage in asset and liability compliance testing electronically. Effective and efficient financial monitoring of insurance companies is necessary so that the commissioner can protect the consumers of this state from possible financial difficulties of the insurers upon whom each policyholder depends. The ultimate consumer protection for policyholders is assurance of financial stability of all entities that transact the business of insurance.

Adoption of these amendments will enable the use of the existing multi-million dollar NAIC electronic financial reporting and monitoring system which includes hardware, software, and staffing. The NAIC staff performs data input, maintenance, and integrity analysis. If the amendments are not made, users will have to manually run trend and analysis work.

The benefit of these amendments include: Users will be able to perform electronic intrastate and interstate financial statement analysis; solvency and market practices can be more easily and effectively monitored; industry trend and analysis can be efficiently conducted; and asset and liability

compliance can be properly tested. Users will no longer have to manually individually run trend and analysis testing. In addition, the form of data collected will be consistent and comparable state-to-state, and industry-wide throughout the United States.

The approximate compliance costs of these amendments for those insurers not currently providing statements in electronic form to the commissioner and to the NAIC will range from \$1,050 to \$14,300 per insurer, per year. The rate is based on premium volume so the costs to small insurers is less than the costs to larger companies. The compliance costs for HMOs should be less. These costs include: New software, increased insurer's staff time, and payment of the NAIC filing fee. Specifically:

- The approximate costs to a HCSC for software is \$800.
- The amendments should not cause more than an insignificant increase in an insurer's staff time for implementation; and once implemented, the staff time involved in reporting should decrease.
- The NAIC diskette processing filing fee is based on a sliding scale of direct premiums written. For example, an insurer with \$0 to \$100,000 in premiums written would be charged a \$250 fee; an insurer with \$500,000,001 to \$600,000,000 in premiums written would be charged a fee of \$13,500.

The amendments exempt companies that operate only in Washington from the requirement to file with the NAIC. In anticipation of these amendments, about 82% of domestic insurers have acquired the necessary software already; approximately 22% already file the financial statements with the NAIC. These amendments will not impose any additional cost upon those insurers.

By adopting these amendments, Washington state, other states, and the public will gain access to the NAIC's multi-million dollar financial monitoring system; this will allow the commissioner, other state commissioners, and the public to monitor electronically the solvency and market practices of all insurers authorized to transact insurance business in Washington. The result for insurance consumers as well as the Insurance Commissioner will be quicker access to data and more thorough analysis of the financial health of all insurers transacting insurance business in Washington in an ever-changing environment. For these reasons, the tangible and intangible costs far outweigh the insurer's cost to comply with these amendments.

The commissioner believes that these amendments are the least burdensome alternative that will achieve the goals and the objectives of the financial reporting requirements of Title 48 RCW because the access gained to a proven multi-million dollar system that will allow the commissioner, other state commissioners, and the public to monitor electronically the solvency and market practices of these insurers authorized to transact in Washington cannot be accomplished in a more cost-effective or efficient manner. Unified Physicians (the only identified insurer with fifty or fewer employees) was contacted directly and asked to comment on the proposal. Through publication the preproposal notice (CR-101), all insurers and the general public were given the opportunity to comment and propose revisions to the proposed rules before filing of this proposed rule making. The Preproposal Statement of Inquiry (CR-101) was mailed

in early December 1995, to all insurers, health care service contractors, and health maintenance organizations.

These amendments do not require any person to take action that violates requirements of another federal or state law. No public entities are affected by the rules. The commissioner is not aware of any federal regulation or statute on this subject matter. The commissioner is not aware of any federal or state regulation or statute on this activity or subject matter.

- 1 All listed entities except health care service contractors and health maintenance organizations already file their statutory financial statements to the Washington State Insurance Commissioner on paper and on electronic form and with the NAIC. These proposed amendments do not change such requirements.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, or FAX (360) 586-3535.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule making is considered a "procedural rule."

Hearing Location: Insurance Commissioner's Office, Insurance Building, 2nd Floor Conference Room, Olympia, Washington, on March 26, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by March 22, 1996, TDD (360) 586-0691, or (800) 883-6384.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, Electronically at inscomr@aol.com, FAX (360) 586-3535, by March 22, 1996.

Date of Intended Adoption: March 26, 1996.

February 21, 1996

Krishna Fells
Chief Deputy

AMENDATORY SECTION (Amending Order R 92-10, filed 9/9/92, effective 10/10/92)

WAC 284-07-050 Annual statement instructions. (1) For the purpose of this section, the following definitions shall apply:

(a) "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW and health maintenance organizations registered under chapter 48.46 RCW.

(b) "Insurance" shall have the same meaning as set forth in RCW 48.01.040. It also includes prepayment of health care services as set forth in RCW 48.44.010(3) and prepayment of comprehensive health care services as set forth in RCW 48.46.020(1).

(2) Each authorized insurer is required ((by RCW 48.05.250)) to file with the commissioner an annual statement for the previous calendar year in the general form and context as approved by the National Association of Insurance Commissioners (NAIC) for the kinds of insurance to be reported upon, and ((pursuant to RCW 48.05.400 must)) shall also file a copy thereof with the NAIC. To effectuate ((those statutes)) RCW 48.05.250, 48.05.400, 48.44.095 and 48.46.080 and to enhance consistency in the accounting treatment accorded various kinds of insurance transactions,

the valuation of assets, and related matters, insurers shall adhere to the appropriate Annual Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC.

~~((2))~~ (3) This section does not relieve an insurer from its obligation to comply with specific requirements of the insurance code or rules thereunder.

(4) Number of statements:

(a) For domestic insurers, the statements are to be filed in quadruplicate to assist with public viewing and copying. Three statements must be permanently bound on the left side. The fourth statement must be unbound. Two bound statements and one unbound statement are to be filed in the Olympia office and one bound statement is to be filed in the Seattle office.

(b) For foreign insurers, except for health care service contractors and health maintenance organizations, one statement shall be filed in the Olympia office. For health care service contractors and health maintenance organizations, two left side permanently bound and one unbound statement shall be filed in the Olympia office to assist with public viewing and copying.

(5) Each domestic insurer shall file quarterly reports of its financial condition with the commissioner. Each foreign insurer shall file quarterly reports of its financial condition with the NAIC. The commissioner may require a foreign insurer to file quarterly reports with the commissioner whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the foreign insurer. The reports shall be filed in the commissioner's office not later than the forty-fifth day after the end of the insurer's calendar quarters. Such quarterly reports shall be in the form and content as promulgated by the NAIC for quarterly reporting by insurers, shall be prepared according to appropriate Annual and Quarterly Statement Instructions and the Accounting Practices and Procedures Manuals promulgated by the NAIC and shall be supplemented with additional information required by this title and by the commissioner. The statement is to be completed and filed in the same manner and places as the annual statement. Quarterly reports for the fourth quarter are not required.

(6) As a part of any investigation by the commissioner, the commissioner may require an insurer to file monthly financial reports whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the insurer. Monthly financial statements shall be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial report is being filed. Such monthly financial reports shall be the internal financial statements of the company. In addition, the commissioner may require these internal financial statements to be accompanied by a schedule converting the financial statements to reflect financial position according to statutory accounting practices and submitted in a form using the same format and designation as quarterly financial reports of insurers.

(7) Health care service contractors shall use the Hospital, Medical, Dental Service or Indemnity Corporation's Statement Form promulgated by the NAIC for their statutory filings.

(8) Each health care service contractor's and health maintenance organization's annual statement shall be

accompanied by a monthly enrollment data form (IC-16-HC/IC-15-HMO) and additional data statement form (IC-13A-HC/IC-14-HMO).

(9) An insurer who on December 31, 1995, has not previously filed its annual or quarterly statements with the NAIC, shall comply with this rule for the year ending December 31, 1995, and each year thereafter. The filing deadline for those statements not previously filed with the NAIC, shall be sixty days after becoming subject to such requirement. To enhance the intrastate and interstate surveillance of the insurer's financial condition earlier application is permitted.

(10) The commissioner may allow a reasonable extension of the time within which such electronic form shall be filed.

AMENDATORY SECTION (Amending Order R 93-7, filed 9/1/93, effective 10/2/93)

WAC 284-07-070 Statements to be filed in electronic form. (1) For the purpose of this section, the following definition shall apply: "Insurer" shall have the same meaning as set forth in RCW 48.01.050. It also includes health care service contractors registered under chapter 48.44 RCW and health maintenance organizations registered under chapter 48.46 RCW.

(2) Annual statements, quarterly statements, and other financial reports filed by an insurer with the commissioner or the National Association of Insurance Commissioners shall be filed in electronic form as well as on paper.

~~((2))~~ (3) Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, "electronic form" means, on a diskette.

~~((3))~~ (4) Until the commissioner otherwise directs by letter, bulletin, or otherwise, generally or as to one or more companies, companies that operate only in Washington need not comply with subsection ~~((4))~~ (2) of this section.

(5) An insurer who on December 31, 1995, was not subject to this rule or has not previously filed in electronic form to the commissioner or the NAIC, shall comply with this rule for the year ending December 31, 1995, and each year thereafter. The electronic form filing deadline for these insurers shall be sixty days after becoming subject to such requirement. To enhance the intrastate and interstate surveillance of the insurer's financial condition earlier filing is permitted.

(6) The requirement under this section applies to the extent that the NAIC has issued a diskette submission directive or has otherwise approved or prescribed an applicable diskette format for the particular class of insurer.

(7) The commissioner may allow a reasonable extension of the time within which such electronic form shall be filed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-44-345

Requirement to file annual statement—Form of annual statement—Requirement to file quarterly statements—Authority to require filing of monthly

financial statements—
Compliance with NAIC instructions required.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-46-060 Requirement to file annual statement—Form of annual statement—Requirement to file quarterly statements—Authority to require filing of monthly financial statements—Compliance with NAIC instructions required.

PROPOSED

WSR 96-05-001
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION
[Filed February 7, 1996, 3:27 p.m.]

Date of Adoption: January 23, 1996.

Purpose: Modify statutory references cited in rules to conform with chapter 42.17 RCW as amended by chapter 397, Laws of 1995.

Citation of Existing Rules Affected by this Order: WAC 390-05-200, 390-05-205, 390-13-010, 390-16-034, 390-16-037, 390-16-055, 390-16-310, 390-17-017, 390-17-030, 390-17-060, 390-17-065, 390-17-310, 390-17-315, 390-17-320, and 390-20-052.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 96-01-117 on December 20, 1995.

Changes Other than Editing from Proposed to Adopted Version: Renumbered subsections of WAC 390-20-052.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 15, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
February 1, 1996
Melissa Warheit
Executive Director

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93)

WAC 390-05-200 Definition—Candidates for public office—Time of filing. The following circumstances shall give rise to presumption that an individual is a "candidate" as that term is defined in RCW 42.17.020((5)) (8) ((and RCW 42.17.630(3))):

- (1) The existence of a political committee promoting the election of such individual for public office with the knowledge and consent of that individual; or
(2) A public declaration of candidacy by an individual even if the candidacy is conditioned on a future occurrence; or
(3) Meeting the requirements set forth in WAC 390-16-230 (1) or (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.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93)

WAC 390-05-205 Definition of term "consumable." For the purpose of RCW 42.17.020((10)) (14)(a)(iv) ((and RCW 42.17.630(5)(d))) the term "consumable" includes the amount paid for food, beverages, preparation, catering or entertainment cost furnished at the event.

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 83-01, filed 5/6/83)

WAC 390-13-010 Optional format for requests for lists of individuals. The use of a list of individuals obtained from an agency for commercial purposes is prohibited by RCW 42.17.260((5))(9). The commission finds that the term "commercial purposes" has been interpreted by different agencies in inconsistent ways resulting in confusion and a lack of uniform administration of that statute. Therefore, the following format is adopted by the commission and authorized for use by agencies, at their option, to bring uniformity to the administration of that statute.

(Name of Agency) PUBLIC RECORDS ACCESS
STATE OF WASHINGTON } AFFIDAVIT TO
COUNTY OF } ss. RELEASE PUBLIC RECORDS
(Name and Address)

having been duly sworn, deposes and says:

- 1. I have requested copies of the following public records:
2. I understand that Washington state law, RCW 42.17.260((5))(9), prohibits the use of lists of individuals for commercial purposes.
3. I understand that the use for commercial purposes of said records may also violate the rights of the individuals named therein and may subject me to liability for such commercial use.
4. I understand that section 2 or 3 herein apply when I use said records for commercial purposes and when others use said records or copies of same for commercial purposes. I understand that I may be liable in either case.
5. I understand that "commercial purposes" means that the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit expecting activity.
6. Therefore, I do hereby swear and affirm on oath and under penalty of law that I will not use said records for commercial purposes and that further, it is my affirmative duty to prevent others from using said records for commercial purposes.
7. I do further swear and affirm on oath and under penalty of law that I will protect and hold harmless, including the cost of defending, the agency and its agents and employees from which I have obtained said records from any

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and all claims arising either directly or indirectly from the commercial use of said records.

Signature

SUBSCRIBED AND SWORN to before me this day of ,
19 .

Notary Public in and for the state
of the State of Washington residing
at _____.

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 93-24-003, filed 11/18/93)

WAC 390-16-034 Additional reporting requirements. Pursuant to RCW 42.17.090 (1)((~~+~~))(k), each report required under RCW 42.17.080 (1) and (2) shall disclose, in addition to the name and address of each person who has made one or more contributions in the aggregate amount of one hundred dollars or more, the occupation and the name and address of the person's employer.

AMENDATORY SECTION (Amending Order 82-01, filed 2/4/82)

WAC 390-16-037 Purpose of campaign expenditures—Reporting. Any person required to report the "purpose" of an expenditure under RCW 42.17.090 (1)(f) and ((~~(k)~~)(viii))(l), or 42.17.100 ((~~(1)~~)(e)(ii)) (5)(b) shall (1) specifically identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure unless such candidate(s) or ballot proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW 42.17.040 (2)(f) and (g), and

(2) Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, specifically describe that agreement or understanding, and

(3) Specifically describe the goods and/or services to be provided by the recipient of the expenditure.

AMENDATORY SECTION (Amending WSR 89-20-068, filed 10/4/89)

WAC 390-16-055 Filing reports for nonreporting committees. (1) Each candidate or political committee receiving funds from a nonreporting committee as described in RCW 42.17.090 (1)((~~+~~))(l), shall determine whether such committee has complied with that subsection. If the nonreporting committee has not filed the required report the funds shall not be forfeited or reportable as having been received if they are returned to the nonreporting committee within three business days after receipt. Any retention or other action taken with such funds, if there is not a complete and timely report on file, shall result in the forfeiture of such

funds to the state of Washington and shall be deemed a violation of chapter 42.17 RCW.

(2) Any subsequent report by a nonreporting committee of its contributions which is required by RCW 42.17.090 (1)((~~+~~))(l) during the same calendar year may update its initial report by letter showing, in addition to its name and address, only reportable information which is new or changed since its last report.

AMENDATORY SECTION (Amending WSR 94-11-016, filed 5/5/94)

WAC 390-16-310 Limitations on contributions. The limitations on contributions as provided in RCW 42.17.-105(8) and RCW 42.17.640 shall be as follows:

(1)(a) The limitation on contributions in RCW 42.17.640 shall not apply to a "candidate" as that term is defined in RCW 42.17.020((~~(5)~~))(8) ((and 42.17.630(3))) when the candidate is contributing to his or her own campaign using his or her own personal funds as defined in WAC 390-17-305.

(b) The limitation on contributions in RCW 42.17.640 shall apply to contributions to the candidate from the candidate's spouse or other immediate family members.

(2) The limitations on contributions shall apply separately to the contributions made by each spouse.

(3) Emancipated minor children (children under 18 years of age) may make contributions which do not exceed the limitations on contributions and the contribution is properly attributed to the emancipated minor child if;

(a) The decision to contribute is made knowingly and voluntarily by the emancipated minor child;

(b) The funds, goods, or services contributed are owned or controlled exclusively by the emancipated minor child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(c) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another person.

Contributions by emancipated minor children which do not meet these requirements and contributions by unemancipated minor children shall be considered contributions by the child's parents. Fifty percent of the contributions will be attributed to each parent, or in the case of a single custodial parent, the total amount is attributed to the parent.

(4) Contributions from a business organized as a sole proprietorship and contributions from the owner of the sole proprietorship shall be aggregated for purposes of determining the limitations of contributions under to RCW 42.17.-105(8) and 42.17.640.

(5) The limitations on contributions shall apply separately to the contributions made by a partnership from the contributions made by an individual partner except that;

Contributions made from or charged against the capital account of an individual partner shall be aggregated with the partner's individual contributions for purposes of determining the limitations on contributions under RCW 42.17.105(8) and 42.17.640.

(6) The limitations on contributions shall apply separately to the contributions made by an entity (corporation,

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subsidiary or branch, national union and local unions, collective bargaining organizations and local units, membership organizations and local units and other organizations and their local units) pursuant to the standards set forth in WAC 390-16-309.

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 93-16-064, filed 7/30/93)

WAC 390-17-017 Facilities—Definition. "Facilities," as that term is used in RCW 42.17.~~((630(3)))~~020(8), means that which facilitates or makes some campaign activity possible, including but not limited to: use of stationary, postage, machines and equipment, use of employees of an entity during working hours, vehicles, office space, room or building, publications of an entity or client list of an entity.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93)

WAC 390-17-030 Sample ballots. (1) Sample ballot, as that term is used in RCW 42.17.~~((630(5)(b)(iv)))~~640(14)(a), means a printed list that includes a majority of all of the partisan offices on the ballot and that also may include ballot measures and nonpartisan races to be voted on at a particular primary, general or special election; all without promotion of or political advertising for specifically named individual candidates.

(2) A sample ballot shall not indicate the sponsor's preference for any specific candidate or candidates listed on the ballot.

(3) A sample ballot may contain a list of candidates, limited to the identification of the candidates (pictures may be used), the office or position currently held, the elective office sought and the party affiliation, as long as the same category of information is given for all candidates listed. The list shall not include additional biographical data on candidates, their positions on political issues or statements on party philosophy.

(4) A sample ballot which meets the above criteria is not considered a contribution to any of the candidates listed in the ballot.

AMENDATORY SECTION (Amending WSR 93-24-003, filed 11/18/93)

WAC 390-17-060 Exempt activities—Definitions, reporting. (1)(a) "Exempt contributions" are contributions made to a political committee which are earmarked for exempt activities as described in RCW 42.17.~~((630(5)(b)(iv) and (vi)))~~640(14)(a) and (b). Such contributions are required to be reported under RCW 42.17.090, are subject to the restrictions in RCW 42.17.105(8), but are not subject to the contribution limits in RCW 42.17.640. Any written solicitation for exempt contributions must be so designated. Suggested designations are "not for individual candidates" or "for exempt activities."

(b) Contributions made to a caucus of the state legislature, to a candidate or candidate's authorized committee

which are earmarked for voter registration, absentee ballot information, get-out-the-vote campaigns, sample ballots are presumed to be for the purpose of promoting individual candidates and are subject to the contribution limits in RCW 42.17.640.

(c) Contributions made to a caucus of the state legislature, to a candidate or candidate's authorized committee which are earmarked for internal organization expenditures or fundraising are presumed to be with direct association with individual candidates and are subject to the contribution limits in RCW 42.17.640.

(2) "Exempt Contributions Account" is the separate bank account into which only exempt contributions are deposited and out of which only expenditures for exempt activities shall be made.

(3) "Exempt Activities" are those activities described in RCW 42.17.~~((630(5)(b)))~~640(14), expenditures for which are exempt from the contribution limits of RCW 42.17.640. However, only those activities described in RCW 42.17.~~((630(5)(b)(iv) and (vi)))~~640(14) as further defined in subsection (4) and (5) of this rule are eligible for payment with exempt contributions.

(4)(a) If activities described in RCW 42.17.~~((630(5)(b)(iv)))~~640(14)(a) promote clearly identified candidate(s), the activities are a contribution to those candidate(s). Expenditures for these activities may not be made with exempt contributions. If more than one clearly identified candidate is promoted, the amount expended shall be allocated proportionally among those candidates. The amount expended for such activities shall be reported as a contribution to that candidate(s). Candidate(s) shall be notified in writing of the contribution within five (5) business days of the expenditure.

(b) A candidate is deemed to be clearly identified if: the name of the candidate is used; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

(c) An activity that benefits or opposes fewer than three (3) individual candidates shall be presumed to be for the purpose of promoting individual candidates whether or not they are clearly identified. Such an activity does not constitute a contribution to any candidate who is not clearly identified, but the activity shall not be paid with exempt funds.

(5)(a) "Internal Organization Expenditures" described in RCW 42.17.~~((630(5)(b)(vi)))~~640(14)(b) are expenditures for organization purposes, including legal and accounting services, rental and purchase of equipment and office space, utilities and telephones, postage and printing of newsletters for the organization's members or contributors or staff when engaged in organizational activities such as those previously listed, all without direct association with individual candidates.

(b) "Fundraising Expenditures" described in RCW 42.17.~~((630(5)(b)(vi)))~~640(14)(b) are expenditures for fundraising purposes, including: facilities for fundraisers, consumables furnished at the event and the cost of holding social events and party conventions, all without direct association with individual candidates.

(c) If expenditures made pursuant to subsections (a) and (b) above are made in direct association with individual candidates, they shall not be paid with exempt contributions.

(6) For purposes of RCW 42.17.~~((630-5)(b)(iv))~~640 (14)(a) and this section, activities that oppose one or more clearly identified candidates are presumed to promote the opponent(s) of the candidate(s) opposed.

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 93-24-003, filed 11/18/93)

WAC 390-17-065 Record keeping and reporting of exempt contributions accounts. (1) Any political committee that receives exempt contributions as defined by RCW 42.17.~~((630-5)(b)(iv) or (vi))~~640 (14)(a) or (b) and WAC 390-17-060 shall keep the contributions in a separate bank account. Exempt contributions commingled with contributions subject to contribution limits are presumed to be subject to the limits. Expenditures to promote candidates or which are made for purposes other than those specified in RCW 42.17.~~((630-5)(b)(iv) or (vi))~~640 (14)(a) or (b) shall not be made with funds from the exempt contributions account.

(2)(a) Separate campaign disclosure reports shall be completed and filed for an exempt contributions account.

(b) Political committees maintaining an exempt contributions account shall make known the existence of the account by filing a statement of organization for the account pursuant to RCW 42.17.040.

(c) Political committees maintaining an exempt contributions account shall be subject to the provisions of chapter 42.17 RCW and file the disclosure reports required by this chapter for the account pursuant to RCW 42.17.080.

(3) Contributors shall not use a single written instrument to make simultaneous contributions to an exempt contributions account and any other committee account; separate written instruments must be used to make contributions to an exempt contributions account.

AMENDATORY SECTION (Amending WSR 93-16-064, filed 7/30/93)

WAC 390-17-310 Doing business in Washington. (1) A corporation or business entity is "doing business in Washington state" for purposes of RCW 42.17.640~~((40))~~(11) if it conducts continuous and substantial activities in Washington state of such character as to give rise to a legal obligation. Such things as registering as a foreign corporation in Washington, operating business locations in Washington, hiring employees to work in Washington or purchasing supplies or services from other businesses in Washington may be considered in determining whether a corporation or business entity is doing business in Washington state.

(2) Prior to making contributions reportable under RCW 42.17, a corporation or business entity shall appoint an agent for service of process in Washington state.

AMENDATORY SECTION (Amending WSR 94-07-141, filed 3/23/94)

WAC 390-17-315 Political committees—Qualifications to contribute. In order to make contributions as permitted by RCW 42.17.640~~((40))~~(11), a political committee shall, within 180 days prior to making the contribution, have received contributions of \$10 or more from at least ten individuals registered to vote in Washington state at the time they contributed to the political committee. Upon written request of the commission or other person seeking this information, the political committee shall provide within 14 days a list of these ten individuals, identified by name, address, amount of contribution and date contribution was received.

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

AMENDATORY SECTION (Amending WSR 94-11-016, filed 5/5/94)

WAC 390-17-320 Contributions from corporations, businesses, unions and political committees. Pursuant to RCW 42.17.640~~((40))~~(11), entities prohibited from contributing to a candidate for state office, a state official against whom recall charges have been filed or a political committee having the expectation of making expenditures in support of the recall of the official shall not earmark or otherwise direct a contribution to one of these recipients through a political committee.

AMENDATORY SECTION (Amending WSR 94-11-016, filed 5/5/94)

WAC 390-20-052 Application of RCW 42.17.190—Reports of agency lobbying. Pursuant to the authority granted in RCW 42.17.190(8), the commission adopts the following interpretations regarding the reporting of lobbying by public agencies pursuant to RCW 42.17.190:

(1) The phrase "in-person lobbying" contained in RCW 42.17.190 (5)(d)(v)(B) includes activity which is intended to influence the passage or defeat of legislation, such as testifying at public hearings, but does not include activity which is not intended to influence legislation, such as attending a hearing merely to monitor or observe testimony and debate.

(2) The phrase "a legislative request" contained in RCW 42.17.190 (5)(d)(ii) includes an oral request from a member of the legislature or its staff.

(3) ~~((Pursuant to RCW 42.17.190(6), certain local agencies may elect to have lobbying activity on their behalf reported by their elected officials, officers and employees in the same manner as lobbyists who register and report under RCW 42.17.150 and 42.17.170:))~~

(a) When any subagency (i.e. department, bureau, board, commission or agency) within a state agency, county, city, town, municipal corporation, quasi-municipal corporation or special purpose district (i.e. primary agency) has independent authority to expend public funds for lobbying, that subagency may file a separate L-5 reporting the information required by RCW 42.17.190(5).

(b) When a subagency elects to file its own, separate L-5, it shall notify the commission and the administrative head of the primary agency of its intentions in writing. The primary agency shall not thereafter include information for the subagency in its L-5, and shall have no legal obligation for the filings of the subagency.

(4) Pursuant to RCW 42.17.190(6), certain local agencies may elect to have lobbying activity on their behalf reported by their elected officials, officers and employees in the same manner as lobbyists who register and report under RCW 42.17.150 and 170:

(a) (((e))) Whenever such a local agency makes such an election, it shall provide the commission with a written notice.

(b) (((d))) After such an election, those who lobby on behalf of such local agency shall register and report all lobbying activity reportable under RCW 42.17.190(5) in the same manner as lobbyists who are required to register and report under RCW 42.17.150 and 42.17.170. Such a local agency shall report pursuant to RCW 42.17.180.

(c) (((e))) In order to terminate such an election, such a local agency shall provide the commission with a written notice and it shall report pursuant to RCW 42.17.190(5) thereafter.

(d) (((f))) The exemptions from reportable lobbying activity contained in RCW 42.17.190 (5)(d) apply to all agencies, whether or not they have exercised the election to report in the same manner as lobbyists who report under RCW 42.17.150, 42.17.170 and 42.17.180. The exemptions contained in RCW 42.17.160 (1), ~~(((3) and))~~ (4) and (5) do not apply to any agency.

(((4))) (5) Unless an agency has elected to report its lobbying pursuant to RCW 42.17.190(6) and subsection (3) of this section, an agency shall include the reportable lobbying activity on its behalf by an elected official in its quarterly report. Such an elected official does not file any separate report of that activity.

(((5))) (6) Reportable in-person lobbying by elected officials, officers and employees:

(a) An elected official does not engage in reportable in-person lobbying on behalf of this agency unless and until that elected official has expended in excess of fifteen dollars of nonpublic funds in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington during any three-month period as provided in RCW 42.17.190 (5)(d)(v)(B).

(b) Other officers and employees do not engage in reportable in-person lobbying on behalf of their agency unless and until they have, in the aggregate, expended in excess of fifteen dollars of nonpublic funds in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington or they have, in the aggregate, engaged in such lobbying for more than four days or parts thereof during any three month period as provided in RCW 42.17.190 (5)(d)(v)(B).

(c) When limits in (a) or (b) of this subsection have been exceeded, the agency shall report such elected official, officer, or employee as a "person who lobbied this quarter" on the front of PDC Form L-5 and include a listing of those excess expenditures as noted on that form.

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

WSR 96-05-002
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed February 8, 1996, 8:03 a.m.]

Date of Adoption: February 8, 1996.

Purpose: These rules set forth the processes to be used by both the department and the counties in establishing the indicated real and personal property ratios for purposes of state valued property and the state property tax levy.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-53-040, 458-53-051, 458-53-110, 458-53-120, 458-53-141, 458-53-142, 458-53-150, 458-53-163, 458-53-165 and 458-53-180; and amending WAC 458-53-010, 458-53-020, 458-53-030, 458-53-050, 458-53-070, 458-53-080, 458-53-090, 458-53-100, 458-53-130, 458-53-140, 458-53-160, 458-53-200 and 458-53-210; and WAC 458-53-095 Property values used in the ratio study, 458-53-105 Review procedures for county studies, and 458-53-135 Indicated real property ratio—Computation.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.48.075.

Adopted under notice filed as WSR 95-16-034, 95-16-035 and 95-16-036 on July 21, 1995.

Changes Other than Editing from Proposed to Adopted Version: Changed WAC 458-53-020(20), 458-53-070(2), and 458-53-080 (1) and (2) 20, as a result of testimony received, back to the way the rule formerly read regarding the time period for the sales study. The proposed rules had referred to a ten-month time period from August 1 through May 31. The adopted rule refers to an eight-month time period from August 1 through March 31.

Added references to land use codes in WAC 458-53-030 (3)(a)(ii), 458-53-100 (2)(f) and (3), and 458-53-105 (2)(b). These references were inadvertently left out of the proposed rules, but are needed to make the rules clear and understandable when read in their entirety.

Deleted the word "valid" in two places in WAC 458-53-070(4) and added the word "one" after "sales meeting either" in the same subsection. These changes merely clarify the rule; no change in meaning is intended.

Added the same requirements for an "invalid sales report" as those for a "valid sales report" as described in WAC 458-53-100(4).

Added wording to WAC 458-53-100(5) that requires sales reports involving new construction to be submitted as soon as possible after August 31.

Added wording to WAC 458-53-130(3) that requires sales reports involving new construction to be submitted as soon as possible after August 31.

In WAC 458-53-140(1), added wording to clarify that personal property accounts selected from the preceding year's assessment rolls will use the value as of January 1 of the preceding year. Also, added wording to WAC 458-53-140 (2)(a)(iii) to require the county to provide the department with the actual number of samples.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, amended 13, repealed 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 13, repealed 10.

Number of Sections Adopted using Negotiated Rule Making: New 3, amended 13, repealed 10; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 8, 1996
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-010 Declaration of purpose. This chapter is promulgated by the department of revenue in compliance with RCW 84.48.075 to describe procedures for determination of indicated ratios of real and personal property for each county, so as to accomplish the equalization of property values required by RCW 84.12.350, 84.16.110, 84.48.080 and 84.52.065. The procedures (~~described~~) in this chapter (~~for~~) describing the department's annual ratio study are designed to ensure uniformity and equity in property taxation throughout the state to the maximum extent possible.

AMENDATORY SECTION (Amending Order PT 89-5, filed 4/12/89)

WAC 458-53-020 Definitions. Unless the context clearly requires otherwise, the following definitions apply throughout this chapter:

(1) "Account" means a listing of personal property as shown on the county assessment record.

(2) "Advisory value((s))" means ((the true and fair value)) a valuation determination((s)) by the department ((appraisers or auditors)), made at the request of ((the)) a county assessor.

~~(((2)))~~ (3) "Appraisal" means the determination of the ((true and fair)) market value of real property ((by department appraisers or county appraisers certified under RCW 36.21.015)), or for real property classified under chapter 84.34 RCW, the determination of the current use value.

~~(((3)))~~ (4) "Assessed value" means the value of real or personal property determined by an assessor.

(5) "Audit" means the determination of ((true and fair)) the market value of ((taxable)) personal property ((through examination of the records of the property owner by department auditors or county auditors of the assessor's staff who are qualified by training and experience in making such examinations)).

~~(((4)))~~ (6) "Average assessed value" is the total ((county)) assessed value of a sample ((grouping or classification))

group of real or personal property divided by the number of properties in the sample group.

~~(((5)))~~ (7) "Average ((true and fair)) personal property market value" is the total value of a sample ((grouping or classification)) group as determined from personal property audits divided by the number of audits in the sample group.

~~(((6)))~~ (8) "Average real property market value" is the total sales price, less one percent, of a sample ((grouping or classification)) group of real property divided by the number of properties in the sample group, or the total appraised value of a sample ((grouping or classification)) group of real property divided by the number of appraisals in the same group.

~~(((7)))~~ (9) "Department" means the department of revenue.

~~(((8)) "Director" means the director of revenue.~~

~~(((9)))~~ (10) "Land Use Code" ((as designated by the department)) means the identification of each real property parcel by numerical digits as representations of the ((actual)) major use of the property. ((This)) The Land Use Code is derived from the Standard Land Use Coding Manual as prepared by the Federal Bureau of Public Roads and includes use classifications specified by state law.

~~(((10)))~~ (11) "Market value" means the amount of money a buyer of property willing but not obligated to buy would pay a seller of property willing but not obligated to sell, taking into consideration all uses to which the property is adapted and might in reason be applied. True and fair value is the same as market value or fair market value.

(12) "Personal property" ((for the purpose of the ratio rules)) means ((the items of personal property as identified on the county assessment roll, and it shall include)) all taxable personal property required by law to be reported by ((the)) a taxpayer ((under RCW 84.40.185, but excluding property owned by and assessed to another taxpayer)).

~~(((11)))~~ (13) "Ratio" is the percentage relationship of the assessed value of real or personal property ((assessed value)) to the ((true and fair)) market value of real or personal property ((as determined by real property sales, by department appraisals, or by department approved county appraisals; or the percentage relationship of personal property assessed value to the true and fair value of personal property as determined from department audits or from department approved county audits)).

~~(((12)))~~ (14) "Ratio study" is the department's annual comparison of the relationship between the county assessed values of real and personal property with the ((true and fair)) market value of that property as determined by the department's analysis of sales, appraisals, and/or audits or the comparison of the relationship between the county assessed values of real property classified under chapter 84.34 RCW (current use) with the current use value of that property as determined by the department.

(15) "Real property" means all parcels of taxable real property as shown on the county assessment record.

~~(((13)))~~ (16) "Sales study" is the comparison of the assessed value of real property with the selling price of the same property.

~~(((14)))~~ (17) "Strata" refer to classes of property grouped by assessed value and/or use categories.

(18) "Stratification" means the grouping of the real or personal property assessment records into specific assessed

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value ((classes)) and/or use ((code classes)) categories for ((measurement)) ratio sampling and calculation purposes.

((15)) (19) "Stratum" refers to a ((single class)) grouping of property with a given range of assessed values and/or having the same use ((code)) category.

((16)) "Strata" refer to classes of property grouped by assessed value and/or use codes.

(17) "Taxable real property parcels" means all real property parcels shown as subject to taxation on the county assessment record.

(18) "Trending" consists of adjusting the sales price of a property or the appraisal value from the time of sale or appraisal to a specific point in time which is the January 1 assessment date of the study. Trending will be for time only and developed from market data only.

(19) "True and fair value" means market value and has the same meaning as defined by WAC 458-12-300. (20) "Valid sale(s)" means a sale of real property that occurs between August 1 preceding January of the current assessment year and March 31 of the current assessment year, and the transfer document is a warranty deed or real estate contract, and the sale is not a type listed in WAC 458-53-080(2).

AMENDATORY SECTION (Amending WSR 91-01-008, filed 12/6/90, effective 1/6/91)

WAC 458-53-030 Stratification of assessment rolls—Real property. (1) ((The stratification process is the grouping of data into meaningful classifications for informational or analytical purposes. Stratification is used in determining the number of appraisals or audits needed for ratio study purposes and also is used in actual ratio computation. The latest available official county assessment roll values are used in ratio study stratification procedures.

Assessed valuation presently forms the basis for stratification of assessment rolls and is used because the nature of most assessors' records provides a state wide uniformity for this characteristic. Also, the values in this classification generally are indicative of property types. By not later than the 1982 assessment year a land use classification system will replace the value stratification as assessors' records uniformly reflect properties according to their use.)) **Stratification—Uses for ratio study.** The stratification process is the grouping of real property within each county into homogeneous classifications based upon certain criteria in order to obtain representative samples. Stratification is used in determining the number of appraisals to be included in the ratio study and also for ratio calculation. The county's most current certified assessment rolls are used for stratification. Counties shall stratify rolls using a land use code stratification system as prescribed by the department. (See RCW 36.21.100.)

(2) **Stratification—Parcel count and total value—Exclusions.** The stratification of the real property assessment rolls ((will)) shall include a parcel count and a total value of the taxable real property parcels ((less)) in each stratum excluding the following:

- (a) Classified and designated forest lands((-)) and timberland classified under chapter 84.34 RCW (see RCW 84.34.060);
- (b) State-owned game lands as defined in RCW 77.12.203(2);
- (c) Current use properties in those counties where a separate study is conducted pursuant to WAC ((458-53-110(4);)) 458-53-095(3); and
- (d) State assessed properties.

(3) **Stratification—By county.** For the real property ratio study, the assessment roll ((will)) shall be stratified for individual counties according to ((the following assessed value strata, including an upper limit stratum containing a representative number of parcels.

\$ 0	\$ 19,999
20,000	39,999
40,000	59,999
60,000	99,999
100,000	199,999
200,000	and over

Upper value strata:

\$ 40,000 and over	Columbia, Ferry, Garfield, Pend Oreille, Wahkiakum.
\$ 60,000 and over	Asotin, Klickitat, Lincoln, Pacific, Skamania.
\$ 100,000 and over	Adams, Douglas, Kittitas, Mason, Okanogan, Stevens, Whitman.
\$ 200,000 and over	Benton, Chelan, Clallam, Cowlitz, Franklin, Grant, Grays Harbor, Island, Jefferson, Lewis, San Juan, Skagit, Thurston, Walla Walla.

The strata listed below will apply to those counties indicated.

\$ 0	\$ 19,999
20,000	39,999
40,000	59,999
60,000	99,999
100,000	199,999
300,000	and over

Clark, Kitsap, Whatcom, Yakima

\$ 0	\$ 19,999
20,000	39,999
40,000	59,999
60,000	99,999
100,000	199,999
200,000	999,999
1,000,000	and over

King, Pierce, Snohomish, Spokane

(3) In counties with the ability to stratify by land use classification under standards set by the department, the assessed value strata will be \$0 and over for each type of property summarized in WAC 458-53-050, excluding forest lands, current use properties and state assessed properties.

(4) The stratification process will be performed by the department or by the county with data processing capability adequate to meet the standards as provided by the department.

(5) A count of taxable real property parcels, less forest lands, current use properties in those counties where a separate study is conducted pursuant to WAC 458-53-110(4), and state assessed properties, in each value stratification is necessary for computation of the county ratio. Multiplying an average sample sales value, an average sample appraisal value, or an average assessed value by the number of taxable parcels in the county produces an estimated total market value or total estimated assessed value used in ratio computation.

(6) In the stratification of county taxable real property parcels to be used in the ratio study, the count of these

~~parcels shall exclude designated and classified timber or forest lands, open space (current use) lands and improvements in those counties where a separate study is conducted pursuant to WAC 458-53-110(4). These are deleted from use in the sales study and will be considered separately and included in ratio determinations after computations of sales data have been completed.)~~ land use categories and substratified by value classes as determined by the department. Stratification shall be reviewed at least every other year by the department to determine if changes need to be made to improve sampling criteria. After the strata have been determined, the department shall notify the counties of the strata limits and each county shall provide the department with the following, taken from the county's assessment rolls:

(a) A representative number of samples, as determined by the department, in each stratum, together with:

(i) The name and address of the taxpayer for each sample;

(ii) The land use code for each sample;

(iii) The assessed value for each sample; and

(iv) The actual number of samples;

(b) The total number of real property parcels in each stratum; and

(c) The total assessed value in each stratum.

(4) Counties to provide information timely. The stratification information described in subsection (3) of this section shall be provided by the counties to the department in a timely manner to enable the department to certify the preliminary ratios in accordance with WAC 458-53-200(1). Failure to provide the information in a timely manner will result in the department using its best estimate of stratum values to calculate the real property ratio.

(5) Standard two digit land use code. The following two digit land use code shall be used as the standard to identify the actual use of the land. Counties may elect to use a more detailed land use code system using additional digits, however, no county land use code system may use fewer than the standard two digits.

RESIDENTIAL

- 11 Household, single family units
- 12 Household, 2-4 units
- 13 Household, multi-units (5 or more)
- 14 Residential hotels - condominiums
- 15 Mobile home parks or courts
- 16 Hotels/motels
- 17 Institutional lodging
- 18 All other residential not elsewhere coded
- 19 Vacation and cabin

MANUFACTURING

- 21 Food and kindred products
- 22 Textile mill products
- 23 Apparel and other finished products made from fabrics, leather, and similar materials
- 24 Lumber and wood products (except furniture)
- 25 Furniture and fixtures
- 26 Paper and allied products
- 27 Printing and publishing
- 28 Chemicals
- 29 Petroleum refining and related industries

- 30 Rubber and miscellaneous plastic products
- 31 Leather and leather products
- 32 Stone, clay and glass products
- 33 Primary metal industries
- 34 Fabricated metal products
- 35 Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks-manufacturing
- 36 Not presently assigned
- 37 Not presently assigned
- 38 Not presently assigned
- 39 Miscellaneous manufacturing

TRANSPORTATION, COMMUNICATION, AND UTILITIES

- 41 Railroad/transit transportation
- 42 Motor vehicle transportation
- 43 Aircraft transportation
- 44 Marine craft transportation
- 45 Highway and street right of way
- 46 Automobile parking
- 47 Communication
- 48 Utilities
- 49 Other transportation, communication, and utilities not classified elsewhere

TRADE

- 51 Wholesale trade
- 52 Retail trade - building materials, hardware, and farm equipment
- 53 Retail trade - general merchandise
- 54 Retail trade - food
- 55 Retail trade - automotive, marine craft, aircraft, and accessories
- 56 Retail trade - apparel and accessories
- 57 Retail trade - furniture, home furnishings and equipment
- 58 Retail trade - eating and drinking
- 59 Other retail trade

SERVICES

- 61 Finance, insurance, and real estate services
- 62 Personal services
- 63 Business services
- 64 Repair services
- 65 Professional services
- 66 Contract construction services
- 67 Governmental services
- 68 Educational services
- 69 Miscellaneous services

CULTURAL, ENTERTAINMENT AND RECREATIONAL

- 71 Cultural activities and nature exhibitions
- 72 Public assembly
- 73 Amusements
- 74 Recreational activities
- 75 Resorts and group camps
- 76 Parks
- 77 Not presently assigned
- 78 Not presently assigned
- 79 Other cultural, entertainment, and recreational

RESOURCE PRODUCTION AND EXTRACTION

- 81 Agriculture (not classified under current use law)

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- 82 Agriculture related activities
- 83 Agriculture classified under current use chapter 84.34 RCW
- 84 Fishing activities and related services
- 85 Mining activities and related services
- 86 Not presently assigned
- 87 Classified forest land chapter 84.33 RCW
- 88 Designated forest land chapter 84.33 RCW
- 89 Other resource production

UNDEVELOPED LAND AND WATER AREAS

- 91 Undeveloped land
- 92 Noncommercial forest
- 93 Water areas
- 94 Open space land classified under chapter 84.34 RCW
- 95 Timberland classified under chapter 84.34 RCW
- 96 Not presently assigned
- 97 Not presently assigned
- 98 Not presently assigned
- 99 Other undeveloped land

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-050 Land use ((Code--)) stratification, sales summary and abstract report. Stratification of the assessment rolls ((and)), the annual sales summary, and the abstract report to the department for real property will be ((made)) based on the following abstract categories:

Abstract Category	Land Use Code
1. Single family residence	11, 18, 19
2. Multiple family residence	12, 13, 14
3. Manufacturing	21 through 39
4. Commercial	15, 16, 17, 41-49, 51-59, 61-69, 71-79
5. Agricultural	81
6. Agricultural (current use law)	83
7. Forest lands (chapter 84.33 RCW)	87, 88
8. ((Reforestation (chapter 84.28 RCW) ---	86
9.)) Open space (current use law)	94
((4+)) 9. Timberland (current use law)	95
((++)) 10. Other	82, 84, 85, 89, 91, 92, 93, 96-99

AMENDATORY SECTION (Amending Order PT 89-5, filed 4/12/89)

WAC 458-53-070 Real property sales studies. (1) ((Real property sales data obtained from the real estate excise tax sales affidavits will form the basis of the sales study in each county. Validation of these sales as arms-length transactions will follow department criteria as provided in WAC 458-53-080.

(2) ~~The department's sales study will be used as the basis for the real property ratios. In addition, the department will supplement the sales study results with appraisals in any assessed value stratum or Land Use Code classification where sales are judged to be insufficient to represent all properties in that stratum or land use class according to criteria set out in these rules.~~

(3) ~~One percent will be deducted from the sales price shown on the affidavit on all valid real property sales as an adjustment for values transferred that are not assessable as real property.~~

~~(4) Sales not deemed representative for use in the study, as defined by the deletion list in WAC 458-53-080 will be eliminated from consideration in ratio computation. Sales used in the study will include only those which occurred over an eight month period between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.~~

~~(5) Individual valid sales having a resultant assessment sales ratio under twenty five percent or over one hundred seventy five percent shall be excluded from consideration in the study. Provided, That this subsection shall not apply if the number of sales meeting this criteria exceeds ten percent of the total number of sales that would be used in the study subject to the provisions of this subsection. Provided further, That this subsection shall not apply to any type of property not properly valued and subject to the provisions of WAC 458-53-165.)) Sales study data. The basis of the real property ratio study is data obtained from real estate excise tax affidavits from each county. The department will supplement the sales study with appraisals when it is determined that the sales are insufficient to represent the level of assessment. The appraisals will be selected according to criteria set forth in WAC 458-53-130.~~

~~(2) Time period for data used. The sales study will only use sales occurring in the eight-month period between August 1 preceding January of the current assessment year and March 31 of the current assessment year.~~

~~(3) Deduction from sale price. One percent will be deducted from the sale price shown on all valid real estate excise tax affidavits as an adjustment for values transferred that are not assessable as real property.~~

~~(4) Sales not included in the study--Assessment rolls using other than market value--New construction. Individual sales that show a sale price to assessed value ratio of under twenty-five percent, or over one hundred seventy-five percent shall be excluded from consideration in the study. However, if the number of individual sales meeting either one of these criteria exceeds five percent of the total number of valid sales for a county, then these sales shall be considered in the study.~~

~~(a) The exclusion of valid sales in accordance with this subsection shall not apply in situations where other than market value of a particular type of property is being listed on the assessment rolls of the county, as disclosed in any examination by the department. If other than market value is being listed on the assessment rolls for a particular type of real or personal property and, after notification by the department, is not corrected, the department shall adjust the ratio of that type of property, which adjustment shall be used in determining the county's indicated personal or real property ratio. When a particular type of property is found to be at other than market value, that type of property shall be separated from the other properties in the computation of the ratio. The department shall compile the total assessed value and total market value for that type of property, and it shall be included in the ratio as provided in WAC 458-53-135(3) and 458-53-160(3).~~

~~(b) The exclusion of valid sales in accordance with this subsection shall not apply to sales of property on which there is new construction value that has not yet been placed on the county assessment roll.~~

AMENDATORY SECTION (Amending Order PT 84-2, filed 6/29/84)

WAC 458-53-080 Real property sales sample((s)) selection. (1) ~~((The starting point for the sales studies will be a sampling of the real estate excise tax sales affidavits each month. Samples used in a current study will be sales during the last five months of the calendar year immediately preceding the current study assessment year and the first three months of the study assessment year.~~

~~A sampling plan will be developed by the department of revenue each year based on each county's previous year sales volume. The sampling will be conducted considering sales transferring via warranty deed or contract instruments as initially subject for inclusion in the study. All sales represented by other instruments such as tax deeds, quitclaim deeds, etc., will be excluded from consideration. Sales of timber and current use lands classified under chapters 84.28, 84.33 and 84.34 RCW will also be excluded from consideration. There are numerous reasons why a warranty deed or contract sale may also be excluded from the study. Conditions such as a sale between relatives, a forced sale or a sale to a nonprofit organization, for example, are sufficient to mark these transactions as being other than "arms length" and therefore, not a valid indicator of full "true and fair" value. A listing of such reasons and other conditions that will cause a sale to be excluded are shown on the deletion list contained in subsection (2) of this section.)) **Sales included.** Except as provided in subsection (2) of this section, the sales study shall consider all transactions involving a warranty deed or a real estate contract that occurred during the eight-month period described in WAC 458-53-070(2). Sales of mobile homes shall also be included in the real property ratio study when the mobile home meets the definition of real property as defined in RCW 84.04.090. In the case of a county generated sales study (see WAC 458-53-100), the county may use a representative sample of all such transactions with the prior written approval of the department.~~

(2) Sales excluded. Sales or transfers of real property involving instruments other than a warranty deed or real estate contract shall not be considered in the sales study. The following types of sales transactions are examples of sales to be excluded from the sales ~~((studies))~~ study, regardless of the type of sale instrument used. ~~((Deviations))~~ Differences from the numerical coding designations set forth in this example may be used ~~((as agreed to))~~ by individual counties ~~((and the))~~ with prior approval from the department.

NUMERICAL

CODE	TYPE OF TRANSACTION
1	Family - a sale between relatives.
2	Transfers within a corporation by its affiliates or subsidiaries.
3	Administrator, guardian or executor of an estate.
4	Receiver or trustee in bankruptcy or equity.
5	Sheriff or bailee.
6	Tax deed.
7	Properties exempt from taxation (nonprofit, government, etc.).

- 8 Individual sales with assessment-to-sales ratios of less than twenty-five percent or greater than one hundred seventy-five percent except as provided in WAC ~~((458-53-100(4), 458-53-070(5) and 458-53-165))~~ 458-53-070.
- 9 Quitclaim deed.
- 10 Gift deed((s)); love and affection deed.
- 11 Seller's or purchaser's assignment of contract or deed - transfer of interest.
- 12 Correction deed.
- 13 Trade - exchange of property between same parties.
- 14 Deeds involving partial interest in property, such as one-third or one-half interest. (If transfer involves total interest i.e., one hundred percent of the property, sale is valid.)
- 15 Forced sales - transfers in lieu of imminent foreclosure, condemnation or liquidation.
- 16 Easement or right of way.
- 17 Deed in fulfillment of contract (on a current transaction, a contract with a fulfillment deed is a valid sale).
- 18 Property physically improved after sale.
- 19 Timber or forest land.
- 20 ~~((Platted within last year, bare lots only--))~~ Bare lots platted within the eight-month time period described in WAC 458-53-070(2), with less than twenty percent sold.
- 21 Plottage - ~~((where an adjoining property is sold at a price significantly different than for property of a similar type when a larger unit is being assembled))~~ when a larger unit of land is being assembled and an adjoining property is sold at a price significantly different from the price of property of a similar type.
- 22 \$1,000 sale or under.
- 23 Lease - assignment, option, leasehold.
- 24 ~~((Designated open space--))~~ Classified as "current use" under chapter 84.34 RCW as of date of sale((s)).
- 25 Change of use where rezoning takes place.
- 26 Current year segregations that have not been appraised.
- 27 Other - necessary to identify reason~~((, i.e., inclusion of personal property not separately identified, liquor license, etc))~~.

AMENDATORY SECTION (Amending Order PT 84-2, filed 6/29/84)

WAC 458-53-090 ((Sales samples—Assessed valuation.)) Department generated sales studies. (1) ~~((After the sampling of sales has been completed in Olympia, the assessed valuations of the properties remaining in the sample will be obtained by the department's sales analysts from official records retained by county officials. The assessed valuation total recorded will be the official figure as of January 1, the current ratio year assessment date. At this point, attention also will be given to factors which would indicate that a particular transaction is not suitable for inclusion in the study and any other factors which can be ascertained at this time are used to analyze whether sales~~

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may be deleted from the study as not being an indicator of full "true and fair" value.

The relationship of the assessed value for a real property parcel to a corresponding valid sale of this property within the time period established for the annual ratio sales study indicates the individual ratio for the property. The stratum averages for all such valid sales values and related assessed values in a county, when multiplied by the number of listings in the strata, determine the established real property totals on which the indicated real property ratio is based.

(2) In counties for which the department conducts the sales analysis and ratio studies a sales prelist will be provided to each assessor. These prelists will identify valid sale properties to be used in computation of each county's real property ratio. Department personnel will review these prelists with assessors or their staffs to verify the validity of the sale properties identified and the values indicated.

Properties designated in the department approved county revaluation plan relative to the current ratio study year, and properties on which new construction may be completed during a ratio study year, will be included in that year's ratio study. For these properties the available current county assessed valuation will be used. Assessors have until August 31st of each assessment year to place new construction values on such properties and these values in a corresponding ratio study are included after the close of the assessors' rolls on May 31st.

(3) Certain properties have limited exemptions in assessed value granted by law to persons owning those properties (senior citizens exemptions). In computing a ratio relative to the sale of such property, the full assessed value for the property, before exemption, must be used to determine a proper assessment to sales relationship.

(4) Average sample real property assessed values and true and fair values for each value or land use stratum in a county will be derived from sales and appraisal study results. These average values, as provided in WAC 458-53-150, will aid in determining the county real property indicated ratio.) Department to gather data for certain counties. For those counties that are unable to provide the department with a computer generated sales study in accordance with the provisions of WAC 458-53-100, the department will gather the data necessary for the ratio sales study.

(2) Assessed value. The assessed value attributed to those sales used in the ratio study will be the assessed value on the county assessment roll for the current assessment year. The assessed value attributed to those sales of property used in the ratio study on which there is new construction value that has not yet been placed on the county assessment roll will be the assessed value on the assessment roll for the current assessment year.

(3) Sales prelist. After the sales data has been gathered, the department shall provide a sales prelist to the assessor of each county for which the department is gathering data. The prelist will identify valid sale properties to be used in the sales study. The department will subsequently review the prelist with the assessor or the assessor's staff to verify the validity of the sales and the values indicated.

NEW SECTION

WAC 458-53-095 Property values used in the ratio study. The following property values shall be included in the ratio study:

(1) **Assessed values.** Values determined by county assessors according to the provisions of chapters 84.40 RCW (Listing of property) and 84.41 RCW (Revaluation of property).

(2) **Forest land values.** Values of forest land classified or designated under chapter 84.33 RCW and values of timberland classified under chapter 84.34 RCW.

(3) **Current use values.** Values of land (except timber land) and improvements classified under chapter 84.34 RCW (current use assessment). Values of land (except timber land) and improvements classified under chapter 84.34 RCW shall be included as a separate class for counties when those values equal or exceed fifteen percent of the total assessed value of locally assessed real property in the county.

(4) **Advisory values.** Advisory values supplied to the assessor by the department, but only if the property falls within the sales study provided for in WAC 458-53-070 or 458-53-100 or is selected in the appraisal or audit study in accordance with WAC 458-53-130 and 458-53-140.

AMENDATORY SECTION (Amending Order PT 89-5, filed 4/12/89)

WAC 458-53-100 ((Use of)) County generated sales studies. (1) ((If agreed upon by the department and the assessor, the department will use a county sales study, providing it is made according to the standards specified in these rules. Any such agreement shall provide that counties generating their own sales studies will use all or an agreed upon percentage of sales validated by department standards, and that the county shall furnish the department with data from sales deemed invalid as well as those deemed valid and give the reason for deeming invalid any particular sale. All such county studies shall be subject to department audit.

(2) The county generated sales study will include the following:

(a) All agreed to real property transactions occurring in a county shall be used in the study and shall be for a period of eight consecutive months. Sales transactions used will include only those which occur between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

(b) Sales of properties identified on the published department of revenue deletion list (WAC 458-53-080) will be removed from the sales analysis study and separately will be produced on a data processing machine listing. This listing will display for each deleted sale an appropriate parcel identification, the sales price, the assessed value, and a numerical code or narrative designation of the reason for deletion of the property from the study. The numerical code used shall coincide with the department of revenue published deletion list (WAC 458-53-080) unless an agreement has been made with the department to use another code. Any numerical code 27 (miscellaneous) shall be accompanied by a narrative reason for deletion.

(c) Sales remaining in the sales analysis study will be stratified and printed by assessed value strata. Necessary data for each sale property remaining in the study will be:

(i) ~~Excise tax sales affidavit number, parcel number, or other file identification number.~~

(ii) ~~The sales price of the transaction, lowered one percent to ninety nine percent of its original value.~~

(iii) ~~The current assessed value on the assessors' rolls for the property described on the sales affidavit.~~

(iv) ~~A computed ratio based on the percent that the assessed valuation is to the adjusted sales price figure.~~

(3) ~~As soon as practicable following the close of the assessors' rolls on May 31st, and prior to July 1st, the county sales assessment ratio study shall be submitted to the department of revenue. Adjustments for new construction will be made following the August 31st deadline for adding new construction values to the assessment rolls. This will allow time for departmental analysis, field review, and insertion of appraisal data, where appropriate, for preliminary ratio determination by the first Monday in August.~~

(4) ~~Individual valid sales having a resultant assessment sales ratio under twenty five percent or over one hundred seventy five percent shall be excluded from consideration in the study. *Provided*, That this subsection shall not apply if the number of sales meeting this criteria exceeds ten percent of the total number of sales that would be used in the study subject to the provisions of this subsection. *Provided further*, That this subsection shall not apply to any type of property not properly valued and subject to the provisions of WAC 458-53-165.)~~ **Sales data provided by county.** When sales data is provided to the department by counties in accordance with these rules and subject to audit by the department, the data shall be used by the department to determine the indicated real property ratio. The data provided shall be in the form of two reports, a report consisting of data from valid sales, and a report listing those sales deemed to be invalid.

(2) Report of valid sales. The county generated sales report consisting of data from valid sales shall include the following information for each valid sale:

(a) The real estate excise tax affidavit number.

(b) The parcel number(s), or other file identification number(s).

(c) The date of sale.

(d) The sale price of the transaction.

(e) The sale price of the transaction reduced by one percent.

(f) The land use code for the sale property.

(g) The current assessed value on the county's assessment roll for the sale property.

(h) A ratio determined by dividing the assessed value by the adjusted sale price (the adjusted sale price is the amount determined in (e) of this subsection).

(3) Summary of valid sales data. The county generated sales report shall also contain a summary of the sales information arranged according to land use categories and assessed value strata designated by the department for each county. The summaries for each stratum shall include:

(a) The total number of sales;

(b) The total assessed value of all sale property;

(c) The total adjusted sale price for all sales;

(d) The total average assessed value; and

(e) The total average adjusted sale price.

(4) Report of invalid sales. The county generated sales report consisting of data from invalid sales shall include the following information for each invalid sale:

(a) The real estate excise tax affidavit number.

(b) The parcel number(s), or other file identification number(s).

(c) The date of sale.

(d) The sale price of the transaction.

(e) The sale price of the transaction reduced by one percent.

(f) The land use code for the sale property.

(g) The current assessed value on the county's assessment roll for the sale property.

(h) A ratio determined by dividing the assessed value by the adjusted sale price (the adjusted sale price is the amount determined in (e) of this subsection).

(i) The appropriate numerical code (see WAC 458-53-080) or the matching description of the reason for determining that the sale was invalid. If numerical code number 27 is used, the reason for determining that the sale was invalid shall be described.

(5) Sales report—When submitted. The county generated sales report shall be submitted as soon as possible following the close of the assessment rolls on May 31st and, for sales of property involving new construction, as soon as possible following August 31st.

NEW SECTION

WAC 458-53-105 Review procedures for county studies. (1) **Department to monitor compliance.** The department shall review a sales assessment study produced by a county in order to monitor compliance with the rules in this chapter.

(2) **Elements to be verified.** Elements of the county sales study that may be verified include, but are not limited to:

(a) Property identification;

(b) Land use code classification;

(c) Properties reported on real estate excise tax affidavits that were transferred using a warranty deed or real estate contract;

(d) Sales month identification;

(e) Deletion practices and identification;

(f) Computation procedures, including whether the sales value used was one hundred percent or whether the sales value was reduced by one percent;

(g) Sales and assessment values; and

(h) Revaluation assessment practices.

(3) **Findings to be discussed with assessor.** Ratio study review findings will be discussed with the individual county assessor and/or the assessor's staff upon completion of the department's review. Any errors in data or procedure discovered shall be corrected for the current and future year's studies.

AMENDATORY SECTION (Amending Order PT 86-6, filed 10/2/86)

WAC 458-53-130 Real property appraisal studies.

(1) ~~((The department will review a county's prior year's sales studies to determine which assessed value stratum or land use class may not have sufficient sales to produce a~~

valid measurement of the level of assessment of the properties in that stratum or use class. Department appraisers then will appraise selected properties in those strata. The selection of properties to be appraised will be on a random basis. Random selection will use accepted statistical methods such as stated numerical sequence or random number tables to provide each parcel of real property in a universe of real property parcels an equal opportunity to be selected as a representative sample of that universe. The appraisal date will coincide with the assessment date of the ratio study.

(2) The appraisal study is started with a stratified sample of real property parcels. The stratification process will be done using either the assessed value of the real property roll broken into assessed value strata or land use codes as of the current January 1 assessment date. Land use stratification will be used exclusively in those counties possessing the necessary data processing capabilities. For counties not possessing data processing capabilities manual stratification by department of revenue staff involves the following: (a) Examination of each property listing and tallying it (by placing a mark in the appropriate value class or stratum) according to the magnitude of its assessed valuation, (b) random selection of properties from each class to be placed in a pool from which the ultimate selection of properties for appraisal will be made, and (c) recording on a take-off sheet, the assessed value and identification (account number, page, and line number, etc.) for the selected samples. The completed stratification provides a count of the listings on the roll by valuation class.

(3) The number of appraisals deemed necessary for each county value or land use stratum will be determined by application of statistical determination to the previous year county ratio study results.

Once the number of appraisals to be conducted in each value classification has been determined, the identification of each of the randomly selected appraisal samples to be used in the study will be obtained from county records. When the names, addresses, legal descriptions and other information necessary to conduct the appraisals are known, letters will be forwarded to the taxpayers involved. These letters will notify them of the impending visit by an appraiser from the department of revenue property tax division.

(4) The actual physical appraisals conducted by department personnel use the same tools that are available to the county assessors (state manuals, private publications, etc.). The department's appraisers do not, however, use the so-called "mass appraisal" technique which is, of necessity, practiced by the various counties; but perform complete appraisals regardless of the amount of time required in order to assure that the most valid estimate of market value is reached.

Three approaches to value are considered; namely, cost, market and income. The cost approach utilizes an approved cost manual. When properly used, this manual gives an estimation of reproduction cost of the improvements to the property. The reproduction cost then is depreciated, taking into consideration all physical depreciation, functional and economic obsolescence. The end result is the depreciated value of the improvements. To this value is added the value of the land, resulting in the market value of the real property. The market approach uses sales of comparable properties

for an indication of value. The income approach uses a capitalization rate developed from a comparison of typical income and the sale price of comparable properties.

This capitalization rate then is divided into the net income of the subject properties for a value indication of that property.

(5) When the appraisals in a county have been completed and reviewed by the supervisory staff of the department, they are reviewed individually with the assessor and his staff. At this time, changes may be made stemming from such factors as errors in the mathematical calculations, changes in use from the date of assessment to the date of the appraisal, the inclusion of items in the appraisal that are not included in the assessment (mainly personal property), etc. When the review process is completed and changes, if any are made, the appraisal data are considered as completely valid and ready for inclusion in the computation of the total real property ratio.

(6) When the department's sample appraisals fall within a county's current revaluation area and the assessor's appraisals, upon audit, are found to be a supportable estimate of market value, the department will accept the county's appraised values on those properties randomly selected for appraisal in the county.

(7) Department appraisals, required for assessment ratio determination, will be performed as indicated by department statistical determinations. Appraisals will complement sales to provide an adequate number of samples on which to base a ratio computation.

(8) When properties, classified by the department as industrial properties, are selected for inclusion in real or personal property ratio studies, the department's property audits and appraisals will be made on the total property, using department valuation procedures. Allocation of total industrial value for ratio purposes will be determined using each assessor's method of classifying real and personal property. Audit determinations for personal property will not include properties classified as real property by the assessor. Appraisal determinations for real property will not include properties classified as personal property by the assessor.) Review of prior year's sales. In order to determine which strata do not have sufficient sales to produce a sales sample representative of the level of assessment, the department shall review a county's prior year's sales studies. This review will determine the number of appraisals necessary to be added to the sales sample.

(2) Selection of properties for appraisal. The properties to be appraised by the department shall be selected on a statistically accepted random basis such as stated numerical sequence or random number tables.

(3) Department appraisals. Appraisals conducted by the department shall include a physical appraisal of the subject property in order to assure that the most accurate estimate of market value is determined, and shall not be conducted on the basis of mass appraisal techniques. The value determined will be the value as of January 1 of the assessment year, or for appraisals involving new construction, the value as of July 31.

(4) Review with county. The department shall review completed appraisals with the assessor and/or the assessor's staff. After the review is complete, the appraisals shall be

included with the sales data for computation of the real property ratio.

(5) Allocation of real and personal property values. Allocation of value between real and personal property of the total value of appraised property for purposes of the ratio study will be determined using each assessor's method of classifying real and personal property.

NEW SECTION

WAC 458-53-135 Indicated real property ratio—Computation. (1) **Determination of ratio for assessed value strata.** For each real property stratum, average assessed value and average market value shall be determined from the results of selected sales and appraisal studies. The average assessed value of the samples for each stratum divided by the average market value of the samples determines the ratio for each assessed value stratum.

(2) **Determination of indicated market value.** The actual total assessed value for each stratum divided by the ratio for each assessed value stratum, as determined by using the calculation set forth in subsection (1) of this section, determines the indicated market value of each stratum for the county.

(3) **Addition of county assessed values for current use and forest land—Assessor's certification of values.**

The county assessed values of current use land and improvements (chapter 84.34 RCW) and forest land (chapter 84.33 RCW) as indicated on the current certification provided by the assessor to the county board of equalization are added to the actual total assessed value for the county. Ratios for current use land and improvements and for forest land are applied to the county assessed values to determine indicated market values.

(a) A copy of the assessor's certification to the board of equalization shall be filed with the department by July 15th, or when the rolls for the current assessment year are completed, whichever is later. The certification form shall be properly completed with all required information.

(b) If a copy of the assessor's certification is not received from an assessor prior to September 1, the assessor's abstract of assessed values for the current year may be used, when available. If not available, the assessed values from the abstract of the previous year may be used.

(4) **Determination of county indicated ratio.** The sum total of the county assessed values is divided by the sum of the indicated market values to determine the county indicated real property ratio.

(5) **Example.** The following illustration, using simulated values and ratios, indicates simplified ratio study computation procedures for real property.

**STEP 1
STRATUM AVERAGE VALUE & RATIO COMPUTATIONS**

Type of Land Use	Stratum	Number of Samples	Average Assessed Value of Samples	Average Market Value of Samples	Stratum Ratio
SINGLE FAMILY RESIDENCE	0 - 75,000	400	\$ 35,000	\$ 45,000	77.8
	75,000 - 150,000	400	100,000	125,000	80.0
	150,000 - +	100	195,000	230,000	84.8
MULTI-FAMILY RESIDENCE	0 - 125,000	40	50,000	60,000	83.3
	125,000 - +	15	225,000	265,000	84.9
COMMERCIAL/ MANUFACTURING	0 - 500,000	40	140,000	165,000	84.8
	500,000 - +	25	2,000,000	2,350,000	85.1
AGRICULTURAL	0 - 125,000	35	60,000	65,000	92.3
	125,000 - +	35	300,000	330,000	90.9
OTHER	0 - 100,000	75	30,000	36,000	84.0
	100,000 - +	40	250,000	290,000	86.2

**STEP 2
APPLICATION OF STRATUM RATIOS TO ACTUAL COUNTY ASSESSED VALUES**

Type of Land Use	Stratum	(1) Actual County Real Property Assessed Value	(2) Ratio	(3) County Market Value Related to Actual Assessed Value Col. 1 ÷ Col. 2
SINGLE FAMILY RESIDENCE	0 - 74,999	\$500,000,000	77.8	\$642,673,522
	75,000 - 149,999	250,000,000	80.0	312,500,000
	150,000 - +	250,000,000	84.8	294,811,321
MULTI-FAMILY RESIDENCE	0 - 124,999	85,000,000	83.3	102,040,816
	125,000 - +	65,000,000	84.9	76,560,660
COMMERCIAL/	0 - 499,999	245,000,000	84.8	288,915,094

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MANUFACTURING	500,000 - +	200,000,000	85.1	235,017,626
AGRICULTURAL	0 - 124,999	110,000,000	92.3	119,176,598
	125,000 - +	95,000,000	90.9	104,510,451
OTHER	0 - 99,999	90,000,000	84.0	107,142,857
	100,000 - +	75,000,000	86.2	87,006,961
CURRENT USE LAND (CHAPTER 84.34 RCW)		125,500,000	95.2	131,827,731
CURRENT USE IMP (CHAPTER 84.34 RCW)		50,000,000	84.0	59,523,810
FORESTLAND (CHAPTER 84.33 RCW) AND TIMBERLAND (CHAPTER 84.34 RCW)		2,950,000	100.0	2,950,000
		<u>\$2,143,450,000</u>		<u>\$2,564,657,447</u> = 83.6

(6) Department may consider general trends in property values. The department may consider the relationship between the market value trends of real property and the assessed value increases or decreases made by the assessor during the year in each county as checks of the validity of the results of the sales and appraisal studies. The assistant director of the property tax division of the department may authorize modification of the results of the sales and appraisal study in any county where there is a demonstrable showing by an assessor to the assistant director that the sales and appraisal study is inconclusive or does not result in a reasonable and factual determination of the relationship of assessed values to market value such that a significant variation results from the previous year not deemed by the assistant director to conform with general trends in property values.

AMENDATORY SECTION (Amending Order PT 84-2, filed 6/29/84)

WAC 458-53-140 Personal property ((audit studies)) ratio study. (1) ((Personal property audits will be performed on those accounts selected at random within each use class or assessed value stratum used in the ratio study for each county. These audits will be the basis of the county's personal property ratio as provided in WAC 458-53-160.

The department may use county audit results as ratio study audits when department accepted audit procedures are used on accounts selected as sample audits and audited by the county audit staff as of the assessment date used in the department's ratio study.

(2) The general procedures for audits are similar to those followed in the appraisal assessment study in that sample audits of personal property accounts will be used as the basis for determining total assessed value and estimated total true and fair value of personal property. The relationship of the total estimated assessed value to the total estimated true and fair value of personal property will indicate the personal property ratio.

(a) Stratification of rolls—the program is initiated by stratification of the personal property roll in the counties being audited. From this process is obtained: A count of the number of listings in each use class or assessed valuation class, an estimation of the total assessed value in each class, and a pool of samples in each class from which the ultimate listings to be audited are selected. The strata or assessed valuation classes have different limits than those used in the

appraisal assessment study. A listing of assessed value strata normally used is as follows:

\$	0	\$	9,999
	10,000		39,999
	40,000		79,999
	80,000		199,999
	200,000		499,999
	500,000		999,999
	1,000,000		1,999,999
	2,000,000		and over

The largest valuation stratum designated for each county will depend on the number of large value accounts in the county.

In counties for which personal property high value strata, as listed above, do not number at least two hundred, an appropriate upper limit (\$40,000 and over, \$80,000 and over) which will accommodate at least two hundred personal property accounts, will be determined.

The stratification process will be performed by the department or by the county according to the standards as provided in this section.

(b) Personal property sample audit selection—the number of audits to be performed is derived in the same general manner as in the appraisal assessment procedure in that statistical determination is applied to county previous year's ratio study results to obtain a representative number of samples on which to base a county ratio.

Stratification procedures which determine the number of personal property audits needed for the current ratio study begin in the summer months of the calendar year immediately preceding the currently designated ratio study year.

The audits are conducted through July of the designated ratio study year.

(3) The sample accounts to be audited in each use or valuation classification are randomly chosen using accepted statistical methods such as stated numerical sequence or random number tables to provide each personal property account in a universe of personal property accounts an equal opportunity to be selected as a representative sample of that universe. Names and addresses of taxpayers for these accounts and copies of assessment detail sheets are obtained from county records.

Letters of intent to audit are mailed to each taxpayer selected.

(4) The personal property audits which are conducted to derive the true and fair value figures are made from an examination of the taxpayer's books and records. In

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valuation procedures, the department's auditors utilize the manuals and schedules which the department prepares and distributes to all assessors. The technique is generally one of trending forward historical cost data and the application of depreciation percentages to arrive at current worth or value.

(5) ~~When the audits have been completed in a county, they are reviewed with the assessor and his staff. The primary emphasis at this meeting is to make sure that the property covered by the audit is comparable to the property covered by the assessment. The completion of the review and adjustments, if any, mark the audit data as valid for use in the computation of the personal property portion of the total indicated ratio.~~

(6) ~~In a manner similar to that used for real property, sample personal property assessed values and true and fair values for each stratum are derived from audit results, the weighted sums of which are the basis for determining the personal property indicated ratio.~~

(7) ~~If omitted property is discovered in a county, the results of the department's audit shall be placed in the strata indicated by the audit.)~~ Random selection of accounts. The basis for a county's personal property ratio shall be accounts selected at random from the preceding year's assessment rolls at the January 1 value for the preceding year.

(2) Stratification of rolls. Determination of strata for each county shall be made by the department to ensure the selection of a representative audit sample and will be reviewed periodically. After the strata have been determined, the department shall notify the counties of the strata limits and each county shall provide the department with the following, taken from the county's assessment rolls:

(a) A representative number of samples, as determined by the department, in each stratum, together with:

(i) The name and address of the taxpayer for each sample;

(ii) The assessed value for each sample; and

(iii) The actual number of samples;

(b) The total number of personal property accounts in each stratum; and

(c) The total assessed value in each stratum.

(3) Omitted property. If the department discovers omitted property in a county, the results of the department's audit shall be included in the ratio study.

AMENDATORY SECTION (Amending WSR 94-05-064, filed 2/11/94, effective 3/14/94)

WAC 458-53-160 Indicated personal property ratio—Computation. (1) Determination of ratio for assessed value strata. For each personal property assessed value stratum, excluding properties identified in WAC ~~((458-53-110(7) and 458-53-165))~~ 458-53-070 (4)(a), an average ~~((sample))~~ assessed value, and an average ~~((sample true and fair))~~ market value ~~((will))~~ shall be determined from the results of selected audit studies. The average ~~((sample))~~ assessed value for each stratum divided by the average ~~((sample true and fair))~~ market value determines the ratio for each assessed value stratum.

(2) Determination of indicated market value. The actual total assessed value of the county for each stratum

divided by the ratio for each assessed value stratum, as determined by using the calculation set forth in subsection (1) of this section, determines the indicated ~~((true and fair))~~ market value of each stratum for the county.

(3) Additional categories.

(a) The actual county total assessed values of properties identified in WAC ~~((458-53-110(7) and 458-53-165))~~ 458-53-070 (4)(a) are added as a separate ~~((categories))~~ category to the total county assessed value ~~((stratum))~~. A ratio ~~((s))~~ determined for these properties ~~((are))~~ is applied against the total assessed value ~~((s))~~ for the category to determine the ~~((related))~~ indicated total ~~((true and fair))~~ market value ~~((s))~~ for the category.

(b) If ten percent or more of the total personal property assessed value of a county consists of publicly owned timber sold by competitive bid to private purchasers, the assessed value of the timber is added as a separate category to the total county assessed value. A ratio determined for this property is applied against the total assessed value for this category to determine the indicated total market value for this category.

(4) Determination of county indicated ratio. The sum of the actual total county assessed values ~~((will be))~~ is divided by the sum of the ~~((related true and fair))~~ indicated market values to determine the ~~((overall))~~ county indicated personal property ratio.

(5) Example. The following illustration, using simulated values and ratios, indicates the ratio computation procedures for personal property.

STEP 1 - STRATUM AVERAGE VALUE AND RATIO COMPUTATIONS

Stratum	(1) Number of Samples	(2) Average Assessed Value of Samples	(3) Average Market Value of Samples	(4) Stratum Ratio (Col. 2 ÷ Col. 3)
(\$ 0 - 9,999	20	\$ 6,000	\$ 7,800	.769
10,000 - 39,999	20	20,000	38,000	.526
Over 40,000	20	80,000	90,000	.889))
\$ 0 - 74,999	25	\$ 17,000	\$ 22,000	.773
75,000 - 249,999	15	124,000	235,000	.528
Over - 250,000	10	850,000	960,000	.885

STEP 2 - APPLICATION OF STRATUM RATIOS TO ACTUAL COUNTY ASSESSED VALUES

Stratum	(1) Actual County Personal Property Assessed Values	(2) Ratio	(3) County Market Value Related to Actual Assessed Value (Col. 1 ÷ Col. 2)
(\$ 0 - 9,999	\$12,500,000	.769	\$ 16,254,876
10,000 - 39,999	33,000,000	.526	62,737,643
Over 40,000	90,000,000	.889	101,237,345
WAC 458-53-110(7) or 458-53-165 Properties	0		0
Totals	\$135,500,000	:	\$180,229,864 = .752
County Indicated Personal Property Ratio			75.2%))
\$ 0 - 74,999	\$21,500,000	.773	\$ 27,813,713
75,000 - 249,999	23,000,000	.528	43,560,606
Over - 250,000	50,000,000	.885	56,497,175
WAC 458-53-070(4)(a) Properties	0		0
Totals	\$94,500,000	÷	\$127,871,499 = 73.9
County Indicated Personal Property Ratio			73.9%

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AMENDATORY SECTION (Amending Order PT 84-2, filed 6/29/84)

WAC 458-53-200 Certification of county preliminary and indicated ratios—Review. (1) **Preliminary ratio certified to assessor.** The department ((will)) shall annually determine the real property and personal property preliminary ratios for each county and ((will)) shall certify these ratios to the county assessor on or before the first Monday in ((August)) September.

(2) **Request for review.** Upon request of the assessor, a landowner, or an owner of an intercounty public utility or private car company, the department shall review the county's preliminary ratio with the ((assessor, a landowner, or an intercounty public utility or private car company, if requested to do so by said county, person, or company, between the first and third Mondays of August,)) requesting party and may make any changes indicated by such review((= Provided, That if)). This review shall take place between

the first and third Mondays of September. If the department does not certify the preliminary ratios as required by subsection (1) of this section, the review period shall extend for two weeks from the date of certification.

(3) **Certification of indicated ratios.** Prior to equalization of assessments pursuant to RCW 84.48.080 and after the third Monday of (~~August~~) September, the department shall certify to each county assessor the indicated real and personal property ratios for that county.

AMENDATORY SECTION (Amending Order PT 84-2, filed 6/29/84)

WAC 458-53-210 Appeals. If an assessor, landowner, or owner of an intercounty utility or private car company has reviewed the ratio study as provided in WAC 458-53-200, that person or company may appeal the department's indicated ratio determination, as certified for that county, to the state board of tax appeals pursuant to RCW 82.03.130 (5)(~~(#)~~). The appeal to the state board of tax appeals must be filed not later than fifteen days after the date of mailing of the certification.

WSR 96-05-004
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 96-13—Filed February 9, 1996, 8:30 a.m.]

Date of Adoption: February 3, 1996.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-55-005, 220-55-010, 220-55-050, 220-55-055, 220-55-075, 220-55-110, 220-56-235, 220-56-240, 220-56-325, 220-56-372, 220-57A-001, and 220-57A-035.

Statutory Authority for Adoption: RCW 75.08.080.

Adopted under notice filed as WSR 95-22-111 on November 1, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-16-320, 220-56-115, 220-56-116, 220-56-189, 220-56-192, 220-56-225, 220-56-420 and the repeal of WAC 220-56-235, withdrawn; WAC 220-56-100, 220-56-105, 220-56-124, 220-56-190, 220-56-191, 220-56-195, 220-56-205, 220-56-310, 220-56-330, 220-56-350, 220-56-380, chapter 220-57 WAC, 220-57A-175 and 220-57A-180, continued; WAC 220-56-235, cabezone closure shortened to end April 30, WAC 220-56-325, general shrimp opening changed to second Saturday in April, and WAC 220-57A-035, minimum size deleted as already referenced in WAC 232-28-619.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This is a partial adoption of WSR 95-22-111. The concise explanatory statement has been prepared and will be mailed after the North of Falcon amendments are adopted on April 15, 1996. See continuance of WSR 95-22-111 filed this date for sections.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 4, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 8, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Chapter 220-55 WAC is thirty-one days after filing; and chapters 220-56 and 220-57A WAC is May 1, 1996.

February 3, 1996
Judith Freeman
Deputy
for Robert Turner
Director

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-005 Personal use food fish license. A personal use food fish license is a license card issued by the department and shall be color coded to designate resident, nonresident, (~~(two)~~) three consecutive day, or senior citizen. The license is invalid unless the fisher identification information on the license has been completed and the fisher has signed the license. A license is invalid for taking salmon and other food fish from Catch Record Card Areas 5 through 13 and Lake Washington unless a recreational fisheries enhancement stamp has been permanently affixed to a license card in the space provided, and that license is in the physical possession of the fisher except that a recreational fisheries enhancement stamp is not required for (~~(two)~~) three consecutive day licenses, five-year disability licenses or for any licenses issued at no cost. Any fisher who has filled a salmon catch record card and purchased another personal use food fish license in order to continue fishing for salmon need not purchase a second recreational fisheries enhancement stamp, provided the fisher has the original license card with recreational fisheries enhancement stamp attached in the fisher's possession.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-010 Personal use shellfish and seaweed license. A personal use shellfish and seaweed license shall consist of a tag printed and issued by the department. The license shall be provided with an opening for attachment or display on outer clothing and shall be color-coded to designate resident, nonresident, (~~(two)~~) three consecutive day or senior citizen. The license shall be invalid unless the harvester information on the license has been completed and the harvester has signed the license.

PERMANENT

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-050 ((~~Two~~) **Three** consecutive day license validation date. On a ((~~two~~) **three** consecutive day personal use food fish or shellfish and seaweed license, the validation date is the first date on which an angler may fish for, harvest or possess food fish and shellfish.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-055 Personal use license and catch record card expiration. The expiration date for all personal use licenses and catch record cards is December 31st of the year printed on the license or catch record card, except a ((~~two~~) **three** consecutive day license expires at midnight of the day after the validation date or December 31st, whichever occurs first, and a disability license expires five years after the date of issue.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-075 Recreational fisheries enhancement stamp. (1) The annual recreational fisheries enhancement surcharge required by RCW 75.54.140, is administered by the department as a recreational fisheries enhancement stamp.

(2) The recreational fisheries enhancement stamp is a stamp issued by the department, which is required to be affixed to an annual license for which there is a cost prior to the fisher fishing for salmon or other food fish in Catch Record Card Areas 5 through 13 or Lake Washington.

(3) A recreational fisheries enhancement stamp is not required for ((~~two~~) **three** consecutive day licenses, five year disability licenses, or any license issued at no cost.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-110 ((~~Two~~) **Three** consecutive day license and catch record card—License dealer issuance duties. (1) A personal use license dealer must, at the time of sale of a ((~~two~~) **three** consecutive day license, write the validation date in ink on the license document. The validation date is the first day on which a licensee may fish for, harvest or possess food fish or shellfish.

(2) A personal use license dealer must, at the time of distribution of a catch record card, record in ink the number of the catch record card in the appropriate space on the personal use food fish license, if a personal use food fish license is required for the fisher.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits of fresh bottomfish. Additional bottomfish may be possessed in a frozen or processed form.

Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4):

(a) Lingcod:

(i) 3 fish minimum length 22 inches in Catch Record Card Areas 1 through 3 and Area 4 west of the Bonilla-Tatoosh line;

(ii) 2 fish minimum length 22 inches in Catch Record Card Area 4 east of the Bonilla-Tatoosh line.

(b) Rockfish - 10 fish.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolf-eel - 2 fish east of the Bonilla-Tatoosh line.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(f) All other species - no limit.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	15 fish
Pollock	15 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	2 fish
Cabezon	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish	5 fish
Surfperch	10 fish
Pacific cod	15 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish	3 fish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	5 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to use a gaff to land lingcod taken in Catch Record Card Areas 5 through 13.

(g) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-240 Daily limits sturgeon, smelt, herring and other food fish not otherwise provided for. It is unlawful for any person to retain in any day more than the following quantities and sizes of food fish taken for personal use. Unless otherwise provided, other food fish fishing is open the entire year:

(1) Sturgeon:

(a) ~~((1 fish not less than 48 inches nor more than 66 inches in length in the Columbia River and tributaries upstream from the Dalles Dam to the United States/Canada border and those waters of the Snake River and tributaries from its mouth upstream to the powerline crossing below Highway 12 Bridge at Clarkston.))~~ Catch and release only in the Columbia River and all tributaries upstream from Priest Rapids Dam.

(b) 2 fish with the following size restrictions in all other state waters:

(i) Minimum size is 42 inches in length;

(ii) Maximum size is 66 inches in length;

(iii) Not more than one of the two fish may be less than 48 inches in length; and

(iv) Not more than one of the two fish may equal or exceed 48 inches in length.

(c) The possession limit is two daily limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

(d) There is an annual personal use limit of ~~((49))~~ 15 sturgeon.

(2) Smelt: 20 pounds. The daily limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

(3) Herring: 20 pounds fresh. Additional herring may be possessed in a frozen or processed form.

(4) All other food fish not otherwise provided for in this chapter: No limit.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

WAC 220-56-325 Shrimp—Areas and seasons. (1) The following areas shall be defined as personal use shrimp fishing Districts 1 through 6:

(a) Shrimp District 1 - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

(b) Shrimp District 2 - All waters of Griffin Bay south of a line projected east-west through Turn Rock Light from San Juan Island to Lopez Island, and north of a line projected east from Cattle Point on San Juan Island to Lopez Island;

(c) Shrimp District 3 - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

(d) Shrimp District 4 - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

(e) Shrimp District 5 - All waters of Hood Canal south of the Hood Canal Floating Bridge;

(f) Shrimp District 6 - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as provided in this subsection:

(a) District 1 - May 16 through September 15;

(b) District 2 - May 16 through September 15;

(c) District 3 - May 16 through September 15;

(d) District 4 - Closed to all shrimp fishing;

(e) District 5 - 9:00 a.m. on the third Saturday in May until closed by emergency regulation. Open 9:00 a.m. Saturday to 2:00 p.m. Tuesday each week during the season set by emergency regulation. Shrimp pots may only be pulled between the hours of 9:00 a.m. and 2:00 p.m. All shrimp gear must be removed from the water from 2:00 p.m. Tuesday through 9:00 a.m. Saturday of each week;

(f) District 6 - Closed to all shrimp fishing;

(g) All other areas - The second Saturday in April ~~((46))~~ through October 15.

(3) It is unlawful to possess spot shrimp taken for personal use from Catch Record Card Area 6 that are less than 6 inches in length and it is unlawful to land spot shrimp that are less than 6 inches in length in any port in Catch Record Card Area 6. The length of spot shrimp is measured from the tip of the rostrum to the tip of the tail.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-372 Razor clam sanctuaries. The following areas are hereby set aside for experimental purposes by the department of fisheries razor clam enhancement project. As need arises in the future, specific sections of these areas will be closed to public use.

(1) Long Beach - from a line extending westward from the middle of the Oysterville approach - north for one quarter mile (1,320 feet).

(2) Twin Harbors Beach - from a line extending westward from the middle of the county line approach south for one quarter mile (1,320 feet).

(3) Copalis Beach - from a point beginning ~~((two-tenths))~~ four-tenths of a mile south of the ~~((Copalis Beach))~~ Ocean City approach ~~((Heath Street))~~ 2nd Ave. and extending south for one quarter mile (1,320 feet).

NEW SECTION

WAC 220-56-326 Shrimp. In the field each person harvesting shrimp must use a separate container to hold his or her catch and the container must be in the harvester's presence or identified with the harvester's name.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57A-001 General provisions—Lakes. (1) It is unlawful to fish for or possess salmon taken from any lake not listed in this chapter.

(2) The daily limit, possession limit, opening and closing hours, and seasons of all lakes regulated under Daily Limit I are identical with those limits and times as provided for gamefish, as regulated by the Washington fish and wildlife commission under Title 77 RCW.

(3) ~~((The daily limit, possession limit, and seasons of all lakes regulated under Daily Limit A, Daily Limit C, or special daily limits, are in addition to gamefish limits as regulated by the Washington fish and wildlife commission, under Title 77 RCW.~~

(4)) The daily limit, possession limit, opening and closing hours, and seasons codified by the department in ~~((chapter 232-24))~~ chapters 232-12 and 232-28 WAC are incorporated herein and by reference made a part hereof.

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57A-035 Chelan Lake (Chelan County).
~~((Special))~~ Daily Limit ~~((2 chinook salmon per day, minimum size 15 inches))~~ I.

WSR 96-05-009
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3944—Filed February 9, 1996, 2:55 p.m.]

Date of Adoption: February 9, 1996.

Purpose: Chapter 388-55 WAC governs rules for the administration of the refugee assistance program. Amendment of the rules reorders sections for clarity and defines specific elements of refugee assistance eligibility including extended refugee medical assistance.

Citation of Existing Rules Affected by this Order: Amending chapter 388-55 WAC, Refugee assistance.

Statutory Authority for Adoption: RCW 43.20A.550.

Other Authority: 45 CFR 400 Subparts E, F, and G.

Adopted under notice filed as WSR 96-01-063 on December 15, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 5, amended 4, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, amended 4, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 5, amended 4, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 9, 1996

Merry A. Kogut

Rules and Policies Assistance Unit

NEW SECTION

WAC 388-55-006 Summary of eligibility conditions.

The department shall grant assistance to refugees who meet the following conditions:

(1) Refugee status as defined in WAC 388-55-008, Eligibility conditions—Refugee status.

(2) Common eligibility conditions as provided under WAC 388-55-010.

(3) Registration for employment as required under WAC 388-55-020, Work and training eligibility conditions.

(4) Income and resource eligibility as provided in chapters 388-216 and 388-218 WAC. Exceptions are provided in WAC 388-55-030, Treatment of income and resources.

NEW SECTION

WAC 388-55-008 Eligibility conditions—Refugee status. Within the provision of P.L. 96-212, the Refugee Assistance Program, the department shall grant assistance to refugees who provide proof, in the form of documentation issued by the Immigration and Naturalization Service (INS), of one of the following statuses:

(1) An individual paroled as a refugee or asylee from any country, admitted under section 212(d)(5) of the Immigration and Nationality Act (INA); or

(2) A conditional entrant from any country admitted under section 203(a)(7) of the INA; or

(3) A refugee from any country admitted under section 207 of the INA; or

(4) An asylee admitted under section 208 of the INA; or

(5) An Amerasian immigrant from Vietnam admitted through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-212; or

(6) A permanent resident provided the individual previously held one of the statuses described in subsection (1), (2), (3), or (4) of this section; or

(7) A Cuban-Haitian entrant who is admitted as a public interest parolee under section 212(d)(5) of the INA.

AMENDATORY SECTION (Amending Order 3299, filed 11/27/91, effective 12/28/91)

WAC 388-55-010 Common eligibility conditions. (1)

~~((The department shall grant assistance to refugees within the provisions of P.L. 96-212, the Refugee Assistance Program to applicants who provide proof, in the form of documentation issued by Immigration and Naturalization Service (INS), of one of the following statuses:~~

~~(a) Admittance from any country having parole status as a refugee asylee or parolee under Section 212 (d)(5) of the Immigration and Naturalization Act (INA);~~

~~(b) Admittance from any country as a conditional entrant under Section 203 (a)(7) of the INA;~~

~~(c) Admittance from any country as a refugee under Section 207 of the INA;~~

~~(d) Granted asylum under Section 208 of the INA;~~

~~(e) Admittance with an immigration status that entitled the individual to refugee assistance prior to enactment of the Refugee Act of 1980;~~

~~(f) Admittance as an Amerasian immigrant from Vietnam admitted through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-202; and~~

~~(g) Admitted for permanent residence, provided the individual previously held one of the statuses described in subsection (1)(a), (b), (c), or (d) of this section.~~

~~(2) The department shall transfer eligible refugees to the AFDC, FIP, and/or Medicaid programs retroactively effective October 1, 1977, or as of such date as the refugees qualified for refugee assistance, whichever is later. The department shall regard such refugees as recipients rather than new applicants and shall disregard the recipient's income accordingly.~~

~~(3)) The department shall determine eligibility for AFDC and/or Medicaid before determining eligibility for ((the)) refugee cash assistance ((program for applications from refugees not currently receiving refugee cash assistance and/or medical assistance)) or refugee medical assistance (RCA/RMA).~~

~~(a) If the applicant is not eligible for AFDC ((or FIP)), then the department shall determine eligibility ((under the refugee assistance program)) for RCA.~~

~~(b) If the applicant is not eligible for Medicaid, then the department shall determine eligibility ((under the refugee assistance medical program)) for RMA.~~

~~((4) The department shall waive requirements of categorical relatedness of federal assistance programs, except for mandatory monthly reporting, for refugee assistance program. Requirements under WAC 388-24-044 apply.~~

~~(5) The department shall determine as not eligible for refugee assistance, refugees terminated from the AFDC program because of refusal to comply with eligibility requirements.~~

~~(6) Except as specified in subsection (7) of this section,))~~

~~(2) Recipients of refugee cash assistance (RCA) must meet monthly reporting requirements as provided in WAC 388-215-1560, Mandatory monthly reporting—Requirement.~~

~~(3) Refugees who have been denied or terminated AFDC are not eligible for RCA/RMA if termination or denial is:~~

~~(a) Due to intentional noncompliance with eligibility requirements; or~~

~~(b) For refusing or quitting employment without good cause.~~

~~(4) The department shall provide cash assistance to all ((refugees)) RCA assistance units, regardless of family composition, ((at the)) using AFDC ((monthly)) standards. ((The department shall treat income and resources according to AFDC standards. The department shall not consider resources which are unavailable, including property remaining in other countries, in determining eligibility for financial assistance.~~

~~(7) Applicants for and recipients of refugee assistance are not eligible for the thirty dollar plus one third of the remainder exemption from earned income.~~

~~(8)) (5) For RCA/RMA the department shall treat the refugee family unit including United States citizen children ((born in this country,)) as a single assistance unit ((under~~

~~the refugee assistance program under the provisions of WAC 388-24-050)) as provided in WAC 388-215-1600.~~

~~((9)) (6) Beginning October 1, 1991, for new applicants and beginning December 1, 1991, for current recipients, the department shall consider refugees meeting the criteria in this section as eligible for ((refugee assistance)) RCA/RMA only during the eight-month period beginning the first month the refugee entered the United States.~~

~~((10)) (7) The department shall not consider full-time students in an institution of higher education eligible for ((refugee assistance,)) RCA/RMA unless ((participating in a department approved job or language training program not to exceed twelve months)) the enrollment in higher education is part of a department approved employability plan.~~

~~((11) The department shall notify the voluntary agency (VOLAG) sponsoring the refugee when the refugee applies for assistance.~~

~~((12)) (8) Refugees meeting the criteria in this section are eligible for additional requirements for emergent situations ((under chapter 388-29)) as provided in chapter 388-225 WAC.~~

~~(9) The department shall redetermine eligibility for RCA/RMA at least once every six months of continuous receipt of assistance.~~

AMENDATORY SECTION (Amending Order 2752, filed 1/6/89)

WAC 388-55-020 Work and training eligibility conditions. (1) The department shall require((s)) all applicants for and recipients of ((a financial grant under the)) refugee cash assistance ((program)) (RCA) and each member of the family group of which the applicants and recipients are a part to register for employment with the state employment service or other designated employment agency. ((Exemptions to employment registration are:

~~(a) A person sixteen through eighteen years of age attending secondary school or an equivalent level of vocational or technical training full time or any person under sixteen, regardless of school attendance; or~~

~~(b) A person ill, incapacitated, or over sixty five years of age; or~~

~~(c) A person whose presence in the home is required because of illness or incapacity of another member of the household; or~~

~~(d) A mother or other caretaker caring for a child five years of age or under; or~~

~~(e))~~

~~(2) The department shall exempt the following refugees from work and training requirements:~~

~~(a) A refugee fifteen years of age or younger; or~~

~~(b) A refugee eighteen years of age or younger and enrolled full-time in high school or vocational/technical training and reasonably expected to complete the program before reaching nineteen years of age; or~~

~~(c) A refugee who has an illness or injury serious enough to temporarily prevent participation in work or training; or~~

~~(d) A refugee who is incapacitated as determined by a physician or licensed psychologist; or~~

~~(e) A refugee who is sixty-five years of age or older; or~~

(f) A refugee needed in the home as the primary care provider for another ill, injured, or incapacitated household member; or

(g) A single parent or other caretaker relative of a child five years of age or younger;

(h) A ((mother)) parent or other caretaker of a child, when the nonexempt ((father)) spouse or other nonexempt adult relative in the home is registered and has not refused to accept employment without good cause; or

((f)) (i) A ((person)) refugee employed at least thirty hours per week; or

((g)) (j) A ((person)) refugee of any age while enrolled and participating in a ((CSO)) department-approved employability training program intended to have a definite short-term (less than one year) employment objective.

((2)) (3) The department shall not exempt from registration or acceptance of employment a refugee solely because of inability to communicate in English.

((3)) (4) For purposes of this section, "training ((shall))" means participation in any available and appropriate social service program providing job or language training as approved in the personal employment plan.

((4) Refusal of an employable adult refugee to register with the employment service provider without good cause and/or refusal to accept, continue, or participate in a training or employment opportunity or referral, from any source the department determines appropriate shall also result in the following:

(a) Ineligibility for refugee assistance for thirty days from the date of refusal of work or training opportunity, for an applicant. The dependent family of such an ineligible applicant may apply for and receive assistance if otherwise eligible;

(b) Termination of assistance the first of the following month after the date of original refusal if an employable refugee recipient continues to refuse an offer of employment or training. The department shall allow the refugee at least ten days written notice of the termination of assistance and the reason therefore;

(c) The sanction for persons identified in subsection (4)(a) and (b) is applied in the following manner:

(i) If the assistance unit includes other individuals, the grant is reduced by the amount included on behalf of the refugee for three months after the first occurrence and six months for the second and each subsequent occurrence;

(ii) If such individual is the only individual in the assistance unit, the department shall terminate the grant for three months after the first occurrence and six months for the second and each subsequent occurrence;

(iii) The department shall notify the recipient's voluntary agency (VOLAG) if action is taken according to subsection (4)(b)(i) or (ii) of this section, provided the provisions for safeguarding information in chapter 388-320 WAC are met; and

(iv) A decision by the refugee to accept employment or training, made at any time before the effective date of termination, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance.))

NEW SECTION

WAC 388-55-024 Noncompliance with work and training requirements. Refusal of an employable adult refugee to register with the employment service provider without good cause and/or refusal to accept, continue, or participate in a training or employment opportunity or referral, from any source the department determines appropriate shall also result in the following:

(1) Ineligibility for refugee assistance for thirty days from the date of refusal of work or training opportunity, for an applicant. The dependent family of such an ineligible applicant may apply for and receive assistance if otherwise eligible;

(2) Termination of assistance the first of the following month after the date of original refusal if an employable refugee recipient continues to refuse an offer of employment or training. The department shall allow the refugee at least ten days written notice of the termination of assistance and the reason therefore;

(3) The sanction for persons identified in subsection (1) and (2) of this section is applied in the following manner:

(a) If the assistance unit includes other individuals, the grant is reduced by the amount included on behalf of the refugee for three months after the first occurrence and six months for the second and each subsequent occurrence;

(b) If such individual is the only individual in the assistance unit, the department shall terminate the grant for three months after the first occurrence and six months for the second and each subsequent occurrence;

(c) The department shall notify the recipient's voluntary agency (VOLAG) if action is taken according to subsection (2)(a) or (b) of this section, provided the provisions for safeguarding information in chapter 388-320 WAC are met; and

(d) A decision by the refugee to accept employment or training, made at any time before the effective date of termination, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance.

NEW SECTION

WAC 388-55-027 Good cause determination. The department shall determine whether good cause exists when a nonexempt refugee recipient fails to comply with the department-approved employment and training plan, or when the recipient quits or refuses employment as provided in WAC 388-55-024, Noncompliance with work and training requirements. Good cause is determined by the refugee social service worker assigned in each community services office (CSO). Good cause exists if:

(a) A licensed physician or psychologist has determined there is a physical, mental, or emotional inability of the refugee to satisfactorily perform the work required or to participate in the training being offered; or

(b) The work or training is so remote from the residence of the refugee that they cannot effectively participate. The department considers a work site remote if a round trip is more than two hours by any reasonably available mode of travel, exclusive of travel time to take children to and from a child care facility. If the normal commuting time for an area exceeds two hours round trip, then the round trip

commuting time cannot exceed the generally accepted community standards; or

(c) The nature of the work or training violates applicable federal, state, or local health and safety standard; or

(d) The wages do not meet applicable minimum wage requirements and are not customary for such work in the community; or

(e) The work hours exceed those customary to the occupation; or

(f) The job is available because of a labor dispute; or

(g) The refugee is currently participating in on-the-job training or a program of professional recertification as part of his/her employability plan; or

(h) Adequate child care, necessary to the training or employment, is not available to single-parent household.

AMENDATORY SECTION (Amending Order 1969, filed 6/16/83)

WAC 388-55-030 Treatment of income and resources. (1) The department shall treat the income and resources of an applicant or recipient of RCA/RMA in accordance with provisions in chapter 388-216 WAC, AFDC resources, and chapter 388-218 WAC, AFDC income.

(2) With the exception of the thirty dollar and one-third ((exemption)) earned income disregard, adult refugee recipients shall be eligible for earned income exemptions as specified in WAC ((388-28-570)) 388-218-1420, regardless of assistance unit composition.

(3) The department shall not consider resources which are unavailable, including property remaining in other countries, in determining eligibility for RCA/RMA.

((2)) (4) The income of a refugee dependent child shall be treated as specified in WAC ((388-28-535)) 388-218-1410.

((3) All refugee recipients sixty five years of age or older, or blind or disabled will be referred immediately to the Social Security Administration for SSI benefits. The SSI applicant will be included in the assistance grant at the AFDC standard until payments are received.)

AMENDATORY SECTION (Amending Order 3299, filed 11/27/91, effective 12/28/91)

WAC 388-55-040 Refugee medical assistance. (1) ((A refugee receiving a continuing assistance grant is eligible for medical assistance as specified in WAC 388-82-010(1).

(2) The department shall determine the nonrecipient refugee eligibility for medical care as specified in chapter 388-83 WAC. The department shall base eligibility on medical and financial need only; requirements of categorical relatedness are waived.

(3) The department shall apply WAC 388-55-030(1) in determining the amount of participation in medical costs for refugee medical assistance recipients.

(4) The refugee financial assistance recipient who becomes ineligible because of increased income from employment shall remain eligible for medical assistance for four calendar months beginning with the month of ineligibility provided:

(a) In the case of a single individual assistance unit the individual:

(i) Receives assistance in at least three of the six months immediately preceding the month of ineligibility; and

(ii) Continues employment.

(b) In the case of a multiple individual assistance unit:

(i) The family received assistance in at least three of the six months immediately preceding the month of ineligibility; and

(ii) A member of the family continues employment.

(5)) All recipients of refugee cash assistance (RCA) are eligible for refugee medical assistance (RMA).

(2) A refugee is not required to apply for or receive RCA as a condition of eligibility for RMA.

(3) A refugee may be eligible for RMA during the eight-month period beginning with the first month the refugee entered the United States.

(4) Eligibility for RMA is limited to those refugees who:

(a) Are ineligible for Medicaid but meet AFDC financial eligibility standards as provided in chapter 388-215 WAC, Aid to families with dependent children;

(b) Meet immigration status and identification requirements as provided in WAC 388-55-010, Common eligibility conditions;

(c) Have not been denied, or terminated from, RCA for the reasons provided in WAC 388-55-010, Common eligibility conditions;

(d) Provide the name of the voluntary agency (VOLAG) which resettled the refugee; and

(e) Are not full-time students in institutions of higher education except where such enrollment is approved as part of an individual employability plan.

(5) The department shall authorize extended RMA through the eighth month following entry into the United States when eligibility for RCA no longer exists due to a reduction in financial need.

(6) Medical need is not an eligibility factor for subsection ((4)(a) or (b)) (5) of this section.

((6)) (7) Refugee recipients shall have continuing eligibility for financial and medical assistance redetermined at least once in every six months of continuous receipt of assistance.

((7)) (8) Effective October 1, 1991, for new applicants and effective December 1, 1991, for current recipients, persons meeting the criteria in this section are eligible for refugee assistance only during the eight-month period beginning in the first month the person entered the United States.

NEW SECTION

WAC 388-55-050 Refugee social service eligibility. (1) The department shall consider refugees who meet the criteria in WAC 388-55-010 to be eligible for refugee social services without regard to the length of time in which the refugees have resided in the United States.

(2) The department shall consider refugees receiving RCA/RMA to be priority clients for refugee employment and training services.

(3) The department shall consider refugees who have resided in the United States for twelve months or less to be priority clients for refugee social services.

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(4) The department shall provide refugees with services as allowed under Title XX of the Social Security Act.

NEW SECTION

WAC 388-55-060 Refugee notification and referral.

(1) The department shall notify the voluntary agency (VOLAG) sponsoring a refugee when the refugee applies for RCA/RMA.

(2) The department shall refer refugee applicants sixty-five years of age or older, blind, or disabled to the Social Security Administration to apply for assistance under the Supplemental Security Income (SSI) program.

(3) The department shall continue to provide RCA/RMA services to eligible RCA/RMA recipients up to eight months or until eligibility for SSI has been determined.

**WSR 96-05-010
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3943—Filed February 9, 1996, 3:56 p.m.]

Date of Adoption: February 9, 1996.

Purpose: Ensure a person losing SSI eligibility solely due to this state's lid on SSP will remain eligible for medical benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-511-1140 SSI-related income exemptions.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: State Plan Amendment Sup. 8a to Article 2.6-A page 6.

Adopted under notice filed as WSR 96-02-042 on December 27, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 9, 1996

Merry A. Kogut
Supervisor

AMENDATORY SECTION (Amending Order 3845, filed 4/5/95, effective 5/6/95)

WAC 388-511-1140 SSI-related income exemptions.

(1) The department shall exempt:

(a) Any public agency's refund of taxes paid on real property or on food;

(b) State public assistance and supplemental security income (SSI) based on financial need;

(c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expense at an educational institution;

(d) Income that a client does not reasonably anticipate, or receives infrequently or irregularly, when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amount a client receives for the foster care of a child who lives in the same household, if the child is not SSI-eligible and was placed in such home by a public or nonprofit child placement or child care agency;

(f) One-third of any payment for child support a parent receives from an absent parent for a minor child who is not institutionalized;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (1)(a) through (f) of this section, for a client at home. The department shall consider the exemption only once for a husband and wife. The department shall not apply such exemption on income paid on the basis of an eligible person's needs, which is totally or partially funded by the federal government or a private agency;

(h) Tax exempt payments Alaska natives receive under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments exempted under other statutes;

(j) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(k) From the income of a single SSI-related parent or a married SSI-related parent whose spouse does not have income, an amount to meet the needs of an ineligible minor child living in the household of SSI-related parent. See WAC 388-506-0630 when the SSI-related client has a spouse with income. The exemption is one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;

(l) Veteran's benefits designated for the veteran's:

(i) Dependent; or

(ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client, see WAC 388-513-1345;

(m) Title II Social Security Administration benefits. The department shall:

(i) Determine current client eligibility for categorically needy medical assistance under WAC 388-503-0310(4), including all Title II cost-of-living adjustment (COLA) benefit increases received by the:

(A) Client since termination from SSI/SSP; or

(B) Client's spouse and/or other financially responsible family member living in the same household during the time period under (m)(i) of this subsection.

(ii) Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in

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computing the client's participation in the cost of the institutionalized client's care.

(n) A fee a guardian or representative payee charges as reimbursement for providing services, when such services are a requirement for the client to receive payment of the income;

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client such as chore services;

(p) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(q) Restitution payment and any interest earned from such payment to a person of Japanese or Aleut ancestry under P.L. 100-383;

(r) The amount of the expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(s) The amount of the blindness-related work expenses of a blind client;

(t) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(u) Earned income tax credit (EITC);

(v) Crime victim's compensation funds;

(w) Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(x) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on this income is not exempt;

(y) Payments to the injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act; and

(z) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;

(aa) Payments from the Dutch government, under the Netherlands' Act on Benefits for Victims of Persecution (WUV). The department shall consider interest earned on such payments as countable income; and

(bb) Up to two thousand dollars per year derived from an individual interest in Indian trust or restricted land.

(2) Unless income is contributed to the client, the department shall exempt all earned income of an ineligible or nonapplying person twenty years of age and under who is a student regularly attending a school, college, university, or pursuing a vocational or technical training designed to prepare the student for gainful employment.

(3) For the SSI-related client, the department shall exempt the first sixty-five dollars per month of earned income not excluded according to subsection (1) of this section, plus one-half of the remainder.

(4) The department shall exempt as income the unearned income amounts withheld due to garnishment under a court, administrative, or agency order.

(5) The department shall exempt as income the unearned income amounts which represent an essential expense incurred in receiving the unearned income.

(6) Effective November 1, 1995, the department shall exempt income which causes the client to lose SSI eligibility due solely to the reduction in state supplement payment (SSP).

**WSR 96-05-011
PERMANENT RULES
GAMBLING COMMISSION**

[Filed February 9, 1996, 3:58 p.m., effective February 9, 1996]

Date of Adoption: February 9, 1996.

Purpose: To impose a moratorium on the issuance of mandatory license class downgrades for a bingo licensee's failure to meet net income requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 230-20-064 Maximum receipts, prizes, and expenses ...

Statutory Authority for Adoption: RCW 9.46.070 (1), (8), (11), (14), (20).

Adopted under notice filed as WSR 95-23-090 on November 20, 1995.

Changes Other than Editing from Proposed to Adopted Version: Changed percentage in subsection (7)(b) from 2.5% to 4.5%, subsection (8) became subsection (9), and a new subsection (8) was added giving the director authority to grant relief on a case-by-case basis.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Emergency rule adopted under WSR 95-21-078 expires February 16, 1996. Therefore, the commission finds that this rule should become effective upon adoption to prevent a lapse of the provisions.

Effective Date of Rule: February 9, 1996.

February 9, 1996
Michael Aoki-Kramer
Rules and Policy Coordinator

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AMENDATORY SECTION (Amending Order 250 [262], filed 3/16/95 [12/5/94])

WAC 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Organizations licensed to conduct bingo games must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the organization's license year as set out in WAC 230-04-201, Table 1, or as restricted by the commission under subsection (6) of this section.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts, as percentages of gross receipts, shall not exceed the percentages listed in Table 1. by class of license, or as restricted by the commission under subsection (6) of this section.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, combined net income from bingo games, punchboards/pull tabs, and food, drink or other retail sales activities conducted in conjunction with bingo games, as a percentage of bingo games gross receipts shall not be less than the percentage listed in Table 1. by class of license for any annual license period, or as restricted by the commission under subsection (6) of this section: *Provided*, That local gambling taxes paid or accrued will be allowed as a credit when computing net income for bingo and punchboards and pull tabs.

(4) The director may allow a licensee to temporarily exceed the limitations set out in subsection (2) or (3) of this section, or Table 1. of this section when unusual and/or uncontrollable conditions affect the licensee's ability to comply. Any licensee seeking relief from these requirements must petition the commission staff in writing. This petition must set forth the specific circumstances for which such relief is sought and include objective evidence regarding the scope of the impact on the bingo operation. The director may authorize exceptions under the following conditions:

(a) When a new class D or above bingo licensee or any game not under the jurisdiction of the commission and which operates two or more days per week begins bingo activities within the market area of an operating game. For purposes of this section, "market area" is defined as:

(i) Primary market area - within the area encompassed by a measurement that starts at the premises of an operating class D or above bingo game and extends to a radius that is located five miles from such premises;

(ii) Secondary market area - within the area encompassed by a measurement that starts at a radius that is located five miles from the premises of an operating class D or above bingo game and extends to a radius that is located ten miles from the premises;

(iii) Rural market area - within the area starting at the premises of an operating class D or above bingo game and extending to the twenty-five mile radius from such premises when such premises is located in any county that the total population is less than one hundred thousand.

(b) When a class D or above game is forced to move its current operations outside their primary market area due to

circumstances beyond the control of the organization. Examples of uncontrollable circumstances are:

(i) Premises destroyed or condemned;

(ii) Lease expiration without an option to renew;

(iii) Increases to rent that would put the licensee in jeopardy of being in violation of net income requirements;

(iv) Permanent interruption of customer flow, such as: Closure of arterial exit ramps; loss of customer parking; cancellation of public transportation; etc.; or

(v) Other circumstances as approved by the director.

(c) When an organization not previously licensed to conduct bingo at any class begins operations at the class D or above level;

(d) When a licensee is required to upgrade their license class in the last quarter of their annual license period; or

(e) When an organization incurs a temporary interruption of customer flow. A "temporary interruption of customer flow" is defined as an interruption that the licensee can not prevent but which will be corrected within a reasonable time period, such as street repairs, damage to premises, inclement weather, etc.

(5) Relief granted under subsection (4) of this section shall be limited to adjustment of the requirements in Table 1. as follows:

(a) Relief for subsection (4)(a) of this section - New game operating within the primary market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the primary market area of an operating class D or above bingo game and:

(i) The new game operates two or more occasions per week that are common to the currently operating game, the annual and calendar quarter prize payout limits shall be increased by two percentage points for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by two percentage points for the first twelve months of operation of the new game; or

(ii) The new game operates one occasion or less per week that is common to the currently operating game, the annual and calendar quarter prize payouts limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game.

(b) Relief for subsection (4)(a) of this section - New game operating within the secondary or rural market area. When a new class D or above or any game not under the jurisdiction of the commission and which operates two or more days per week begins operations within the secondary or rural market area of an operating class D or above bingo game and:

(i) The new game operates on two or more occasions common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one percentage point for the first twelve months of operation, and the annual minimum net income requirements shall be decreased by one percentage point for the first twelve months of operation of the new game; or

(ii) The new game operates on one or less occasion common to the current game, then the annual and calendar quarter prize payout limits shall be increased by one-half percentage point for the first twelve months of operation,

and the annual minimum net income requirements shall be decreased by one-half percentage point for the first twelve months of operation of the new game.

(c) Relief for subsection (4)(b) of this section - Organizations forced to move their game outside their primary market area shall be authorized an increase in the quarterly prize payout limit of one percentage point, and a decrease in the annual net income limit by one percentage point for the first twelve months of operation in the new location;

(d) Relief for subsection (4)(c) of this section - Organizations not previously licensed to conduct bingo at any level shall be authorized a two percentage point reduction in the net income requirement and a two percentage point increase in the maximum prize payout requirement of Table 1. for the first annual license period;

(e) Relief for subsection (4)(d) of this section - Organizations required to upgrade their license in the last quarter of their annual license period shall be measured for the entire annual license period based on the lower license class limits; and

(f) Relief for subsection (4)(e) of this section - Organizations that have temporary interruption of customer flow shall be measured for the affected period, plus one month, based on performance with the interruption period factored out.

(6) Enforcement actions. The commission may impose the following corrective requirements and/or penalties on any licensee who fails to meet requirements of this section:

(a) Any licensee that exceeds the maximum calendar quarter prize payout limit or reports net income that is more than two percentage points lower than the annual minimum net income requirements during any quarter and whose net income falls below the annual minimum requirements when measured license year-to-date shall:

(i) Take immediate steps to decrease prizes and/or expenses;

(ii) Report the violation to commission staff as soon as discovered, but in no case later than thirty days following the end of the quarter. This notification shall be separate and additional to the quarterly activity report;

(iii) Provide a written plan of actions to gain compliance to the commission no later than forty-five days following the end of the quarter. This plan shall be evaluated by commission staff and input provided to the licensee no later than thirty days after receipt;

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

(v) Upon request, a committee of the licensee's management, including the chief executive officer, executive director, or equivalent manager responsible for supervising the primary bingo manager, and the primary bingo manager shall meet with commission staff to discuss the action plan.

(b) Any licensee who fails to achieve the minimum net income requirement for their annual measurement period shall be limited in license class for the next annual license period to the license class equal to the level of net income actually achieved, not to exceed a license class that authorizes at least one-half of the maximum gross gambling receipts of the current license class. The annual measurement period used shall be the licensee's annual fiscal accounting year: *Provided*, That the reduction for the first violation shall be

a maximum of two license classes. A licensee limited under this section will not be granted an increase in their authorized license class until it has demonstrated the ability to maintain net income requirements at or above the minimum level for the class of license sought. Achieving net income requirements at or above the minimum level for at least two quarters, one of which may be the last quarter in the previous license year, shall be prima facie evidence of such ability: *Provided Further*, That a licensee may petition the commissioners for a license to operate at a higher level. Any such petition would be heard at a regular public meeting of the commission under the requirements of WAC 230-50-850. Petitions for relief under this section must include: The impact the reduction would have on their programs; what portion of their programs are charitable as compared to nonprofit; and income available from other sources to fund programs. The commission may take testimony from other parties that may be affected by approval of the petition. Any approval granted under this section may be made contingent upon future compliance or other issues as determined by the commission.

(c) The commission deems the responsibility for maintaining prize payouts at or below the maximum annual limit to be that of the primary bingo manager. The organization's board of directors may relieve the primary bingo manager of this responsibility by informing the commission in writing. Unless relieved by the board of directors, the primary manager shall be responsible for all penalties imposed under this section. If the board relieves the manager of responsibility for prizes, the commission shall consider the organization fully responsible for compliance with this section. In this case, prize payouts will be considered when reviewing violations of this section. The primary manager shall not be compensated in any manner during periods of license suspension imposed under this section. Any primary bingo manager who fails to achieve the annual limit for the class of license issued to the organization, as set out in Table 1. below, shall:

(i) First violation - Receive a written warning and be required to demonstrate in-depth knowledge of factors affecting prize payouts including, but not limited to, bingo game prize probabilities, expected payouts for each type of game, factors included in the computation, and methods for analysis of games. The scope and depth of their bingo management knowledge shall be demonstrated by requiring the manager to prepare and submit their current game schedules, records used to analyze games, and the expected payout for each game. The manager will be required to meet with commission staff to discuss the evaluation and other aspects of their game;

(ii) Second violation - Three day suspension that includes at least one operating day;

(iii) Third violation - Ten day suspension that includes at least four operating days;

(iv) Fourth violation - Thirty-day suspension;

(v) Fifth violation - Revocation of manager's license for at least one year.

(7) In order to study the possible impacts of factors beyond bingo licensees' control which may affect bingo licensees' ability to meet license class requirements and requirements of this section, the commission imposes an immediate moratorium on the mandatory downgrade require-

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ment of subsection (6). Any bingo licensee who fulfills the following requirements shall be allowed to operate at its current license class:

(a) the licensee informs the commission in writing that it wishes to participate in the study, the steps the licensee is taking to meet its license class requirements, and that it meets the requirements of this subsection;

(b) the bingo licensee is within 4.5% of the net income requirements for the licensee's license class; and

(c) the licensee freezes controllable expenses for the duration of the study.

(8) Licensees more than 4.5% out of compliance with their license class net income requirements may petition the Director to participate in the moratorium and study as long as the licensee meets the other requirements of subsection (6). Denial may be appealed to the Commission as in subsection (6)(b).

(9) The moratorium upon issuing mandatory downgrades as set forth in subsection (7) ends when the commission completes the study or on January 1, 1997, whichever occurs first. The moratorium extends only to the issuing of downgrades while the moratorium is in effect; it does not affect any other licensee requirements.

Table 1

Group	License Class	Annual Gross Receipts	Annual Prize Payout Limits	Calendar Quarter Prize Payout Limits	Annual Minimum Net Income Requirements - Bingo *	Annual Minimum Net Income Requirements - Bingo & Punchboards/Pull Tabs **
I	A	Up to \$ 15,000	No Limits	No Limits	No Limits ***	No Limits ***
	B	\$ 15,001- 50,000	No Limits	No Limits	No Limits ***	No Limits ***
	C	50,001- 100,000	No Limits	No Limits	No Limits ***	No Limits ***
	D	100,001- 300,000	Max of 85.0%	Max of 86.5%	At least 1.0%	At least 2.0%
	E	300,001- 500,000	Max of 84.0%	Max of 85.0%	At least 2.0%	At least 3.0%
II	F	500,001- 1,000,000	Max of 83.0%	Max of 84.0%	At least 3.5%	At least 4.5%
	G	1,000,001- 1,500,000	Max of 80.0%	Max of 81.0%	At least 5.0%	At least 7.0%
	H	1,500,001- 2,000,000	Max of 78.0%	Max of 79.0%	At least 7.0%	At least 9.0%
	I	2,000,001- 2,500,000	Max of 76.0%	Max of 77.0%	At least 9.0%	At least 11.0%
	J	2,500,001- 3,000,000	Max of 74.0%	Max of 75.0%	At least 11.0%	At least 13.0%
III	K	3,000,001- 3,500,000	Max of 72.0%	Max of 73.0%	At least 12.5%	At least 15.0%
	L	3,500,001- 4,000,000	Max of 70.0%	Max of 71.0%	At least 13.5%	At least 16.0%
	M	Over 4,000,000	Max of 70.0%	Max of 71.0%	At least 14.5%	At least 17.0%

* = Combined net income from bingo games and sales of food, drink, or other retail items, if applicable, as a percentage of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

** = Combined net income from punchboards/pull tabs, bingo games and sales sale of food, drink, or other retail items, if applicable, as a percent of bingo gross receipts. Local gambling taxes are not considered an expense for computing net income.

*** = Combined net income must be equal to or greater than zero (0) if wages or rent is paid to operate the activity. Local gambling taxes are not considered an expense for computing net income.

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 96-05-015
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
 [Filed February 12, 1996, 11:24 a.m.]

Date of Adoption: February 8, 1996.

Purpose: To be consistent with the state agricultural burning regulations and to allow training fires and fire extinguisher training by rule rather than by the Puget Sound Air Pollution Control Agency's formal written approval.

Citation of Existing Rules Affected by this Order: Repealing Regulation I - Section 8.01; and amending Regulation I - Section 8.02.

Statutory Authority for Adoption: Chapter 70.94 RCW. Adopted under notice filed as WSR 96-02-019 on December 22, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 February 9, 1996
 Larry C. Vaughn
 Assistant Engineer

REPEALER

REGULATION I SECTION 8.01 POLICY

AMENDATORY SECTION

REGULATION I SECTION 8.02 OUTDOOR FIRES - PROHIBITED TYPES

It shall be unlawful for any person to cause or allow any outdoor fire:

(a) During any stage of an air pollution episode or period of impaired air quality; or

(b) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors; or

(c) Other than the following types:

(1) Fires for instruction in the methods of fighting fires, ~~((except forest fires), provided prior written approval has been issued by the Control Officer))~~ provided the person(s) conducting the training fire complies with the requirements of Section 8.07 or 8.08 of this regulation;

(2) Fires associated with commercial agricultural operations, ~~((activities for controlling diseases, insects, weed abatement or development of physiological conditions conducive to increased crop yield, provided written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is the best management practice, and))~~ provided prior written approval has been issued by the Control Officer in accordance with Section 8.05 of this regulation;

(3) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, any silvicultural operation to improve forest lands, and silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas, provided prior written approval has been issued by the Washington Department of Natural Resources;

(4) Fires no larger than four feet in diameter and three feet in height consisting of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee, provided a permit has been issued by a fire protection agency, county, or conservation district;

(5) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects, provided a permit has been issued by a fire protection agency, county, or conservation district;

(6) Fires consisting solely of charcoal, propane, natural gas, or wood used solely for the preparation of food;

(7) Fires no larger than four feet in diameter and three feet in height for campfires at designated federal, state, county or city parks and recreation areas;

(8) Fires for Indian ceremonies or for the sending of smoke signals if part of a religious ritual;

(9) Fires for abating a fire hazard, provided a fire protection agency or county has determined that no reasonable alternative is available to abate the hazard and prior written approval has been issued to the fire protection agency or county by the Control Officer.

NEW SECTION

REGULATION I SECTION 8.05 AGRICULTURAL BURNING

(a) Applicability. This section applies to burning related to commercial agricultural operations. The definitions and requirements contained in Chapter 173-430 WAC also apply to this section.

(b) General Requirements. Agricultural burning will be permitted if the following requirements are met:

(1) The natural vegetation being burned is generated from the property of the commercial agricultural operation; and

(2) Burning is necessary for crop propagation or rotation, disease or pest control; and

(3) Burning is a best management practice as established by the Agricultural Burning Practices and Research Task Force (established in RCW 70.94.650 as referenced in WAC 173-430-050); or the burning practice is approved in writing by the Washington State Cooperative Extension Service or the Washington State Department of Agriculture; or the burning is conducted by a governmental entity with specific agricultural burning needs, such as irrigation districts, drainage districts, and weed control boards.

(c) Permit Applications. Agricultural burning permits shall be approved by the Agency prior to burning. The permit application shall be submitted on forms provided by the Agency and shall include:

(1) A copy of the applicant's most recent year's Schedule F (as filed with the Internal Revenue Service);

(2) A written review by the local fire district or fire marshal indicating their endorsement that local requirements have been met; and

(3) A non-refundable permit fee:

(A) For burning up to 10 acres (or equivalent), the fee is \$25.00, (base fee);

(B) For burning over 10 acres, the fee is \$25.00 plus \$2.50 for each additional acre.

(d) Permit Action and Content.

(1) The Agency will act on a complete application within 7 days of receipt.

(2) All agricultural burning permits shall contain conditions that are necessary to minimize emissions.

(3) All permits shall expire 12 months from date of issuance.

(e) Permit Denial. No permit shall be issued if the Agency determines that the proposed burning will cause a nuisance. All denials shall become final within 15 days unless the applicant petitions the Control Officer for reconsideration, stating the reasons for reconsideration. The Control Officer shall then consider the petition and shall within 30 days issue a permit or notify the applicant in writing of the reason(s) for denial. (For more information on the appeal process, see Section 3.17 of this regulation.)

NEW SECTION

REGULATION I SECTION 8.07 FIRE EXTINGUISHER TRAINING

(a) Applicability. This section applies to small, short-duration fires for teaching the proper use of hand-held fire extinguishers.

(b) General Requirements. Hand-held fire extinguisher training may be conducted provided the following requirements are met:

- (1) Training shall not occur during any stage of an air pollution episode or period of impaired air quality;
- (2) Combustible materials used during the fire extinguisher training shall be limited to:
 - (A) Less than 2 gallons of clean kerosene or diesel fuel oil per training exercise,
 - (B) As much gaseous fuel (propane) as required for the training exercise,
 - (C) Less than 0.5 cubic yards of clean, solid combustible materials per training exercise. Examples of solid combustible materials are seasoned wood, untreated scrap lumber, and unused computer paper.
- (3) All training must be conducted by local fire officials or a qualified instructor. Instructor qualifications and a training plan must be available to PSAPCA upon request;
- (4) Prior to the training, the person(s) conducting the exercise must notify the local fire department, fire marshal, or fire district and must meet all applicable local ordinances and permitting requirements; and
- (5) Person(s) conducting hand-held fire extinguisher training shall be responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

NEW SECTION

REGULATION I SECTION 8.08 FIRE DEPARTMENT TRAINING EXERCISES

- (a) Applicability. This section applies to structural fires set by fire departments, fire marshals, vocational schools, or fire districts for training fire fighters under realistic conditions.
- (b) General Requirements. Fire departments, fire marshals, vocational schools, or fire districts may conduct structural fire training provided all of the following requirements are met:
 - (1) The fire training shall not occur during any stage of an air pollution episode or period of impaired air quality;
 - (2) Before the training begins, the fire department, fire marshal, vocational school, or fire district conducting the training fire must have submitted to PSAPCA a copy of the asbestos survey for the structure, and a completed PSAPCA Asbestos/Demolition Notification form indicating all asbestos has been removed from the structure prior to training;
 - (3) The fire department, fire marshal, vocational school, or fire district conducting the fire training must have a fire-training plan available to PSAPCA upon request, and the purpose of the structural fire must be to train fire fighters;
 - (4) Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile must not be burned. These materials must be lawfully removed from the structure and disposed of in a lawful manner prior to the training exercise;
 - (5) Nuisance complaints or citizen inquiries relating to any training fire shall be resolved by the fire departments, fire marshals, vocational schools, or fire districts conducting the training fire; and
 - (6) The fire departments, fire marshals, vocational schools, or fire districts conducting the training fire shall obtain any permits, licenses, or other approvals required by

any entity for such training fires. All permits, licenses, and approvals must be kept on-site and available for inspection.

**WSR 96-05-021
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 96-04—Filed February 13, 1996, 10:44 a.m.]

Date of Adoption: February 12, 1996.

Purpose: Chapter 392-140 WAC, K-3 Staff enhancement funding, to incorporate changes in reporting staff as a result of new special education funding formula contained in the 1995-97 Biennial Operating Appropriations Act.

Statutory Authority for Adoption: Biennial Operating Appropriations Act and RCW 28A.150.290.

Adopted under notice filed as WSR 96-02-078 on January 3, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 12, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 12, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
February 12, 1996
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-450 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 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.

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AMENDATORY SECTION (Amending Order 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-461 K-3 Staff enhancement—
Definition—~~((SPI Form)) S-275.~~ "~~((SPI Form)) S-275~~" means the ~~((same as))~~ S-275 reporting process defined in WAC 392-121-220.

AMENDATORY SECTION (Amending Order 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-462 K-3 Staff enhancement—
Definition—SPI Form S-277. "SPI Form S-277" means the form provided, for school years through 1994-95 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 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-470 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 (1) and (2); and ~~((subtract))~~

(2) ~~((Handicapped))~~ For school years through 1994-95 subtract special education 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 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-476 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))~~ Determine 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 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-480 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))~~ the S-275 ~~((for a certificated employee))~~ or for school years through 1994-95 on SPI Form S-277 (for a classified employee), or whose instructional FTE increases after October 1 of the school year. a

AMENDATORY SECTION (Amending Order 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-483 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;

(a) In school years through 1994-95 on ((SPI Form)) the 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;

(b) In the 1995-96 school year and thereafter, on the S-275 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 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-490 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))~~ the 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 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-491 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;

(a) On SPI Form S-277 for ((the)) school years through 1994-95 multiply the hours per day times the days per year times the hourly rate as reported on Form S-277((-));

(b) On the S-275 for a school year during the period 1995-96 and thereafter, determine the assignment salary as reported on the S-275;

(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 or the S-275.

AMENDATORY SECTION (Amending Order 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-492 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 for school years through 1994-95 on SPI Form S-277 or for the 1995-96 school year and thereafter on the S-275, 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 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-494 K-3 Staff enhancement—School district reporting—Required reports. Each school district shall report to the superintendent of public instruction on ((SPI Forms)) the S-275 and for school years through 1994-95 on SPI Form 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 93-21, filed 10/20/93, effective 11/20/93)

WAC 392-140-497 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)) the S-275; or
- (d) Corrections to FTE K-3 basic education classified instructional assistants on SPI Form S-277 or on the S-275.

(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.

**WSR 96-05-022
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 96-03—Filed February 13, 1996, 10:46 a.m.]

Date of Adoption: February 12, 1996.

Purpose: Chapter 392-127 WAC, Certificated instructional staff ratio, the 1995-97 Biennial Operating Appropriations Act modified the special education funding formula necessitating a change in how school district personnel are reported to the Office of Superintendent of Public Instruction.

Statutory Authority for Adoption: RCW 28A.150.290.
Adopted under notice filed as WSR 96-02-077 on January 3, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 9, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 9, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
February 12, 1996
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 91-12, filed 7/26/91, effective 8/26/91)

WAC 392-127-011 Other ratio requirements. School districts are advised that compliance with this chapter does not ensure compliance with the following statutes:

(1) RCW 28A.150.250, which requires that the ratio of students per classroom teacher in kindergarten through third grade be no greater than the ratio of students per classroom teacher in fourth through twelfth grade.

(2) ~~((Section 502(10), chapter 19, Laws of 1989 1st sess. (uncodified), (Omnibus))~~ The Biennial Operating Appropriations Act((3)) which sets forth a staffing and funding process to increase certificated instructional staff

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ratios in kindergarten through third grade to a level greater than that provided in statute.

AMENDATORY SECTION (Amending Order 93-18, filed 10/20/93, effective 11/20/93)

WAC 392-127-015 FTE enrollment—Definition. As used in this chapter, "full-time equivalent enrollment" means for the period selected by a school district, the total full-time equivalent students reported by a school district pursuant to WAC 392-121-122 (1) and (2) and for school years through 1994-95 minus ~~((the following))~~:

~~((1) Handicapped)) Special education 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((;~~

~~(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 pursuant to WAC 392-122-200 through 392-122-275)).~~

AMENDATORY SECTION (Amending Order 10, filed 6/1/90, effective 7/2/90)

WAC 392-127-020 ((SPI Form)) S-275—Definition. As used in this chapter, "((SPI Form)) S-275" means the ~~((same as))~~ S-275 reporting process defined in WAC 392-121-220.

AMENDATORY SECTION (Amending Order 10, filed 6/1/90, effective 7/2/90)

WAC 392-127-050 Addition FTE—Definition. As used in this chapter, "addition full-time equivalent" means the increase in full-time equivalent for a basic education certificated instructional employee who is not reported on ~~((SPI Form))~~ the S-275 or whose certificated instructional full-time equivalent is increased after October 1 of the current school year calculated as follows:

(1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on ~~((SPI Form))~~ the S-275 if the employee had served the full academic year at the level of service after the contract change;

(2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on ~~((SPI Form))~~ the S-275 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 contract change, including the month the change occurred; and

(4) Divide the result obtained in subsection (3) of this section by nine.

AMENDATORY SECTION (Amending Order 10, filed 6/1/90, effective 7/2/90)

WAC 392-127-055 Reduction FTE—Definition. As used in this chapter, "reduction full-time equivalent" means the decrease in full-time equivalent" means the decrease in full-time equivalent for a basic education certificated instructional employee who is no longer employed or whose certificated instructional full-time equivalent is reduced after October 1 of the current school year calculated as follows:

(1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on ~~((SPI Form))~~ the S-275 if the employee had served the full academic year at the level of service after the contract change;

(2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on ~~((SPI Form))~~ the S-275 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 contract change, including the month the change occurred; and

(4) Divide the result obtained in subsection (3) of this section by nine.

AMENDATORY SECTION (Amending Order 10, filed 6/1/90, effective 7/2/90)

WAC 392-127-060 Reassignment FTE—Definition. As used in this chapter, "reassignment full-time equivalent" means the change in full-time equivalent for a basic education certificated instructional employee after October 1 whose certificated instructional full-time equivalent does not change calculated as follows:

(1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on ~~((SPI Form))~~ the S-275 if the employee had served the full academic year at the level of service after the assignment change;

(2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported on ~~((SPI Form))~~ the S-275 from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (1) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the contract change, including the month the reassignment is in effect; and

(4) Divide the result obtained in subsection (2) of this section by nine.

AMENDATORY SECTION (Amending Order 10, filed 6/1/90, effective 7/2/90)

WAC 392-127-070 Basic education certificated instructional staff ratio—Definition. As used in this chapter, "basic education certificated instructional staff ratio" means the following calculation:

(1) Add the full-time equivalent basic education certificated instructional employees as reported on ~~((SPI Form))~~ the S-275 and any supplemental full-time equivalent staff;

- (2) Divide the result obtained in subsection (1) of this section by the full-time equivalent enrollment for October or that period selected by the school district; and
- (3) Multiply the result obtained in subsection (2) of this section by one thousand.

AMENDATORY SECTION (Amending Order 10, filed 6/1/90, effective 7/2/90)

WAC 392-127-080 School district reporting—Required reports. On or before the Wednesday prior to Thanksgiving of each school year, each school district shall submit to the superintendent of public instruction (~~(SPF Form)~~) the S-275 the school district's full-time equivalent basic education certificated instructional staff for the current school year.

AMENDATORY SECTION (Amending Order 10, filed 6/1/90, effective 7/2/90)

WAC 392-127-090 School district reporting—Optional report—Enrollment changes. A school district may request that the superintendent of public instruction use a different full-time equivalent enrollment to compute staffing ratios than that reported for October. The school district shall request the use of a different enrollment period prior to September (~~(40)~~) 30 of the following school year. The school district may select either one of the following:
(1) The full-time equivalent enrollment for any one month during the current school year; or
(2) The annual average full-time equivalent enrollment for the current school year.

WSR 96-05-024
PERMANENT RULES
NORTHWEST AIR POLLUTION AUTHORITY
[Filed February 13, 1996, 12:42 p.m.]

Date of Adoption: February 8, 1996.

Purpose: To amend, add and delete subsections of the Northwest Air Pollution Authority regulation to reflect changes in the state and federal rules and to clarify requirements that will promote effective air pollution control.

Citation of Existing Rules Affected by this Order: Amending sections 104, 133, 200, 300, 302, 310, 312, 320, 322, 340, 341, 342, 460, 520, 580, and 590.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 96-01-089 on December 19, 1995.

Summary of Northwest Air Pollution Authority Regulation Changes-February 8, 1996

Subsections:

- 104.2 Recently promulgated federal rules will be adopted by reference.
- 133 Maximum civil penalty increased to \$11,225 per day per violation to account for inflation.
- 200 The following definitions have been deleted as they are ambiguous or they are in conflict with other

rules: Alteration, plant source, and unavoidable accident.

The following definitions have been added to be consistent with other rules: Emissions unit, notice of construction application, and unavoidable excess emissions.

The following definitions have been modified for consistency with state rules and for clarity: Order of approval and fuel burning equipment.

300 All references to alteration have been deleted and replaced with modification to be consistent with the Washington State Clean Air Act, chapter 70.94 RCW.

302 The phrase "all known, available, and reasonable" has been replaced with Best Available Control Technology. Current wording now refers to source or emission unit to be consistent with other sections in the regulations.

310 Delete all references to registration and replace with wording that addresses only approval to operate. The requirement to have an approval to operate for orders of approval takes effect February 8, 1996.

312.1 Wording has been added to specifically exempt SEPA rules as an applicable requirement for the operating permit process.

320 Add language that exempts operating permit sources from the registration program.

322 The Northwest Air Pollution Authority notification requirement for portable sources does not supersede any requirements in federal statutes.

340 The Northwest Air Pollution Authority requires notification if an air release occurs that requires notification under the CERCLA (40 CFR 302) or SARA (40 CFR 355) programs.

For clarity, Subsection 340.3 has been reworded and a new subsection, 340.4 has been added to address unavoidable excess emissions.

341 Add a new subsection, 341.4, to address unavoidable excess emissions.

342 Add a new subsection, 342.4, to address unavoidable excess emissions.

460 Sulfur weight/heat rate standard is a monthly average. Delete term "plant sources" for consistency with definition section. Add terms emission unit where appropriate.

520 Add a subsection, 520.2, that exempts ocean going vessels, small waste oil heaters, and waste oil collection programs from sulfur limits in fuel.

580.1 Remove requirement for BACT for VOC sources as it is already required in Section 301.

580 Definitions, replace definition of volatile organic compound to reflect current EPA determinations.

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- 580.26 New subsection that exempts sources from complying with applicable sections of 580 if a federal standard already applies.
- 590 New section adopting a local rule for perchloroethylene dry cleaners. The rule is equal in stringency to the federal rule with the exception that transfer machines will be phased out by December 31, 1999, and compliance with the rule is to begin upon passage of this section. The rule will simplify the understanding of requirements that affect dry cleaning operations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 12, 1996

James B. Randles
Assistant Control Officer

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-06 issue of the Register.

WSR 96-05-026

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed February 13, 1996, 1:46 p.m., effective April 1, 1996]

Date of Adoption: February 8, 1996.

Purpose: These modifications were needed to stress the institutions' responsibility to develop and disseminate a reasonable accommodation procedure and remove language which may be in conflict with federal laws.

Citation of Existing Rules Affected by this Order: Amending WAC 251-19-105.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 96-02-071 on January 3, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: April 1, 1996.

February 12, 1996

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 89-13-075 (Order 180), filed 6/21/89, effective 8/1/89)

WAC 251-19-105 Accommodation due to disability.
~~((1)) Each institution/related board shall develop and disseminate a procedure regarding reasonable accommodation of ((disabled)) employees with disabilities in accordance with state and federal laws. In addition, the institution/related board shall be responsible for notifying the employee of steps to be followed should the employee request accommodation for essential job functions. A copy of the procedure shall be provided to the employee. The institution/related board shall follow state and federal laws when considering and providing reasonable accommodations for employees with disabilities. ((Such procedure shall be approved and on file with the director.))~~

~~((2) The institution shall be responsible for notifying the employee of steps to be followed should the employee request accommodation.))~~

~~((3) When an employee requests reasonable accommodation due to disability, such requests will be submitted to the supervisor. The request must state the nature of the disability and the accommodation desired. An employee requesting reasonable accommodation due to a disability will be required to submit a medical statement which provides adequate guidance to the employer specifying:))~~

~~((a) Pertinent diagnosis;))~~

~~((b) Prognosis;))~~

~~((c) Anticipated duration of disability; and))~~

~~((d) Recommended accommodation and anticipated duration of the need for such accommodation.))~~

~~((4) The institution shall make good faith efforts to accommodate an employee with a medically verified disability which impacts the employee's ability to perform the work of the regular position.))~~

WSR 96-05-029

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed February 14, 1996, 10:02 a.m.]

Date of Adoption: February 9, 1996.

Purpose: Amend chapter 516-37 WAC, Use of university facilities—Library and media services, to delete section on media services, which no longer reports to director of libraries, and reflect changes in library loan policy.

Citation of Existing Rules Affected by this Order: Amending chapter 516-37 WAC.

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Statutory Authority for Adoption: RCW 28B.35.120(12).

Adopted under notice filed as WSR 95-21-031 on October 9, 1995; and continued in WSR 96-01-098 on December 19, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 12, 1996

Wendy Bohlke

Assistant Attorney General

Senior Counsel

Chapter 516-37 WAC

USE OF UNIVERSITY FACILITIES—~~((LIBRARY AND MEDIA SERVICES))~~ LIBRARIES

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-37-001 Use of library facilities by ~~((noncampus)) nonuniversity~~ related persons. General policy is to extend the use of ~~((Wilson Library)) the libraries'~~ resources and facilities freely to ~~((noncampus)) nonuniversity~~ persons who wish to make use of ~~((Wilson)) library resources~~ ~~((for some scholarly, book or study related need. However, to the extent it is feasible such individuals are encouraged to use public and school library materials and facilities when the latter will serve their ends equally well)).~~ Persons using the libraries' resources and facilities are expected to maintain appropriate behavior and to adhere to such food and beverage policies as are established by the director of libraries. Such use of library resources and facilities by ~~((noncampus)) nonuniversity~~ related persons does not extend to borrowing privileges, except materials may be loaned to persons in the following categories upon such terms as the director of libraries or his or her designee shall approve:

- (1) Faculty and students of other universities are accorded borrowing privileges pursuant to reciprocal agreements.
- (2) Persons who obtain an annually renewable community card for an annual fee.
- (3) Persons who ~~((join))~~ are active members of the Western Washington University Alumni Association.
- (4) Cooperating teachers, upon request.
- (5) Other individuals approved by the director of libraries or his or her designee~~((, such as visiting scholars,~~

~~research-oriented members of the local community, faculty from neighboring colleges, city officials, local teachers who may be issued a short term "courtesy card."))~~

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-37-005 Library hours. During the periods when classes are in session, the library hours shall be posted on the exterior wall or door of the library. ~~((Wilson))~~ Library facilities may be open for limited service on holidays when demand ~~((for library facilities))~~ can be expected from the university community. Hours may be adjusted without notice to meet special conditions.

AMENDATORY SECTION (Amending WSR 90-10-042, filed 4/27/90, effective 5/1/90)

WAC 516-37-010 Library hours—Library—Bulletin board posting. All posting in ~~((Wilson Library)) the libraries~~ is permitted only on the regularly designated bulletin boards, and must be approved by the library. Responsibility and supervision of all bulletin boards in the library is assigned to the reference department. All posters or materials requested to be displayed by students are expected to carry the ~~((ASB)) associated students'~~ stamp and to be dated. Posters that do not carry the ~~((ASB)) associated students'~~ stamp or that are requested to be displayed by faculty or nonstudent groups may be approved in the discretion of the ~~((assistant))~~ director of libraries or his or her designee. ~~((University posters are approved at the library reference desk.))~~

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

WAC 516-37-020 ~~((Library loan policy—On campus borrowers.)) Use of library facilities by university-related persons.~~ ~~((General circulation books and periodicals may be loaned to students, faculty, teaching assistants, department assistants and other on campus borrowers for periods specified by the director of the library and in accordance with the library rules. The director shall establish and post in the circulation department a schedule of charges for late returns or damaged or lost materials. Undergraduates may borrow general circulation books, with no restrictions on number, for the relevant loan period obtaining. These books may be renewed as often as requested unless they are reserved for other patrons. Periodicals are not generally loaned to undergraduate students.~~

~~Graduate students may borrow general circulation books for a period of one quarter, subject to library rules. Periodicals are not generally loaned to graduate students.~~

~~Faculty may borrow general circulation books for a period of one year, subject to library rules. All books are due on May 1 each year except that books charged or renewed in spring quarter do not become due until May 1, of the following year.~~

~~Teaching assistants or departmental assistants may borrow books under general circulation loan regulations applicable to graduate students, provided that, teaching assistants, graduate assistants, departmental assistants or research assistants (but not graduate students as such) who~~

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~~hold a card signed by the graduate dean designating their status may borrow periodicals on the same basis as faculty.)~~ Students, faculty, teaching assistants, and other Western Washington University personnel may borrow circulating materials for periods specified and in accordance with rules established by the director of libraries. Noncirculating materials may be borrowed as determined by the appropriate library unit. The director shall establish a schedule of charges for late returns or damaged or lost materials which shall be posted. Persons using the libraries resources and facilities are expected to maintain appropriate behavior and to adhere to such food and beverage policies as are established by the director of libraries.

AMENDATORY SECTION (Amending Order 72-10, filed 11/17/72)

~~WAC 516-37-030 ((Library loan policy—))Library—Briefcase inspection. ((The circulation system is designed to provide control of the collection in order to insure its maximum availability to the users of the library. In order to make certain that the circulation system is fully functional, all)) Briefcases and other carriers ((shall)) may be inspected upon the user's leaving the library. ((Persons choosing not to have their briefcases or other carriers inspected may leave them upon entry at the designated places provided.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 516-37-100 Media services.

WSR 96-05-030

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed February 14, 1996, 10:05 a.m.]

Date of Adoption: February 9, 1996.

Purpose: To provide information on access to Western Washington University services—Media services, chapter 516-39 WAC.

Citation of Existing Rules Affected by this Order: New chapter 516-39 WAC.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Adopted under notice filed as WSR 95-21-029 on October 9, 1995; and continued in WSR 96-01-099 on December 19, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 12, 1996

Wendy Bohlke

Assistant Attorney General

Senior Counsel

Chapter 516-39 WAC
MEDIA SERVICES

NEW SECTION

WAC 516-39-010 Media services. Media services provides media support for the university, primarily for classroom instruction. Support is provided in two ways: Production of medial materials and distribution/utilization of media. Services include audiovisual, video, graphics, and media engineering.

Media services provides training opportunities for students in graphics, television production and distribution, and audiovisual support. This training occurs through regular student employment and internships in collaboration with academic departments. Department staff also contribute to formal instruction in regular university courses.

There is no charge for services in direct support of classroom instruction other than for materials. For some services there are charges to other units of the university. Equipment may not be borrowed for nonuniversity purposes.

Media services may, at commercially competitive rates or for value received, sell services to noncampus clients pursuant to provisions of chapter 28B.63 RCW, "Commercial activities by institutions of higher education," as it exists now or may hereafter be amended.

WSR 96-05-036

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed February 15, 1996, 9:12 a.m.]

Date of Adoption: February 6, 1996.

Purpose: To ensure compliance by the Department of Licensing with the provisions of RCW 47.17.250, dealing with public records.

Citation of Existing Rules Affected by this Order: Amending WAC 308-10-010, 308-10-020, 308-10-025, 308-10-030, 308-10-040, 308-10-045, and 308-10-067.

Statutory Authority for Adoption: RCW 42.17.250.

Adopted under notice filed as WSR 96-02-035 on December 27, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 7, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 7, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 7, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
February 6, 1996
Walt Fahrer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-010 Definitions. (1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(2) The "department of licensing" is the agency created pursuant to chapter 46.01 RCW. The department of licensing shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the department of licensing.

(3) "Director" means the director of the department of licensing as appointed by the governor pursuant to RCW 46.01.090.

(4) "Raw data" means facts, symbols, or observations which have all of the following characteristics:

- (a) They have not been processed, edited or interpreted.
- (b) They are unevaluated and unorganized.
- (c) The fact, symbol, or observation does not, of itself, impart meaning to a potential user or fulfill a recognized need.

(d) To be useable the fact, symbol, or observation must go through some transformation process.

(5) "Information" means raw data that are organized, (~~evaluative~~) evaluated and interpreted to impart meaning to potential users and fulfill a recognized need.

(6) "Listing (list)" means a series of items of any kind including names, words or numbers no matter what the arrangement or purpose. When applied to the release of department record information it means the names of two or more individuals contained in:

- Data processing magnetic tapes
- Data processing print-outs 1, 2, 3, or 4 part utility paper or copies of such print-outs
- Data processing print-outs in the form of labels
- Computer data bases
- Any form of writing
- Microfiche/microfilm.

(7) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

(8) "Individual" means a natural person.

(9) "Commercial purpose" means using or intending to use information obtained, to contact or personally affect an individual identified on a list to facilitate profit expecting business activity.

(10) "Profession," when applied to department records, or the release of department record information, means any state regulated business, profession or occupation adminis-

tered by the assistant director, (~~professional licensing services~~) business and professions division.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-020 Operations and procedures. (1) The department is organized under a director, deputy director, and (~~six~~) five assistant directors. Each assistant director is delegated authority to act in a specific functional area. The (~~six~~) five major functional components are: Vehicle services, driver services, (~~professional licensing services~~) administrative services, (~~business license services, and~~) information services, and business and professions division.

(2) The director of the department is appointed by the governor, with consent of the senate, and holds office at the pleasure of the governor.

(a) Subject to statutory limitations the director has complete charge of the department. The director may delegate any power or duty vested in the office to any assistant or subordinate, but remains responsible for the official acts of the officers and employees.

(b) By the specific powers of legislation and delegation the director is charged with the responsibility and authority to act and direct in the following areas:

(i) Efficiently administer the laws pertaining to licensing (~~and regulation~~) of vehicles, vehicle operators, professions, occupations, real estate, (~~securities~~) vessels, and businesses.

(ii) Adopt and enforce rules (~~and regulations~~) consistent with, and necessary to carry out, the provisions of existing laws.

(c) Each assistant director reports directly to the deputy director, unless otherwise prescribed.

(d) Unless specifically delegated the director shall establish and maintain relationships with the state's executive offices, legislature, and other state agencies, other states and other states' agencies, agencies of the federal government, state and national associations, local and municipal governments, (~~the real estate~~) boards and commissions, and the press.

(e) The director shall have direct authority over matters pertaining to public information, research, and legal issues.

(3) The assistant director, vehicle services, has authority to act in the following areas:

(a) Administer laws pertaining to:

(i) Vehicle and vessel licensing and excise tax programs;

(ii) Fuel tax programs;

(iii) Proration and reciprocity programs;

(iv) Vehicle and vessel dealer, manufacturer licensing and inspection programs; and

(v) Miscellaneous vehicle licensing programs including: Transporters, wreckers, hulk haulers, abandoned vehicles, tow truck operators, scrap processors, snowmobile and ORV vehicle dealers.

(b) Adopt and enforce rules (~~regulations~~) and standards to carry out the provisions of existing law.

(c) Administer the licensing functions of county auditors, and licensing agents (~~and subagents~~) who have been appointed to act on behalf of the department.

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(4) The assistant director, driver services, has authority to act in the following areas:

(a) Administer the laws pertaining to driver licensing, financial responsibility, driver improvement, and examining;

(b) Adopt and enforce rules (~~(, regulations,)~~) and standards to carry out the provisions of existing law; and

(c) Determine field office locations and initiate property acquisition.

(5) The assistant director, (~~(professional licensing services))~~ business and professions division, has authority to act in the following areas:

(a) Administer the laws in conjunction with appointed boards pertaining to the following professions, occupations, and businesses:

- Appraisers
- Architects
- Athlete agents
- Auctioneers
- Bail bond agencies
- Barbers
- Camping resorts
- Cemeteries
- Collection agencies
- Cosmetologists
- Debt adjusters
- Embalmers
- Employment agencies
- Engineers
- (~~Eserow~~)
- Estheticians
- Firearm dealers
- Funeral directors
- (~~Land development~~
~~Land surveyors~~)
- Landscape architects
- Manicurists
- Notaries public
- Real estate brokers and salespersons
- Private investigators
- Security guards
- (~~Shorthand~~) Court reporters
- Timeshares

(i) The assistant director of (~~(professional licensing services))~~ the business and professions division helps administer the laws in conjunction with appointed boards, who exercise administrative and regulatory functions. Those boards are as follows:

- Appraiser advisory committee
- Architects registration board
- Board of funeral directors and embalmers
- Cemetery board
- Collection agency board
- Cosmetology advisory committee
- (~~Employment agency advisory board~~)
- Engineers & land surveyors registration board
- (~~Eserow commission~~
~~Funeral director/embalmer examining committee~~)
- Landscape architects examining board

Real estate commission

Shorthand court reporters advisory committee

(ii) Correspondence to these boards should be directed to the (~~(assistant director of professional licensing services))~~ program units for the boards.

(b) Adopt and enforce the rules, regulations and standards in conjunction with appointed boards to carry out the provisions of existing laws.

(c) Establish and maintain relationships with commissions, boards, societies, associations, and agencies both external and internal to this state in order to enhance the department's capability for recommending improvements in legislation, rules, or regulations relative to professions, occupations, or (~~(real estate))~~ businesses.

(d) Administer the laws pertaining to Uniform Commercial Code, business licensing and registration.

(6) The assistant director, administrative services, has authority to act in the following areas:

(a) Develop, promote, and direct department activities and programs which relate to:

- (i) Budget and management systems;
- (ii) Supply and equipment procurement;
- (iii) Forms and record management;
- (iv) Fiscal and revenue accounting;
- (v) Contracts;
- (vi) Safety and risk management;
- (vii) Facilities;
- (viii) Mail operations;

(b) Organize, provide, and manage integrated staff services to best serve the overall interests of the department.

(7) The assistant director, information services, has the authority to act in the following areas:

(a) Develop, promote, coordinate, and direct department activities which relate to the automated processing of data.

(b) Consult and work with other state agencies in structuring and phase-in of inter-agency related programs.

(c) Develop and implement a formal problem reporting system.

(8) (~~(The assistant director, business license services, has the authority to act in the following areas:~~

~~(a) Administer the laws pertaining to securities, uniform commercial code, business licensing and registration; and~~

~~(b) Adopt and enforce rules and regulations and standards to carry out the provisions of existing law;~~

~~(9))~~ The department conducts informal and formal proceedings in areas of its statutory authority as related in WAC 308-10-020. These proceedings are governed by chapters 34.05, 42.30 and 43.24 RCW, except that the denial, suspension, or revocation of drivers' licenses are not subject to provisions of chapter 34.05 RCW, the Administrative Procedure Act, other than those actions taken pursuant to chapter 46.29 RCW. The department has adopted rules in Title(~~(s)~~) 308 (~~(and 460))~~ WAC.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-025 Public records available. All public records of the department are deemed to be available for public inspection and copying during customary office hours pursuant to these rules, except as otherwise provided

by chapters 42.17 and 46.12 RCW ((and)), WAC 308-10-050 and 308-93-087.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-030 Public disclosure officer. The department's public disclosure officer shall be designated by the director. The person so designated shall be located in the main administrative offices of the department. The public disclosure officer shall be responsible for the following: The implementation of the department's rules ~~((and regulations))~~ regarding release of public records, coordinating the staff of the department in this regard, maintaining, keeping current, and publishing an index of all agency records and ensuring compliance with the public records disclosure act requirements.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-040 Requests for public records. In accordance with requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the department which shall be available at its administrative office. The form shall be presented to any member of the department staff designated by the responsible assistant director to receive requests, at the administrative office of the department during customary office hours. The request shall include the following information:

- (a) The name and address of the person requesting the record.
- (b) The calendar date on which the request ~~((was))~~ is made.
- (c) The nature of the request.
- (d) A reference to the requested record as it is described in the current department record index.

Note: If the material is not identifiable by reference to the department's current index, an accurate description of the record is requested.

- (e) The signature and other identifying information of the requester.
- (2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.
- (3) Persons authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-045 Copying. No fee shall be charged for the inspection of public records. The department shall charge a fee in the amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

ITEM	FEE
Abstract of driving record	\$4.50
((Application for license for hulk hauler, scrap processor, snowmobile dealer, ORV dealer, vessel dealer or transporter	\$2.00
Bond copies (dealer and manufacturer)	\$2.00))
Copies produced on copying and duplicating equipment	((40)) <u>15</u> cents per page
Evidence of ability to respond to damages (financial responsibility)	\$4.50
Computer generated listing, magnetic tapes or labels	Cost of services
Microfilm copies	75 cents per page
((Vehicles record lookups requests for lookup on one vehicle	\$2.00 per lookup
Vehicle record lookups listings	\$2.00 per lookup up to 10. \$20 per lookup for each lookup over 10 in any single request
Vehicle certificate of title, photo enlargement of microfilm record, and microfiche	\$1.50 per photograph))
Postal charges	May be added to any copy of a public record if applicable
UCC certificate of information	((7.00)) <u>\$17.00</u> each
UCC certificate of information and financing statement	((12.00)) <u>\$24.00</u> each
((Vehicle disposer fee schedule	\$2.00 each
Vehicle disposer insurance policy	\$2.00 each
Wrecker and disposer licensee bond application	\$2.00 each))

AMENDATORY SECTION (Amending WSR 91-13-057, filed 6/17/91, effective 7/18/91)

WAC 308-10-067 Public records indexing system.

(1) The department of licensing has implemented a system of indexing for identification and location of the following records:

- (a) All records issued before July 1, 1990, for which the agency has maintained an index.
- (b) Final orders from adjudicative proceedings as defined in RCW 34.05.010(1) entered after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties.
- (c) Declaratory orders entered after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties.
- (d) Interpretive statements entered after June 30, 1990.
- (e) Policy statements entered after June 30, 1990.

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(2) The department of licensing shall maintain a general index of all its records available to the public for inspection and copying, including those records mentioned above.

(3) The general index of public records will be maintained and updated yearly by the agency. The index of records is available during regular business hours for public inspection at the agency's main office located at the Department of Licensing, 1125 Washington Street S.E., ((PB-01,)) Olympia, Washington 98504. ((Subindexes will be maintained and updated regularly by the departmental division and program area.)) The public disclosure officer is responsible for updating the general index yearly.

WSR 96-05-046
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION
 [Order 79—Filed February 16, 1996, 9:58 a.m.]

Date of Adoption: February 15, 1996.

Purpose: WAC 468-300-010, to make a bicycle pass available on all routes except the Anacortes/San Juan Islands/Sidney, B.C. ferry routes as a pilot program for a \$20.00 annual fee. The pass will be valid for one year. A bicycle with a valid pass will have the surcharge waived.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.

Adopted under notice filed as WSR 96-02-024 on December 22, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 15, 1996

Connie Niva, Chair

Transportation Commission

AMENDATORY SECTION (Amending Order 77, filed 8/25/94, effective 9/25/94)

WAC 468-300-010 Ferry passenger tolls.

Effective 03:00 a.m. October 9, 1994

ROUTES	Full Fare	Half Fare	Frequent User Ticket Book 20 Rides ¹	Monthly Pass ⁵	Bicycle Surcharge ² @ ⁶
Via Passenger-Only Ferry					
*Seattle-Vashon					
*Seattle-Southworth	3.50	1.75	21.00	44.10	N/C
*Seattle-Bremerton					
Via Auto Ferry					
*Fauntleroy-Southworth					
*Seattle-Bremerton					
*Seattle-Winslow	3.50	1.75	21.00	44.10	0.50
*Edmonds-Kingston					
Port Townsend-Keystone	1.75	0.90	21.00	N/A	0.25
*Fauntleroy-Vashon					
*Southworth-Vashon	2.30	1.15	13.70	29.00	0.50
*Pt. Defiance-Tahlequah					
*Mukilteo-Clinton					
*Anacortes to Lopez Shaw, Orcas or Friday Harbor	4.95	2.50	29.60	N/A	2.75
Between Lopez, Shaw, Orcas and Friday Harbor ⁴	N/C	N/C	N/C	N/A	N/C
<i>International Travel</i>					
Anacortes to Sidney and Sidney to all destinations	6.90	3.45	N/A	N/A	4.50
From Lopez, Shaw, Orcas and Friday Harbor to Sidney [@]	1.75	1.00	N/A	N/A	1.75

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Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ³	8.65	4.45	N/A	N/A	6.25
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@ These fares rounded to the nearest multiple of \$.25.

* These routes operate as a one-point toll collection system.

¹FREQUENT USER TICKETS - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage.

²BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

³ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the Islands served.

⁴INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

⁵MONTHLY PASS - A monthly passenger pass is available for all routes except: Anacortes/San Juan Island/Sidney and Port Townsend/Keystone, as a pilot program. The pass is available through some local employers. It is a flash pass valid for the month printed on the pass and will be presented to Washington state ferries staff whenever a passenger fare is collected. This pass is based on 21 days of passenger travel with a 40% discount.

⁶BICYCLE PASS - A bicycle pass is available on all routes except: Anacortes/San Juan Island/Sidney (~~and Port Townsend/Keystone~~), as a (~~1-year~~) pilot program for a (~~\$10.00~~) \$20.00 annual fee subject to meeting WSF specified conditions. The pass is valid for one year. A cyclist with a valid pass shall have the bicycle surcharge waived.

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 age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - 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, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those 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 Disability Travel Permit and such endorsement shall allow the attendant to travel 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 passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

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 a letter of authorization. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

**WSR 96-05-047
PERMANENT RULES**

DEPARTMENT OF TRANSPORTATION

[Order 80—Filed February 16, 1996, 10:01 a.m.]

Date of Adoption: February 15, 1996.

Purpose: WAC 468-300-010, a passenger fare(s) may be established for a pilot program in conjunction with the Central Puget Sound regional fare integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the secretary of transportation for a specific discount not to exceed fifty percent of full fare.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.

Adopted under notice filed as WSR 96-02-023 on December 22, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 15, 1996
Connie Niva, Chair
Transportation Commission

PERMANENT

AMENDATORY SECTION (Amending Order 77, filed 8/25/94, effective 9/25/94)

WAC 468-300-010 Ferry passenger tolls.

Effective 03:00 a.m. October 9, 1994

ROUTES	Full Fare	Half Fare	Frequent User Ticket Book 20 Rides ¹	Monthly Pass ⁵	Bicycle Surcharge ² @ ⁶
Via Passenger-Only Ferry *Seattle-Vashon *Seattle-Southworth *Seattle-Bremerton	3.50	1.75	21.00	44.10	N/C
Via Auto Ferry *Fauntleroy-Southworth *Seattle-Bremerton *Seattle-Winslow *Edmonds-Kingston	3.50	1.75	21.00	44.10	0.50
Port Townsend-Keystone	1.75	0.90	21.00	N/A	0.25
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah *Mukilteo-Clinton	2.30	1.15	13.70	29.00	0.50
*Anacortes to Lopez Shaw, Orcas or Friday Harbor	4.95	2.50	29.60	N/A	2.75
Between Lopez, Shaw, Orcas and Friday Harbor ⁴	N/C	N/C	N/C	N/A	N/C
<i>International Travel</i>					
Anacortes to Sidney and Sidney to all destinations	6.90	3.45	N/A	N/A	4.50
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	1.75	1.00	N/A	N/A	1.75
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ³	8.65	4.45	N/A	N/A	6.25

@ These fares rounded to the nearest multiple of \$.25.

* These routes operate as a one-point toll collection system.

¹FREQUENT USER TICKETS - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage.

²BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

³ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the Islands served.

⁴INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

⁵MONTHLY PASS - A monthly passenger pass is available for all routes except: Anacortes/San Juan Island/Sidney and Port Townsend/Keystone, as a pilot program. The pass is available through some local employers. It is a flash pass valid for the month printed on the pass and will be presented to Washington state ferries staff whenever a passenger fare is collected. This pass is based on 21 days of passenger travel with a 40% discount.

⁶BICYCLE PASS - A bicycle pass is available on all routes except: Anacortes/San Juan Island/Sidney and Port Townsend/Keystone, as a 1 year pilot program for a \$10.00 annual fee subject to meeting WSF specified conditions. The pass is valid for one year. A cyclist with a valid pass shall have the bicycle surcharge waived.

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 age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - 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, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those 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 Disability Travel Permit and such endorsement shall allow the attendant to travel 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 passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

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).

Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the secretary of transportation for a specific discount not to exceed fifty percent of full fare.

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 a letter of authorization. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

WSR 96-05-048

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Order 81—Filed February 16, 1996, 10:03 a.m.]

Date of Adoption: February 15, 1996.

Purpose: WAC 468-300-700, preferential loading for United States postal vehicles on the Mukilteo-Clinton ferry route to assure that the postal service can keep their schedules during peak hours.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.

Adopted under notice filed as WSR 96-02-025 on December 22, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 15, 1996

Connie Niva, Chair

Transportation Commission

AMENDATORY SECTION (Amending WSR 93-18-006, filed 8/19/93, effective 9/19/93)

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 single occupant private automobiles:

(1) Preferential loading privileges on vessels operated by Washington state ferries, exempting vehicles from the standard first-come first-served rule, shall be granted in the order set forth below, to:

(a) Emergency vehicles involved in 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 cause health risks to those persons;

(c) Public or pupil transportation vehicles owned or operated by public or private transportation 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; and such minimum number shall in no case be less than three; and a formal registration system may be required 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 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;

(i) Specific to the Mukilteo-Clinton ferry route, vehicles engaged in the delivery of U.S. mail. Vehicles must have documentation from the U.S. Postal Service showing they are in the actual process of delivering mail.

(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 allow granting the privilege and achieving an efficient operation;

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(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 96-05-056
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 16, 1996, 3:28 p.m., effective April 1, 1996]

Date of Adoption: February 16, 1996.

Purpose: Chapter 296-65 WAC, Safety standard for asbestos removal and encapsulation, federal-initiated occupational safety and health (OSHA) amendments, as published in Federal Register Volume 59, Number 153, dated August 10, 1995, and Federal Register Volume 60, Number 125, dated June 29, 1995, are made:

- to modify and clarify the definition of "asbestos."
- to add the definition of "intact" (asbestos containing material).
- to add the word "intact" to the definition of "asbestos project" to identify and clarify the types of materials excluded from the "asbestos project" definition. (This amendment also clarifies flooring and roofing industry certification requirements.)

Federal-initiated Environmental Protection Agency (EPA) amendments, as published in Federal Register Volume 59, Number 23, dated February 3, 1994, are made:

- to require asbestos certification training courses consist [consisting] of thirty-two hours to be consistent with the EPA rule preamble which defines a day as eight hours.
- to add required supervisor and worker asbestos certification training course content topics for state-of-the-art work practices for asbestos removal and encapsulation activities.
- to require fourteen hours of hands-on training in supervisor and worker asbestos certification courses.
- to require the supervisor and worker asbestos training courses include a course review of the key aspects of the course.
- to the definition of "certificate" to specify minimum information required on an asbestos accreditation training certificate.
- to require "closed book" asbestos supervisor and worker certification examinations.

- to modify the "seven"-hour refresher course requirement to "eight"-hour supervisor and worker refresher courses to be consistent with the federal EPA rule preamble which defines a day as eight hours.
- to add requirements that the initial TSCA Title II supervisor and worker accreditation certificates and the current supervisor and worker certificates be available for inspection at all times at the location of the asbestos project.
- to add the requirement that asbestos certification training course instructors will have academic and/or field experience in asbestos abatement.
- to add requirements for asbestos certification training course approval.
- to add minimum criteria for withdrawal of asbestos certification training course approval.
- to add asbestos certification training provider record-keeping requirements.
- to add asbestos certification training instructor qualification requirements.
- to correct a reference to accurately reflect the federal EPA rule.

Federal-initiated EPA and legislative-initiated (ESB 5397) amendments are made to delete the exemption in WAC 296-65-030 and references to the exemption in WAC 296-65-020 which allow an employee or other individual to work or supervise an asbestos project without certification under certain criteria.

Legislative-initiated amendments (ESB 5397 and chapter 49.26 RCW, Health and safety-asbestos) are made:

- to modify the definition of "asbestos abatement project." (This amendment changes the square feet and linear feet allowance for the removal of asbestos-containing material.)
- to require that an approved asbestos supervisor training course consist of five days.
- to delete the requirement that an individual possess a valid and current Washington state asbestos worker certificate to qualify for an asbestos supervisor certificate. This state requirement does not exist in the federal EPA rules and is no longer necessary due to the new EPA and ESB 5397 requirement that asbestos supervisors have more training than asbestos workers.
- to require that an approved asbestos worker training course consist of four days.
- to clarify supervision responsibilities when an employer conducts an asbestos abatement project in its own facility by its own employees.
- to add the requirement that the department may provide an asbestos certification examination as a substitute to the examination administered by the course provider.
- to add criteria for decertification for asbestos workers, supervisors, and contractors.

State-initiated amendments are made:

- to add the definition of "EPA MAP" to identify the environmental protection agency model accreditation plan rule and requirements referred to in the proposed text of chapter 296-65 WAC.
- to delete the requirement that supervisor and worker refresher courses can not be taken more than sixty days

prior to the expiration of an existing certificate. (Chapter 49.26 RCW and the federal EPA rules do not contain this requirement.)

- to delete WAC 296-65-012(8) in its entirety since the specified expiration date of the subsection expired on June 30, 1990.
- to renumber and/or move subsections for better organization of information as a result of the addition of federal and legislative amendments.
- to delete definition numbering as required by the code reviser's office.
- to correct a department address.

Amendments to these rules are made to comply with federal and state-initiated requirements and are being adopted solely to comply with those requirements. The following federal and state documents initiated this agency action: Federal Register Volume 59, Number 23, dated February 3, 1994; Federal Register Volume 59, Number 153, dated August 10, 1994; Federal Register Volume 60, Number 125, dated June 29, 1996; ESB 5397; and chapter 49.26 RCW.

Citation of Existing Rules Affected by this Order: Amending chapter 296-65 WAC, Safety standard for asbestos removal and encapsulation, WAC 296-65-003 Definitions, 296-65-005 Asbestos worker training course content, 296-65-007 Asbestos supervisor training course content, 296-65-010 Asbestos worker certification, 296-65-012 Asbestos supervisor certification, 296-65-015 Training course approval, 296-65-020 Notification requirements, 296-65-030 Methods of compliance, and 296-65-050 Denial, suspension, and revocation of certificates.

Statutory Authority for Adoption: RCW 49.17.040, [49.17.]050, and [49.17.]060.

Adopted under notice filed as WSR 95-22-108 on November 1, 1995.

Changes Other than Editing from Proposed to Adopted Version: Chapter 296-65 WAC, Safety standard for asbestos removal and encapsulation, proposed amendments to chapter 296-65 WAC are adopted with the following changes:

WAC 296-65-003 Definitions:

- The definition of "asbestos abatement project" is deleted and replaced with the definition provided in ESB 5397. The definition reads, "Asbestos abatement project" means an asbestos project involving three square feet or three linear feet, or more, of asbestos containing material."
- The definition of "direct on-site supervision" is deleted as the definition no longer applies as a result of ESB 5397 changes to chapter 49.26 RCW, sections 4 and 6. This change was made as a result of public comments.
- The word "no" is inserted between the word "is" and "longer" in the definition of "intact." The corrected amended sentence reads, "Intact" means that the asbestos containing material has not crumbled, been pulverized, or otherwise deteriorated so that it is no longer likely to be bound with its matrix."

WAC 296-65-005 Asbestos worker training course content, the proposed insertion of the words "of fourteen hours of" is changed to "fourteen hours of" in subsection (13). The corrected amended sentence reads, "The instruc-

tion required by this section shall include, at a minimum fourteen hours of hands-on training for the following: ..."

WAC 296-65-030 Methods of compliance, the proposed insertion of the word "abatement" in WAC 296-65-030(3) is deleted and the existing language retained. The sentence reads: "No employee or other individual is eligible to do work or supervise an asbestos project without being issued a certificate by the department." Other proposed amendments to this subsection are not affected by this change.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 8, repealed 0; or Recently Enacted State Statutes: New 0, amended 9, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: April 1, 1996.

February 16, 1996

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-003 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this standard.

((1)) "Approved" means approved by the department.

((2)) "Asbestos" includes ~~((different forms of))~~ chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, and actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

((3)) "Asbestos fiber" means asbestos fiber as defined in WAC 296-62-07703.

((4)) "Asbestos abatement project" means ~~((any asbestos project which is conducted primarily to remove or encapsulate asbestos containing material (ACM). Removal of ACM which is ancillary to a maintenance task is not considered an abatement project as long as the amount of ACM removed is less than 48 square feet or 10 linear feet))~~ an asbestos project involving three square feet or three linear feet, or more, of asbestos containing material.

((5)) "Asbestos project" includes the construction, demolition, repair, remodeling, maintenance or renovation of any public or private building or structure, mechanical piping equipment or system involving the demolition, removal, encapsulation, salvage, or disposal of material or outdoor activity releasing or likely to release asbestos fibers into the air. Removal of intact vinyl asbestos tile (VAT), and ~~((asphaltic))~~ intact roofing materials is excluded from this definition, unless these items are removed by mechanical methods such as chipping, grinding, sanding, or sawing.

Also excluded is any project in which there is a disturbance of asbestos of less than one square foot of total surface area of asbestos-containing material (ACM), but this latter exclusion does not pertain to any disturbance of asbestos during a project dealing with pipe insulation. Also excluded from this definition is work on asbestos-cement water pipe provided such work is done in accordance with the latest edition of "Recommended Standard Asbestos-Cement Pipe Work Practice Procedures and Training Requirements" adopted and published by the Pacific Northwest Section of the American Water Works Association and as approved by the department.

((6)) "Certified asbestos contractor" means any partnership, firm, association, corporation or sole proprietorship, registered under chapter 18.27 RCW, that submits a bid, or contracts to remove or encapsulate asbestos for another and is certified by the department to remove or encapsulate asbestos.

((7)) "Certificate" means a certificate issued by the department that shall include the name of person awarded the certificate, certificate number, the discipline for which certification was conferred, training and examination dates, the course provider's name and address, and the course provider's telephone number, expiration date, and a statement that the person receiving the certificate has completed the training for asbestos accreditation under TSCA Title II.

((8)) "Certified asbestos supervisor" means an individual who is certified by the department under WAC 296-65-012.

((9)) "Certified asbestos worker" means an individual certified by the department under WAC 296-65-010.

((10)) "Department" means the department of labor and industries.

((11)) "Demolition" means the activity of razing a structure which includes the wrecking, removal, or dismantling of any load-supporting structural member of any facility including any related handling operations.

((12)) "Direct on-site supervision" means the supervision of no more than three workers by a certified asbestos supervisor who is physically present at all times at the asbestos project. It includes the authority to immediately correct any deficiencies on the project.

((13)) "Director" means the director of the department of labor and industries or the director's designee.

((14)) "Emergency project" means a project that was not planned but results from a sudden, unexpected event and includes operations which are necessitated by nonroutine failures of equipment or systems.

((15)) "Encapsulation" means the application of an encapsulant to asbestos containing materials to control the release of asbestos fibers into the air. The encapsulation process either creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

((16)) "EPA MAP" means the environmental protection agency model accreditation plan for asbestos requirements in 40 CFR Part 763.

"HEPA filtration" means high-efficiency particulate air filtration found in respirators and vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.

((17)) "Intact" means that the asbestos containing material has not crumbled, been pulverized, or otherwise

deteriorated so that it is no longer likely to be bound with its matrix.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants.

((18)) "Owner" means the person who owns any public or private building, structure, facility, or mechanical system, or the remnants thereof, or the agent of such person, but does not include individuals who work on asbestos projects in their own single-family residences, no part of which is used for commercial purposes.

((19)) "Person" means any individual, partnership, firm, association, corporation, sole proprietorship, or the state of Washington or its political subdivisions.

((20)) "Revocation" means a permanent withdrawal of a certification issued by the department.

((21)) "Suspension" means a temporary withdrawal of a certification issued by the department. No suspension shall be less than six months or longer than one year.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-005 Asbestos worker training course content. An approved asbestos worker training course shall consist of ~~((at least thirty hours of training))~~ four days of training with a minimum of thirty-two hours. This initial training course shall provide, at a minimum, information on the following topics:

(1) The physical characteristics of asbestos including types, fiber size, aerodynamic characteristics and physical appearance.

(2) Examples of different types of asbestos and asbestos-containing materials. Real asbestos shall be used only for observation by trainees and shall be enclosed in sealed unbreakable containers.

(3) The health hazards of asbestos including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period of diseases, hazards to immediate family, and the health basis for asbestos standards.

(4) Employee personal protective equipment including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance and storage procedure, methods for field checking of the facepiece-to-face seal (positive and negative-pressure checks), qualitative and quantitative fit testing procedures, variability between field and laboratory protection factors, factors that alter respirator fit (e.g., eye glasses and facial hair), the components of a proper respiratory protection program, respirator program administrator, requirements on oil lubricated reciprocating piston compressors for breathing air, and selection and use of personal protective clothing. Qualitative or quantitative fit testing shall be performed on at least one student for demonstration purposes and in accordance with WAC 296-62-07715 and 296-62-07739.

(5) Use, storage and handling of launderable clothing, nonslip footwear, gloves, eye protection and hard hats.

(6) Medical monitoring procedures and requirements, including the provisions of WAC 296-62-071 through 296-62-07121 and 296-62-07725, any additional recommended

procedures and tests, benefits of medical monitoring and employee access to records.

(7) Air monitoring procedures and requirements specified in WAC 296-62-07709, including a description of equipment, sampling methods and strategies, reasons for air monitoring, types of samples, including area, personal and clearance samples, current standards with proposed changes if any, employee observation and notification, recordkeeping and employee access to records, interpretation of air monitoring results, and analytical methods for bulk and air samples.

(8) State-of-the-art work practices for asbestos removal and encapsulation activities including purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques and tools with vacuum attachments for minimizing fiber release, use of wet methods and surfactants, use of negative-pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention, scoring and breaking techniques for rigid asbestos products, glove bag techniques, recommended and prohibited work practices, potential exposure situations, emergency procedures for sudden releases, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements for removal, encapsulation, enclosure, repair, and waste transportation shall be discussed individually. Appropriate work practices for both indoor and outdoor asbestos projects shall be included.

(9) Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure shall also be included.

(10) Additional safety hazards that may be encountered during asbestos removal and encapsulation activities and hazard abatement, including electrical hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces, noise, and heat stress.

(11) The requirements, procedures and standards established by:

(a) The Environmental Protection Agency, 40 CFR Part 61, Subparts A and M, and 40 CFR Part 763.

(b) Washington state department of ecology.

(c) Local air pollution control agencies.

(d) Washington state department of labor and industries, division of industrial safety and health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), chapter 49.26 RCW (Health and safety—Asbestos), and ensuing regulations.

(12) Actual worksite considerations.

(13) The instruction required by this section shall include, at a minimum ~~(=)~~ fourteen hours of hands-on training for the following:

(a) Glove bag techniques;

(b) The opportunity to don respirators including half facepiece and full facepiece air purifying respirators, powered air purifying respirators (PAPR), and Type-C supplied-air respirators;

(c) Removal of sprayed-on or troweled-on material, and pipe lagging;

(d) Basic construction of a decontamination unit, and proper entry and exit;

(e) Suit-up in protective clothing consisting of coveralls, foot coverings and head coverings.

(14) Course review, a review of the key aspects of the training course.

(15) Asbestos-containing materials shall not be used for hands-on training.

~~((15))~~ (16) In recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which shall be allotted to adequately cover required subjects. To assure adequate coverage of required material, each sponsor shall be provided and required to incorporate into the training course, a detailed outline of subject matter developed by the department.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-007 Asbestos supervisor training course content. An approved asbestos supervisor training course shall consist of at least ~~((thirty hours))~~ five days of training. This initial training course shall include lectures, demonstrations, at least ~~((six hours))~~ fourteen hours of hands-on training, course review and a written examination. Audio-visual materials, where appropriate, are recommended to complement lectures. The training course shall provide, at a minimum, information on the following topics:

(1) The physical characteristics of asbestos and asbestos-containing materials including identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, hazard assessment considerations, and a summary of abatement control options.

(2) Health effects related to asbestos exposure including the nature of asbestos related diseases, routes of exposure, dose-response relationships and the lack of a safe level of exposure, synergism between asbestos exposure and cigarette smoking, latency period, hazards to the immediate family and the health basis for the standard.

(3) Employee personal protective equipment including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance, and storage procedures, methods for field checking of the facepiece-to-face seal (positive and negative pressure checks), variability between field and laboratory protection factors, quantitative and qualitative fit test requirements, factors that alter respirator fit (facial hair, scars, etc.), the components of a proper respirator program, requirements for oil lubricated reciprocating compressors, maintenance of Type-C systems, standards for breathing air, selection and use of personal protective clothing, use, storage, and handling of nondisposable clothing, and regulations covering personal protective equipment.

(4) State-of-the-art work practices for asbestos removal and encapsulation activities including purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques and tools with vacuum attachments for minimizing fiber release, use of wet methods and surfactants, use of negative-pressure ventilation equipment for minimizing employee

exposure to asbestos fibers and contamination prevention, scoring and breaking techniques for rigid asbestos products, glove bag techniques, recommended and prohibited work practices, potential exposure situations, emergency procedures for sudden releases, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements for removal, encapsulation, and repair shall be discussed separately. Appropriate work practices for both indoor and outdoor asbestos projects shall be included.

(5) Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking, and chewing (gum and tobacco) in the work area. Potential exposures, such as family exposure shall also be included.

(6) Additional safety hazards that may be encountered during asbestos abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, confined space entry requirements, and noise hazards.

(7) Medical monitoring procedures and requirements, including the provisions of WAC 296-62-071 through 296-62-07121 and 296-62-07725, any additional recommended procedures and tests, benefits of medical monitoring and recordkeeping requirements.

(8) Air monitoring procedures and requirements specified in WAC 296-62-07709, including a description of equipment, sampling methods and strategies, reasons for air monitoring, types of samples, including area, personal and clearance samples, a description of aggressive sampling, current standards with proposed changes if any, employee observation and notification, recordkeeping, interpretation of air monitoring results, specifically from analyses performed by polarized light, phase contrast, and electron microscopy.

(9) The requirements, procedures, and standards established by:

(a) The Environmental Protection Agency, 40 CFR Part 61, Subparts A and M, and 40 CFR Part 763.

(b) The Washington state department of ecology.

(c) Local air pollution control agencies.

(d) Washington state department of labor and industries, division of industrial safety and health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), chapter 49.26 RCW (Health and safety—Asbestos), and ensuing regulations.

(10) Actual worksite considerations.

(11) Insurance and liability issues including contractor issues, industrial insurance coverage and exclusions, third party liabilities and defenses, private insurance coverage and exclusions, recordkeeping recommended for legal and insurance purposes.

(12) Supervisory techniques for asbestos abatement projects including supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

(13) Contract specifications including a discussion of the key elements to be included in contract specifications.

(14) A minimum of fourteen hours of hands-on training for the following:

(a) Calibration of air-sampling equipment;

(b) Routine maintenance of air-purifying and air-supplied respirators;

(c) Setup of a decontamination unit including calculating the number of negative air machines needed as well as proper placement of the machines within the enclosure; and

(d) Quantitative and qualitative fit-testing protocols.

(15) Course review, a review of the key aspects of the training course.

(16) In recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which shall be allotted to adequately cover required subjects. To assure adequate coverage of required material, each sponsor shall be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-010 Asbestos worker certification. (1) For the purposes of this section "individual" means any natural person.

(2) To qualify for an asbestos worker certificate, an individual must do the following:

(a) Successfully complete an approved asbestos worker training course;

(b) Achieve a score of at least seventy percent on a one hundred question multiple choice closed book examination approved by the department but administered by the training course sponsor;

(c) Submit to the department a timely application validated by an approved training course sponsor. To be considered timely, an application must be received by the department not later than sixty days after the completion of the course. In the event that an application is not timely, the individual shall be required to pass, with a score of at least seventy percent, an examination administered by the department. A nonrefundable fifty dollar assessment shall be charged to take this examination; and

(d) Pay the fee prescribed in WAC 296-65-025.

(3) Individuals shall not perform any asbestos project work prior to issuance of the certificate.

(4) Certificates shall be issued and mailed to the individual applicants and shall be valid for one year from the date of issuance.

(5) Certified asbestos workers shall attend ~~((a seven-hour))~~ an eight-hour worker refresher course prior to certificate renewal.

(a) The course shall, at a minimum, adequately review the subjects required by WAC 296-65-005, update information on state-of-the-art procedures and equipment, and review regulatory changes and interpretations. Specific subjects may be required by the department.

(b) An application for renewal of the certificate must be validated by the refresher training course instructor.

(c) The refresher course must be taken prior to expiration of the certificate ~~((but may not be taken more than sixty days prior to expiration of the original or current certificate))~~.

(d) The certificate renewal application must be received by the department no later than the expiration date of the current certificate. Applicants missing this renewal deadline shall be required to pass, with a score of seventy percent, an

examination administered by the department. A nonrefundable fifty dollar fee will be charged to take this examination.

(e) Individuals whose certificates have been expired for more than six months will be required to retake the entire ~~((thirty-hour))~~ basic worker course.

(6) The ~~((certificate shall be available for inspection at all times during an))~~ initial TSCA Title II worker accreditation certificate and the current worker certificate shall be available for inspection at all times at the location of the asbestos project.

(7) The department may suspend or revoke a certificate as provided in WAC 296-65-050 and chapter 296-350 WAC.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-012 Asbestos supervisor certification.

(1) For the purposes of this section, "individual" means any natural person.

(2) To qualify for an asbestos supervisor certificate, an individual must meet the following criteria:

(a) Have at least 1600 hours of experience in one or more of the following disciplines:

- (i) Asbestos abatement;
- (ii) Asbestos project design;
- (iii) Consultation on asbestos abatement projects;
- (iv) Operations and maintenance program supervision;
- (v) Construction project supervision;

(b) ~~((Possess a valid and current Washington state asbestos worker certificate;~~

~~((e)))~~ Successfully complete an approved asbestos supervisor training course;

~~((d)))~~ (c) Achieve a score of at least seventy percent on a one hundred question multiple choice closed book examination approved by the department but administered by the training course sponsor;

~~((e)))~~ (d) Submit to the department a timely application validated by an approved training course sponsor. To be considered timely, an application must be received by the department not later than sixty days after the completion of the course. In the event that an application is not timely, the individual shall be required to pass, with a score of at least seventy percent, an examination administered by the department. A nonrefundable fifty dollar assessment shall be charged to take this examination; and

~~((f)))~~ (e) Pay the fee prescribed in WAC 296-65-025.

(3) An individual shall not supervise any asbestos project prior to issuance of the certificate.

(4) Certificates shall be issued and mailed to the individual applicants and shall be valid for one year from the date of issuance.

(5) A certified asbestos supervisor shall attend ~~((a seven-hour))~~ an eight-hour supervisor refresher course prior to certificate renewal. It shall not be necessary to also take a worker refresher course.

(a) The course shall, at a minimum, adequately review the subjects required by WAC 296-65-007, update information on state-of-the-art procedures and equipment, and review regulatory changes and interpretations. Specific subjects may be required by the department.

(b) An application for renewal of the certificate must be validated by the refresher training course instructor.

(c) The refresher course must be taken prior to expiration of the certificate ~~((but may not be taken more than sixty days prior to expiration of the original or current certificate))~~.

(d) The certificate renewal application must be received by the department no later than the expiration date of the current certificate. Applicants missing this renewal deadline shall be required to pass, with a score of seventy percent, an examination administered by the department. A nonrefundable fifty dollar fee will be charged to take this examination.

(e) Individuals whose certificates have been expired for more than six months will be required to retake the entire ~~((thirty-hour))~~ basic supervisor course.

(6) The ~~((certificate shall be available for inspection at all times during an))~~ initial TSCA Title II supervisor accreditation certificate and the current supervisor certificate shall be available for inspection at all times at the location of the asbestos project.

(7) The department may suspend or revoke a certificate as provided in WAC 296-65-050 and chapter 296-350 WAC.

~~((8))~~ Individuals who have completed the "competent person" training previously recognized by the department after January 1, 1987, need not comply with the requirements set forth in subsection (2) of this section and shall be issued asbestos supervisor certificates provided the following conditions are met:

~~((a))~~ Be a certified asbestos worker as prescribed in WAC 296-65-010 for at least one year;

~~((b))~~ Provide documentation of successful completion of a recognized "competent person" training course;

~~((c))~~ Pass, with a score of at least seventy percent, an examination administered by the department. A nonrefundable fifty dollar assessment shall be charged to take this examination; and

~~((d))~~ ~~This subsection shall expire on June 30, 1990. Thereafter any individual who has completed "competent person" training shall obtain an asbestos supervisor certificate by complying with the requirements set forth in subsection (2) of this section.~~

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-015 Training course approval. (1)

Basic and refresher asbestos training courses may be sponsored by any individual, person, or other entity having department approval. Approval shall be contingent on the sponsor's compliance, as applicable, with licensing requirements established by the state board of vocational education.

(2) Prior to receiving department approval, each course shall be evaluated by the department for the breadth of knowledge and experience required to properly train asbestos workers or supervisors. Course content shall be carefully scrutinized for adequacy and accuracy. Training techniques will be evaluated by the department.

(3) Sponsors of basic and refresher training courses proposed for approval must submit:

(a) Background information about course sponsors;

(b) Course locations and fees;

(c) Copies of course handouts;

(d) A detailed description of course content and the amount of time allotted to each major topic;

(e) A description of teaching methods to be utilized and a list of all audio-visual materials; the department may, in its discretion, request that copies of the materials be provided for review. Any audio-visual materials provided to the department will be returned to the applicant;

(f) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualifications of each. Instructors shall have academic and/or field experience in asbestos abatement. The department may, in its discretion, require proposed instructors to pass an examination on subjects related to their respective topics of instruction;

(g) A description of student evaluation methods and a copy of the required written examination including the scoring methodology to be used in grading the examination;

(h) A description of course evaluation methods; ~~(and)~~

(i) Any restrictions on attendance (language, class size, affiliation, etc.);

(j) A list of any other states that currently approve the training course;

(k) A letter from the course provider that clearly indicates how the course provider meets the EPA MAP requirements; and

(l) The amount and type of hands-on training for initial training courses.

(4) Application for training course approval and course materials shall be submitted to the department at least sixty days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program
Department of Labor and
Industries(~~, HC 412~~
~~805 Plum Street S.E.)~~
P.O. Box ~~((207))~~ 44614
Olympia, Washington 98504-4614

(5) The decision to grant or renew approval of a basic or refresher asbestos training course shall be in the sole discretion of the department.

Following approval of a basic or refresher asbestos training course, the department will issue the course sponsor an approval which is valid for one year from the date of issuance. Application for renewal must follow the procedures described in subsections (3) and (4) of this section.

Following approval of a basic or refresher asbestos training course, in recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which shall be allotted to adequately cover required subjects. To assure adequate coverage of required material, each sponsor shall be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

(6) To be considered timely, the training course approval renewal must be received by the department no later than thirty days before the certificate expiration date.

(7) Any changes to a training course must be approved by the department in advance.

(8) The course sponsor shall provide the department with a list of all persons who have completed a basic or refresher training course. The list must be provided no later

than ten days after a course is completed and must include the name and address of each trainee.

(9) The course sponsor must notify the department, in writing, at least fourteen days before a training course is scheduled to begin. The notification must include the date, time and address where the training will be conducted.

(10) A representative of the department may, at the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved by the department.

(11) Course sponsors conducting training outside the state of Washington shall reimburse the department for reasonable travel expenses associated with department audits of the training courses. Reasonable travel expenses are defined as current state of Washington per diem and travel allowance rates including airfare and/or surface transportation rates. Such reimbursement shall be paid within thirty days of receipt of the billing notice.

(12) The training course sponsor shall limit each class to a maximum of thirty participants.

(13) The instructor to student ratio shall not exceed one-to-ten for any of the training required by WAC 296-65-005(13).

(14) The department may terminate the training course approval, if in the department's judgment the sponsor fails to maintain the course content and quality as initially approved, or fails to make changes to a course as required by WAC 296-65-015(5). The minimum criteria for withdrawal of training course approval shall include:

(a) Misrepresentation of the extent of training courses approval by a state or EPA;

(b) Failure to submit required information or notification in a timely manner;

(c) Failure to maintain requisite records;

(d) Falsification of accreditation records, instructor qualifications, or other accreditation information; or

(e) Failure to adhere to the training standards and accreditation requirements of chapter 296-65 WAC.

(15) Any "notice of termination of training course approval" issued by the department may act as an order of immediate restraint as described by RCW 49.17.130.

(16) Recordkeeping requirements for training providers: All approved providers of accredited asbestos training courses must comply with the following minimum recordkeeping requirements:

(a) Training course materials. A training provider must retain copies of all instructional materials used in delivery of the classroom training such as student manuals, instructor notebooks and handouts.

(b) Instructor qualifications. A training provider must retain copies of all instructors' resumes, and the documents approving each instructor issued by either EPA or the department. Instructors must be approved by the department before teaching courses for accreditation purposes. A training provider must notify the department in advance whenever it changes course instructors. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.

(c) Examinations. A training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records must clearly indicate the date

upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate.

(d) Accreditation certificates. The training providers shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification by telephone of the required information.

(e) Verification of certificate information. Training providers of refresher training courses shall confirm that their students possess valid accreditation before granting course admission.

(f) Records retention and access.

(i) The training provider shall maintain all required records for a minimum of three years. The training provider, however, may find it advantageous to retain these records for a longer period of time.

(ii) The training provider must allow reasonable access to all of the records required by the MAP, and to any other records which may be required by the department for the approval of asbestos training providers or the accreditation of asbestos training courses, to both EPA and to the department, on request.

(iii) If a training provider ceases to conduct training, the training provider shall notify the department and give it the opportunity to take possession of that provider's asbestos training records.

(17) A representative of the department may, at the department's discretion, provide an examination as a substitution to the examination administered by the training course provider. The examination replacement will be used to verify that the training course is conducted in accordance with the program approved by the department.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-020 Notification requirements. (1)

Before any person or individual begins an asbestos project involving more than forty-eight square feet or ten linear feet, unless the surface area of the pipe is greater than forty-eight square feet, of asbestos containing material, written notification shall be provided to the department. Notices shall include:

(a) Name and address of the owner and contractor.

(b) Description of the facility including size, age, and prior use of the facility.

(c) Amount of asbestos-containing material to be removed or encapsulated.

(d) Location of the facility.

(e) Exact starting and completion dates of the asbestos project, including shifts during which abatement work will be accomplished. These dates must correspond to the dates specified in the contract. Any change in these dates or work shifts shall be communicated to the department by an amended notice.

(f) Nature of the project and methods used to remove or encapsulate the material.

~~((Failure to provide such notification will result in the loss of the exemption specified in WAC 296-65-030.~~

~~(3))~~ Notices must be received by the department no later than ten days prior to the start of the project. Notices shall be sent directly to the department of labor and industries regional office having jurisdiction on the project.

~~((4))~~ (3) The director may waive the prenotification requirement upon written request of an owner for large-scale, on-going projects. In granting such a waiver, the director shall require the owner to provide prenotification if significant changes in personnel, methodologies, equipment, work site, or work procedures occur or are likely to occur. The director shall further require annual resubmittal of such notification.

~~((5))~~ (4) The director, upon review of an owner's reports, work practices, or other data available as a result of inspections, audits, or other authorized activities, may reduce the size threshold for prenotification required by this section. Such a change shall be based on the director's determination that significant problems in personnel, methodologies, equipment, work site, or work procedures are creating the potential for violations of this chapter.

~~((6))~~ (5) Emergency projects which disturb or release asbestos into the air shall be reported to the department within three working days after commencement of the project in the manner otherwise required under this chapter. The employees, the employees' collective bargaining representative or employee representative, if any, and other persons at the project area shall be notified of the emergency as soon as possible by the person undertaking the emergency project. A notice describing the nature of the emergency project shall be clearly posted adjacent to the work area.

~~((7))~~ (6) Incremental phasing in the conduct or design of asbestos projects or otherwise conducting or designing asbestos projects of a size less than the threshold exemption specified in subsection (1) of this section, with the intent of avoiding the notification requirements, is a violation of this chapter.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-030 Methods of compliance. (1)

Before submitting a bid or working on an asbestos abatement project, any person or individual shall obtain an asbestos contractor certificate as provided in WAC 296-65-017 and shall have in its employ at least one certified asbestos supervisor responsible for supervising all asbestos projects undertaken by the contractor.

(2) A certified asbestos supervisor will not be required on asbestos projects involving less than ~~((forty-eight))~~ three square feet or ~~((ten-linear))~~ three feet of asbestos-containing material unless the surface area of the pipe is greater than ~~((forty-eight))~~ three square feet.

(3) No employee or other individual is eligible to do work or supervise an asbestos project without being issued a certificate by the department ~~((except, in the case of an asbestos project undertaken by any partnership, firm, association, corporation, or sole proprietorship, and conducted in its own facility and by its own employees under the~~

~~direct, on-site supervision of a certified asbestos supervisor. This exception does not apply to the state of Washington or its political subdivisions).~~

(4) No person may assign any employee, contract with, or permit any individual, to remove or encapsulate asbestos in any facility without the project being performed by a certified asbestos worker and under the direct, on-site supervision of a certified asbestos supervisor(~~—except in the case of an asbestos project undertaken by any partnership, firm, association, corporation, or sole proprietorship, and conducted in its own facility and by its own employees under the direct, on-site supervision of a certified asbestos supervisor~~)).

(5) ~~((Any partnership, firm, association, corporation, or sole proprietorship that begins any construction, renovation, remodeling, maintenance, repair, or demolition project without meeting the requirements of WAC 296-62-07707 and the notification requirements as provided in subsection (6) of this section, shall lose the exemptions provided in subsections (3) and (4) of this section.~~

~~(6) In cases excepted under subsections (3) and (4) of this section:~~

~~(a) Direct, on-site supervision by a certified asbestos supervisor shall be required for asbestos projects performed at one project location by workers who are not certified.~~

~~(b) If a project is conducted using only certified workers, or if a certified worker functions as a foreman or lead person, supervision can be performed in the regular course of a supervisor's duties and need not be direct and on-site.~~

~~(c) The partnership, firm, association, corporation, or sole proprietorship shall annually submit, to the department, a written description which includes at least the following information:~~

~~(i) The kinds of asbestos projects expected to be undertaken during a period of time not to exceed one year from the date of submission;~~

~~(ii) The procedures to be used in undertaking the asbestos projects;~~

~~(iii) Methods of compliance with applicable department regulations;~~

~~(iv) Methods of compliance with any additional procedures required by law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos;~~

~~(v) A copy of the written inspection report or statement as required by WAC 296-62-07707; and~~

~~(vi) The name, address and certification number of the supervising certified asbestos supervisor.~~

~~(7) The written descriptions required in this section shall be submitted to the department prior to commencing any project described.~~

~~(8) A further written description must be submitted to the department prior to commencing a project, if previously unidentified or new asbestos projects are proposed during the one-year period covered by the written description submitted to the department in accordance with subsection (6) of this section.~~

~~(9) Written descriptions, shall be mailed to:~~

~~Asbestos Certification Program,
Department of Labor and
Industries, HC-412
805 Plum Street S.E.
P.O. Box 207
Olympia, Washington 98504.~~

~~(10) In addition to losing the exemption in subsection (5) of this section, any partnership, firm, association, corporation, or sole proprietorship who fails to comply with subsections (6) through (9) of this section shall be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues shall be considered a separate violation. In addition,)) In cases in which an employer conducts an asbestos abatement project in its own facility by its own employees, supervision can be performed in the regular course of a certified asbestos supervisor's duties. Asbestos workers must have access to certified asbestos supervisors throughout the duration of the project.~~

~~(6) Any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section shall be halted immediately and cannot be resumed before meeting such requirements.~~

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-65-050 Denial, suspension, and revocation of certificates. (1) The department may deny, suspend, or revoke a certificate for failure of the holder to comply with any requirement of this chapter or any applicable health and safety standards and regulations.

(2) ~~((In addition to any civil penalty imposed under WAC 296-62-07707 and 296-65-030, the department may suspend or revoke any certificate issued under this chapter for a period of not less than six months upon the following grounds:~~

~~(a) The certificate was obtained through error or fraud; or~~

~~(b) The holder thereof is judged to be incompetent to carry out the work for which the certificate was issued.~~

~~(3) Before any certificate may be denied, suspended, or revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against such holder and shall give him or her the opportunity to request a conference before the department. At such conference, the department and the holder shall have opportunity to produce witnesses and give testimony.)) The criteria for decertification for asbestos workers, supervisors, and contractors shall include:~~

~~(a) Performing work requiring accreditation at a job site without being in physical possession of initial and current accreditation certificates;~~

~~(b) Permitting the duplication or use of one's own accreditation certificate by another;~~

~~(c) Performing work for which accreditation has not been received; or~~

(d) Obtaining accreditation from a training provider that does not have approval to offer training for the particular discipline from either EPA or from a state that has a contractor accreditation plan at least as stringent as the EPA MAP.

(3) The following persons are not certified for the purposes of this chapter and their respective certificate(s) shall be revoked by the department:

(a) Any person who obtains accreditation through fraudulent representation of training or examination documents;

(b) Any person who obtains training documentation through fraudulent means;

(c) Any person who gains admission to and completes refresher training through fraudulent representation of initial or previous refresher training documentation; or

(d) Any person who obtains accreditation through fraudulent representation of accreditation requirements such as education, training, professional registration, or experience.

(4) Before any certificate may be denied, suspended, or revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against such holder and shall give him or her the opportunity to request a conference before the department. At such conference, the department and the holder shall have opportunity to produce witnesses and give testimony.

(5) A denial, suspension, or revocation order may be appealed to the board of industrial insurance appeals within fifteen working days after the denial, suspension, or revocation order is entered. The notice of appeal may be filed with the department or the board of industrial insurance appeals. The board of industrial insurance appeals shall hold the hearing in accordance with procedures established in RCW 49.17.140. Any party aggrieved by an order of the board of industrial insurance appeals may obtain superior court review in the manner provided in RCW 49.17.150.

(6) The department may suspend or revoke any certificate issued under this chapter for a period of not less than six months upon the following grounds:

(a) The certificate was obtained through error or fraud;
or

(b) The holder thereof is judged to be incompetent to carry out the work for which the certificate was issued.

WSR 96-05-060
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed February 19, 1996, 2:55 p.m.]

Date of Adoption: January 19, 1996.

Purpose: To outline delegation protocols that will facilitate and guide safe delegation of nursing tasks.

Statutory Authority for Adoption: Chapter 18.79 RCW.

Adopted under notice filed as WSR 95-23-115 on November 22, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 8, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 8, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

January 31, 1996

Patty Hayes, R.N.

Executive Director

Chapter 246-840 WAC
PROTOCOL FOR DELEGATING NURSING CARE
TASKS TO UNLICENSED PERSONNEL IN
COMMUNITY RESIDENTIAL PROGRAMS

NEW SECTION

WAC 246-840-910 Purpose. The purpose of this delegation protocol is to ensure that nursing care services have a consistent standard of practice upon which the public and profession may rely and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a nursing task. According to Public Law 1908, a licensed registered nurse may delegate specific nursing care tasks to nursing assistants who meet certain requirements and provide care to individuals in certified community residential programs for the developmentally disabled, to residents in licensed adult family homes, and to residents of licensed boarding homes contracting to provide assisted living services. Before delegating a task, the registered nurse must determine that specific criteria described in the protocol are met and ensure that the patient is in a stable and predictable condition. Nurses delegating tasks are accountable to the Washington state nursing care quality assurance commission. No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines it is inappropriate to do so. These specific care tasks as defined by the nursing commission include:

- (1) Oral and topical medications and ointments;
- (2) Nose, ear, eye drops, and ointments;
- (3) Dressing changes and urinary catheterization using clean techniques;
- (4) Suppositories, enemas, and ostomy care in established and healed condition;
- (5) Blood glucose monitoring; and
- (6) Gastrostomy feedings in established and healed condition.

NEW SECTION

WAC 246-840-920 Definitions. For the purposes of this chapter, the definitions in this section apply throughout the protocol.

(1) "Delegation" means the licensed registered nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The licensed registered nurse delegating the task retains the responsibility and accountability for the nursing care of the patient.

(2) "Nursing assistant" means a nursing assistant-registered under chapter 18.88A RCW or a nursing assistant-certified under chapter 18.88A RCW, who provides care to individuals in certified community residential programs for the developmentally disabled, to individuals residing in licensed adult family homes, and to individuals residing in licensed boarding homes contracted to provide assisted living services.

(3) "Patient" means the individual recipient of nursing actions. In the community residential settings, the patient may also be referred to as client or consumer.

(4) "Protocol" means an explicit, detailed written plan specifying the procedures to be followed in providing care for a particular condition.

(5) "Procedure" means a series of steps by which a desired result is obtained; a particular course of action or way of doing something.

(6) "Outcome" means the end result or consequence of an action after following an established plan of care.

(7) "Supervision" means the provision of guidance and evaluation by a qualified registered nurse for the accomplishment of a nursing task or activity, as outlined in this protocol, including the initial direction of the task or activity; periodic inspection at least every sixty days of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(8) "Immediate supervision" means the licensed registered nurse is on the premises and is within audible and visual range of the patient and the patient has been assessed by the licensed registered nurse prior to the delegation of duties to any care giver.

(9) "Direct supervision" means the licensed registered nurse is on the premises, is quickly and easily available and the patient has been assessed by the licensed registered nurse prior to the delegation of the duties to any care giver.

(10) "Indirect supervision" means the licensed registered nurse is not on the premises but has previously given written instructions for the care and treatment of the patient and the patient has been assessed by the licensed registered nurse prior to the delegation of duties to any care giver. If oral clarification of the written instructions is required, it must be documented.

(11) "Coercion" means to force or compel another, by authority, to do something that he/she would not otherwise choose to do.

(12) "Stable and predictable condition" means a situation in which the patient's clinical and behavioral status is known through the registered nurse's assessment to be nonfluctuating and consistent, including a terminally ill patient whose deteriorating condition is predictable. The registered nurse determines that the patient does not require their frequent presence and evaluation.

(13) "Medication prescribed" means an order for drugs issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs.

(14) "Over-the-counter medication" means a drug that can be obtained without a prescription and is not restricted to use by prescribing practitioners.

(15) "PRN medication" means a medication that has been ordered to be given as needed.

(16) "Oral medication" means any medication that can be ingested through the mouth or administered directly into a gastrostomy tube.

(17) "Topical medication" means any medication that is applied to the outer skin, nose, ear, or eye as drops or ointments.

(18) "Suppository" means a semisolid medication for insertion into the rectum or vagina where it dissolves, releasing the drug for absorption.

(19) "Dressing change using clean technique" means using a clean, nonsterile technique to change the protective covering over a wound or injured body part.

(20) "Urinary catheterization using clean technique" means using a clean, nonsterile technique to insert a catheter through the urethra and into the urinary bladder to withdraw urine.

(21) "Ostomy care" means caring for the stoma, the skin, and the ostomy device or tube for the patient having a gastrostomy, colostomy, ileostomy, or urostomy that is in an established and healed condition.

(22) "Enema" means the introduction of solution into the rectum to promote evacuation of feces from the colon.

(23) "Blood glucose monitoring" means regular testing of blood obtained by fingerstick to measure the blood glucose level.

(24) "Gastrostomy feeding" means administering a nutritional tube feeding through a tube directly into the stomach which is in an established and healed condition.

(25) "Complex task" means that a nursing task may become more complicated because of the interrelationship between the following criteria:

- (a) The patient's condition;
- (b) The setting;
- (c) The nursing care task(s) and involved risks; and
- (d) The skill level required to perform the task.

The delegating nurse must identify and facilitate additional training of the nursing assistant prior to delegation in these situations. The delegating nurse may decide the task is not delegatable. In no case, may delegation go beyond the list of specific care tasks authorized by this chapter.

(26) "Authorized representative" means a person authorized to provide informed consent for health care on behalf of a patient who is not competent to consent. Such person shall be a member of one of the classes of persons as directed in RCW 7.70.065.

NEW SECTION

WAC 246-840-930 Criteria for delegation. Before delegating a nursing task, the licensed registered nurse must determine that it is appropriate to delegate based on the following criteria:

(1) Determine that the setting allows delegation because it is a certified community residential program for the developmentally disabled, a licensed adult family home, or a licensed boarding home contracted to provide assisted living services.

(2) Determine that the task to be delegated is within the nurse's area of responsibility and that it is a specific care task that has been approved for delegation.

(3) Determine that the task to be delegated can be properly and safely performed by the nursing assistant-certified or nursing assistant-registered. The registered nurse shall assess the potential risk of harm for the individual patient. Potential harm may include, but is not limited to, infection, hemorrhage, hypoxemia, nerve damage, physical injury, or psychological distress.

(4) Assess the patient's nursing care needs and determine that the patient is in a stable and predictable condition.

(5) Analyze the complexity of the nursing task and determine the required training or additional training needed by the nursing assistant to competently accomplish the task. The registered nurse shall consider the psychomotor and cognitive skills required to perform the nursing task. More complex tasks may require additional training and supervision for the nursing assistant. The nurse must identify and facilitate any additional training of the nursing assistant that is needed prior to delegation. The nurse must ensure that the task to be delegated can be properly and safely performed by the nursing assistant.

(6) Assess the level of interaction required, considering language or cultural diversity that may affect communication or the ability to accomplish the task to be delegated, as well as methods to facilitate the interaction.

(7) Verify that the nursing assistant:

(a) Is currently registered or certified as a nursing assistant in Washington state and is in good standing without restriction;

(b) Has a certificate of completion issued by the department of social and health services indicating completion of core delegation training for nursing assistants; and

(c) Is willing to perform the task in the absence of direct or immediate nurse supervision and accept responsibility for their actions.

(8) Assess the ability of the nursing assistant to competently perform the delegated nursing task in the absence of direct or immediate nurse supervision to ensure that the nursing task can be properly and safely performed by the nursing assistant.

(9) Discuss the delegation with the patient or authorized representative, including the level of training of the nursing assistant delivering care. The patient, or authorized representative, must give written, informed consent to the delegation under chapter 7.70 RCW.

(10) Document in the patient's record the rationale for delegating or not delegating nursing tasks.

(11) Discuss the process for continuing, rescinding, or adding medications to the delegation list when the physician changes medication orders:

(a) The registered nurse must verify the change in medication or a new medication order with the physician;

(b) If a change is made in the medication dosage or if a change is made in the type of medication for the same problem (i.e., one medication is deleted by the physician and another is substituted) and the patient remains in a stable and predictable condition, delegation can continue at the registered nurse's discretion; and

(c) If a new medication is added, the registered nurse must review the criteria and process for delegation prior to

delegating the administration of the new medication to the nursing assistant. The registered nurse maintains the authority to decide if the new medication can be added to the delegated task list immediately, if a site visit is warranted prior to delegation, or if delegation is no longer appropriate. If delegation is to be rescinded, the nurse must initiate and participate in developing an alternative plan to assure the needs of the patient are met.

NEW SECTION

WAC 246-840-940 Process for delegation. If the registered nurse determines delegation is appropriate, the nurse must:

(1) Obtain the written informed consent of the patient or authorized representative under chapter 7.70 RCW, the delegating nurse, and the nursing assistant.

(2) Delegation requires the nurse teach the nursing assistant how to perform the task, including return demonstration under observation. The nurse shall observe the nursing assistant performing the delegated task to verify their competency to properly perform the task safely and accurately.

(3) Provide specific, written delegation instructions to the nursing assistant with a copy maintained in the patient's record that include:

(a) The rationale for delegating the nursing task;

(b) That the delegated nursing task is specific to one patient and is not transferable to another patient;

(c) That the delegated nursing task is specific to one nursing assistant and is not transferable to another nursing assistant;

(d) The nature of the condition requiring treatment and purpose of the delegated nursing task;

(e) A clear description of the procedure or steps to follow to perform the task;

(f) The predictable outcomes of the nursing task and how to effectively deal with them;

(g) The risks of the treatment;

(h) The interactions of prescribed medications;

(i) How to observe and report side effects, complications, or unexpected outcomes and appropriate actions to deal with them, including specific parameters for notifying the registered nurse, physician, or emergency services;

(j) The action to take in situations where medications are altered by physician orders, including:

(i) How to notify the registered nurse of the change;

(ii) The process the registered nurse will use to obtain verification from the physician of the medication change; and

(iii) The process to notify the nursing assistant of whether administration of the medication is delegated or not;

(k) How to document the task in the patient's record;

(l) Document what teaching was done and that a return demonstration was correctly done; and

(m) A plan of nursing supervision describing how frequently the registered nurse will supervise the performance of the delegated task by the nursing assistant and reevaluate the delegated nursing task. Supervision shall occur at least every sixty days.

(4) The administration of PRN medications may be delegated at the discretion of the registered nurse. The nurse

must first assess the patient to determine that on-site patient assessment will not be required prior to the ongoing administration of each PRN medication dose. The registered nurse must provide written parameters specific to an individual patient which includes guidelines for the nursing assistant to follow in the decision-making process to administer the PRN medication and the procedure to follow for such administration.

NEW SECTION

WAC 246-840-950 Nursing supervision. (1) The registered nurse is accountable and responsible for the delegated nursing task. The nurse must supervise and evaluate the performance of the nursing assistant, including direct observation of the skill and ability of the nursing assistant to perform the delegated nursing task. The nurse must also reevaluate the patient's condition, the care provided to the patient, the capability of the nursing assistant, the outcome of the task, and any problems. Frequency of supervision is at the discretion of the registered nurse to ensure safe and effective services are provided. Reevaluation and documentation must occur at least every sixty days.

(2) A registered nurse may assume delegating responsibilities from the delegating registered nurse for the delegation process, provided the registered nurse assuming responsibility knows the patient through their assessment, the skills of the nursing assistant, and the plan of care. This may include a reevaluation of the patient by the nurse assuming responsibility for delegation. The nurse assuming the responsibility for delegation from another nurse is accountable and responsible for the delegated task. The nurse must document the following in the patient's record:

- (a) The reason and justification for another nurse assuming responsibility for the delegation;
- (b) The nurse assuming responsibility must agree, in writing, to perform the supervision; and
- (c) That the nursing assistant and patient have been informed of this change.

NEW SECTION

WAC 246-840-960 Accountability, liability, and coercion. (1) The registered nurse and nursing assistant are accountable for their own individual actions in the delegation process. The delegated task becomes the responsibility of the person to whom it is delegated but the registered nurse retains overall accountability for the nursing care of the patient, including nursing assessment, evaluation, and assuring documentation is completed.

(2) Nurses acting within the protocols of their delegation authority shall be immune from liability for any action performed in the course of their delegation duties.

(3) Nursing assistants following written delegation instructions from registered nurses for delegated tasks shall be immune from liability.

(4) The nursing care quality assurance commission shall take no disciplinary action against nurses following delegation protocols appropriately.

(5) Complaints regarding delegation of specific nursing tasks may be reported to the aging and adult services administration of the department of social and health services or via a toll-free telephone number.

(6) All complaints specifically related to nurse-delegation shall be referred to the nursing care quality assurance commission.

(7) No certified community residential program for the developmentally disabled, licensed adult family home, or licensed boarding home contracting to provide assisted living services may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the investigation of a complaint.

(8) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the Washington nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.

(9) Nursing assistants shall not be subject to any employer reprisal or disciplinary action for refusing to accept delegation of a nursing task.

NEW SECTION

WAC 246-840-970 Rescinding delegation. (1) The registered nurse may rescind delegation of the nursing task based on the following circumstances which may include, but are not limited to:

- (a) When the nurse believes patient safety is being compromised;
- (b) When the patient's condition is no longer stable and predictable;
- (c) When the frequency of staff turnover makes delegation impractical to continue in the setting;
- (d) When there is a change in the nursing assistant's willingness or competency to do the task;
- (e) When the task is not being performed correctly; or
- (f) When the patient or authorized representative requests that the delegation be rescinded.

(2) In the event delegation is rescinded, the delegating registered nurse assumes responsibility for performing the task or initiating and participating in developing an alternative plan to ensure the continuity for the provision of the task.

(3) The delegating registered nurse must document the reason for rescinding delegation of the task and the plan for ensuring continuity of the task.

NEW SECTION

WAC 246-840-980 Evaluation of nurse delegation. The nurse must participate in recordkeeping as required by the secretary of health to facilitate evaluation.

WSR 96-05-080

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed February 21, 1996, 9:53 a.m.]

Date of Adoption: February 21, 1996.

Purpose: This rule provides state tax reporting information to persons who perform landscape and horticultural services. This rule was amended to specifically include

1995 legislation that exempted pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed at the direction of an electric utility.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-226.

Statutory Authority for Adoption: RCW 82.32.300 and to implement RCW 82.04.050.

Adopted under notice filed as WSR 96-02-010 on December 21, 1995.

Changes Other than Editing from Proposed to Adopted Version: There were no changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 21, 1996

Claire Hesselholt
Policy Counsel

AMENDATORY SECTION (Amending WSR 94-23-053, filed 11/10/94, effective 12/11/94)

WAC 458-20-226 Landscape and horticultural services. (1) **Introduction.** This section provides tax reporting instructions for persons who provide landscape and horticultural services. ~~((Section 301, chapter 25, Laws of 1993 sp. sess.)) Chapter 39, Laws of 1995~~ amended RCW 82.04.050 to ~~((include as))~~ exclude from a retail sale ((landscape maintenance and horticultural services, except horticultural services provided to farmers)) the pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility. This change became effective July 1, ~~((1993))~~ 1995. Landscape maintenance and horticultural services became subject to the retail sales tax effective July 1, 1993, and previously were taxed under the service and other business activities classification. The law change which made landscape maintenance and horticultural services a retail sale does not apply to silvicultural activities or to horticultural services provided to farmers. Silviculture means the commercial production of timber and includes activities such as growing seed into seedlings, planting, fertilizer and pesticide application, pruning and thinning as provided to timber growers. These activities are specifically excluded from the scope of this rule. Silvicultural activities are generally subject to the extracting B&O tax classification or

the service and other business activities B&O tax classification. (See WAC 458-20-135 and 458-20-224.)

(2) **Retail landscape and horticultural services.** Landscape and horticultural services which are retail sales include:

(a) Grading, filling, leveling, planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, and fertilizing to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover and other flora for ornamentation or other nonagricultural purposes.

(b) The sale or rental of landscaping materials and the construction of sprinkling systems, walks, pools, fences, trellises, rockeries, and retaining walls.

(c) Cultivating fruits, flowers, and vegetables for consumers other than farmers.

(d) All tree trimming other than for farmers or persons engaged in silviculture. This includes all trimming for size, shape, aesthetics, removal of diseased branches, and removal of limbs because they are too close to structures. It ~~((also includes))~~ does not include tree trimming performed for public and private electric utilities or at the direction of electric utilities to keep power lines, distribution lines, or equipment free of tree branches or brush. ~~((The department of revenue has considered trimming of trees for public or private utilities to be a landscape maintenance activity and not subject to retail sales tax for periods prior to July 1, 1993.))~~

(3) **Nonretail landscape and horticultural services.** Landscape and horticultural services which are not retail sales include:

(a) Landscape design services performed by a landscape architect separate from a contract for landscape maintenance.

(b) Planting trees for farmers.

(c) Thinning or planting of trees for persons who are involved in the commercial production of timber. These are silvicultural activities and silvicultural activities are not considered to be horticultural or landscape maintenance activities. (See WAC 458-20-135 and 458-20-209.)

(d) Landscape services performed for municipal corporations or political subdivisions of the state on real property owned by those entities if the real property is used or held for public road purposes. (See WAC 458-20-171.)

(e) Horticultural services, including spraying and fertilizing, performed for farmers for agricultural purposes. See WAC 458-20-209 for examples of horticultural services performed for farmers.

(f) Pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility. The removing and clearing of trees includes the stump removal by grinding, digging, or any other means, if performed by or at the direction of an electric utility. These are retail activities when not performed by or at the direction of an electric utility.

(4) **Business and occupation tax.**

(a) **Retailing.** The gross income from landscape and horticultural services which are retail sales and which are performed for consumers is taxable under the retailing classification.

(b) **Wholesaling.** The gross income from services which are retail sales and which are performed for other

contractors for resale is taxable under the wholesaling classification.

(c) **Service.** The gross income from horticultural services provided to farmers is taxable under the service and other activities classification. This tax classification also applies to income received from pruning, tree trimming, removing and clearing of trees and brush near electric lines, if performed by or at the direction of an electric utility.

(d) **Selected business services.** Effective July 1, 1993, landscape architects who perform design services are taxable under the selected business services tax classification. See RCW 82.04.290.

(e) **Public road construction.** Persons who perform landscape services for municipal corporations or political subdivisions of the state on real property owned by those entities are taxable under the public road construction B&O tax classification, but only if the real property is used or held for public road purposes.

(f) **Government contracting.** This classification applies to persons engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures for the United States, or a city or county housing authority created under chapter 35.82 RCW. This classification would include the construction or maintenance of items such as walls, fences, walks, pools and other structures. This classification does not include the planting of lawns or trees or the cutting of grass or tree trimming performed for these customers. These activities are subject to the retailing classification.

(5) Retail sales and use tax.

(a) Landscape gardeners and horticulturists, except horticulturists performing services for farmers, must generally collect and report the retail sales tax upon the full contract price when performing landscaping or horticultural services for consumers. For purposes of collecting the local option retail sales tax, the sale takes place where the service is performed. See WAC 458-20-145. The retail sales tax does not apply to charges to the United States for landscape services, including landscape maintenance services, and sellers may take a deduction from the retail sales tax classification in reporting those sales which are taxable under the retailing B&O tax classification.

(b) Persons performing a landscaping or horticultural service for a contractor for resale must provide a resale certificate. See WAC 458-20-102.

(c) Landscape gardeners and horticulturists must pay the retail sales tax to their vendors when purchasing tools, equipment, and supplies which are not resold, either directly or as a component part of the finished work. They must pay deferred sales or use tax directly to the department upon the value of any such property that was purchased or acquired without payment of Washington retail sales tax.

(d) Plants, shrubs, trees, sod, seed, chemicals, fertilizer, peat moss, sprinkler systems, rocks, building materials and any other tangible personal property which becomes a part of the finished work may be purchased for resale, except items used in providing horticultural services for farmers and items used in performing public road construction, government contracting, or services for timber growers.

(e) Retail sales tax or use tax is due with respect to items purchased by horticulturists for use in performing services for farmers.

(f) Retail sales tax or use tax is due with respect to items purchased for use in performing services for timber growers or which are taxable as either public road construction or government contracting. This includes items such as sod, seed, trees, building materials, fertilizers, spray materials, etc.

(g) The retail sales tax does not apply to the charge made by persons performing tree trimming near electric transmission or distribution lines, but only if the work is performed at the direction of an electric utility. Persons performing these services must pay retail sales or use tax on all materials, supplies, tools, and equipment used in performing the service.

(6) **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) John Doe, a landscaper, was hired by a city to maintain the landscaping around the buildings at the city's municipal golf courses. He must collect and report the retail sales tax and pay retailing B&O tax on the full contract amount.

(b) John Doe purchased several plants, some fertilizer, and insect spray to use in landscaping the golf course. He also purchased some solvent and mineral oil to clean and maintain some of his landscaping tools. His purchases of the plants, fertilizer and insect spray are purchases for resale. He must pay retail sales tax to his vendors on his purchases of the solvent and mineral oil.

(c) Landscaping company provides complete landscaping services including landscape design by a licensed landscape architect, installation, and maintenance. Landscaping charged Jane Smith two hundred dollars for a landscaping plan for her new home. She planned to purchase the plants and do the landscaping work herself. Landscaping must report B&O tax on the charge for the design service at the rate for selected business services.

(d) Landscaping company entered into a contract to landscape the yard for a client's new home. The company must collect and report retail sales tax and pay retailing B&O on the full contract amount, even though part of Landscaping's services included drawing a landscaping plan.

(e) Landscaping company entered into a two-phase contract with a county. Phase one required the company to plant trees and shrubs and put in a sprinkling system as part of a public road project. The sprinkler system is located in the public road right of way. The contract provided Landscaping would receive five hundred thousand dollars for phase one of the project. Phase two provided that Landscaping would maintain the trees and shrubs for a period of five years. The contract provided for payments of four thousand dollars per month plus costs for fertilizer and spray for maintaining the planted strips. Phase one is part of public road construction and Landscaping is taxable under the public road construction classification upon the five hundred thousand dollars received for phase one. The company must pay sales tax when purchasing the trees and shrubs and materials for the sprinkling system for use in phase one of the project. See WAC 458-20-171 for the tax liability for public road construction.

Phase two for the maintenance of the completed project is also public road construction. This is not a retail sale because the work is performed for a municipal corporation or political subdivision of the state on land owned by that entity and which is being used for public road purposes. See RCW 82.04.190.

Landscaping will owe B&O tax under the public road construction classification and must pay retail sales or use tax on any items used in performing this work, including purchases of fertilizers, chemicals and other materials.

(f) John Doe operates a tree trimming business and has a contract with a public utility district (PUD) to trim trees along the PUD's power lines. Some of these trees are on private property with the PUD obtaining the permission of the owners to trim the trees. Some trees are also located on land for which the PUD has an easement, including along public road right of ways. This tree trimming is not a retail sale, ~~((including))~~ but taxable under the service and other business activities classification. This includes trimming performed along the road right of way. The property on the road right of way is not owned by the PUD for whom the work is being performed. The easement is not for use as a public road and as such the tree trimming is not public road construction.

(g) John Doe provides a tree trimming service to his residential customers. The tree trimming is performed at the direction of the residential customer to remove diseased limbs, limbs too close to the house, limbs which are a safety hazard because of their proximity to power lines, and limbs which are objectionable to the desired shape of the tree. All of this tree trimming is a retail activity, regardless of the specific reason for cutting the limbs.

**WSR 96-05-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 96-17—Filed February 12, 1996, 4:18 p.m.]

Date of Adoption: February 9, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-07300F; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of green sea urchins exist in Sea Urchin Districts 3 and 4. Harvestable amounts of red sea urchins exist in Sea Urchin District 4.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

February 9, 1996
Judith Freeman
Deputy
for Robert Turner
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 16, 1996:

WAC 220-52-07300F Sea urchins. (96-17)

**WSR 96-05-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

(Fisheries)

[Order 96-18—Filed February 14, 1996, 4:45 p.m., effective February 15, 1996, 12:01 a.m.]

Date of Adoption: February 14, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-07300F and 220-52-07300G; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of red sea urchins are available for harvest in Sea Urchin Districts 1, 2 and 4.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: February 15, 1996, 12:01 a.m.

February 14, 1996
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-52-07300G Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective February 15, 1996, until further notice it is unlawful for non-treaty sea urchin harvesters to take or possess sea urchins taken for commercial purposes except as provided for in this section.

(1) Red sea urchins.

EMERGENCY

(a) Sea Urchin Districts 1 and 2 are open February 15, 1996, only. When taken from these districts, the maximum daily landing for a vessel is 900 pounds of red sea urchins and it is unlawful to harvest red sea urchins larger than 5.5 inches diameter or smaller than 4.0 inches in diameter exclusive of spines.

(b) Sea Urchin District 4 is open February 15, 1996, only. When taken from this district, the maximum daily landing for a vessel is 600 pounds of red sea urchins, and it is unlawful to harvest red sea urchins larger than 5.0 inches diameter or smaller than 3.25 inches in diameter exclusive of spines.

(2) All other provisions of WAC 220-52-073 remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. February 14, 1996:

WAC 220-52-07300F Sea urchins. (96-17)

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 16, 1996:

WAC 220-52-07300G Sea urchins. (96-18)

**WSR 96-05-055
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 96-19—Filed February 16, 1996, 2:02 p.m., effective February 18, 1996, noon]

Date of Adoption: February 15, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000D; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of spring chinook salmon are available in the Columbia River. This rule is consistent with the action of the Columbia River Compact on January 29, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: February 18, 1996, noon.

February 15, 1996

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-33-01000D Columbia River salmon seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, 220-33-020, and 220-33-030, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, and that portion of SMCRA 1D downstream from Kelley Point at the mouth of the Willamette River, except as provided in the following subsections:

FISHING PERIODS

(1) Noon Sunday February 18 to Noon Mondays, February 19.

6:00 p.m. Tuesday, February 20 to 6:00 p.m. Thursday February 22, 1996.

GEAR

(2) It is unlawful to fish for salmon, shad and sturgeon with gill net gear that:

(a) exceeds 1,500 feet in length along the corkline;

(b) is constructed of monofilament webbing;

(c) has webbing with a mesh size of less than 8 inches or more than 9-1/4 inches; or

(d) has lead or weight on the leadline that exceeds two pounds in any one fathom, measurement to be taken along the corkline of the net.

(3)(a) It is unlawful to gaff sturgeon.

(b) White sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be returned immediately to the water. The length of a sturgeon is the shortest distance between the tip of the nose and the extreme tip of the tail measured while the fish is lying on its side on a flat surface with its tail in a normal position.

(c) Sturgeon must be delivered to wholesale dealers and fish buyers undressed (in the round).

(d) It is unlawful for a wholesale dealer or fish buyer to possess a sturgeon from which only the head and tail have been removed if the remaining carcass is less than 28 inches in length. A carcass length of less than 28 inches is prima facie evidence that the total length of the whole sturgeon was less than 48 inches.

SANCTUARIES

(4) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

(a) Grays Bay

(b) Elokomin-A

EMERGENCY

- (c) Kalama-A
- (d) Lewis-A
- (e) Cowlitz
- (f) Gnat Creek
- (g) Big Creek

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. February 22, 1996:

WAC 220-33-01000D Columbia River salmon seasons below Boneville.

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

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The Attorney General's Office has determined that such persons have a constitutional right to a hearing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 8, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 8, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 8, repealed 0.

Effective Date of Rule: Immediately.

February 20, 1996

Merry A. Kogut, Supervisor
Rules and Policy Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-06 issue of the Register.

EMERGENCY

WSR 96-05-067
RESCISSION OF EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 3945—Filed February 20, 1996, 2:20 p.m.]

Date of Adoption: February 20, 1996.

Purpose: Rescinds WSR 96-01-009, filed December 6, 1995. The Division of Children, Youth and Family Services replaces this emergency filing with another emergency filing filed February 20, 1996, with necessary changes to the language to WAC 388-330-035, 388-150-090, 388-73-030, 388-155-090, 388-151-090, 388-160-090, and 388-330-010.

Effective Date of Rule: Immediately.

February 20, 1996

Merry A. Kogut, Supervisor
Rules and Policies Assistance Unit

WSR 96-05-068
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 3946—Filed February 20, 1996, 2:23 p.m.]

Date of Adoption: February 20, 1996.

Purpose: Provide an appeal process for persons disqualified from employment in child care because of findings or allegations of child abuse or neglect. New WAC 388-330-035 Appeal of disqualification.

Citation of Existing Rules Affected by this Order: Amending WAC 388-150-090, 388-155-090, 388-160-090, 388-330-010, 388-73-030, 388-151-090, 388-73-036, and 388-160-120.

Statutory Authority for Adoption: RCW 74.15.030.

Other Authority: U.S. Court of Appeals Docket #93-7183, 7-21-95 Memo-Employee Disqualification, Letter-American Civil Liberties Union of Washington.

WSR 96-05-003
ATTORNEY GENERAL OPINION
Cite as: AGO 1996 No. 1
[January 31, 1996]

SUPERIOR COURTS—DISTRICT COURTS—JUVENILE COURTS—PUBLIC RECORDS—SCHOOLS—TRUANCY—CONFIDENTIALITY OF JUVENILE COURT RECORDS IN TRUANCY CASES.

The records of a juvenile court in a truancy case are confidential and not available for public inspection and copying, with the limited exceptions listed in RCW 13.50.010 and 13.50.100.

Requested by:
The Honorable Mary C. McQueen
Administrator for the Courts
P.O. Box 41170
Olympia, WA 98504-1170

WSR 96-05-007
PROCLAMATION
OFFICE OF THE GOVERNOR
[February 8, 1996]

WHEREAS, extensive flooding began February 7, 1996, in Washington State and threatens the citizens of Walla Walla, Whitman, Klickitat, Yakima, Skamania, Columbia, Pierce, Cowlitz, Clark, Lewis, Asotin, Kittitas and Thurston Counties and the Yakama Indian Nation; and

WHEREAS, the Washington State Military Department has implemented the state's Comprehensive Emergency Management Plan, coordinating resources to support local officials in alleviating the immediate social and economic impacts to people and property and assessing the magnitude of the disaster;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby proclaim that a State of Emergency exists in Walla Walla, Whitman, Klickitat, Yakima, Skamania, Columbia, Pierce, Cowlitz, Clark, Lewis, Asotin, Kittitas, and Thurston Counties and the Yakama Indian Nation and direct the implementation of the Washington State Comprehensive Emergency Management Plan. State agencies and departments are directed to utilize state resources and to do everything possible to assist affected political subdivisions in an effort to cope with the emergency. Additionally, the Washington State Military Department, Emergency Management is instructed to coordinate all state disaster-related assistance to the affected areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this eighth day of February, A.D., nineteen hundred and ninety-six.

Mike Lowry
Governor of Washington

BY THE GOVERNOR
Donald F. Whiting
Assistant Secretary of State

WSR 96-05-008
PROCLAMATION
OFFICE OF THE GOVERNOR
[February 9, 1996]

WHEREAS, the major flooding which began February 7, 1996, is continuing to cause extensive damage throughout Washington State; and

WHEREAS, flooding has caused extensive damage to homes, businesses, roads, bridges, and agricultural land in King, Snohomish and Wahkiakum Counties;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of February 8, 1996, and further proclaim that a State of Emergency exists in King, Snohomish and Wahkiakum Counties and authorize execution of the Washington State Comprehensive Emergency Management Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this ninth day of February, A.D., nineteen hundred and ninety-six.

Mike Lowry
Governor of Washington

BY THE GOVERNOR
Donald F. Whiting
Assistant Secretary of State

WSR 96-05-012
PROCLAMATION
OFFICE OF THE GOVERNOR
[February 9, 1996]

WHEREAS, the major flooding which began February 7, 1996, is continuing to cause extensive damage throughout Washington State; and

WHEREAS, flooding has caused extensive damage to homes, businesses, roads, bridges, and agricultural land in Grays Harbor and Benton Counties;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of February 8, 1996, and further proclaim that a State of Emergency exists in Grays Harbor and Benton Counties and authorized execution of the Washington State Comprehensive Emergency Management Plan.

MISCELLANEOUS

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this ninth day of February, A.D., nineteen hundred and ninety-six.

Mike Lowry

Governor of Washington

BY THE GOVERNOR

Donald F. Whiting

Assistant Secretary of State

WSR 96-05-013
PROCLAMATION
OFFICE OF THE GOVERNOR
 [February 10, 1996]
AMENDING PROCLAMATION
OF AN EMERGENCY

The major flooding which began February 7, 1996 is continuing to cause extensive damage throughout Washington State.

WHEREAS, flooding has caused extensive damage to homes, businesses, roads, bridges and agricultural land in Adams County; and

NOW THEREFORE, I, MIKE LOWRY, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of February 8, 1996, and further proclaim that a State of Emergency exists in Adams County and authorize execution of the Washington State Comprehensive Emergency Management Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia this 10th day of February, A.D., Nineteen Hundred and Ninety-six.

Mike Lowry

Governor of Washington

BY THE GOVERNOR

Donald F. Whiting

Assistant Secretary of State

WSR 96-05-014
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
 (Clemency and Pardons Board)
 [Memorandum—February 9, 1996]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following changes to its meeting schedule:

1. The March 1 Clemency and Pardons Board meeting has been canceled.

2. The June 7 regularly scheduled meeting has been moved from the Governor's Office Conference Room to Senate Hearing Room 3 located in the John A. Cherberg Building. Scheduled meeting time remains at 9:00 a.m.

WSR 96-05-016
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—February 8, 1996]

The Seattle Community College District board of trustees will conduct a board retreat on Friday and Saturday, February 23 and 24, at the Battelle Conference Center, 4000 N.E. 41st Street, Seattle, WA 98105-5428.

The meetings will be held in Conference Room 4 and 5, on February 23, from 7:30 a.m. until 4:00 p.m., and in the Northwest Room, on February 24, from 7:30 a.m. until 1:00 p.m.

WSR 96-05-017
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—February 12, 1996]

Board of Trustees Meeting
 February 15, 1996
 Sno-King Building
 Boardroom 103
 (4:30 - 6:40)

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 96-05-018
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 [Filed February 12, 1996, 12:02 p.m.]

The legislature transferred the responsibility for regulating escrow agents from the Department of Licensing to the Department of Financial Institutions effective July 1, 1995. The regulations promulgated by the Department of Licensing to regulate escrow agents are contained in chapter 308-128 WAC. The Department of Financial Institutions wishes to recodify these regulations into Title 208 WAC. The director of the Department of Licensing concurs with this recodification.

Effective April 1, 1996, chapters 308-128A through 308-128F WAC will be recodified as chapters 208-680A through 208-680F WAC.

Mark Thomson, Assistant Director
 Division of Consumer Services
 and Administration

WSR 96-05-023
PROCLAMATION
OFFICE OF THE GOVERNOR
 [February 13, 1996]

WHEREAS, the major flooding which began February 7, 1996, is continuing to cause extensive damage throughout Washington State; and

WHEREAS, flooding has caused extensive damage to homes, businesses, roads, bridges, and agricultural land in Garfield County;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of February 8, 1996, and further proclaim that a State of Emergency exists in Garfield County and authorize execution of the Washington State Comprehensive Emergency Management Plan.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this thirteenth day of February, A.D., nineteen hundred and ninety-six.

Mike Lowry
 Governor of Washington

BY THE GOVERNOR

Donald F. Whiting
 Assistant Secretary of State

WSR 96-05-025
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—February 12, 1996]

The Interagency Committee for Outdoor Recreation (IAC) will meet Monday, March 25, 1996, beginning at 9:00 a.m. in Room 175 of the Natural Resources Building in Olympia.

At this meeting the IAC will consider administrative code (WAC) changes, IAC manual revisions (including boating facilities and applications), WWRP FY '97 funding proposals, and National Recreation Trail Act funding proposals. Additional planned items include budget and legislative updates, a review of possible changes to IAC's planning requirements, and several project conversions.

If you plan to participate or have materials for committee review, please submit information to IAC no later than March 4, 1996. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by March 4 at (360) 902-3000 or TDD (360) 902-1996.

WSR 96-05-028
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
 (Community Economic Revitalization Board)
 [Memorandum—February 8, 1996]

The March 21, 1996, regularly scheduled meeting of the Community Economic Revitalization Board will be canceled.

Any questions regarding the Community Economic Revitalization Board meetings should be sent to the Community Economic Revitalization Board, c/o Department of Community, Trade and Economic Development, 2001 6th Avenue, Suite 2700, Seattle, WA 98121, (206) 464-6282.

WSR 96-05-037
NOTICE OF PUBLIC MEETINGS
GRAYS HARBOR COLLEGE
 [Memorandum—February 12, 1996]

The dates of the regular board of trustees' meetings for Grays Harbor College for 1996 are as follows:

- January 16, 1996
- February 20, 1996
- March 18, 1996
- April 15, 1996
- May 20, 1996
- September 16, 1996
- October 21, 1996
- November 18, 1996

All regularly scheduled meetings of the board will begin at 3:30 p.m. in the boardroom in the 200 Building at the college.

WSR 96-05-038
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—February 14, 1996]

Following are the meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

Forest Resources
 ESC Division Faculty

Meeting Dates	Location	Time
February 6, 1996	22 Anderson	12:30
February 20, 1996	22 Anderson	12:30
March 5, 1996	22 Anderson	12:30
April 2, 1996	22 Anderson	12:30
April 15, 1996	22 Anderson	12:30
April 30, 1996	22 Anderson	12:30
May 14, 1996	22 Anderson	12:30
May 28, 1996	22 Anderson	12:30
October 8, 1996	22 Anderson	12:30
October 22, 1996	22 Anderson	12:30
November 5, 1996	22 Anderson	12:30
November 19, 1996	22 Anderson	12:30

December 3, 1996 22 Anderson 12:30
December 17, 1996 22 Anderson 12:30

WSR 96-05-039
ATTORNEY GENERAL OPINION
Cite as: AGO 1996 No. 2
[February 6, 1996]

SUPERIOR COURT - JUDGES - SALARY AND BENEFITS - STATE CONSTITUTION - SOCIAL SECURITY - WORKERS COMPENSATION - LEGAL RESPONSIBILITY OF STATE AND COUNTIES FOR EMPLOYER CONTRIBUTIONS TO SUPERIOR COURT JUDGES' SALARY-RELATED BENEFITS

In the absence of specific legislative direction to the contrary, the state and the counties are each legally responsible for one-half of the employer contributions required to be made to provide fringe benefits for superior court judges.

Requested by:

The Honorable Nita Rinehart
State Senator
P.O. Box 40482
Olympia, WA 98504-0482

The Honorable Jean Silver
State Representative
P.O. Box 40600
Olympia, WA 98504-0600

The Honorable Jay Weber
Douglas County Commissioner
P.O. Box 747
Waterville, WA 98858

WSR 96-05-040
ATTORNEY GENERAL OPINION
Cite as: AGO 1996 No. 3
[February 6, 1996]

DEPARTMENT OF FISH AND WILDLIFE - FISH - AUTHORITY OF THE DIRECTOR OF FISH AND WILDLIFE TO REQUIRE THAT FISH GUARDS BE INSTALLED, MAINTAINED, AND REPLACED.

1. The director of the Department of Fish and Wildlife has a generalized duty to enforce the laws requiring fish guards in lakes, rivers, and streams, but has discretion in a particular case to decide whether to institute civil action against a violator, and to decide which remedy to seek.
2. The director of the Department of Fish and Wildlife has authority to close a diversion device if its owner fails to equip it with an approved fish guard within 30 days after the director gives the owner proper notice.
3. The director of the Department of Fish and Wildlife does not have explicit authority to compel the owner of a diversion device to equip it with a fish guard where the guard is required by RCW 75.20.040, but has authority to take other actions designed to achieve the same result.

4. Diversion devices in place prior to the effective date of RCW 75.20.040 (1949) are still subject to its requirements.
5. The director of the Department of Fish and Wildlife may periodically change requirements for fish guards to ensure that the guards are efficient and durable, but the revised requirements apply only to fish guards installed or replaced after the revisions.
6. Hydroelectric projects licensed by the Federal Energy Regulatory Commission are not subject to the fish guard requirements of RCW 75.20.040.
7. Since RCW 75.20.040 imposes fish guard requirements for all waters containing food fish, RCW 77.16.220 applies only to waters containing exclusively game fish; the two sets of requirements are similar, except for a "grandfather" clause in RCW 77.16.220 exempting waters diverted before 1947, and a provision in RCW 75.20.040 entitling the Department of Fish and Wildlife to recover the costs of closing a diversion device.

Requested by:

The Honorable Dean Sutherland
State Senator
P.O. Box 40417
Olympia, WA 98504-0417

WSR 96-05-045
PROCLAMATION
OFFICE OF THE GOVERNOR
[February 15, 1996]

WHEREAS, the major flooding which began February 7, 1996, is continuing to cause extensive damage throughout Washington State; and

WHEREAS, flooding has caused extensive damage to homes, businesses, roads, bridges, and agricultural land in Skagit County; and

WHEREAS, flooding has caused extensive damage to state roads and bridges in Chelan County;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of February 8, 1996, and further proclaim that a State of Emergency exists in Skagit and Chelan Counties and authorize execution of the Washington State Comprehensive Emergency Management Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this fifteenth day of February, A.D., nineteen hundred and ninety-six.

Mike Lowry
Governor of Washington

BY THE GOVERNOR

Ralph Munro
Secretary of State

MISCELLANEOUS

WSR 96-05-049
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—February 14, 1996]

MEETING NOTICE

WASHINGTON STATE
 WORKFORCE TRAINING AND
 EDUCATION COORDINATING BOARD
 MEETING NO. 44
 MARCH 7, 1996

NEW MARKET VOCATIONAL SKILLS CENTER
 CONFERENCE ROOM
 7299 NEW MARKET STREET
 TUMWATER, WASHINGTON 98501
 (360) 586-9375

March 7, 1996, New Market Vocational Skills Center, 8:30 a.m. - 3:00 p.m., the Workforce Training and Education Coordinating Board will hold its regular business meeting on Thursday, March 7, beginning at 8:30 a.m. The meeting will be held in the Conference Room, New Market Vocational Skills Center, Tumwater, Washington. Agenda items will include board action on the process for agency 97-99 budget requests. Board members will discuss the goals and process for updating "High Skills, High Wages," the results of community meetings, and legislative issues of interest.

The meeting site is barrier free. People needing special accommodations, please call Anne Townsend at least ten days in advance at (360) 753-5677.

WSR 96-05-050
NOTICE OF PUBLIC MEETINGS
STATE INVESTMENT BOARD
 [Memorandum—February 13, 1996]

The Washington State Investment Board's regular board meetings for 1996 will be held on the third Thursday of each month, beginning at 9:30 a.m. at the board's offices at 2424 Heritage Court S.W., Olympia, WA 98504-0916.

WSR 96-05-051
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—February 14, 1996]

The design committee of the Washington State Convention and Trade Center (WSCTC) will meet on Wednesday, February 21 from 10:00 a.m. - 1:15 p.m. in Room 402-3 of the Convention Center, 8th and Pike, Seattle, Washington.

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on Wednesday, February 21 at 1:30 p.m. in Room 310 of the Convention Center.

If you have any questions regarding these meetings, please call 447-5000.

WSR 96-05-052
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE
 [Memorandum—February 15, 1996]

The board of trustees of Community College District Number Eleven (Pierce College) would like to make the following change to an upcoming regular board meeting:

Meeting Date/Location	Time	Change to:
March 13, 1996 Ft. Steilacoom Campus	12:30	Change the meeting date to March 19, 1996 (Same time and location)

WSR 96-05-053
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—February 16, 1996]

BOARD OF TRUSTEES
 February 23, 1996, 9:00 a.m.
 Spokane Center
 Second Floor Mall
 Room 263-65

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the Spokane Center Board Room.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

WSR 96-05-062
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Memorandum—February 16, 1996]

The board of trustees for Peninsula College, District 1, changes the time of their regularly scheduled *March 12, 1996, board meeting from 1:00 p.m. to 10:00 a.m.* in the College Board Room, A-12.

WSR 96-05-063
OFFICE OF MARINE SAFETY
 [Filed February 20, 1996, 10:35 a.m.]

OFFICE OF MARINE SAFETY
 FISHING VESSEL
 BOARDING CHECKLIST

The Office of Marine Safety established a vessel boarding program for cargo vessels to determine whether vessels pose a substantial risk under RCW 88.46.050. Cargo vessels are defined by statute as self-propelled ships 300 gross tons or more in commerce and include, but are not limited to, fish processors and freighters. Recognizing that fishing vessels are unique, the office developed interim standards for fishing vessels to use in determining whether a fishing vessel poses a substantial risk. The following checklist incorporates those

MISCELLANEOUS

standards and is used by vessel inspectors when they board fishing vessels involved in processing, catching, harvesting or tendering activities. The checklist is used only to monitor vessel operations and crew.

The checklist measures a fishing vessel's relative risk by capturing information on vessel navigation and engineering personnel, management, deck operating procedures, and emergency procedures. Specific subcategories within each category describe three levels of operation. Vessels operating at Level 1 receive a risk weight of either 1, 2 or 8 for that subcategory. A vessel that receives a cumulative risk weight of 8 or more is determined to pose a substantial risk under RCW 88.46.050, chapter 317-30 WAC, and proposed chapter 317-31 WAC (WSR 96-03-071).

The office will convene the Fishing Vessel Inspection Council under proposed WAC 317-31-230 in November to review this checklist and make revisions. Comments may be submitted to: Stan Norman, Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504-2407.

1. NAVIGATION AND ENGINEERING PERSONNEL

1.1 Watches

Level	Description	Risk
3	A three-watch system is provided for vessels above 300 gross tons	0
2	Vessels above 300 gross tons operated on a two-watch system or vessels above 5,000 gross tons operated on a three-watch system.	0
1	Meets minimum requirement for watches for each vessel type (46 CFR 15.705(e)).	1
	Comments:	
N/A	Not Applicable	

1.2 English Proficiency

Level	Description	Risk
3	All officers and crew members proficient in English language and all officers speak a language understood and spoken by subordinate officers and crew.	0
2	All officers proficient in English and speak a language understood and spoken by subordinate officers and crew.	0
1	Language comprehension in accordance with 46 CFR 15,730(a)(6) & (&).	1
	Comments:	
N/A	Not Applicable	

1.3 Work Hours

Level	Description	Risk
3	Work hour policy that includes 6/12, 15/24, and 36/72.	0
2	Work hours in excess of 6/12, 15/24, 36/72 and limited overtime.	0
1	No work hour restriction; unlimited overtime.	2
	Comments:	
N/A	Not Applicable	

1.4 Alcohol and Drug Policy

Level	Description	Risk
3	Zero tolerance policy for drugs and alcohol and on-board testing capability for alcohol and drugs.	
2	Zero tolerance policy for drugs and alcohol.	
1	Alcohol policy per CFR or similar (No drugs/0.004% BAC limit: 33 CFR 95.020).	
	Comments:	
N/A	Not Applicable	

1.5 Orientation Training

Level	Description	Risk
3	Time for reasonable transfer of duties which includes familiarization and safety indoctrination for vessel crew.	
2	Meets CFR requirements for vessel orientation training (46 CFR 28.270(e)).	
1	No formalized crewmember orientation program.	
	Comments:	
N/A	Not Applicable	

1.6 First Aid

Level	Description	Risk
3	Subscribe to a Medical Advisory Service or equivalent, or has a licensed medical person onboard.	
2	Formal training program for First Aid/CPR and meets 46 CFR 28.210. One person onboard trained in CPR/First Aid plus has personnel exceeding CFR training in First Aid/CPR.	
1	Formal training program for First Aid/CPR and meets 46 CFR 28.210. One person onboard trained in CPR/First Aid.	
	Comments:	
N/A	Not Applicable	

1.7 Company Training Policy

Level	Description	Risk
3	Onboard on -the-job training program for navigation and engineering watchstanders conducted by the company with its own experts plus company sponsored formal, professional training program.	
2	Onboard on -the-job training program for navigation and engineering watchstanders conducted by the company with its own experts.	
1	No training beyond license requirements.	
	Comments:	
N/A	Not Applicable	

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2. MANAGEMENT

2.1 Safety Program

Level	Description	Risk
3	Formal written safety program involving vessel and corporate management, safety awareness incentives, and/or fleet-wide exchange of safety information.	0
2	Written safety program onboard.	0
1	No safety program onboard.	1
	Comments:	
N/A	Not Applicable	

2.2 Safety Meetings

Level	Description	Risk
3	Weekly shipboard safety meetings and post-incident and /or fleetwide incident review meetings.	0
2	Monthly shipboard safety meetings that are documented or logged.	0
1	No scheduled safety meetings onboard.	1
	Comments:	
N/A	Not Applicable	

2.3 Mangement Oversight

Level	Description	Risk
3	Structured oversight program by managing/operating representative; includes visit by managing/operating representative at least once per quarter and managing /operating representative makes unannounced inspections or check-rides of vessel.	0
2	Structured oversight program includes visit by managing/operating representative at least once per quarter.	0
1	Rare visits to vessel by managing/operating representative.	1
	Comments:	
N/A	Not Applicable	

3. DECK OPERATING PROCEDURES

3.1 Pollution

Level	Description	Risk
3	Established pollution prevention program onboard and vessel crew aware of applicable state and federal standards; and includes the use of MARPOL Annex V garbage log. Training in and awareness of how to comply with MARPOL.	0
2	Established pollution prevention program onboard and vessel crew aware of applicable state and federal standards; and includes the use of MARPOL Annex V garbage log	0
1	No pollution prevention program onboard.	2
	Comments:	
N/A	Not Applicable	

3.2 Stability and Cargo Planning

Level	Description	Risk
3	Exceeds 46 CFR 28.530. Stability information is easy to read and understand and includes examples of various loading conditions. May include computer program to assist in performing stability calculations or evidence of continuous stability calculations.	0
2	Meets 46 CFR 28.530. Stability information is easy to read and understand and includes examples of various loading conditions.	0
1	No stability information onboard or stability information onboard but not understood or used.	8
	Comments:	
N/A	Not Applicable	

3.3 Charts and Publications

Level	Description	Risk
3	Required charts and publications per 46 CFR 28.225 are current or updated. May use electronic charts or maintains a card file or records to track chart corrections.	0
2	Required charts and publications per 46 CFR 28.225 are current or updated.	0
1	Does not meet CFR requirements for charts and publications (46 CFR 28.225).	2
	Comments:	
N/A	Not Applicable	

3.4 Navigation Equipment Checks

Level	Description	Risk
3	Daily logs and records maintained that include work hours and watchstanding personnel. Extensive records maintained including training, drills, and operating checklists.	0
2	Daily log and records maintained that include work hours and watchstanding personnel.	0
1	Minimum deck records and navigation logs maintained.	1
	Comments:	
N/A	Not Applicable	

3.5 Vessel Logs/Records

Level	Description	Risk
3	Daily logs and records maintained that include work hours and watchstanding personnel. Extensive records maintained including training, drills, and operating checklists.	0
2	Daily log and records maintained that include work hours and watchstanding personnel.	0
1	Minimum deck records and navigation logs maintained.	1
	Comments:	
N/A	Not Applicable	

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3.6 Bridge Procedures

Level	Description	Risk
3	Formal written procedures requiring additional licensed or unlicensed personnel in restricted visibility.	0
2	Master/Mate and lookout as separate duties. (Minimum of two persons on bridge.)	0
1	Meets 33 CFR 164.11 requirements for bridge manning procedures for various operating conditions.	1
	Comments:	
N/A	Not Applicable	

3.7 Voyage Planning

Level	Description	Risk
3	Detailed, comprehensive voyage plan or electronic plan in use.	0
2	Written voyage plan in used with minimum elements for vessel while underway in Washington waters.	0
1	No voyage plan in use.	1
	Comments:	
N/A	Not Applicable	

3.8 Security Rounds

Level	Description	Risk
3	Rounds every two hours in port and gangway watch; once per watch at sea.	0
2	Rounds once per watch (including bilge and unmaned spaces).	0
1	No scheduled rounds.	1
	Comments:	
N/A	Not Applicable	

3.9 Planned Maintenance and Inspection of Hull and Machinery

Level	Description	Risk
3	A formal maintenance and annual inspection program conducted by managing/operating representative. Annual survey by Classification Society of third party surveyor or more frequent inspections conducted by managing/operating representative.	0
2	A formal maintenance and annual inspection program conducted by managing/operating representative.	0
1	No planned inspection and/or maintenance program.	2
	Comments:	
N/A	Not Applicable	

3.10 Emergency Towing Equipment

Level	Description	Risk
3	Emergency towing equipment onboard and can be rigged without power. Has written emergency towing plan on vessel in accordance with NPFVOA Vessel Safety Manual. Has emergency equipment made up and evidence of drills.	0
2	Emergency towing equipment onboard and can be rigged without power. Has written emergency towing plan on vessel in accordance with NPFVOA Vessel Safety Manual.	0
1	Emergency towing equipment onboard and can be rigged without power.	1
	Comments:	
N/A	Not Applicable	

3.11 Ground Tackle Procedures

Level	Description	Risk
3	Anchors clear and ready to drop and person available.	0
2	Anchors cleared and ready to drop.	0
1	Anchors not ready or use.	1
	Comments:	
N/A	Not Applicable	

3.12 Anchor Watch

Level	Description	Risk
3	Anchor watch on bridge at all times. Electronic position and foc'sle checks.	0
2	Anchor watch stood on bridge at all times.	0
1	No anchor watch stood.	1
	Comments:	
N/A	Not Applicable	

3.13 Training/Drills

Level	Description	Risk
3	Written drill/training program for onboard emergencies - oil spill response; loss of propulsion, loss of steering, flooding, loss of electrical power, and emergency towing. Training conducted during operational season.	0
2	Daily logs and records maintained that include work hours and watch standing personnel.	0
1	Meets 46 CFR 28.270 requirements for various vessel contingencies.	2
	Comments:	
N/A	Not Applicable	

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4. EMERGENCY PROCEDURES

4.1 Emergency Equipment

Level	Description	Risk
3	Meets CFR requirements plus has automated alarm system for engine room machinery, two generators or one emergency generator, emergency lighting in engine room, damage control materials and equipment, and emergency or backup steering.	0
2	Meets CFR requirements plus has two generators or one emergency generator, emergency lighting in engine room, damage control materials and equipment, and emergency or backup steering system.	0
1	Meets CFR requirements for emergency equipment (46 CFR 28.100 and 28.200).	1
	Comments:	
N/A	Not Applicable	

4.2 Engine Room Crewing

Level	Description	Risk
3	Engine room manned or engineer standing by where appropriate while vessel is underway in Washington waters. Frequent checks of steering gear equipment.	0
2	Engine room manned or engineer standing by where appropriate while vessel is underway in Washington waters.	0
1	Engine room NOT manned while in Washington waters.	1
	Comments:	
N/A	Not Applicable	

4.3 Engine Room Logs and Equipment Checks

Level	Description	Risk
3	Daily logs and records maintained that include work hours and watch personnel records. Extensive records maintained including training, drills, and operating checklists.	0
2	Daily logs and records maintained that include work hours and watch standing personnel.	0
1	Minimum engineering logs maintained.	1
	Comments:	
N/A	Not Applicable	

4.4 Electrical Systems

Level	Description	Risk
3	Backup generators and/or emergency generator operating, and/or automatic load switching are in use before arrival/departure in/from port.	0
2	S/B generator or equivalency tested and proven prior to arrival/departure in/from Washington waters.	0
1	S/B generator or equivalency (batteries) not tested before arrival/departure in/from Washington waters.	2
	Comments:	
N/A	Not Applicable	

4.5 Equipment Checks (Machinery)

Level	Description	Risk
3	Equipment checks for fuel oil, lube oil, cooling water, and main engine start systems are checked prior to departure/arrival in Washington waters and are logged. Has automated alarm system for engine room machinery.	0
2	Equipment checks for fuel oil, lube oil, cooling water, and main engine start systems are checked prior to departure/arrival in Washington waters and are logged.	0
1	Departing and arriving equipment checks meet 33 CFR 164.25 requirements.	1
	Comments:	
N/A	Not Applicable	

WSR 96-05-069
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
 [Memorandum—February 16, 1996]

The March 1996 Washington State Transportation Commission meetings will be held at 9:00 a.m. on Wednesday, March 20, and 9:00 a.m. on Thursday, March 21, 1996, at the Transportation Building, Room ID2, Olympia, Washington.

The April 1996 Washington State Transportation Commission meetings will be held on April 17 and 18, 1996, at the Bellingham City Hall.

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Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-530	PREP	96-05-081	44-10-200	AMD	96-03-155	50-30-068	NEW	96-03-059
4-25-722	PREP	96-05-082	44-10-210	AMD	96-03-155	50-30-068	DECOD	96-03-059
4-25-750	PREP	96-05-083	44-10-220	REP	96-03-155	50-30-070	AMD	96-03-059
4-25-810	PREP	96-05-084	44-10-221	NEW	96-03-155	50-30-070	DECOD	96-03-059
16-168-010	NEW-P	96-05-027	44-10-222	NEW	96-03-155	50-30-075	NEW	96-03-059
16-168-020	NEW-P	96-05-027	44-10-223	NEW	96-03-155	50-30-075	DECOD	96-03-059
16-168-030	NEW-P	96-05-027	44-10-230	REP	96-03-155	50-30-080	AMD	96-03-059
16-168-040	NEW-P	96-05-027	44-10-300	AMD	96-03-155	50-30-080	DECOD	96-03-059
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16-168-100	NEW-P	96-05-027	50-20-110	DECOD	96-04-013	50-30-095	DECOD	96-03-059
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16-319-041	AMD-P	96-03-065	50-20-120	DECOD	96-04-013	50-30-100	DECOD	96-03-059
16-400-040	AMD-P	96-05-071	50-20-130	AMD	96-04-013	50-30-110	REP	96-03-059
16-400-100	AMD-P	96-05-071	50-20-130	DECOD	96-04-013	50-44-020	AMD	96-04-022
16-400-210	AMD-P	96-05-071	50-20-140	AMD	96-04-013	50-44-025	NEW	96-04-022
16-529-150	AMD	96-03-151	50-20-140	DECOD	96-04-013	50-60-010	DECOD	96-04-028
16-532-010	AMD-P	96-05-086	50-20-150	AMD	96-04-013	50-60-020	DECOD	96-04-028
16-532-040	PREP	96-02-082	50-20-150	DECOD	96-04-013	50-60-030	DECOD	96-04-028
16-532-0402	NEW-P	96-05-086	50-20-160	AMD	96-04-013	50-60-035	DECOD	96-04-028
16-532-0404	NEW-P	96-05-086	50-20-160	DECOD	96-04-013	50-60-040	DECOD	96-04-028
16-532-0406	NEW-P	96-05-086	50-20-170	REP	96-04-013	50-60-042	DECOD	96-04-028
16-532-0408	NEW-P	96-05-086	50-20-180	DECOD	96-04-013	50-60-045	DECOD	96-04-028
16-532-0410	NEW-P	96-05-086	50-20-190	AMD	96-04-013	50-60-050	DECOD	96-04-028
16-532-0412	NEW-P	96-05-086	50-20-190	DECOD	96-04-013	50-60-060	DECOD	96-04-028
16-532-0414	NEW-P	96-05-086	50-20-200	REP	96-04-013	50-60-070	DECOD	96-04-028
16-540-040	AMD	96-03-150	50-30-005	NEW	96-03-059	50-60-080	DECOD	96-04-028
16-750	AMD-C	96-03-093	50-30-005	DECOD	96-03-059	50-60-08005	DECOD	96-04-028
44-10-010	AMD	96-03-155	50-30-010	AMD	96-03-059	50-60-08010	DECOD	96-04-028
44-10-020	NEW	96-03-155	50-30-010	DECOD	96-03-059	50-60-08015	DECOD	96-04-028
44-10-030	AMD	96-03-155	50-30-015	NEW	96-03-059	50-60-08020	DECOD	96-04-028
44-10-031	NEW	96-03-155	50-30-015	DECOD	96-03-059	50-60-08025	DECOD	96-04-028
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44-10-090	AMD	96-03-155	50-30-030	DECOD	96-03-059	50-60-09005	DECOD	96-04-028
44-10-100	AMD	96-03-155	50-30-035	NEW	96-03-059	50-60-09010	DECOD	96-04-028
44-10-110	AMD	96-03-155	50-30-035	DECOD	96-03-059	50-60-09015	DECOD	96-04-028
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44-10-150	AMD	96-03-155	50-30-050	DECOD	96-03-059	50-60-120	DECOD	96-04-028
44-10-160	AMD	96-03-155	50-30-060	AMD	96-03-059	50-60-125	DECOD	96-04-028
44-10-165	REP	96-03-155	50-30-060	DECOD	96-03-059	50-60-130	DECOD	96-04-028
44-10-170	AMD	96-03-155	50-30-065	NEW	96-03-059	50-60-140	DECOD	96-04-028
44-10-180	AMD	96-03-155	50-30-065	DECOD	96-03-059	50-60-145	DECOD	96-04-028

Table of WAC Sections Affected

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50-60-160	DECOD	96-04-028	173-354-670	NEW-W	96-05-020	208-620-080	NEW	96-04-013
50-60-165	DECOD	96-04-028	173-354-680	NEW-W	96-05-020	208-620-090	NEW	96-04-013
50-60-170	DECOD	96-04-028	173-354-700	NEW-W	96-05-020	208-620-100	RECOD	96-04-013
50-60-190	DECOD	96-04-028	173-354-720	NEW-W	96-05-020	208-620-110	RECOD	96-04-013
50-60-200	DECOD	96-04-028	173-354-800	NEW-W	96-05-020	208-620-120	RECOD	96-04-013
50-60-210	DECOD	96-04-028	173-354-900	NEW-W	96-05-020	208-620-130	RECOD	96-04-013
55-01-010	AMD-E	96-03-104	173-354-990	NEW-W	96-05-020	208-620-140	RECOD	96-04-013
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82-05-050	NEW	96-03-048	180-83-050	NEW	96-04-073	208-630-015	RECOD	96-03-059
131-28-026	AMD	96-03-049	180-83-060	NEW	96-04-073	208-630-020	RECOD	96-03-059
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173-330-010	REP-W	96-05-020	182-08-110	REP-P	96-02-079	208-630-085	RECOD	96-03-059
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173-330-030	REP-W	96-05-020	182-08-160	AMD-P	96-02-079	208-630-095	RECOD	96-03-059
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173-330-060	REP-W	96-05-020	182-08-180	AMD-P	96-02-079	208-660-020	RECOD	96-04-028
173-330-070	REP-W	96-05-020	182-08-185	AMD-P	96-02-079	208-660-030	RECOD	96-04-028
173-330-900	REP-W	96-05-020	182-08-195	REP-P	96-02-079	208-660-035	RECOD	96-04-028
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173-354-020	NEW-W	96-05-020	182-12-122	REP-P	96-02-080	208-660-08015	RECOD	96-04-028
173-354-050	NEW-W	96-05-020	182-12-130	REP-P	96-02-080	208-660-08020	RECOD	96-04-028
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173-354-150	NEW-W	96-05-020	182-12-160	REP-P	96-02-080	208-660-08040	RECOD	96-04-028
173-354-200	NEW-W	96-05-020	182-12-165	REP-P	96-02-080	208-660-085	RECOD	96-04-028
173-354-230	NEW-W	96-05-020	182-12-200	AMD-P	96-02-080	208-660-090	RECOD	96-04-028
173-354-300	NEW-W	96-05-020	182-12-215	AMD-P	96-02-080	208-660-09005	RECOD	96-04-028
173-354-320	NEW-W	96-05-020	182-12-220	AMD-P	96-02-080	208-660-09010	RECOD	96-04-028
173-354-340	NEW-W	96-05-020	184-10-140	NEW-C	96-03-033	208-660-09015	RECOD	96-04-028
173-354-360	NEW-W	96-05-020	192-12-300	PREP	96-03-158	208-660-09020	RECOD	96-04-028
173-354-380	NEW-W	96-05-020	192-12-305	PREP	96-03-158	208-660-100	RECOD	96-04-028
173-354-400	NEW-W	96-05-020	192-16-002	AMD-P	96-04-065	208-660-110	RECOD	96-04-028
173-354-440	NEW-W	96-05-020	192-16-024	NEW-P	96-04-065	208-660-120	RECOD	96-04-028
173-354-460	NEW-W	96-05-020	192-16-051	AMD-P	96-04-065	208-660-125	RECOD	96-04-028
173-354-500	NEW-W	96-05-020	192-16-052	NEW-P	96-04-065	208-660-130	RECOD	96-04-028
173-354-515	NEW-W	96-05-020	192-28-105	PREP	96-03-159	208-660-140	RECOD	96-04-028
173-354-525	NEW-W	96-05-020	192-28-120	PREP	96-03-159	208-660-145	RECOD	96-04-028
173-354-535	NEW-W	96-05-020	208-620-010	NEW	96-04-013	208-660-150	RECOD	96-04-028
173-354-545	NEW-W	96-05-020	208-620-020	NEW	96-04-013	208-660-160	RECOD	96-04-028
173-354-555	NEW-W	96-05-020	208-620-030	NEW	96-04-013	208-660-165	RECOD	96-04-028
173-354-600	NEW-W	96-05-020	208-620-040	NEW	96-04-013	208-660-170	RECOD	96-04-028
173-354-620	NEW-W	96-05-020	208-620-050	NEW	96-04-013	208-660-190	RECOD	96-04-028
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208-680A-020	RECOD	96-05-018	220-57-137	AMD-C	96-05-005	222-21-040	NEW-W	96-03-067
208-680A-030	RECOD	96-05-018	220-57-140	AMD-C	96-05-005	222-24-030	AMD-E	96-03-009
208-680A-040	RECOD	96-05-018	220-57-155	AMD-C	96-05-005	222-24-030	AMD-C	96-04-076
208-680B-010	RECOD	96-05-018	220-57-160	AMD-C	96-05-005	222-24-030	AMD-C	96-05-090
208-680B-020	RECOD	96-05-018	220-57-170	AMD-C	96-05-005	222-30-050	AMD-E	96-03-009
208-680B-030	RECOD	96-05-018	220-57-175	AMD-C	96-05-005	222-30-050	AMD-C	96-04-076
208-680B-050	RECOD	96-05-018	220-57-187	NEW-C	96-05-005	222-30-050	AMD-C	96-05-090
208-680B-070	RECOD	96-05-018	220-57-190	AMD-C	96-05-005	222-30-060	AMD-E	96-03-009
208-680B-080	RECOD	96-05-018	220-57-200	AMD-C	96-05-005	222-30-060	AMD-C	96-04-076
208-680B-090	RECOD	96-05-018	220-57-205	AMD-C	96-05-005	222-30-060	AMD-C	96-05-090
208-680C-020	RECOD	96-05-018	220-57-210	AMD-C	96-05-005	222-30-065	NEW-E	96-03-009
208-680C-030	RECOD	96-05-018	220-57-215	AMD-C	96-05-005	222-30-065	NEW-C	96-04-076
208-680C-040	RECOD	96-05-018	220-57-220	AMD-C	96-05-005	222-30-065	NEW-C	96-05-090
208-680C-050	RECOD	96-05-018	220-57-230	AMD-C	96-05-005	222-30-070	AMD-E	96-03-009
208-680D-010	RECOD	96-05-018	220-57-235	AMD-C	96-05-005	222-30-070	AMD-C	96-04-076
208-680D-020	RECOD	96-05-018	220-57-240	AMD-C	96-05-005	222-30-070	AMD-C	96-05-090
208-680D-030	RECOD	96-05-018	220-57-250	AMD-C	96-05-005	222-30-075	NEW-E	96-03-009
208-680D-040	RECOD	96-05-018	220-57-260	AMD-C	96-05-005	222-30-075	NEW-W	96-03-067
208-680D-050	RECOD	96-05-018	220-57-265	AMD-C	96-05-005	222-30-100	AMD-E	96-03-009
208-680D-060	RECOD	96-05-018	220-57-270	AMD-C	96-05-005	222-30-100	AMD-C	96-04-076
208-680D-070	RECOD	96-05-018	220-57-280	AMD-C	96-05-005	222-30-100	AMD-C	96-05-090
208-680D-080	RECOD	96-05-018	220-57-285	AMD-C	96-05-005	222-38-020	AMD-E	96-03-009
208-680E-011	RECOD	96-05-018	220-57-300	AMD-C	96-05-005	222-38-020	AMD-W	96-03-067
208-680F-010	RECOD	96-05-018	220-57-310	AMD-C	96-05-005	222-38-030	AMD-E	96-03-009
208-680F-020	RECOD	96-05-018	220-57-319	AMD-C	96-05-005	222-38-030	AMD-W	96-03-067
208-680F-040	RECOD	96-05-018	220-57-340	AMD-C	96-05-005	230-02-137	NEW-P	96-03-077
208-680F-050	RECOD	96-05-018	220-57-345	AMD-C	96-05-005	230-02-162	NEW-P	96-03-077
208-680F-060	RECOD	96-05-018	220-57-350	AMD-C	96-05-005	230-02-278	AMD-P	96-03-077
208-680F-070	RECOD	96-05-018	220-57-370	AMD-C	96-05-005	230-02-279	NEW-P	96-03-077
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220-32-05100S	REP-E	96-04-039	220-57-410	AMD-C	96-05-005	230-04-024	AMD-P	96-03-077
220-33-01000D	NEW-E	96-05-055	220-57-415	AMD-C	96-05-005	230-04-040	AMD-P	96-03-077
220-33-01000D	REP-E	96-05-055	220-57-425	AMD-C	96-05-005	230-04-064	AMD-P	96-03-077
220-33-04000B	NEW-E	96-04-026	220-57-430	AMD-C	96-05-005	230-04-120	AMD-P	96-05-042
220-33-04000B	REP-E	96-04-026	220-57-435	AMD-C	96-05-005	230-04-187	AMD-P	96-05-042
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220-52-04600M	NEW-E	96-03-055	220-57-465	AMD-C	96-05-005	230-08-122	AMD-P	96-03-077
220-52-07300C	REP-E	96-03-014	220-57-473	AMD-C	96-05-005	230-08-255	AMD-P	96-03-077
220-52-07300D	NEW-E	96-03-014	220-57-480	AMD-C	96-05-005	230-12-020	AMD-P	96-04-085
220-52-07300D	REP-E	96-03-014	220-57-495	AMD-C	96-05-005	230-12-020	AMD-S	96-05-041
220-52-07300E	NEW-E	96-04-038	220-57-520	AMD-C	96-05-005	230-12-076	NEW-P	96-03-077
220-52-07300E	REP-E	96-04-038	220-57-525	AMD-C	96-05-005	230-12-076	NEW-P	96-03-079
220-52-07300F	NEW-E	96-05-019	220-57A-001	AMD	96-05-004	230-20-050	AMD-P	96-03-079
220-52-07300F	REP-E	96-05-019	220-57A-035	AMD	96-05-004	230-20-052	NEW-P	96-03-079
220-52-07300F	REP-E	96-05-033	220-57A-175	AMD-C	96-05-005	230-20-055	AMD-P	96-03-080
220-52-07300G	NEW-E	96-05-033	220-57A-180	AMD-C	96-05-005	230-20-064	AMD-P	96-03-077
220-52-07300G	REP-E	96-05-033	220-95-013	AMD-P	96-04-069	230-20-064	AMD	96-05-011
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220-55-010	AMD	96-05-004	220-95-022	AMD-P	96-04-069	230-20-115	NEW-P	96-03-079
220-55-050	AMD	96-05-004	220-95-032	AMD-P	96-04-069	230-20-230	AMD-P	96-03-079
220-55-055	AMD	96-05-004	222-10-030	NEW-W	96-03-067	230-20-325	AMD-P	96-03-076
220-55-075	AMD	96-05-004	222-10-040	NEW-C	96-04-076	230-20-335	AMD-P	96-03-076
220-55-110	AMD	96-05-004	222-10-040	NEW-C	96-05-090	230-20-510	NEW-P	96-03-080
220-56-100	AMD-C	96-05-005	222-10-041	NEW-C	96-04-076	230-25-040	AMD-P	96-03-076
220-56-105	AMD-C	96-05-005	222-10-041	NEW-C	96-05-090	230-25-220	AMD-P	96-03-076
220-56-124	AMD-C	96-05-005	222-16-010	AMD-E	96-03-009	230-25-330	AMD-P	96-05-042
220-56-190	AMD-C	96-05-005	222-16-010	AMD-C	96-04-076	230-40-030	AMD-P	96-03-081
220-56-191	AMD-C	96-05-005	222-16-010	AMD-C	96-05-090	230-40-055	AMD-P	96-03-080
220-56-195	AMD-C	96-05-005	222-16-075	NEW-W	96-03-067	230-50-560	AMD-P	96-03-078
220-56-205	AMD-C	96-05-005	222-16-080	AMD-E	96-03-009	230-50-562	NEW-P	96-03-078
220-56-235	AMD	96-05-004	222-16-080	AMD-C	96-04-076	232-12-001	AMD-C	96-05-044
220-56-240	AMD	96-05-004	222-16-080	AMD-C	96-05-090	232-12-131	AMD	96-04-027
220-56-310	AMD-C	96-05-005	222-16-080	AMD-C	96-05-090	232-12-144	AMD-C	96-05-044
220-56-325	AMD	96-05-004	222-16-085	NEW-C	96-04-076	232-12-147	AMD-C	96-05-044
220-56-326	NEW	96-05-004	222-16-085	NEW-C	96-05-090	232-12-168	AMD-C	96-05-044
220-56-330	AMD-C	96-05-005	222-16-086	NEW-C	96-04-076	232-12-619	AMD-C	96-05-044
220-56-350	AMD-C	96-05-005	222-16-086	NEW-C	96-05-090	232-12-827	REP	96-04-027
220-56-372	AMD	96-05-004	222-16-100	NEW-C	96-04-076	232-12-828	NEW	96-03-084
220-56-380	AMD-C	96-05-005	222-16-100	NEW-C	96-05-090	232-12-829	REP-E	96-03-083
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232-28-02203	AMD	96-04-027	246-917-100	REP	96-03-073	246-919-420	NEW	96-03-073
232-28-02204	AMD	96-04-027	246-917-110	REP	96-03-073	246-919-430	NEW	96-03-073
232-28-02205	AMD	96-04-027	246-917-120	REP	96-03-073	246-919-440	NEW	96-03-073
232-28-02210	AMD	96-04-027	246-917-121	REP	96-03-073	246-919-450	NEW	96-03-073
232-28-02220	AMD	96-04-027	246-917-125	REP	96-03-073	246-919-460	NEW	96-03-073
232-28-02240	AMD	96-04-027	246-917-126	REP	96-03-073	246-919-470	NEW	96-03-073
232-28-02250	AMD	96-04-027	246-917-130	REP	96-03-073	246-919-480	NEW	96-03-073
232-28-02270	AMD	96-04-027	246-917-135	REP	96-03-073	246-919-500	NEW	96-03-073
232-28-02280	AMD	96-04-027	246-917-140	REP	96-03-073	246-919-510	NEW	96-03-073
232-28-02290	AMD	96-04-027	246-917-150	REP	96-03-073	246-919-600	NEW	96-03-073
232-28-206	REP	96-04-027	246-917-160	REP	96-03-073	246-919-610	NEW	96-03-073
232-28-209	REP	96-04-027	246-917-170	REP	96-03-073	246-919-620	NEW	96-03-073
232-28-21201	REP	96-04-027	246-917-180	REP	96-03-073	246-919-700	NEW	96-03-073
232-28-215	REP	96-04-027	246-917-190	REP	96-03-073	246-919-710	NEW	96-03-073
232-28-216	REP	96-04-027	246-917-200	REP	96-03-073	246-919-720	NEW	96-03-073
232-28-225	REP	96-04-027	246-917-210	REP	96-03-073	246-919-730	NEW	96-03-073
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232-28-241	AMD	96-04-027	246-917-300	REP	96-03-073	246-919-750	NEW	96-03-073
232-28-242	AMD	96-04-027	246-917-990	REP	96-03-073	246-919-760	NEW	96-03-073
232-28-246	AMD	96-04-027	246-918	AMD	96-03-073	246-919-770	NEW	96-03-073
232-28-248	AMD	96-04-027	246-918-005	AMD	96-03-073	246-919-990	NEW	96-03-073
232-28-249	AMD	96-04-027	246-918-006	AMD	96-03-073	246-920-020	REP	96-03-073
232-28-257	AMD	96-04-027	246-918-007	AMD	96-03-073	246-920-030	REP	96-03-073
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232-28-404	REP	96-04-027	246-918-009	AMD	96-03-073	246-920-120	REP	96-03-073
232-28-407	REP	96-04-027	246-918-030	AMD	96-03-073	246-920-130	REP	96-03-073
232-28-60101	REP	96-04-027	246-918-035	AMD	96-03-073	246-920-140	REP	96-03-073
232-28-60102	REP	96-04-027	246-918-050	AMD	96-03-073	246-920-150	REP	96-03-073
232-28-604	REP	96-04-027	246-918-070	AMD	96-03-073	246-920-160	REP	96-03-073
232-28-60415	REP	96-04-027	246-918-080	AMD	96-03-073	246-920-170	REP	96-03-073
232-28-605	REP	96-04-027	246-918-085	AMD	96-03-073	246-920-180	REP	96-03-073
232-28-60508	REP	96-04-027	246-918-090	AMD	96-03-073	246-920-190	REP	96-03-073
232-28-61610	REP	96-04-027	246-918-095	AMD	96-03-073	246-920-200	REP	96-03-073
232-28-619	AMD-C	96-05-044	246-918-110	AMD	96-03-073	246-920-210	REP	96-03-073
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232-28-61900K	REP-E	96-03-053	246-918-130	AMD	96-03-073	246-920-230	REP	96-03-073
232-28-61900L	NEW-E	96-03-054	246-918-140	AMD	96-03-073	246-920-240	REP	96-03-073
232-28-61900L	REP-E	96-03-054	246-918-170	AMD	96-03-073	246-920-250	REP	96-03-073
232-28-61900M	NEW-E	96-04-043	246-918-180	AMD	96-03-073	246-920-260	REP	96-03-073
232-28-61900M	REP-E	96-04-043	246-918-250	AMD	96-03-073	246-920-270	REP	96-03-073
232-28-812	REP	96-04-027	246-918-260	AMD	96-03-073	246-920-280	REP	96-03-073
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246-50-010	AMD-P	96-04-082	246-919-010	NEW	96-03-073	246-920-310	REP	96-03-073
246-100-042	AMD-P	96-04-078	246-919-020	NEW	96-03-073	246-920-320	REP	96-03-073
246-100-166	AMD	96-04-079	246-919-030	NEW	96-03-073	246-920-330	REP	96-03-073
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246-310	PREP	96-05-059	246-919-110	NEW	96-03-073	246-920-350	REP	96-03-073
246-430-030	AMD-P	96-04-081	246-919-120	NEW	96-03-073	246-920-360	REP	96-03-073
246-840-910	NEW	96-05-060	246-919-130	NEW	96-03-073	246-920-370	REP	96-03-073
246-840-920	NEW	96-05-060	246-919-140	NEW	96-03-073	246-920-380	REP	96-03-073
246-840-930	NEW	96-05-060	246-919-150	NEW	96-03-073	246-920-390	REP	96-03-073
246-840-940	NEW	96-05-060	246-919-200	NEW	96-03-073	246-920-400	REP	96-03-073
246-840-950	NEW	96-05-060	246-919-210	NEW	96-03-073	246-920-410	REP	96-03-073
246-840-960	NEW	96-05-060	246-919-220	NEW	96-03-073	246-920-420	REP	96-03-073
246-840-970	NEW	96-05-060	246-919-230	NEW	96-03-073	246-920-430	REP	96-03-073
246-840-980	NEW	96-05-060	246-919-240	NEW	96-03-073	246-920-440	REP	96-03-073
246-841-990	AMD	96-03-051	246-919-300	NEW	96-03-073	246-920-450	REP	96-03-073
246-861-040	AMD-P	96-04-080	246-919-305	NEW	96-03-073	246-920-460	REP	96-03-073
246-869-240	REP	96-03-016	246-919-310	NEW	96-03-073	246-920-470	REP	96-03-073
246-883-020	PREP	96-03-012	246-919-320	NEW	96-03-073	246-920-480	REP	96-03-073
246-885-030	NEW-P	96-03-134	246-919-330	NEW	96-03-073	246-920-490	REP	96-03-073
246-915-030	AMD-E	96-03-050	246-919-340	NEW	96-03-073	246-920-500	REP	96-03-073
246-917-020	REP	96-03-073	246-919-350	NEW	96-03-073	246-920-510	REP	96-03-073
246-917-025	REP	96-03-073	246-919-355	NEW	96-03-073	246-920-520	REP	96-03-073
246-917-026	REP	96-03-073	246-919-360	NEW	96-03-073	246-920-530	REP	96-03-073
246-917-030	REP	96-03-073	246-919-365	NEW	96-03-073	246-920-540	REP	96-03-073
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246-917-060	REP	96-03-073	246-919-390	NEW	96-03-073	246-920-570	REP	96-03-073
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246-920-610	REP	96-03-073	260-48-890	NEW-P	96-04-066	284-02-100	AMD-P	96-04-087
246-920-620	REP	96-03-073	260-48-900	NEW-P	96-04-066	284-07-050	AMD-P	96-05-091
246-920-630	REP	96-03-073	260-48-910	NEW-P	96-04-066	284-07-070	AMD-P	96-05-091
246-920-640	REP	96-03-073	260-48-920	NEW-P	96-04-066	284-10-140	NEW-C	96-03-033
246-920-650	REP	96-03-073	260-48-920	PREP	96-03-145	284-10-140	NEW-C	96-03-075
246-920-660	REP	96-03-073	260-60	REP-P	96-04-067	284-10-140	NEW	96-04-060
246-920-670	REP	96-03-073	260-70-010	REP-P	96-04-067	284-44-345	REP-P	96-05-091
246-920-680	REP	96-03-073	260-70-021	REP-P	96-04-067	284-46-060	REP-P	96-05-091
246-920-690	REP	96-03-073	260-70-025	REP-P	96-04-067	284-54-170	NEW-W	96-04-018
246-920-710	REP	96-03-073	260-70-026	REP-P	96-04-067	284-66-020	AMD-P	96-04-086
246-920-720	REP	96-03-073	260-70-027	REP-P	96-04-067	284-66-063	AMD-P	96-04-086
246-920-730	REP	96-03-073	260-70-028	REP-P	96-04-067	284-66-077	AMD-P	96-04-086
246-920-740	REP	96-03-073	260-70-029	REP-P	96-04-067	284-66-110	AMD-P	96-04-086
246-920-750	REP	96-03-073	260-70-031	REP-P	96-04-067	284-66-120	AMD-P	96-04-086
246-920-760	REP	96-03-073	260-70-032	REP-P	96-04-067	284-66-130	AMD-P	96-04-086
246-920-770	REP	96-03-073	260-70-040	REP-P	96-04-067	284-66-135	NEW-P	96-04-086
246-920-780	REP	96-03-073	260-70-050	REP-P	96-04-067	284-66-142	AMD-P	96-04-086
246-920-780	REP	96-03-073	260-70-060	REP-P	96-04-067	284-66-203	AMD-P	96-04-086
246-920-890	REP	96-03-073	260-70-070	REP-P	96-04-067	286-04-010	AMD-P	96-04-054
246-924-080	AMD-P	96-02-086	260-70-080	REP-P	96-04-067	286-04-030	AMD-P	96-04-054
246-924-250	AMD-P	96-02-086	260-70-090	REP-P	96-04-067	286-04-060	AMD-P	96-04-054
246-924-470	AMD-P	96-02-086	260-70-100	REP-P	96-04-067	286-04-070	AMD-P	96-04-054
246-924-500	NEW-P	96-02-086	260-70-110	REP-P	96-04-067	286-04-080	AMD-P	96-04-054
246-924-990	AMD-P	96-02-085	260-70-120	REP-P	96-04-067	286-04-090	AMD-P	96-04-054
246-976-010	AMD	96-03-052	260-70-130	REP-P	96-04-067	286-13-010	AMD-P	96-04-054
246-976-045	NEW	96-03-052	260-70-140	REP-P	96-04-067	286-13-020	AMD-P	96-04-054
246-976-165	NEW	96-03-052	260-70-150	REP-P	96-04-067	286-13-030	AMD-P	96-04-054
250-20-021	AMD	96-04-019	260-70-160	REP-P	96-04-067	286-13-040	AMD-P	96-04-054
251-12-099	AMD-P	96-04-053	260-70-170	REP-P	96-04-067	286-13-045	NEW-P	96-04-054
251-12-100	AMD-P	96-04-053	260-70-180	REP-P	96-04-067	286-13-060	AMD-P	96-04-054
251-12-101	REP-P	96-04-053	260-70-190	REP-P	96-04-067	286-13-070	AMD-P	96-04-054
251-12-102	AMD-P	96-04-053	260-70-200	REP-P	96-04-067	286-13-080	AMD-P	96-04-054
251-12-104	NEW-P	96-04-053	260-70-210	REP-P	96-04-067	286-13-085	AMD-P	96-04-054
251-12-105	NEW-P	96-04-053	260-70-220	REP-P	96-04-067	286-13-100	AMD-P	96-04-054
251-12-106	NEW-P	96-04-053	260-70-230	REP-P	96-04-067	286-13-110	AMD-P	96-04-054
251-12-180	AMD-P	96-04-053	260-70-240	REP-P	96-04-067	286-13-115	AMD-P	96-04-054
251-12-232	AMD-P	96-04-053	260-70-250	REP-P	96-04-067	286-26-010	AMD-P	96-04-054
251-14-110	AMD-P	96-04-053	260-70-260	REP-P	96-04-067	286-26-020	AMD-P	96-04-054
251-14-130	NEW-P	96-04-053	260-70-270	REP-P	96-04-067	286-26-030	REP-P	96-04-054
251-17-010	AMD	96-02-072	260-70-280	REP-P	96-04-067	286-26-080	AMD-P	96-04-054
251-17-170	AMD	96-02-072	260-70-290	REP-P	96-04-067	286-26-100	AMD-P	96-04-054
251-19-105	REP-W	96-02-069	260-70-300	REP-P	96-04-067	286-26-110	NEW-P	96-04-054
251-19-105	AMD-P	96-02-071	260-70-500	NEW-P	96-04-067	286-27-010	AMD-P	96-04-054
251-19-105	AMD	96-05-026	260-70-510	NEW-P	96-04-067	286-27-030	REP-P	96-04-054
251-22-270	AMD-W	96-02-069	260-70-520	NEW-P	96-04-067	286-27-040	AMD-P	96-04-054
260-12	PREP	96-03-142	260-70-530	NEW-P	96-04-067	286-27-050	AMD-P	96-04-054
260-20	PREP	96-03-143	260-70-540	NEW-P	96-04-067	286-27-055	NEW-P	96-04-054
260-34	PREP	96-03-144	260-70-550	NEW-P	96-04-067	286-27-065	NEW-P	96-04-054
260-48-500	NEW-P	96-04-066	260-70-560	NEW-P	96-04-067	286-27-070	REP-P	96-04-054
260-48-510	NEW-P	96-04-066	260-70-570	NEW-P	96-04-067	286-27-075	NEW-P	96-04-054
260-48-520	NEW-P	96-04-066	260-70-580	NEW-P	96-04-067	286-27-080	REP-P	96-04-054
260-48-530	NEW-P	96-04-066	260-70-590	NEW-P	96-04-067	286-30-010	AMD-P	96-04-054
260-48-540	NEW-P	96-04-066	260-70-600	NEW-P	96-04-067	286-30-020	REP-P	96-04-054
260-48-550	NEW-P	96-04-066	260-70-610	NEW-P	96-04-067	286-30-030	AMD-P	96-04-054
260-48-560	NEW-P	96-04-066	260-70-620	NEW-P	96-04-067	286-35	AMD-P	96-04-054
260-48-570	NEW-P	96-04-066	260-70-630	NEW-P	96-04-067	286-35-020	REP-P	96-04-054
260-48-580	NEW-P	96-04-066	260-70-640	NEW-P	96-04-067	286-35-030	AMD-P	96-04-054
260-48-590	NEW-P	96-04-066	260-70-650	NEW-P	96-04-067	286-35-040	AMD-P	96-04-054
260-48-600	NEW-P	96-04-066	260-70-660	NEW-P	96-04-067	286-35-050	REP-P	96-04-054
260-48-610	NEW-P	96-04-066	260-70-670	NEW-P	96-04-067	286-35-060	AMD-P	96-04-054
260-48-620	NEW-P	96-04-066	260-70-680	NEW-P	96-04-067	286-35-070	REP-P	96-04-054
260-48-630	NEW-P	96-04-066	260-70-690	NEW-P	96-04-067	286-40-010	AMD-P	96-04-054
260-48-640	NEW-P	96-04-066	260-70-700	NEW-P	96-04-067	286-40-020	AMD-P	96-04-054
260-48-650	NEW-P	96-04-066	260-70-710	NEW-P	96-04-067	286-40-030	AMD-P	96-04-054
260-48-660	NEW-P	96-04-066	260-70-720	NEW-P	96-04-067	292-04-270	AMD-E	96-03-092
260-48-670	NEW-P	96-04-066	260-70-730	NEW-P	96-04-067	292-06-001	NEW-P	96-04-083
260-48-800	NEW-P	96-04-066	284-02-010	AMD-P	96-04-087	292-06-005	NEW-P	96-04-083
260-48-810	NEW-P	96-04-066	284-02-020	AMD-P	96-04-087	292-06-010	NEW-P	96-04-083
260-48-820	NEW-P	96-04-066	284-02-030	AMD-P	96-04-087	292-06-020	NEW-P	96-04-083
260-48-830	NEW-P	96-04-066	284-02-040	AMD-P	96-04-087	292-06-030	NEW-P	96-04-083
260-48-840	NEW-P	96-04-066	284-02-050	AMD-P	96-04-087	292-06-040	NEW-P	96-04-083
260-48-850	NEW-P	96-04-066	284-02-060	AMD-P	96-04-087			

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292-06-060	NEW-P	96-04-083	296-17-50904	REP-P	96-05-065	296-17-540	AMD-P	96-05-064
292-06-070	NEW-P	96-04-083	296-17-50908	NEW-P	96-05-064	296-17-540	AMD-P	96-05-065
292-06-080	NEW-P	96-04-083	296-17-50908	NEW-P	96-05-065	296-17-54101	AMD-P	96-05-064
292-06-090	NEW-P	96-04-083	296-17-50910	NEW-P	96-05-064	296-17-54101	AMD-P	96-05-065
292-06-100	NEW-P	96-04-083	296-17-50910	NEW-P	96-05-065	296-17-545	AMD-P	96-05-064
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292-06-140	NEW-P	96-04-083	296-17-50915	NEW-P	96-05-064	296-17-546	AMD-P	96-05-065
292-06-160	NEW-P	96-04-083	296-17-50915	NEW-P	96-05-065	296-17-55201	AMD-P	96-05-064
292-06-170	NEW-P	96-04-083	296-17-50917	NEW-P	96-05-064	296-17-55201	AMD-P	96-05-065
292-06-190	NEW-P	96-04-083	296-17-50917	NEW-P	96-05-065	296-17-555	AMD-P	96-05-064
292-06-200	NEW-P	96-04-083	296-17-510	AMD-P	96-05-064	296-17-555	AMD-P	96-05-065
292-06-210	NEW-P	96-04-083	296-17-510	AMD-P	96-05-065	296-17-556	REP-P	96-05-064
292-06-220	NEW-P	96-04-083	296-17-511	AMD-P	96-05-064	296-17-556	REP-P	96-05-065
292-06-230	NEW-P	96-04-083	296-17-511	AMD-P	96-05-065	296-17-561	AMD-P	96-05-064
292-06-240	NEW-P	96-04-083	296-17-51101	NEW-P	96-05-064	296-17-561	AMD-P	96-05-065
292-06-250	NEW-P	96-04-083	296-17-51101	NEW-P	96-05-065	296-17-56101	AMD-P	96-05-064
292-06-270	NEW-P	96-04-083	296-17-512	AMD-P	96-05-064	296-17-562	AMD-P	96-05-065
292-06-280	NEW-P	96-04-083	296-17-512	AMD-P	96-05-065	296-17-562	AMD-P	96-05-064
292-08-010	REP-P	96-05-006	296-17-513	AMD-P	96-05-064	296-17-562	AMD-P	96-05-065
292-08-020	REP-P	96-05-006	296-17-513	AMD-P	96-05-065	296-17-563	AMD-P	96-05-064
292-08-030	REP-P	96-05-006	296-17-51301	NEW-P	96-05-064	296-17-563	AMD-P	96-05-065
292-08-040	REP-P	96-05-006	296-17-51301	NEW-P	96-05-065	296-17-564	AMD-P	96-05-064
292-08-050	REP-P	96-05-006	296-17-517	AMD-P	96-05-064	296-17-564	AMD-P	96-05-065
292-12-010	REP-P	96-05-006	296-17-517	AMD-P	96-05-065	296-17-56401	AMD-P	96-05-064
292-12-020	REP-P	96-05-006	296-17-519	AMD-P	96-05-064	296-17-56401	AMD-P	96-05-065
292-12-030	REP-P	96-05-006	296-17-519	AMD-P	96-05-065	296-17-56402	AMD-P	96-05-064
292-12-040	REP-P	96-05-006	296-17-52002	AMD-P	96-05-064	296-17-56402	AMD-P	96-05-065
292-12-050	REP-P	96-05-006	296-17-52002	AMD-P	96-05-065	296-17-565	AMD-P	96-05-064
292-12-060	REP-P	96-05-006	296-17-52103	AMD-P	96-05-064	296-17-565	AMD-P	96-05-065
292-12-070	REP-P	96-05-006	296-17-52103	AMD-P	96-05-065	296-17-56602	NEW-P	96-05-064
292-12-080	REP-P	96-05-006	296-17-52104	AMD-P	96-05-064	296-17-56602	NEW-P	96-05-065
292-12-090	REP-P	96-05-006	296-17-52104	AMD-P	96-05-065	296-17-567	AMD-P	96-05-064
292-12-110	REP-P	96-05-006	296-17-52107	AMD-P	96-05-064	296-17-567	AMD-P	96-05-065
292-12-120	REP-P	96-05-006	296-17-52107	AMD-P	96-05-065	296-17-568	AMD-P	96-05-064
292-12-130	REP-P	96-05-006	296-17-52110	AMD-P	96-05-064	296-17-568	AMD-P	96-05-065
292-12-140	REP-P	96-05-006	296-17-52110	AMD-P	96-05-065	296-17-56801	AMD-P	96-05-064
292-12-150	REP-P	96-05-006	296-17-52112	NEW-P	96-05-064	296-17-56901	AMD-P	96-05-065
292-12-160	REP-P	96-05-006	296-17-52112	NEW-P	96-05-065	296-17-56901	AMD-P	96-05-064
292-12-170	REP-P	96-05-006	296-17-52113	NEW-P	96-05-064	296-17-57001	AMD-P	96-05-065
292-12-180	REP-P	96-05-006	296-17-52113	NEW-P	96-05-065	296-17-57001	AMD-P	96-05-064
292-100-010	NEW-E	96-03-072	296-17-524	AMD-P	96-05-064	296-17-57003	AMD-P	96-05-065
292-100-020	NEW-E	96-03-072	296-17-524	AMD-P	96-05-065	296-17-57003	AMD-P	96-05-064
292-100-030	NEW-E	96-03-072	296-17-526	AMD-P	96-05-064	296-17-571	AMD-P	96-05-065
292-100-040	NEW-E	96-03-072	296-17-526	AMD-P	96-05-065	296-17-571	AMD-P	96-05-064
292-100-050	NEW-E	96-03-072	296-17-527	AMD-P	96-05-064	296-17-572	AMD-P	96-05-065
292-100-060	NEW-E	96-03-072	296-17-527	AMD-P	96-05-065	296-17-572	AMD-P	96-05-064
292-100-070	NEW-E	96-03-072	296-17-528	AMD-P	96-05-064	296-17-573	AMD-P	96-05-065
292-100-080	NEW-E	96-03-072	296-17-528	AMD-P	96-05-065	296-17-573	AMD-P	96-05-064
292-100-090	NEW-E	96-03-072	296-17-529	AMD-P	96-05-064	296-17-57602	AMD-P	96-05-065
292-100-100	NEW-E	96-03-072	296-17-529	AMD-P	96-05-065	296-17-57602	AMD-P	96-05-064
292-100-110	NEW-E	96-03-072	296-17-530	REP-P	96-05-064	296-17-57603	AMD-P	96-05-065
296-17-420	AMD-P	96-05-064	296-17-530	REP-P	96-05-065	296-17-57603	AMD-P	96-05-064
296-17-420	AMD-P	96-05-065	296-17-534	AMD-P	96-05-064	296-17-579	REP-P	96-05-065
296-17-440	AMD-P	96-05-064	296-17-534	AMD-P	96-05-065	296-17-580	AMD-P	96-05-064
296-17-440	AMD-P	96-05-065	296-17-53501	AMD-P	96-05-064	296-17-580	AMD-P	96-05-065
296-17-45003	AMD-P	96-05-064	296-17-53501	AMD-P	96-05-065	296-17-582	AMD-P	96-05-064
296-17-45003	AMD-P	96-05-065	296-17-53502	AMD-P	96-05-064	296-17-582	AMD-P	96-05-065
296-17-501	AMD-P	96-05-064	296-17-53502	AMD-P	96-05-065	296-17-58201	AMD-P	96-05-064
296-17-501	AMD-P	96-05-065	296-17-536	AMD-P	96-05-064	296-17-58201	AMD-P	96-05-065
296-17-502	REP-P	96-05-064	296-17-536	AMD-P	96-05-065	296-17-583	AMD-P	96-05-064
296-17-502	REP-P	96-05-065	296-17-538	AMD-P	96-05-064	296-17-583	AMD-P	96-05-065
296-17-503	AMD-P	96-05-064	296-17-538	AMD-P	96-05-065	296-17-585	AMD-P	96-05-064
296-17-503	AMD-P	96-05-065	296-17-53802	NEW-P	96-05-064	296-17-585	AMD-P	96-05-065
296-17-505	AMD-P	96-05-064	296-17-53802	NEW-P	96-05-065	296-17-58501	AMD-P	96-05-064
296-17-505	AMD-P	96-05-065	296-17-53803	AMD-P	96-05-064	296-17-58501	NEW-P	96-05-065
296-17-50603	NEW-P	96-05-064	296-17-53803	AMD-P	96-05-065	296-17-58503	NEW-P	96-05-064
296-17-507	REP-P	96-05-064	296-17-53805	AMD-P	96-05-064	296-17-58503	NEW-P	96-05-065
296-17-507	NEW-P	96-05-065	296-17-53805	AMD-P	96-05-065	296-17-58504	NEW-P	96-05-064
296-17-50703	NEW-P	96-05-065	296-17-53806	AMD-P	96-05-064	296-17-58504	NEW-P	96-05-065
296-17-508	AMD-P	96-05-064	296-17-53806	AMD-P	96-05-065	296-17-58505	NEW-P	96-05-064
296-17-508	AMD-P	96-05-065	296-17-539	AMD-P	96-05-064	296-17-58505	NEW-P	96-05-065

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296-17-58506	NEW-P	96-05-065	296-17-680	AMD-P	96-05-064
296-17-58507	NEW-P	96-05-064	296-17-680	AMD-P	96-05-065
296-17-58507	NEW-P	96-05-065	296-17-681	AMD-P	96-05-064
296-17-586	AMD-P	96-05-064	296-17-681	AMD-P	96-05-065
296-17-586	AMD-P	96-05-065	296-17-687	AMD-P	96-05-064
296-17-590	AMD-P	96-05-064	296-17-687	AMD-P	96-05-065
296-17-590	AMD-P	96-05-065	296-17-692	AMD-P	96-05-064
296-17-59201	AMD-P	96-05-064	296-17-692	AMD-P	96-05-065
296-17-59201	AMD-P	96-05-065	296-17-693	AMD-P	96-05-064
296-17-59202	AMD-P	96-05-064	296-17-693	AMD-P	96-05-065
296-17-59202	AMD-P	96-05-065	296-17-694	AMD-P	96-05-064
296-17-59205	NEW-P	96-05-064	296-17-694	AMD-P	96-05-065
296-17-59205	NEW-P	96-05-065	296-17-695	AMD-P	96-05-064
296-17-594	AMD-P	96-05-064	296-17-695	AMD-P	96-05-065
296-17-594	AMD-P	96-05-065	296-17-699	AMD-P	96-05-064
296-17-599	AMD-P	96-05-064	296-17-699	AMD-P	96-05-065
296-17-599	AMD-P	96-05-065	296-17-700	AMD-P	96-05-064
296-17-604	AMD-P	96-05-064	296-17-700	AMD-P	96-05-065
296-17-604	AMD-P	96-05-065	296-17-701	AMD-P	96-05-064
296-17-605	REP-P	96-05-064	296-17-701	AMD-P	96-05-065
296-17-605	REP-P	96-05-065	296-17-703	AMD-P	96-05-064
296-17-606	AMD-P	96-05-064	296-17-703	AMD-P	96-05-065
296-17-606	AMD-P	96-05-065	296-17-704	AMD-P	96-05-064
296-17-619	AMD-P	96-05-064	296-17-704	AMD-P	96-05-065
296-17-619	AMD-P	96-05-065	296-17-706	AMD-P	96-05-064
296-17-620	AMD-P	96-05-064	296-17-706	AMD-P	96-05-065
296-17-620	AMD-P	96-05-065	296-17-707	AMD-P	96-05-064
296-17-622	AMD-P	96-05-064	296-17-707	AMD-P	96-05-065
296-17-622	AMD-P	96-05-065	296-17-708	AMD-P	96-05-064
296-17-628	AMD-P	96-05-064	296-17-708	AMD-P	96-05-065
296-17-628	AMD-P	96-05-065	296-17-709	AMD-P	96-05-064
296-17-634	AMD-P	96-05-064	296-17-709	AMD-P	96-05-065
296-17-634	AMD-P	96-05-065	296-17-710	AMD-P	96-05-064
296-17-643	AMD-P	96-05-064	296-17-710	AMD-P	96-05-065
296-17-643	AMD-P	96-05-065	296-17-711	AMD-P	96-05-064
296-17-644	AMD-P	96-05-064	296-17-711	AMD-P	96-05-065
296-17-644	AMD-P	96-05-065	296-17-712	AMD-P	96-05-064
296-17-645	AMD-P	96-05-064	296-17-712	AMD-P	96-05-065
296-17-645	AMD-P	96-05-065	296-17-717	AMD-P	96-05-064
296-17-646	AMD-P	96-05-064	296-17-717	AMD-P	96-05-065
296-17-646	AMD-P	96-05-065	296-17-719	AMD-P	96-05-064
296-17-649	AMD-P	96-05-064	296-17-719	AMD-P	96-05-065
296-17-649	AMD-P	96-05-065	296-17-723	AMD-P	96-05-064
296-17-64901	AMD-P	96-05-064	296-17-723	AMD-P	96-05-065
296-17-64901	AMD-P	96-05-065	296-17-727	AMD-P	96-05-064
296-17-64902	AMD-P	96-05-064	296-17-727	AMD-P	96-05-065
296-17-64902	AMD-P	96-05-065	296-17-741	AMD-P	96-05-064
296-17-64903	AMD-P	96-05-064	296-17-741	AMD-P	96-05-065
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296-17-64905	AMD-P	96-05-065	296-17-747	AMD-P	96-05-064
296-17-64999	NEW-P	96-05-064	296-17-747	AMD-P	96-05-065
296-17-64999	NEW-P	96-05-065	296-17-753	AMD-P	96-05-064
296-17-651	AMD-P	96-05-064	296-17-753	AMD-P	96-05-065
296-17-651	AMD-P	96-05-065	296-17-756	AMD-P	96-05-064
296-17-654	AMD-P	96-05-064	296-17-756	AMD-P	96-05-065
296-17-654	AMD-P	96-05-065	296-17-76207	AMD-P	96-05-064
296-17-659	AMD-P	96-05-064	296-17-76207	AMD-P	96-05-065
296-17-659	AMD-P	96-05-065	296-17-76209	AMD-P	96-05-064
296-17-66002	AMD-P	96-05-064	296-17-76209	AMD-P	96-05-065
296-17-66002	AMD-P	96-05-065	296-17-763	AMD-P	96-05-064
296-17-66004	NEW-P	96-05-064	296-17-763	AMD-P	96-05-065
296-17-66004	NEW-P	96-05-065	296-17-767	AMD-P	96-05-064
296-17-67601	AMD-P	96-05-064	296-17-767	AMD-P	96-05-065
296-17-67601	AMD-P	96-05-065	296-17-778	AMD-P	96-05-064
296-17-67602	AMD-P	96-05-064	296-17-778	AMD-P	96-05-065
296-17-67602	AMD-P	96-05-065	296-17-870	AMD-P	96-05-064
296-17-677	AMD-P	96-05-064	296-17-870	AMD-P	96-05-065
296-17-677	AMD-P	96-05-065	296-17-885	AMD-P	96-05-064
296-17-67901	AMD-P	96-05-064	296-17-885	AMD-P	96-05-065
			296-17-895	AMD-P	96-03-115
			296-17-895	AMD-P	96-05-064
			296-17-915	AMD-P	96-05-065
			296-17-915	AMD-P	96-05-064
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			296-17-920	AMD-P	96-03-115
			296-17-920	AMD-P	96-05-064
			296-17-920	AMD-P	96-05-065
			296-18A-520	PREP	96-03-106
			296-20-010	AMD-P	96-05-066
			296-20-132	AMD-P	96-05-066
			296-20-135	AMD-P	96-05-066
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			296-65-050	AMD	96-05-056
			296-116-185	PREP	96-05-054
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			296-155	PREP	96-05-079
			296-305-001	AMD-C	96-03-026
			296-305-003	AMD-C	96-03-026
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			296-305-02013	NEW-C	96-03-026

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296-305-02017	NEW-C	96-03-026	304-25-020	REP	96-04-045	308-128F-070	DECOD	96-05-018
296-305-02019	NEW-C	96-03-026	304-25-030	REP	96-04-045	314-12-020	AMD	96-03-004
296-305-025	AMD-C	96-03-026	304-25-040	REP	96-04-045	314-12-025	AMD	96-03-004
296-305-02501	NEW-C	96-03-026	304-25-050	REP	96-04-045	314-12-035	AMD	96-03-004
296-305-030	AMD-C	96-03-026	304-25-060	REP	96-04-045	314-12-070	AMD	96-03-004
296-305-03001	NEW-C	96-03-026	304-25-110	REP	96-04-045	314-12-080	AMD	96-03-004
296-305-035	AMD-C	96-03-026	304-25-120	REP	96-04-045	314-14-010	NEW	96-03-074
296-305-040	AMD-C	96-03-026	304-25-510	REP	96-04-045	314-14-020	NEW	96-03-074
296-305-04001	NEW-C	96-03-026	304-25-520	REP	96-04-045	314-14-030	NEW	96-03-074
296-305-045	AMD-C	96-03-026	304-25-530	REP	96-04-045	314-14-040	NEW	96-03-074
296-305-04501	NEW-C	96-03-026	304-25-540	REP	96-04-045	314-14-050	NEW	96-03-074
296-305-04503	NEW-C	96-03-026	304-25-550	REP	96-04-045	314-14-060	NEW	96-03-074
296-305-04505	NEW-C	96-03-026	304-25-555	REP	96-04-045	314-14-070	NEW	96-03-074
296-305-04507	NEW-C	96-03-026	304-25-560	REP	96-04-045	314-14-080	NEW	96-03-074
296-305-04509	NEW-C	96-03-026	304-25-570	REP	96-04-045	314-14-090	NEW	96-03-074
296-305-04511	NEW-C	96-03-026	304-25-580	REP	96-04-045	314-14-100	NEW	96-03-074
296-305-05001	NEW-C	96-03-026	304-25-590	REP	96-04-045	314-14-110	NEW	96-03-074
296-305-05003	NEW-C	96-03-026	308-10-010	AMD	96-05-036	314-14-120	NEW	96-03-074
296-305-05005	NEW-C	96-03-026	308-10-020	AMD	96-05-036	314-14-130	NEW	96-03-074
296-305-05007	NEW-C	96-03-026	308-10-025	AMD	96-05-036	314-14-140	NEW	96-03-074
296-305-05009	NEW-C	96-03-026	308-10-030	AMD	96-05-036	314-14-150	NEW	96-03-074
296-305-05011	NEW-C	96-03-026	308-10-040	AMD	96-05-036	314-14-160	NEW	96-03-074
296-305-05013	NEW-C	96-03-026	308-10-045	AMD	96-05-036	314-16-196	AMD	96-03-005
296-305-05501	NEW-C	96-03-026	308-10-067	AMD	96-05-036	314-70-010	AMD	96-03-004
296-305-05503	NEW-C	96-03-026	308-13-005	AMD-P	96-04-009	314-70-030	AMD	96-03-004
296-305-060	AMD-C	96-03-026	308-13-005	AMD-C	96-04-040	315-04-220	AMD	96-03-039
296-305-06001	AMD-C	96-03-026	308-13-015	AMD-P	96-04-009	315-10-050	PREP	96-03-156
296-305-06003	AMD-C	96-03-026	308-13-015	AMD-C	96-04-040	315-11A-157	NEW-W	96-03-038
296-305-06005	AMD-C	96-03-026	308-13-024	AMD-P	96-04-009	315-11A-157	NEW-P	96-03-157
296-305-06007	AMD-C	96-03-026	308-13-024	AMD-C	96-04-040	315-11A-158	NEW	96-03-039
296-305-06009	AMD-C	96-03-026	308-13-050	AMD-P	96-04-009	315-11A-159	NEW	96-03-039
296-305-06011	AMD-C	96-03-026	308-13-050	AMD-C	96-04-040	315-11A-160	NEW	96-03-039
296-305-063	AMD-C	96-03-026	308-13-110	REP-P	96-04-009	315-11A-161	NEW	96-03-039
296-305-064	AMD-C	96-03-026	308-13-110	REP-C	96-04-040	315-11A-162	NEW-P	96-03-157
296-305-065	AMD-C	96-03-026	308-13-150	PREP	96-04-007	315-11A-163	NEW-P	96-03-157
296-305-06501	AMD-C	96-03-026	308-56A-030	AMD	96-04-004	315-11A-164	NEW-P	96-03-157
296-305-06503	AMD-C	96-03-026	308-56A-090	AMD	96-03-047	315-11A-165	NEW-P	96-03-157
296-305-06505	AMD-C	96-03-026	308-56A-210	AMD	96-03-047	315-11A-166	NEW-P	96-03-157
296-305-06507	AMD-C	96-03-026	308-93-070	AMD	96-04-004	315-11A-167	NEW-P	96-03-157
296-305-06509	AMD-C	96-03-026	308-93-088	AMD	96-03-046	317-21-020	AMD	96-03-070
296-305-06511	AMD-C	96-03-026	308-93-440	AMD	96-03-046	317-21-030	AMD	96-03-070
296-305-06513	AMD-C	96-03-026	308-93-670	AMD	96-03-046	317-21-120	AMD	96-03-070
296-305-06515	AMD-C	96-03-026	308-94-030	AMD	96-04-004	317-21-200	AMD	96-03-070
296-305-06517	AMD-C	96-03-026	308-96A-035	AMD	96-04-004	317-21-205	AMD	96-03-070
296-305-06519	NEW-C	96-03-026	308-128A-010	DECOD	96-05-018	317-21-210	AMD	96-03-070
296-305-070	AMD-C	96-03-026	308-128A-020	DECOD	96-05-018	317-21-215	AMD	96-03-070
296-305-07001	AMD-C	96-03-026	308-128A-030	DECOD	96-05-018	317-21-235	AMD	96-03-070
296-305-07003	AMD-C	96-03-026	308-128A-040	DECOD	96-05-018	317-21-245	AMD	96-03-070
296-305-07005	AMD-C	96-03-026	308-128B-010	DECOD	96-05-018	317-21-265	AMD	96-03-070
296-305-07007	AMD-C	96-03-026	308-128B-020	DECOD	96-05-018	317-21-320	AMD	96-03-070
296-305-07009	AMD-C	96-03-026	308-128B-030	DECOD	96-05-018	317-21-345	AMD	96-03-070
296-305-07011	NEW-C	96-03-026	308-128B-050	DECOD	96-05-018	317-21-500	AMD	96-03-070
296-305-07013	NEW-C	96-03-026	308-128B-070	DECOD	96-05-018	317-21-530	AMD	96-03-070
296-305-07015	NEW-C	96-03-026	308-128B-080	DECOD	96-05-018	317-21-540	AMD	96-03-070
296-305-07017	NEW-C	96-03-026	308-128B-090	DECOD	96-05-018	317-30-010	REP-P	96-03-071
296-305-07019	NEW-C	96-03-026	308-128C-020	DECOD	96-05-018	317-30-020	REP-P	96-03-071
296-305-075	AMD-C	96-03-026	308-128C-030	DECOD	96-05-018	317-30-030	REP-P	96-03-071
296-305-080	AMD-C	96-03-026	308-128C-040	DECOD	96-05-018	317-30-040	REP-P	96-03-071
296-305-08000	NEW-C	96-03-026	308-128C-050	DECOD	96-05-018	317-30-050	REP-P	96-03-071
296-305-085	AMD-C	96-03-026	308-128D-010	DECOD	96-05-018	317-30-060	REP-P	96-03-071
296-305-090	AMD-C	96-03-026	308-128D-020	DECOD	96-05-018	317-30-070	REP-P	96-03-071
296-305-095	AMD-C	96-03-026	308-128D-030	DECOD	96-05-018	317-30-080	REP-P	96-03-071
296-305-100	AMD-C	96-03-026	308-128D-040	DECOD	96-05-018	317-30-090	REP-P	96-03-071
296-305-105	AMD-C	96-03-026	308-128D-050	DECOD	96-05-018	317-30-100	REP-P	96-03-071
296-305-110	AMD-C	96-03-026	308-128D-060	DECOD	96-05-018	317-30-110	REP-P	96-03-071
296-305-115	AMD-C	96-03-026	308-128D-070	DECOD	96-05-018	317-30-120	REP-P	96-03-071
304-12-010	REP	96-04-045	308-128D-080	DECOD	96-05-018	317-30-130	REP-P	96-03-071
304-12-020	REP	96-04-045	308-128E-011	DECOD	96-05-018	317-30-140	REP-P	96-03-071
304-12-025	REP	96-04-045	308-128F-010	DECOD	96-05-018	317-30-150	REP-P	96-03-071
304-12-145	AMD	96-04-045	308-128F-020	DECOD	96-05-018	317-30-900	REP-P	96-03-071
304-12-290	AMD	96-04-045	308-128F-040	DECOD	96-05-018	317-31-010	NEW-P	96-03-071
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317-31-110	NEW-P	96-03-071	388-55-024	NEW	96-05-009	388-201-460	AMD-P	96-04-034
317-31-120	NEW-P	96-03-071	388-55-027	NEW	96-05-009	388-201-470	AMD-P	96-04-034
317-31-130	NEW-P	96-03-071	388-55-030	AMD	96-05-009	388-201-480	AMD-P	96-04-034
317-31-140	NEW-P	96-03-071	388-55-040	AMD	96-05-009	388-215-1390	PREP	96-03-096
317-31-200	NEW-P	96-03-071	388-55-050	NEW	96-05-009	388-215-1390	AMD-E	96-04-001
317-31-210	NEW-P	96-03-071	388-55-060	NEW	96-05-009	388-215-1600	AMD-P	96-03-099
317-31-220	NEW-P	96-03-071	388-73-030	AMD-C	96-03-105	388-215-1610	AMD-P	96-03-099
317-31-230	NEW-P	96-03-071	388-73-030	AMD-S	96-05-061	388-218-1510	AMD	96-03-040
317-31-240	NEW-P	96-03-071	388-73-030	RESCIND	96-05-067	388-245-2020	AMD-P	96-04-035
317-31-250	NEW-P	96-03-071	388-73-030	AMD-E	96-05-068	388-250-1400	AMD	96-04-002
317-31-300	NEW-P	96-03-071	388-73-036	AMD-S	96-05-061	388-330-010	AMD-C	96-03-105
317-31-310	NEW-P	96-03-071	388-73-036	AMD-E	96-05-068	388-330-010	AMD-S	96-05-061
317-31-900	NEW-P	96-03-071	388-110-005	NEW-P	96-04-084	388-330-010	RESCIND	96-05-067
332-24-720	AMD	96-03-003	388-110-010	NEW-P	96-04-084	388-330-010	AMD-E	96-05-068
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356-14-240	AMD	96-02-073	388-110-030	NEW-P	96-04-084	388-330-035	NEW-S	96-05-061
356-15-050	AMD	96-02-073	388-110-040	NEW-P	96-04-084	388-330-035	RESCIND	96-05-067
356-15-060	AMD-P	96-02-070	388-110-050	NEW-P	96-04-084	388-330-035	NEW-E	96-05-068
356-15-070	AMD	96-02-073	388-110-060	NEW-P	96-04-084	388-501-0130	AMD-P	96-03-066
356-15-090	AMD	96-02-073	388-110-070	NEW-P	96-04-084	388-503-0310	PREP	96-04-025
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356-18-112	AMD-W	96-02-069	388-110-090	NEW-P	96-04-084	388-509-0920	PREP	96-05-035
356-18-116	AMD	96-02-073	388-110-100	NEW-P	96-04-084	388-511-1140	AMD	96-05-010
356-30-025	REP-W	96-02-069	388-110-110	NEW-P	96-04-084	388-513-1360	PREP	96-04-055
356-30-050	AMD	96-02-073	388-110-120	NEW-P	96-04-084	388-513-1365	PREP	96-05-034
356-30-065	AMD-W	96-02-069	388-110-140	NEW-P	96-04-084	388-515-1505	PREP	96-03-098
356-30-067	AMD-W	96-02-069	388-110-150	NEW-P	96-04-084	388-518-1820	AMD-P	96-04-037
356-30-230	AMD	96-02-073	388-110-170	NEW-P	96-04-084	388-519-1910	PREP	96-04-056
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365-185-060	NEW-E	96-03-045	388-155-090	RESCIND	96-05-067	390-17-052	REP-P	96-05-073
365-185-060	NEW	96-04-046	388-155-090	AMD-E	96-05-068	390-17-060	AMD	96-05-001
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