

April 5, 2000

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ISSUE 00-07



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of April 2000 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.

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1999 - 2000

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

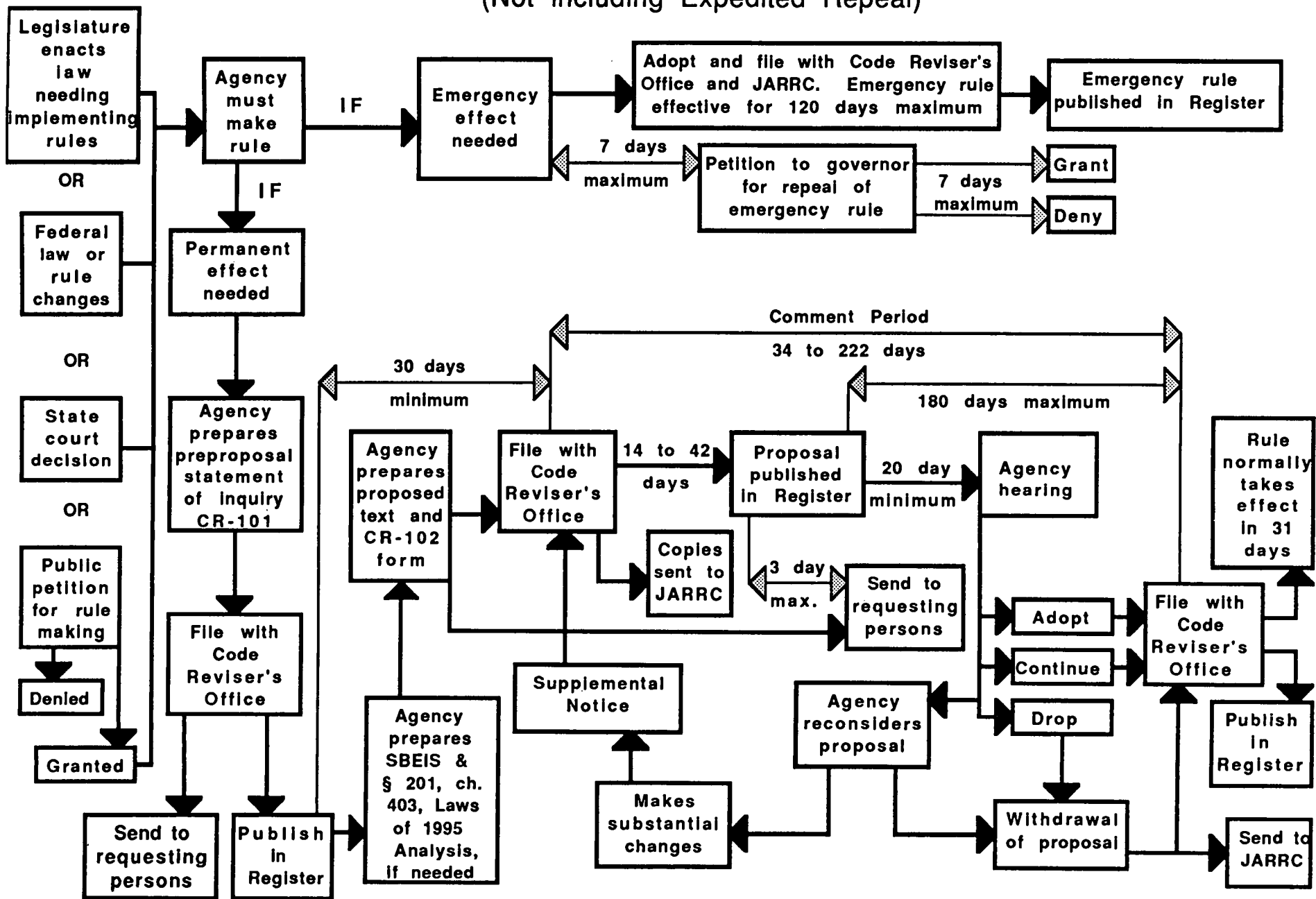
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 00-07-016**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 3, 2000, 10:12 a.m.]

Subject of Possible Rule Making: WAC 180-57-070
Mandatory high school transcript contents—Items.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 28A.04.155.

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

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

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

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

March 2, 2000

Larry Davis
Executive Director

WSR 00-07-017**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed March 3, 2000, 10:12 a.m.]

Subject of Possible Rule Making: WAC 180-51-063
Graduation requirements—Certificate of mastery—Effective
date.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 28A.230.090.

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

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

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

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

March 2, 2000

Larry Davis
Executive Director

WSR 00-07-020**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed March 3, 2000, 10:55 a.m.]

Subject of Possible Rule Making: Marine preserves and
conservation areas.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The department is intending
to provide additional protection to fish and invertebrates.
This may require changing marine protected areas into con-
servation areas, adjusting boundaries, and limiting harvest
and take in existing areas. These rules will assist in rockfish
recovery and provide for nonconsumptive use.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: 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 pub-
lication by contacting Morris Barker, Marine Resources
Division Manager, 600 Capitol Way, Olympia, WA 98501-
1091, phone (360) 902-2826. Contact by May 23, 2000.
Expected proposal filing May 24, 2000.

March 3, 2000

Evan Jacoby
Rules Coordinator

WSR 00-07-026**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed March 3, 2000, 1:48 p.m.]

Subject of Possible Rule Making: WAC 468-16-080,
468-16-100, 468-16-150 Prequalification of contractors,
revisions to bring language into sync with RCW 47.28.030 as
revised July 1999. Other minor revisions to clarify language.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 47.01.101, 47.28.030, 47.28.070.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Revises existing rule to
allow waiver of bid bonds and contract bonds and allows the
use of a limited prequalification process for contracts when

the estimate does not exceed \$80,000, effective July 1, 2005, the limit will rise to \$100,000.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Highways Administration, Office of Minority and Womens Business Enterprise.

Process for Developing New Rule: To bring WAC language into sync with RCW 47.28.030 as revised July 1999.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ken Walker, P.O. Box 47360, Olympia, WA 98504-7360, phone (360) 705-7017, fax (360) 705-6810, e-mail walkeke@wsdot.wa.gov/.

March 2, 2000
 Gerald E. Smith
 Deputy Secretary, Operations

WSR 00-07-029

**PREPROPOSAL STATEMENT OF INQUIRY
 GAMBLING COMMISSION**

[Filed March 3, 2000, 3:10 p.m.]

Subject of Possible Rule Making: Establish an approval process for new gambling equipment, games and activities.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To verify the origin of all new gambling equipment, games and activities.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 301; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.

Meetings at the Pasco Double Tree Hotel, 252 North 20th Avenue, Pasco, WA 99301, (509) 547-0701, on April 13 and 14, 2000; at the LaConner Country Inn, 107 South Second Street, LaConner, WA 98257, (360) 466-3101, on May 11 and 12, 2000; and at Cavanaugh's Inn at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on June 8 and 9, 2000.

March 3, 2000
 Susan Arland
 Rules Coordinator

WSR 00-07-031

**PREPROPOSAL STATEMENT OF INQUIRY
 CASCADIA COMMUNITY COLLEGE**

[Filed March 6, 2000, 10:13 a.m.]

Subject of Possible Rule Making: Library/information services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Cascadia Community College is a new state agency and does not have rules pertaining to library/information services.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Taylor, Executive Assistant, Cascadia Community College, 19017 120th Avenue N.E., Suite 102, Bothell, WA 98011.

March 2, 2000
 Linda Taylor
 Executive Assistant
 Rules Coordinator

WSR 00-07-046

**PREPROPOSAL STATEMENT OF INQUIRY
 STATE BOARD OF EDUCATION**

[Filed March 7, 2000, 10:58 a.m.]

Subject of Possible Rule Making: WAC 180-56-230 Program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.04.120(5).

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

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

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

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

March 6, 2000
 Larry Davis
 Executive Director

PREPROPOSAL

WSR 00-07-049**PREPROPOSAL STATEMENT OF INQUIRY
COLUMBIA RIVER
GORGE COMMISSION**

[Filed March 8, 2000, 8:51 a.m.]

Subject of Possible Rule Making: Implementation of emergency response plan guidelines into Klickitat County land use ordinances, as adopted by other counties in the gorge community.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.97 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are needed to bring Klickitat County land use ordinances into compliance with the Columbia River Gorge National Scenic Area Act.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob McIntyre, Columbia River Gorge Commission, P.O. Box 730, White Salmon, WA 98782, (509) 493-3323.

March 6, 2000

Robert K. McIntyre
Administrative Assistant**WSR 00-07-051****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 00-05—Filed March 8, 2000, 10:25 a.m.]

Subject of Possible Rule Making: Amendments to chapter 197-11 WAC, SEPA rules, relating to the process and forms used to conduct environmental analysis of plans, policies, regulations and programs (nonproject actions).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.21C RCW, State Environmental Policy Act. RCW 43.21C.110 grants the authority for promulgation.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The SEPA rules direct agencies to integrate SEPA with agency activities at the earliest possible point to ensure that planning and decisions reflect environmental values, to avoid delays later in the process and to seek to resolve potential problems. The current rules do not provide a process for early integration, nor clear guidance on how to accomplish it. The purpose of rule changes would be to better accomplish the objectives contained in the directive stated above.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All state and local governments are required to use the SEPA rules adopted by ecology for their actions, including nonproject actions. Rule development coordination will be accomplished through advisory committees, mailings, meetings, public meetings and hearings, as well as participation by specific agencies in the pilot rule-making process.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marvin L. Vialle, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-6902, e-mail mvial461@ecy.wa.gov, phone (360) 407-6928.

March 8, 2000

Gordon White
Program Manager**WSR 00-07-054****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed March 8, 2000, 3:21 p.m.]

Subject of Possible Rule Making: WAC 388-478-0075 and 388-478-0085.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment is necessary to adopt new federal poverty level (FLP) standards effective April 1, 2000.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45534, Olympia, Washington 98504-5534, phone (360) 725-1330, fax (360) 664-0910, TDD 1-800-848-5429, e-mail SCOTSJK@DSHS.WA.GOV.

March 7, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit**WSR 00-07-055****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed March 8, 2000, 3:22 p.m.]

Subject of Possible Rule Making: Chapter 388-81 WAC, Medical care administration general (repeal) and other related chapters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.290, 43.20B.675.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is establishing new chapters to consolidate its rules by subject. Chapter 388-501 WAC has been established as Administration of medical programs—General. Chapter 388-526 WAC has been established as Medical fair hearings. The policies in chapter 388-81 WAC will be incorporated into one or both of these two new chapters, necessitating repeal of chapter 388-81 WAC to avoid duplication. The new rules will be written to comply with the Governor's Executive Order 97-02 on Regulatory Reform.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on draft language of these WACs. Draft material and information about how to participate may be obtained by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Regulatory Improvement Project, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1345, fax (360) 586-9727, e-mail myersea@dshs.wa.gov.

March 7, 2000
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-07-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 8, 2000, 3:24 p.m.]

Subject of Possible Rule Making: Repealing WAC 388-86-035 Family planning, 388-86-087 Personal care services, and 388-87-200 Payment for jail inmates; new chapter 388-532 WAC, Family planning services; and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 70.48.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is establishing new chapters to consolidate its rules into one area of WAC. Existing rules are being rewritten to be filed in the new chapters, necessitating repeal of the resulting duplicative rules. Rules will be written to comply with the Governor's Executive Order 97-02 on Regulatory Reform. Although the department does not anticipate any policy changes to be incorporated into the new rules, it recognizes that the review and rewrite process may reveal the need to include policy changes that reflect current department practice, and so gives notice that this may occur.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Regulatory Improvement Program Manager, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1345, fax (360) 586-9727, e-mail myersea@dshs.wa.gov.

March 7, 2000
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-07-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
[Filed March 8, 2000, 3:26 p.m.]

Subject of Possible Rule Making: Revising WAC 388-76-640 Adult family home minimum licensing requirements, to incorporate new chapter 246-888 WAC, Medication assistance. In addition, to revise WAC 388-76-61510 Adult family home minimum licensing requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040 and 70.128.007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- To update WAC 388-76-640 Resident medications, to reflect the new requirements from chapter 246-888 WAC, Medication assistance, recently established by the Department of Health, Board of Pharmacy. This will ensure that adult family home providers are following current rules governing medication protocols for residents.
- To revise WAC 388-76-61510 When must the negotiated care plan be developed? and extend the required time frame from fourteen days. This will allow adult family home providers more time to become better acquainted with the resident thus developing a more complete negotiated care plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Stakeholder mailing list will include the Department of Health (Boards of Nursing and Pharmacy).

Process for Developing New Rule: Stakeholder meetings are scheduled for input as follows: On April 18, at 9 a.m. - 3 p.m., DSHS Building, Room 291, 1949 State Street, Tacoma; or on April 28, at 9 a.m. - 3 p.m., DSHS, Home and Community Services, 1427 West Gardner, Spokane. The stakeholder mailing list will include adult family home associations, adult family home providers who do not belong to an association, residents and their families, the long term care ombudsman program, and other DSHS agencies involved

with adult family homes. In addition, anyone interested in this topic may contact Robert Stroh at Aging and Adult Services Administration and provide input via telephone, e-mail, etc.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert Stroh, e-mail STROH@dshs.WA.Gov, phone (360) 407-0934, or 1-800-422-3263, M-F, 8-5, fax (360) 438-7903, Aging and Adult Administration Services, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600.

March 3, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-07-074

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Aging and Adult Services Administration)

[Filed March 14, 2000, 3:12 p.m.]

Subject of Possible Rule Making: To establish in Title 388 WAC, a chapter that would contain methodologies and/or rates paid by the department for home and community services to Medicaid eligible individuals. In E2SHB 1908 enacted July 1, 1995, the legislature directed the department to establish by rule payment rates for home and community services that support cost-effective care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.030 (3)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department pays home and community service providers with rates established in the 1970's and 1980's and subsequently revised only for inflation at the direction of the legislature. The department is conducting a review of rates paid to home and community service providers. The goals of the review are to develop methodologies to set and adjust the various home and community service rates. By July 1, 2001, the department will codify the reviewed home and community services rates, which include but are not limited to the following services: Assisted living, enhanced adult residential care, adult residential care, respite care, adult day health, adult day care, individual provider program, and adult family homes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HCFA.

Process for Developing New Rule: The department welcomes public participation in developing and reviewing methodologies for setting home and community services payment rates. Before filing the CR-102, notice of Proposed Rule Making, the department will schedule public meetings for discussion and input on the proposed methodologies. The department will be announcing the time, date, and location of these meetings through local public long-term care agencies, etc. If you would like to be personally notified regarding

these meetings, please contact the staff person indicated below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Patricia Hague, fax (360) 586-5923, e-mail HaguePE@dshs.wa.gov, or write to Patricia Hague at Home and Community Rates, P.O. Box 45819, Olympia, WA 98504-5819.

March 13, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-07-078

PREPROPOSAL STATEMENT OF INQUIRY WESTERN WASHINGTON UNIVERSITY

[Filed March 15, 2000, 9:25 a.m.]

Subject of Possible Rule Making: Leasing university property for business purposes (repeal chapter 516-34 WAC and adopt chapter 516-35 WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is rewritten to clarify the procedure for leasing university property for business purposes.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gloria McDonald, Rules Coordinator, Western Washington University, Mailstop 9015, Bellingham, WA 98225, (360) 650-3968, fax 650-6197, or Dale Monroe, Purchasing Manager, Western Washington University, Mailstop 9012, Bellingham, WA 98225, (360) 650-2992.

March 13, 2000

Gloria A. McDonald
Rules Coordinator

WSR 00-07-087

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

[Filed March 15, 2000, 2:23 p.m.]

Subject of Possible Rule Making: Pharmacy services, WAC 388-530-1000 Drug program, 388-530-1050 Definitions, 388-530-1100 Covered drugs/pharmacy, 388-530-1150 Noncovered drugs/pharmacy, 388-530-1200 Drug formulary, 388-530-1250 Prior authorization, 388-530-1300 General reimbursement, 388-530-1350 Estimated acquisition cost, 388-530-1400 Maximum allowable cost, 388-530-1450

Dispensing fee determination, 388-530-1500 Reimbursement, 388-530-1550 Unit dose delivery, 388-530-1650 Reimbursement for pharmaceutical supplies, 388-530-1700 Drugs/pharmaceutical supplies, 388-530-1850 Drug utilization/education, 388-530-1900 Drug use review, 388-530-1950 Point of sale (POS) system, and related WACs.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with the Governor's Executive Order 97-02 on Regulatory Reform. To update the department's rules so they reflect current policy and payment methodology.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Regulatory Improvement Project, Medical Assistance Administration, Olympia, WA 98504-5530, phone (360) 725-1345, fax (360) 586-9727, e-mail myersea@dshs.wa.gov.

March 15, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-07-088

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

[Filed March 15, 2000, 2:25 p.m.]

Subject of Possible Rule Making: WAC 388-530-1750 Drugs/pharmaceutical supplies—TPL (amend).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department originally intended to review this rule only for the clear writing standards in the Governor's Executive Order 97-02, and filed a preproposal statement of inquiry as WSR 00-01-155 on December 20, 1999, to this effect. However, review of this rule revealed the necessity to amend the rule to reflect current department policy and practice. Therefore, this preproposal statement of inquiry replaces the one filed as WSR 00-01-155 on December 20, 1999, for this rule only.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of the rule. Draft material and information

about how to participate are available from the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Regulatory Improvement Program Manager, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, e-mail sayrek@dshs.wa.gov.

March 15, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-07-092

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 16, 2000, 2:54 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-010, 308-56A-015, 308-56A-020, 308-56A-021, 308-56A-022, 308-56A-023, and 308-56A-090.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.12.101, 88.02.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 16, 2000

Deborah McCurley, Administrator
Title and Registration Services

WSR 00-07-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 16, 2000, 2:56 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration identification, to include but not limited to WAC 308-93-440, 308-93-450, 308-93-460, and 308-93-470.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.07.070, 88.02.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 16, 2000

Deborah McCurley, Administrator
Title and Registration Services

WSR 00-07-094

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 16, 2000, 2:57 p.m.]

Subject of Possible Rule Making: Chapter 308-94 WAC, General provisions for registration of snowmobiles, to include but not limited to WAC 308-94-030, 308-94-050, 308-94-080, and 308-94-100.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 16, 2000

Deborah McCurley, Administrator
Title and Registration Services

WSR 00-07-100

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed March 17, 2000, 3:13 p.m.]

Subject of Possible Rule Making: Aging and Adult Services Administration (AASA) plans to specifically amend WAC 388-71-0445, 388-71-0470 and 388-71-0480, under home and community programs and, if necessary, other related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: General statutory authority is derived from RCW 74.04.015, 74.04.050, 74.04.057, 74.04.200, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending the rules for home and community programs is necessary to correct wording and to clarify the intent.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health Care Financing Administration, Social Security Administration, Office of Attorney General, Aging and Adult Services Administration (AASA) will include them on mailings and give them the opportunity to comment on the draft.

Process for Developing New Rule: AASA welcomes the public to take part in amending the rule. Anyone interested in participating should contact the staff person indicated below. After the amendment is drafted, the Department of Social and Health Services will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lois Wusterbarth, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2538, TTY (360) 493-2637, fax (360) 438-8633, e-mail wustela@dshs.wa.gov.

March 16, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-07-101

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 17, 2000, 3:14 p.m.]

Subject of Possible Rule Making: Chapter 388-265 WAC, Payment of grants, WAC 388-265-1650 Protective payment—Fair hearing rights and 388-265-1750 Protective payee fees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clear rules are required to

describe how clients are served by protective payees. WAC 388-265-1650 and chapter 388-265 WAC, need to be updated to meet the criteria of regulatory reform.

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

Process for Developing New Rule: Reviewing current rules according to clear writing guidelines and appropriate audiences. Copies will be provided to coordinating agencies and interested persons. All comments will be considered. The Economic Services Administration Regulatory Improvement Team (RIT) will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kay Hanvey, Program Manager, using any means of communication. Meetings will be arranged, if needed, Kay Hanvey, Program Manager, Family Services Section, WorkFirst Division, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 413-3100, fax (360) 413-3493, e-mail HANVEYKL@DSHS.WA.GOV.

March 17, 2000
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-07-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 17, 2000, 3:14 p.m.]

Subject of Possible Rule Making: WAC 388-310-0200, 388-310-0400, 388-310-0500, 388-310-0600, 388-310-1800 and related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08A.340(2), 45 C.F.R. 260.31, RCW 74.08.090 and 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To set up a system to connect WorkFirst participants to a person that will help them keep their job once employed and get higher wages.

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 public and interested clients are invited to participate in the development of these rule changes. During the development process, the proposed changes will be presented to a variety of individuals and groups for discussion and mailed/e-mailed to all interested parties for review and comment. ESD/DSHS will coordinate with interested agencies and advisory groups during the rule development and adoption process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting June Hershey/Brian Roper, 605 Woodland Square Loop S.E., P.O. Box 9046, Olympia, WA 98507-

9046, fax (360) 438-4777, e-mail jhershey@esd.wa.gov/broper@esd.wa.gov.

March 17, 2000
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-07-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed March 17, 2000, 3:35 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-241, 308-93-242, 308-93-243, 308-93-244, and 308-93-245.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.100, 88.02.070, 88.02.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 17, 2000
Deborah McCurley, Acting Administrator
Title and Registration Services

WSR 00-07-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed March 17, 2000, 3:36 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-060, 308-93-069, 308-93-070, 308-93-071, 308-93-073, 308-93-078, 308-93-285, 308-93-350, 308-93-360, and 308-93-640.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.100, 88.02.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 17, 2000

Deborah McCurley, Acting Administrator
Title and Registration Services

WSR 00-07-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 17, 2000, 3:37 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-200, 308-93-220, 308-93-230, and 308-93-295.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.100, 88.02.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 17, 2000

Deborah McCurley, Acting Administrator
Title and Registration Services

WSR 00-07-107

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 17, 2000, 3:37 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-010, 308-93-030, 308-93-050, 308-93-055, 308-93-056, 308-93-079, 308-93-090, and 308-93-160.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.100, 88.02.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 17, 2000

Deborah McCurley, Acting Administrator
Title and Registration Services

WSR 00-07-108

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 17, 2000, 3:38 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-065, 308-96A-066, 308-96A-067, 308-96A-068, 308-96A-070, 308-96A-071, 308-96A-072, 308-96A-073, 308-96A-074, 308-96A-175, 308-96A-176, 308-96A-550, and 308-96A-560.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.335, 46.16.276, 46.01.110, 12.070 [46.12.070].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of this review in accordance with Executive Order 97-02.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885.

March 17, 2000

Deborah McCurley, Acting Administrator
Title and Registration Services

WSR 00-07-115

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed March 21, 2000, 8:01 a.m.]

Subject of Possible Rule Making: Amend chapter 16-101X WAC to include the assessment of civil penalties as an equivalent penalty action to degrades (lowering in grade from A to grade C) for violations of chapter 15.36 RCW, Milk and milk products, and rules adopted thereunder.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.36 RCW, Milk and milk products.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1999 National Conference of Interstate Milk Shippers (NCIMS) in conjunction with the U.S. Food and Drug Administration (FDA) approved the imposition of civil penalties as a penalty action for the enforcement of dairy laws. The 1999 Washington state legislature approved amendments to chapter 15.36 RCW, Milk and milk products, that allows the department to assess civil penalties against persons failing to comply with chapter 15.36 RCW or rules adopted thereunder. The proposed amendments will encourage compliance with dairy regulations, streamline the penalty process, bring Washington State Department of Agriculture (WSDA) enforcement strategies in line with interstate requirements, and reduce the burden on dairy industry when milk must be rerouted and often disposed as a result of the degrade action.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The FDA assures that the WSDA regulatory enforcement of dairy operations producing and/or processing grade A milk and milk products for interstate trade meets the pasteurized milk ordinance (PMO) and NCIMS requirements. The WSDA is the only state agency that regulates dairy producers and processors for the production of milk and/or milk products in Washington state.

Process for Developing New Rule: The WSDA will collaborate with the Dairy Inspection Program Advisory Committee (DIPAC) to develop the language for the proposed amendments. The WSDA will hold a hearing on the proposed amendments as well as issue a press release and send notification to all industry parties regulated by chapter 16-101X WAC to inform them of the opportunity to comment on the proposed amendments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Claudia Coles, WSDA Food and Safety Program, Assistant Compliance Program Manager, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1905, fax (360) 902-2087, e-mail ccoles@agr.wa.gov.

March 16, 2000
Claudia G. Coles
Assistant Compliance
Program Manager

WSR 00-07-120

**PREPROPOSAL STATEMENT OF INQUIRY
COLUMBIA BASIN COLLEGE**

[Filed March 21, 2000, 9:54 a.m.]

Subject of Possible Rule Making: Student rights and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal, state and state board guidelines require rules to address the student as a member of the campus community, define expectations and conduct, define jurisdiction to cover all students and appropriate disciplinary action, to define grievance and discrimination procedures, to address eligibility for financial aid, scholarships, athletic participation and loss of eligibility.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Columbia Basin College Board of Trustees, c/o Louise Meyers, Rules Coordinator, 2600 North 20th Avenue, Pasco, WA 99301, (509) 547-0511 ext. 2202 or e-mail lmeyers@cbc2.org.

March 20, 2000
Lee R. Thornton
President

WSR 00-07-122

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 21, 2000, 11:35 a.m.]

Subject of Possible Rule Making: Prevailing wage, chapter 296-127 WAC, Scope of work descriptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.12 RCW, RCW 43.22.270, and 43.22.051.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Prevailing wage rates on public work projects are determined and enforced according to the trade or occupation or "classification" of work actually performed. The classifications for over fifty construction occupations presently exist in policy form in documents entitled "Scope of Work Descriptions." The purpose of this rule-making order is to convert those policies into rules (WAC 296-127-01301 through 296-127-01391) and to amend WAC 296-127-013 to reflect the addition of the new scope of work rules. These rules are currently in effect using the emergency rule-making process. This rule making is also in the spirit of the Governor's Executive Order 97-02 on Regulatory Improvement by incorporating necessary policy into rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:

cies: No other state or federal agencies are known that regulate this subject.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

March 21, 2000

Gary Moore
Director

WSR 00-07-125

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed March 21, 2000, 3:53 p.m.]

Subject of Possible Rule Making: Location of gambling activities.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify when gambling activities may be conducted off a licensed premise, such as allowing charitable and nonprofit organizations to sell punchboards/pull-tabs to customers of a commercial card room.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Sherri Winslow, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 301; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 374.

Meetings at Pasco Double Tree Hotel, 252 North 20th Avenue, Pasco, WA 99301, (509) 547-0701, on April 13 and 14, 2000; at LaConner Country Inn, 107 South Second Street, LaConner, WA 98257, (360) 466-3101, on May 11 and 12, 2000; and at Cavanaugh's Inn at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on June 8 and 9, 2000.

March 21, 2000

Susan Arland
Rules Coordinator

WSR 00-07-128

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed March 22, 2000, 9:42 a.m.]

Subject of Possible Rule Making: WAC 131-16-450 Exceptional faculty awards program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As a result of legislative changes made during 2000 legislative session.

Process for Developing New Rule: Normal rules process starting with emergency rules in June 2000.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting State Board for Community and Technical Colleges, 319 7th Avenue, P.O. Box 42495, Olympia, WA 98504-2495, fax (360) 586-6440, Claire Krueger, Executive Assistant and Administrative Rules and Contracts Coordinator, (360) 753-7413, ckrueger@SBCTC.ctc.edu.

March 20, 2000

Claire C. Krueger
Executive Assistant
Agency Rules Coordinator

WSR 00-07-132

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 22, 2000, 10:14 a.m.]

Subject of Possible Rule Making: The entire chapter 16-414 WAC, Cherries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency has conducted a review of entire chapter 16-414 WAC, Cherries, under the provisions of the Governor's Executive Order 97-02, and has determined that the rule is necessary and should be retained. This rule currently meets the needs of the industry.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA Federal Marketing Order Number 923 coordinates the implementation of state and federal requirements in the marketing of cherries.

Process for Developing New Rule: A rule review of entire chapter 16-414 WAC, Cherries, was conducted in accordance with the Governor's Executive Order 97-02.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department is seeking input on its decision to retain the rule. You may comment by writing to Washington State Department of Agriculture, Administrative Regulations Unit, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092.

For questions regarding this rule, call Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, phone (360) 902-1833.

Comments should be made by May 5, 2000.

March 17, 2000
Robert W. Gore
Assistant Director

WSR 00-07-133

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 22, 2000, 10:16 a.m.]

Subject of Possible Rule Making: The entire chapter 16-442 WAC, Winter pears.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency has conducted a review of entire chapter 16-442 WAC, Winter pears, under the provisions of the Governor's Executive Order 97-02, and has determined that the rule is necessary and should be retained. This rule currently meets the needs of the industry.

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

Process for Developing New Rule: A rule review of entire chapter 16-442 WAC, Winter pears, was conducted in accordance with the Governor's Executive Order 97-02.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department is seeking input on its decision to retain the rule. You may comment by writing to Washington State Department of Agriculture, Administrative Regulations Unit, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092.

For questions regarding this rule, call Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, phone (360) 902-1833.

Comments should be made by May 5, 2000.

March 17, 2000
Robert W. Gore
Assistant Director

WSR 00-07-134

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 22, 2000, 10:18 a.m.]

Subject of Possible Rule Making: The entire chapter 16-439 WAC, Pears, summer and fall.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency has conducted a review of entire chapter 16-439 WAC, Pears, summer and fall, under the provisions of the Governor's Executive Order 97-02, and has determined that the rule is necessary and should be retained. This rule currently meets the needs of the industry.

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

Process for Developing New Rule: A rule review of entire chapter 16-439 WAC, Pears, summer and fall, was conducted in accordance with the Governor's Executive Order 97-02.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department is seeking input on its decision to retain the rule. You may comment by writing to Washington State Department of Agriculture, Administrative Regulations Unit, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092.

For questions regarding this rule, call Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, phone (360) 902-1833.

Comments should be made by May 5, 2000.

March 17, 2000
Robert W. Gore
Assistant Director

WSR 00-07-135

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed March 22, 2000, 10:19 a.m.]

Subject of Possible Rule Making: The entire chapter 16-463 WAC, Prohibiting the sale and/or movement of infested cherries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency has conducted a review of entire chapter 16-463 WAC, Prohibiting the sale and/or movement of infested cherries, under the provisions of the Governor's Executive Order 97-02, and has determined that the rule is necessary and should be retained. This rule currently meets the needs of the industry.

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

Process for Developing New Rule: A rule review of entire chapter 16-463 WAC, Prohibiting the sale and/or movement of infested cherries, was conducted in accordance with the Governor's Executive Order 97-02.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department is seeking input on its decision to retain the rule. You may comment by writing to Washington

State Department of Agriculture, Administrative Regulations
Unit, P.O. Box 42560, Olympia, WA 98504-2560, fax (360)
902-2092.

For questions regarding this rule, call Jim Quigley, Pro-
gram Manager, Fruit and Vegetable Inspection Program,
phone (360) 902-1833.

Comments should be made by May 5, 2000.

March 17, 2000

Robert W. Gore
Assistant Director

WSR 00-07-141

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed March 22, 2000, 11:20 a.m.]

Subject of Possible Rule Making: To adopt new regula-
tions clarifying provisions of SHB 3077, which provides for
the payment of additional unemployment benefits to quali-
fied dislocated workers enrolled in approved training.

**Statutes Authorizing the Agency to Adopt Rules on this
Subject:** RCW 50.12.010, 50.20.010, and chapter 2, section
8, Laws of 2000.

**Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish:** The rules will define terms,
clarify eligibility requirements, and establish policies and
procedures related to the approval and funding of training
plans. The rules will also clarify requalification requirements
for individuals who have been disqualified from benefits.

**Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies:** The United States Department of Labor reviews the
state's administration of the unemployment insurance pro-
gram to ensure conformity to federal statutes and regulations.
The state has broad flexibility in the implementation of
unemployment insurance laws as long as conformity is main-
tained. The proposed regulations will be shared with
USDOL Region X staff prior to adoption.

Process for Developing New Rule: The department will
conduct informal public meetings with interested individuals
and stakeholders to gather their input and comments during
the development of these regulations.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication. Persons interested in attending public meetings to
discuss the proposed regulations should contact Juanita
Myers, Rules Coordinator, Unemployment Insurance Divi-
sion, P.O. Box 9046, phone (360) 902-9665, fax (360) 902-
9799, e-mail jmyers@esd.wa.gov.

March 13, 2000

Carver Gayton
Commissioner



WSR 00-07-027**EXPEDITED REPEAL****DEPARTMENT OF TRANSPORTATION**

[Filed March 3, 2000, 1:51 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 468-14 WAC, Small business and minority contractors.

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

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

Address Your Objection to: Ken Walker, P.O. Box 47360, Olympia, WA 98504-7360, e-mail walkeke@wsdot.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 468-14 WAC is a virtual restatement of the language in RCW 47.28.030 and these provisions are covered by chapter 468-16 WAC, Prequalification of contractors.

March 2, 2000

Gerald E. Smith

Deputy Secretary, Operations

WSR 00-07-068**EXPEDITED REPEAL****DEPARTMENT OF AGRICULTURE**

[Filed March 13, 2000, 1:07 p.m.]

The Following Sections are Proposed for Expedited Repeal: Rules relating to screenings, WAC 16-200-512.

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

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

Address Your Objection to: Washington State Department of Agriculture, Administration Regulations Unit, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092, e-mail adminregs@agr.wa.gov. Comments must be received by May 8, 2000.

Reason the Expedited Repeal of the Rule is Appropriate: Current laws and rules have been revised to address the issue of screenings and screening wastes (RCW 15.53.902 and WAC 16-200-815). Those laws and rules are sufficient to protect the health, welfare and safety of Washington citizens. WAC 16-200-512 is obsolete and duplicative and should be repealed.

March 9, 2000

Bob Arrington

Assistant Director

EXPEDITED REPEAL



WSR 00-07-044
EXPEDITED ADOPTION
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 6, 2000, 3:21 p.m.]

Title of Rule: WAC 388-501-0200 Third party resources.

Purpose: To correct a cross-reference to a WAC number that has been repealed, and identify the correct cross-reference.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.08.090.

Summary: This WAC contains a cross-reference to a WAC number that has been repealed and replaced with a new number. The cross-reference in this WAC section is being replaced with the correct number. This is a housekeeping action only.

Reasons Supporting Proposal: This action is necessary in order for the cross-reference to be correct.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ann Myers, DPS/RIP, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1345.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This action is to replace with the correct number a cross-reference to a WAC number that has been repealed.

The purpose of this action is to correct the cross-reference for accuracy.

The anticipated effect will be to refer the user to the correct WAC.

Proposal Changes the Following Existing Rules: WAC 388-501-0200 will be amended to replace the cross-reference to WAC 388-87-020 with the correct reference of WAC 388-501-0100.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Paige Wall, Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, AND RECEIVED BY May 22, 2000.

February 29, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-01-088, filed 12/14/99, effective 1/14/00)

WAC 388-501-0200 Third-party resources. (1) MAA requires a provider to seek timely reimbursement from a third party when a client has available third-party resources, except as described under subsections (2) and (3) of this section.

(2) MAA pays for medical services and seeks reimbursement from the liable third party when the claim is for any of the following:

(a) Prenatal care;

(b) Labor, delivery, and postpartum care (except inpatient hospital costs) for a pregnant woman; or

(c) Preventive pediatric services as covered under the EPSDT program.

(3) MAA pays for medical services and seeks reimbursement from any liable third party when both of the following apply:

(a) The provider submits to MAA documentation of billing the third party and the provider has not received payment after thirty days from the date of services; and

(b) The claim is for a covered service provided to a client on whose behalf the office of support enforcement is enforcing an absent parent to pay support. For the purpose of this section, "is enforcing" means the absent parent either:

(i) Is not complying with an existing court order; or

(ii) Received payment directly from the third party and did not pay for the medical services.

(4) The provider may not bill MAA or the client for a covered service when a third party pays a provider the same amount as or more than the MAA rate.

(5) When the provider receives payment from the third party after receiving reimbursement from MAA, the provider must refund to MAA the amount of the:

(a) Third-party payment when the payment is less than MAA's maximum allowable rate; or

(b) MAA payment when the third-party payment is equal to or greater than MAA's maximum allowable rate.

(6) MAA is not responsible to pay for medical services when the third-party benefits are available to pay for the client's medical services at the time the provider bills MAA, except as described under subsections (2) and (3) of this section.

(7) The client is liable for charges for covered medical services that would be paid by the third party payment when the client either:

(a) Receives direct third-party reimbursement for such services; or

(b) Fails to execute legal signatures on insurance forms, billing documents, or other forms necessary to receive insurance payments for services rendered. See WAC 388-505-0540 for assignment of rights.

(8) MAA considers an adoptive family to be a third-party resource for the medical expenses of the birth mother and child only when there is a written contract between the adopting family and either the birth mother, the attorney, the provider, or the adoption service. The contract must specify that the adopting family will pay for the medical care associated with the pregnancy.

EXPEDITED ADOPTION

(9) A provider cannot refuse to furnish covered services to a client because of a third party's potential liability for the services.

(10) For third-party liability on personal injury litigation claims, MAA is responsible for providing medical services as described under WAC ((388-87-020)) 388-501-0100.

WSR 00-07-079
EXPEDITED ADOPTION
DEPARTMENT OF AGRICULTURE
(Potato Commission)

[Filed March 15, 2000, 11:24 a.m.]

Title of Rule: Chapter 16-516 RCW, Washington Potato Commission.

Purpose: The amendments will: (1) Change the twelve month period for the "marketing year" and "fiscal year;" (2) reduce the number of signatures required on an election nomination petition; (3) correct an error in the three-year term rotation for positions 2 and 3; and (4) align the effective dates of office to correspond with the regular meeting dates fixed by resolution of the commission.

Statutory Authority for Adoption: RCW 15.66.020.

Statute Being Implemented: Chapter 15.66 RCW.

Summary: The proposed amendments relate to the operations of the commission and will provide for more effective and efficient administration of the commission.

Reasons Supporting Proposal: The changes are necessary to stay current with the business and production cycle of the potato industry and to facilitate the election process. The changes will not affect the composition of the board or terms of office for board members.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, Olympia, WA, (360) 902-1928; Implementation and Enforcement: Pat Boss, 108 Interlake Road, Moses Lake, WA 98837, (509) 765-8845.

Name of Proponent: Washington Potato Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Approve adoption. The amendment will not affect the composition of the commission or the terms of office for the members.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment will:

(1) Change the beginning of the twelve month fiscal year and marketing year from June 1 and July 1. This change is necessary to align commission budgeting and program activities with the industry business and production cycle.

(2) Correct an oversight in the rotational term of office for positions 2 and 3. This error was created by redistricting in 1980 (WSR 80-05-073).

(3) Change the term of office expiration date from May 31 to June 30 to correspond with the regular meeting dates of the commission. The meeting schedule is set by resolution of

the commission and the date change will allow the current commission to better administer the budget and program activities of the commission. This term of office for members will not be affected.

(4) Reduce the number of signatures required on a nominating petition from ten to five. This change meets the requirements in RCW 15.66.120 and is proportional to the number of growers in the production districts.

Proposal Changes the Following Existing Rules: The amendments are intended to facilitate the administration and operation of the commission and will not make a material change in the rules and regulations of the potato commission marketing order. All changes are incorporated in the Agricultural Enabling Act of 1955, chapter 15.66 RCW.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Walter Swenson, Agricultural Programs Administrator, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98501-2560, AND RECEIVED BY May 22, 2000.

March 15, 2000

Pat Boss

Executive Director

AMENDATORY SECTION (Amending Marketing Order, Article 1, effective 7/23/56)

WAC 16-516-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities potatoes as herein defined grown in the state of Washington;

(5) "Commercial quantities" shall mean and include five hundredweight or more;

(6) "Hundredweight" or "affected unit" are synonymous and mean and include each one hundred pound unit or any combination of packages making a one hundred pound unit of potatoes;

(7) "Potatoes" means and includes all kinds and varieties of Irish potatoes grown in the state of Washington and marketed, sold or intended for use for human consumption;

(8) "Potato commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-516-020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning ~~((June))~~ July 1 of any year and ending upon the last day of ~~((May))~~ June, both dates inclusive;

(10) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing potatoes which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agencies for commodity credit corporation loan to producers, but shall not include a producer engaged in transporting potatoes produced by him for grading, washing, sorting, sacking, or otherwise preparing for marketing or market;

(11) "Sale" means a transaction wherein the property in or to potatoes is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(12) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington.

(13) "District" means the geographical divisions of the area of potato production established pursuant to the provisions of WAC 16-516-020.

AMENDATORY SECTION (Amending Order 1684, filed 4/28/80)

WAC 16-516-020 Potato commission. (1) Establishment and membership. A potato commission is hereby established to administer this marketing order which shall be composed of nine members who shall be producers elected from districts as provided in subsection (2) of this section and four members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) Representative districts. For the purpose of nomination and selection of producer members of the commission, the affected area of the state of Washington shall be divided into five representative districts as follows:

(a) "District No. 1" shall be the east irrigation district of the Columbia project, plus the area of Grant County not included in either the Quincy or south irrigation districts and lies east of R27E, plus the area of Adams County not included in either the south or Quincy irrigation districts, plus the counties of Ferry, Stevens, Pend Oreille, Spokane, Whitman and Lincoln.

(b) "District No. 2" shall be the Quincy irrigation district of the Columbia Basin project, plus the area of Grant County not included in the east or south irrigation districts and lies west of R28E, and the counties of Kittitas, Douglas, Chelan and Okanogan.

(c) "District No. 3" shall be and include the counties of Benton, Yakima and Klickitat.

(d) "District No. 4" shall be the south irrigation district of the Columbia Basin project, plus the areas of Franklin County not included in the south district, plus the counties of Walla Walla, Columbia, Garfield and Asotin.

(e) "District No. 5" shall be and include all other counties in the state of Washington.

(3) Membership. Producer members shall be elected from the districts as follows:

(a) Two of the producer members, being positions 1 and 2, shall be elected from District No. 1.

(b) Two of the producer members, being positions 3 and 4, shall be elected from District No. 2.

(c) Two of the producer members, being positions 5 and 6, shall be elected from District No. 3.

(d) Two of the producer members, being positions 7 and 8, shall be elected from District No. 4.

(e) One of the producer members, being position 9, shall be elected from District No. 5.

Members appointed by the elected producers shall be appointed for positions 10, 11, 12 and 13.

(4) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission shall be producers of potatoes in the district in and for which they are nominated and elected. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either potato producers, others active in matters relating to potatoes or persons not so related.

(5) Term of office ~~((initial commission))~~. The term of office of the commission members shall be three years from the date of their election and until their successors are elected and qualified ~~((:))~~. ~~((Provided, That the initial))~~ Commencing on July 1, 2000, the term of office for members of the commission shall ((serve from the effective date of this marketing order in terms terminating)) be as follows: Positions 1, 5 and 7 shall terminate ((May 31, 1957)) June 30, 2002; positions ((2)) 3, 4 and 6 shall terminate ((May 31, 1958)) June 30, 2003; and positions ((3)) 2, 8 and 9 shall terminate ((May 31, 1959)) June 30, 2001. Appointed members for positions 10 and 11 shall terminate their terms ((May 31, 1957)) June 30, 2002; position 12 shall terminate ((May 31, 1958)) June 30, 2003; and position 13 shall terminate ((May 31, 1959)) June 30, 2001. The appointed members of the ((initial)) commission shall be elected by a majority of the elected commissioners ((at the first meeting of said commission)).

(6) Nomination and election of commission members.

(a) Not earlier than February 16 and not later than March 2 of each year, the director shall give notice by mail to all producers, in a district wherein a vacancy will occur in the commission of such vacancy or such vacancies and call for nominations. Nominating petitions shall be signed by ~~((ten))~~ five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than March 7 and not later than March 12 of each year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy will occur not earlier than March 17 and not later than April 1 of each year. Ballots shall be returned not later than May 1 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial potato commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial potato commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(7) Vacancies.

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within the district wherein the vacancy occurred in the manner provided in subsection (6) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(8) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts and grants and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(9) Procedure for commission.

(a) The commission shall by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least eight members.

(f) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which rate shall not exceed per day rate set by chapter 15.66 RCW for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expense of the rate allowed by law to state employees.

(10) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

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

WSR 00-07-112
EXPEDITED ADOPTION
DEPARTMENT OF ECOLOGY
 [Order 00-06—Filed March 20, 2000, 2:34 p.m.]

Title of Rule: Chapter 173-224 WAC, Wastewater discharge permit fees.

Purpose: Correct a typographical error that sets the FY 2001 fee for municipalities at a rate higher than allowed.

Statutory Authority for Adoption: Chapter 90.48 RCW, Water pollution control.

Statute Being Implemented: Chapter 90.48 RCW, Water pollution control.

Summary: Correct a typographical error that set the FY 2001 annual fee for municipalities beyond the fiscal growth factor determined by the Office of Financial Management.

Reasons Supporting Proposal: Keep chapter 173-224 WAC in compliance with Initiative 601.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bev Poston, Olympia, Washington, (360) 407-6425.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 173-224 WAC, Wastewater discharge permit fees allows ecology to recover its costs for administering the wastewater discharge permit program through annual fees to holders of national pollutant discharge elimination system permits and state waste discharge permits. A typographical error occurred during the last rule making, setting the FY 2001 fee for municipalities at a rate higher than the fiscal growth factor determined by the Office of Financial Management. Ecology is proposing to lower the fee set in the rule that will reflect the 2.93% fiscal growth factor limit established by the Office of Financial Management.

Proposal Changes the Following Existing Rules: The FY 2001 fee for municipalities under the existing rule is:

\$1.59 per residential equivalent for populations less than 250,000 residential equivalents.

\$.97 per residential equivalent for populations greater than 250,000 residential equivalents.

Ecology is proposing to lower the FY 2001 fee to the following:

\$1.55 per residential equivalent for populations less than 250,000 residential equivalents.

\$.94 per residential equivalent for populations greater than 250,000 residential equivalents.

This lowered amount reflects the 2.93% fiscal growth factor determined by the Office of Financial Management and is in compliance with Initiative 601.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY May 22, 2000.

March 21, 2000
 Daniel J. Silver
 Deputy Director

AMENDATORY SECTION (Amending Order 99-03, filed 12/28/99, effective 1/28/00)

WAC 173-224-040 Permit fee schedule. (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

INDUSTRIAL FACILITY CATEGORIES	FY 2000	FY 2001	*FY 2002
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
Aluminum Alloys	\$12,229.00	\$12,580.00	\$12,915.00
Aluminum and Magnesium Reduction Mills			
a. NPDES Permit	72,117.00	74,187.00	76,160.00
b. State Permit	36,060.00	37,095.00	38,082.00
Aluminum Forming	36,687.00	37,740.00	38,744.00
Aggregate Production - Individual Permit Coverage			
a. Mining Activities			
1. Mining, screening, washing and/or crushing	2,105.00	2,165.00	2,223.00
2. Nonoperating aggregate site (fee per site)	87.00	89.00	91.00
b. Asphalt Production			
1. 0 - < 50,000 tons/yr.	877.00	902.00	926.00
2. 50,000 - < 300,000 tons/yr.	2,105.00	2,162.00	2,220.00
3. 300,000 tons/yr. and greater	2,631.00	2,707.00	2,779.00

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c. Concrete Production				
1.	0 - < 25,000 cu. yds/yr.	877.00	902.00	926.00
2.	25,000 - < 200,000 cu. yds/yr.	2,105.00	2,162.00	2,220.00
3.	200,000 cu. yds/yr. and greater	2,631.00	2,707.00	2,779.00

The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.

d. Portable Facilities				
1.	Portable Rock Crushing Operations	2,105.00	2,165.00	2,223.00
2.	Asphalt Portable Batch Plant	2,105.00	2,165.00	2,223.00
3.	Concrete Portable Batch Plant	2,105.00	2,165.00	2,223.00

Aggregate Production - General Permit Coverage

a. Mining Activities				
1.	Mining, screening, washing and/or crushing	1,473.00	1,515.00	1,555.00
2.	Nonoperating aggregate site (fee per site)	61.00	63.00	65.00
b. Asphalt Production				
1.	0 - < 50,000 tons/yr.	614.00	632.00	649.00
2.	50,000 - < 300,000 tons/yr.	1,474.00	1,516.00	1,556.00
3.	300,000 tons/yr. and greater	1,841.00	1,894.00	1,944.00
c. Concrete Production				
1.	0 - < 25,000 cu. yds/yr.	614.00	632.00	649.00
2.	25,000 - < 200,000 cu. yds/yr.	1,474.00	1,516.00	1,556.00
3.	200,000 cu. yds/yr. and greater	1,841.00	1,894.00	2,971.00

The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.

d. Portable Facilities				
1.	Portable Rock Crushing Operations	1,474.00	1,516.00	1,556.00
2.	Asphalt Portable Batch Plant	1,474.00	1,516.00	1,556.00
3.	Concrete Portable Batch Plant	1,474.00	1,516.00	1,556.00

Aquaculture

a.	Finfish hatching and rearing - Individual Permit	3,669.00	3,774.00	3,874.00
b.	Finfish hatching and rearing - General Permit Coverage	2,569.00	2,643.00	2,713.00
c.	Shellfish hatching	126.00	130.00	133.00

Boat Yards - Individual Permit Coverage

a.	With storm water only discharge	313.00	322.00	331.00
b.	All others	627.00	645.00	662.00

Boat Yards - General Permit Coverage

a.	With storm water only discharge	219.00	225.00	231.00
b.	All others	439.00	452.00	464.00

Coal Mining and Preparation

a.	< 200,000 tons per year	4,890.00	5,030.00	5,164.00
b.	200,000 - < 500,000 tons per year	11,007.00	11,323.00	11,624.00
c.	500,000 - < 1,000,000 tons per year	19,565.00	20,127.00	20,662.00
d.	1,000,000 tons per year and greater	36,687.00	37,740.00	38,743.00

Combined Industrial Waste Treatment

a.	< 10,000 gpd	2,446.00	2,516.00	2,583.00
b.	10,000 - < 50,000 gpd	6,114.00	6,289.00	6,456.00
c.	50,000 - < 100,000 gpd	12,229.00	12,580.00	12,914.00
d.	100,000 - < 500,000 gpd	24,458.00	25,160.00	25,829.00
e.	500,000 gpd and greater	36,687.00	37,740.00	38,744.00

Combined Food Processing Waste Treatment Facilities

		11,708.00	12,044.00	12,364.00
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Combined Sewer Overflow System

a.	< 50 acres	2,446.00	2,516.00	2,583.00
b.	50 - < 100 acres	6,114.00	6,289.00	6,456.00
c.	100 - < 500 acres	7,339.00	7,550.00	7,751.00
d.	500 acres and greater	9,783.00	10,064.00	10,332.00

Commercial Laundry		313.00	322.00	
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Concentrated Animal Feeding Operation				
a.	< 200 Animal Units	125.00	129.00	132.00
b.	200 - < 400 Animal Units	313.00	322.00	331.00
c.	400 - < 600 Animal Units	627.00	645.00	662.00
d.	600 - < 800 Animal Units	940.00	967.00	993.00
e.	800 Animal Units and greater	1,254.00	1,290.00	1,324.00
Crop Preparing - Individual Permit Coverage				
a.	0 - < 1,000 bins/yr.	244.00	251.00	258.00
b.	1,000 - < 5,000 bins/yr.	489.00	503.00	516.00
c.	5,000 - < 10,000 bins/yr.	978.00	1,006.00	1,033.00
d.	10,000 - < 15,000 bins/yr.	1,958.00	2,014.00	2,068.00
e.	15,000 - < 20,000 bins/yr.	3,239.00	3,332.00	2,421.00
f.	20,000 - < 25,000 bins/yr.	4,524.00	4,654.00	4,778.00
g.	25,000 - < 50,000 bins/yr.	6,052.00	6,226.00	6,392.00
h.	50,000 - < 75,000 bins/yr.	6,726.00	6,919.00	7,103.00
i.	75,000 - < 100,000 bins/yr.	7,825.00	8,050.00	8,264.00
j.	100,000 - < 125,000 bins/yr.	9,783.00	10,064.00	10,332.00
k.	125,000 - < 150,000 bins/yr.	12,229.00	12,580.00	12,915.00
l.	150,000 bins/yr. and greater	14,675.00	15,096.00	15,498.00
Crop Preparing - General Permit Coverage				
a.	0 - < 1,000 bins/yr.	170.00	175.00	180.00
b.	1,000 - < 5,000 bins/yr.	342.00	352.00	362.00
c.	5,000 - < 10,000 bins/yr.	685.00	705.00	724.00
d.	10,000 - < 15,000 bins/yr.	1,371.00	1,410.00	1,448.00
e.	15,000 - < 20,000 bins/yr.	2,268.00	2,333.00	2,395.00
f.	20,000 - < 25,000 bins/yr.	3,167.00	3,258.00	3,345.00
g.	25,000 - < 50,000 bins/yr.	4,236.00	4,358.00	4,474.00
h.	50,000 - < 75,000 bins/yr.	4,708.00	4,843.00	4,972.00
i.	75,000 - < 100,000 bins/yr.	5,478.00	5,635.00	5,786.00
j.	100,000 - < 125,000 bins/yr.	6,848.00	7,045.00	7,232.00
k.	125,000 - < 150,000 bins/yr.	8,560.00	8,806.00	9,040.00
l.	150,000 bins/yr. and greater	10,272.00	10,567.00	10,848.00
Dairies \$.50 per Animal Unit not to exceed \$878.00 for FY 2000, \$903.00 for FY 2001 and 927.00 for FY 2002				
Facilities Not Otherwise Classified - Individual Permit Coverage				
a.	< 1,000 gpd	1,223.00	1,258.00	1,291.00
b.	1,000 - < 10,000 gpd	2,446.00	2,516.00	2,583.00
c.	10,000 - < 50,000 gpd	6,114.00	6,290.00	6,457.00
d.	50,000 - < 100,000 gpd	9,783.00	10,064.00	10,332.00
e.	100,000 - < 500,000 gpd	19,565.00	20,027.00	20,560.00
f.	500,000 - < 1,000,000 gpd	24,457.00	25,159.00	25,828.00
g.	1,000,000 gpd and greater	36,687.00	37,740.00	38,744.00
Facilities Not Otherwise Classified - General Permit Coverage				
a.	< 1,000 gpd	857.00	882.00	905.00
b.	1,000 - < 10,000 gpd	1,712.00	1,761.00	1,808.00
c.	10,000 - < 50,000 gpd	4,281.00	4,404.00	4,521.00
d.	50,000 - < 100,000 gpd	6,848.00	7,045.00	7,232.00
e.	100,000 - < 500,000 gpd	13,695.00	14,088.00	14,463.00
f.	500,000 - < 1,000,000 gpd	17,120.00	17,611.00	18,079.00
g.	1,000,000 gpd and greater	25,681.00	26,418.00	27,121.00
Flavor Extraction				
a.	Steam Distillation	125.00	129.00	132.00
Food Processing				
a.	< 1,000 gpd	1,222.00	1,257.00	1,290.00
b.	1,000 - < 10,000 gpd	3,118.00	3,207.00	3,292.00
c.	10,000 - < 50,000 gpd	5,564.00	5,724.00	5,876.00
d.	50,000 - < 100,000 gpd	8,743.00	8,994.00	9,232.00

e.	100,000 - < 250,000 gpd	12,229.00	12,580.00	12,915.00
f.	250,000 - < 500,000 gpd	16,081.00	16,543.00	16,983.00
g.	500,000 - < 750,000 gpd	20,177.00	20,756.00	21,308.00
h.	750,000 - < 1,000,000 gpd	24,457.00	25,159.00	28,528.00
i.	1,000,000 - < 2,500,000 gpd	29,961.00	30,821.00	31,641.00
j.	2,500,000 - < 5,000,000 gpd	33,629.00	34,594.00	35,514.00
k.	5,000,000 gpd and greater	36,687.00	37,740.00	38,744.00
Fuel and Chemical Storage				
a.	< 50,000 bbls	1,223.00	1,258.00	1,291.00
b.	50,000 - < 100,000 bbls	2,446.00	2,516.00	2,583.00
c.	100,000 - < 500,000 bbls	6,114.00	6,289.00	6,456.00
d.	500,000 bbls and greater	12,229.00	12,580.00	12,915.00
Hazardous Waste Clean Up Sites				
a.	Leaking Underground Storage Tanks (LUST)			
1.	State Permit	3,208.00	3,300.00	3,388.00
2.	NPDES Permit Issued pre 7/1/94	3,208.00	3,300.00	3,338.00
3.	NPDES Permit Issued post 7/1/94	6,415.00	6,599.00	6,775.00
b.	Non-LUST Sites			
1.	1 or 2 Contaminants of concern	6,272.00	6,452.00	6,624.00
2.	> 2 Contaminants of concern	12,542.00	12,902.00	13,245.00
Ink Formulation and Printing				
a.	Commercial Print Shops	1,881.00	1,935.00	1,986.00
b.	Newspapers	3,136.00	3,226.00	3,312.00
c.	Box Plants	5,017.00	5,161.00	5,298.00
d.	Ink Formulation	6,272.00	6,452.00	6,624.00
Inorganic Chemicals Manufacturing				
a.	Lime Products	6,114.00	6,289.00	6,456.00
b.	Fertilizer	7,361.00	7,572.00	7,773.00
c.	Peroxide	9,783.00	10,064.00	10,332.00
d.	Alkaline Earth Salts	12,229.00	12,580.00	12,915.00
e.	Metal Salts	17,119.00	17,610.00	18,078.00
f.	Acid Manufacturing	24,457.00	25,159.00	25,829.00
g.	Chlor-alkali	48,916.00	50,320.00	51,659.00
Iron and Steel				
a.	Foundries	12,229.00	12,580.00	12,915.00
b.	Mills	24,479.00	25,181.00	25,851.00
Metal Finishing				
a.	< 1,000 gpd	1,466.00	1,508.00	1,548.00
b.	1,000 - < 10,000 gpd	2,445.00	2,515.00	2,582.00
c.	10,000 - < 50,000 gpd	6,113.00	6,288.00	6,455.00
d.	50,000 - < 100,000 gpd	12,228.00	12,579.00	12,914.00
e.	100,000 - < 500,000 gpd	24,456.00	25,158.00	25,827.00
f.	500,000 gpd and greater	36,685.00	37,738.00	38,742.00
Noncontact Cooling Water With Additives - Individual Permit Coverage				
a.	< 1,000 gpd	765.00	787.00	808.00
b.	1,000 - < 10,000 gpd	1,528.00	1,572.00	1,614.00
c.	10,000 - < 50,000 gpd	2,294.00	2,360.00	2,423.00
d.	50,000 - < 100,000 gpd	5,351.00	5,505.00	5,651.00
e.	100,000 - < 500,000 gpd	9,171.00	9,434.00	9,685.00
f.	500,000 - < 1,000,000 gpd	12,995.00	13,368.00	13,724.00
g.	1,000,000 - < 2,500,000 gpd	16,816.00	17,299.00	17,759.00
h.	2,500,000 - < 5,000,000 gpd	20,634.00	21,226.00	21,791.00
i.	5,000,000 gpd and greater	24,457.00	25,159.00	25,828.00
Noncontact Cooling Water With Additives - General Permit Coverage				
a.	< 1,000 gpd	536.00	552.00	567.00
b.	1,000 - < 10,000 gpd	1,069.00	1,100.00	1,129.00
c.	10,000 - < 50,000 gpd	1,606.00	1,652.00	1,696.00

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d.	50,000 - < 100,000 gpd	3,746.00	3,854.00	3,957.00
e.	100,000 - < 500,000 gpd	6,420.00	6,604.00	6,780.00
f.	500,000 - < 1,000,000 gpd	9,097.00	9,358.00	9,607.00
g.	1,000,000 - < 2,500,000 gpd	11,771.00	12,109.00	12,431.00
h.	2,500,000 - < 5,000,000 gpd	14,444.00	14,858.00	15,253.00
i.	5,000,000 gpd and greater	17,120.00	17,611.00	18,079.00
Noncontact Cooling Water Without Additives - Individual Permit Coverage				
a.	< 1,000 gpd	612.00	630.00	647.00
b.	1,000 - < 10,000 gpd	1,223.00	1,258.00	1,291.00
c.	10,000 - < 50,000 gpd	1,835.00	1,888.00	1,938.00
d.	50,000 - < 100,000 gpd	4,281.00	4,404.00	4,521.00
e.	100,000 - < 500,000 gpd	7,339.00	7,550.00	7,751.00
f.	500,000 - < 1,000,000 gpd	10,394.00	10,692.00	10,981.00
g.	1,000,000 - < 2,500,000 gpd	13,452.00	13,838.00	14,206.00
h.	2,500,000 - < 5,000,000 gpd	16,508.00	16,982.00	17,434.00
i.	5,000,000 gpd and greater	19,565.00	20,127.00	20,662.00
Noncontact Cooling Water Without Additives - General Permit Coverage				
a.	< 1,000 gpd	428.00	441.00	453.00
b.	1,000 - < 10,000 gpd	857.00	882.00	905.00
c.	10,000 - < 50,000 gpd	1,284.00	1,321.00	1,356.00
d.	50,000 - < 100,000 gpd	2,996.00	3,082.00	3,164.00
e.	100,000 - < 500,000 gpd	5,137.00	5,284.00	5,425.00
f.	500,000 - < 1,000,000 gpd	7,276.00	7,485.00	7,684.00
g.	1,000,000 - < 2,500,000 gpd	9,417.00	9,687.00	9,945.00
h.	2,500,000 - < 5,000,000 gpd	11,556.00	11,888.00	12,204.00
i.	5,000,000 gpd and greater	13,695.00	14,088.00	14,623.00
Nonferrous Metals Forming				
		12,229.00	12,580.00	12,915.00
Ore Mining				
a.	Ore Mining	2,446.00	2,516.00	2,583.00
b.	Ore mining with physical concentration processes	4,891.00	5,031.00	5,165.00
c.	Ore mining with physical and chemical concentration processes	19,565.00	20,127.00	20,662.00
Organic Chemicals Manufacturing				
a.	Fertilizer	12,229.00	12,580.00	12,915.00
b.	Aliphatic	24,457.00	25,159.00	25,828.00
c.	Aromatic	36,687.00	37,740.00	38,744.00
Petroleum Refining				
a.	< 10,000 bbls/d	24,457.00	25,159.00	25,828.00
b.	10,000 - < 50,000 bbls/d	48,916.00	50,320.00	51,659.00
c.	50,000 bbls/d and greater	97,835.00	100,643.00	103,320.00
Photofinishers				
a.	< 1,000 gpd	978.00	1,006.00	1,034.00
b.	1,000 gpd and greater	2,446.00	2,516.00	2,583.00
Power and/or Steam Plants				
a.	Steam Generation - Nonelectric	4,890.00	5,030.00	5,164.00
b.	Hydroelectric	4,890.00	5,030.00	5,164.00
c.	Nonfossil Fuel	7,338.00	7,549.00	7,750.00
d.	Fossil Fuel	19,565.00	20,127.00	20,662.00
Pulp, Paper and Paper Board				
a.	Fiber Recyclers	12,228.00	12,579.00	12,914.00
b.	Paper Mills	24,457.00	25,159.00	25,828.00
c.	Groundwood Pulp Mills			
1.	< 300 tons per day	36,687.00	37,740.00	38,744.00
2.	> 300 tons per day	73,373.00	75,479.00	77,487.00
d.	Chemical Pulp Mills w/o Chlorine Bleaching	97,829.00	100,637.00	103,314.00
e.	Chemical Pulp Mills w/Chlorine Bleaching	110,057.00	113,216.00	116,228.00

Radioactive Effluents and Discharges (RED)

a. < 3 waste streams	23,674.00	24,353.00	25,001.00
b. 3 - < 8 waste streams	41,087.00	42,266.00	43,390.00
c. 8 waste streams and greater	67,672.00	69,614.00	71,466.00

RCRA Corrective Action Sites

	17,189.00	17,682.00	18,152.00
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Seafood Processing

a. < 1,000 gpd	1,223.00	1,258.00	1,291.00
b. 1,000 - < 10,000 gpd	3,118.00	3,207.00	3,292.00
c. 10,000 - < 50,000 gpd	5,564.00	5,724.00	5,876.00
d. 50,000 - < 100,000 gpd	8,743.00	8,994.00	9,233.00
e. 100,000 gpd and greater	12,229.00	12,580.00	12,915.00

Shipyards

a. Per crane, travel lift, small boat lift	2,446.00	2,516.00	2,583.00
b. Per drydock under 250 ft in length	2,446.00	2,516.00	2,583.00
c. Per graving dock	2,446.00	2,516.00	2,583.00
d. Per marine way	3,669.00	3,774.00	3,874.00
e. Per sycrolift	3,669.00	3,774.00	3,874.00
f. Per drydock over 250 ft in length	4,891.00	5,031.00	5,165.00

The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.

Solid Waste Sites (nonstorm water)

a. Nonputrescible	4,891.00	5,031.00	5,165.00
b. < 50 acres	9,783.00	10,063.00	10,331.00
c. 50 - < 100 acres	19,565.00	20,127.00	20,662.00
d. 100 - < 250 acres	24,457.00	25,159.00	25,828.00
e. 250 acres and greater	36,687.00	37,740.00	38,744.00

Storm Water (Unless specifically categorized elsewhere.)

a. Individual Industrial Permits			
1. < 50 acres	2,446.00	2,516.00	2,583.00
2. 50 - < 100 acres	4,891.00	5,031.00	5,165.00
3. 100 - < 500 acres	7,338.00	7,549.00	7,750.00
4. 500 acres and greater	9,783.00	10,064.00	10,332.00
b. Facilities covered under the Industrial Storm Water General Permit	325.00	334.00	343.00
c. Construction activities covered under the Industrial Storm Water General Permit	325.00	334.00	343.00

Textile Mills

	48,916.00	50,320.00	51,659.00
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Timber Products

a. Log Storage	2,446.00	2,516.00	2,583.00
b. Veneer	4,891.00	5,031.00	5,165.00
c. Sawmills	9,783.00	10,064.00	10,332.00
d. Hardwood, Plywood	17,119.00	17,610.00	18,078.00
e. Wood Preserving	24,457.00	24,159.00	24,802.00

Vegetable/Bulb Washing Facilities

a. < 1,000 gpd	81.00	83.00	85.00
b. 1,000 - < 5,000 gpd	162.00	167.00	171.00
c. 5,000 - < 10,000 gpd	322.00	331.00	340.00
d. 10,000 - < 20,000 gpd	648.00	667.00	685.00
e. 20,000 and greater	1,072.00	1,103.00	1,132.00

Vehicle Maintenance and Freight Transfer

a. < 0.5 acre	2,446.00	2,516.00	2,583.00
b. 0.5 - < 1.0 acre	4,891.00	5,031.00	5,165.00
c. 1.0 acre and greater	7,338.00	7,549.00	7,750.00

Water Plants - Individual Permit Coverage

	3,058.00	3,146.00	3,230.00
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Water Plants - General Permit Coverage

	2,141.00	2,202.00	2,261.00
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Wineries

a. < 500 gpd	250.00	257.00	
b. 500 - < 750 gpd	501.00	515.00	518.00

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c. 750 - < 1,000 gpd	1,001.00	1,030.00	
d. 1,000 - < 2,500 gpd	2,001.00	2,058.00	2,113.00
e. 2,500 - < 5,000 gpd	3,191.00	3,283.00	3,370.00
f. 5,000 gpd and greater	4,380.00	4,506.00	4,626.00

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.

(a) Facilities other than those in the aggregate production, crop preparing, shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the department will send the information form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the

applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department has begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

(i)	Residential Equivalents (RE)	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
	< 250,000	\$ 1.51 per RE	\$ (1.59) 1.55 per RE	\$ 1.59 per RE
	> 250,000	.91 per RE	(.97) .94 per RE	.97 per RE

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.

(ii) Municipal storm water permit annual fee for only those entities listed below will be:

Name of Entity	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
King County	\$ 27,856.00	\$ 28,655.00	\$29,417.00
Snohomish County	27,856.00	28,655.00	29,417.00

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Name of Entity	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
Pierce County	27,856.00	28,655.00	29,417.00
Tacoma, City of	27,856.00	28,655.00	29,417.00
Seattle, City of	27,856.00	28,655.00	29,417.00
Department of Transportation	27,856.00	28,655.00	29,417.00
Clark County	27,856.00	28,655.00	29,417.00

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.

Facilities listed in (a)(ii) of this subsection shall pay an annual fee for fiscal year 2000 and fiscal year 2001 regardless of the permit issuance date or the number of municipal storm water permits under which they are covered.

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

- (i) Holds more than one permit for domestic wastewater facilities; and
- (ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

- (i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and
- (ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

Permitted Flows	FY 2000 Annual Permit Fee	FY 2001 Annual Permit Fee	*FY 2002 Annual Permit Fee and Beyond
.1 MGD and Greater	\$6,114.00	\$6,289.00	\$6,456.00
.05 MGD to < .1 MGD	2,446.00	2,516.00	2,583.00
.0008 MGD to < .05 MGD	1,223.00	1,258.00	1,291.00
< .0008 MGD	367.00	378.00	388.00

* Fees for FY 2002 are based on the projected fiscal growth factor of 2.66% established by the governor's office of financial management. Ecology will increase fees to match the final fiscal growth factor determination and will directly notify permit holders of their fee assessment no later than March, 2001.

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue

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by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor; or

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

WSR 00-07-116
EXPEDITED ADOPTION
LIQUOR CONTROL BOARD

[Filed March 21, 2000, 8:12 a.m.]

Title of Rule: WAC 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list, 314-16-190 Spirits, beer and wine restaurant—Qualifications, and 314-16-196 Spirits, beer and wine restaurant—Floor space requirements—Conditions for serve bar only premises.

Purpose: The Liquor Control Board has reviewed all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. Proposed chapter 314-02 WAC will replace the certain portions of the WACs listed on this notice. These WACs outline the requirements for retail liquor licenses, such as restaurants, taverns, and grocery stores.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.010, 66.24.120.

Statute Being Implemented: RCW 66.24.010, 66.24.120.

Summary: Chapter 314-02 WAC has been adopted by the board and filed with the Office of the Code Reviser as WSR 00-07-091. These WACs outline the requirements for retail liquor licenses, such as restaurants, taverns, and grocery stores. The new WACs will replace the portions of the WACs listed on this notice.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, P.O. Box 43080, Olympia, WA 98504, (360) 664-1648; Implementation: David Goyette, P.O. Box 43080, Olympia, WA 98504, (360) 664-1615; and Enforcement: Rick Phillips, P.O. Box 43080, Olympia, WA 98504, (360) 664-1731.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Liquor Control Board is proposing to repeal the following subsections of chapter 314-02 WAC, Requirements for retail liquor licenses, which will be replaced by new rules adopted by the board.

WAC 314-16-040 (4) and (5) Service limited to license and order—Removal of liquor in open containers—Room service—Price list.

WAC 314-16-190 (2), (3), (4), (6), (7), (8), and (9) Spirits, beer and wine restaurant—Qualifications.

WAC 314-16-196 (5)(d) Spirits, beer and wine restaurant—Floor space requirements—Conditions for serve bar only premises.

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

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Teresa Berntsen, Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, AND RECEIVED BY May 22, 2000.

March 20, 2000
Eugene A. Prince
Chair

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list. (1) No retail licensee shall possess or allow any person to consume or possess any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control except under authority of a banquet permit; however, a restaurant licensee may, with or without a corkage fee, allow patrons to bring wine into the premises for consumption with a meal.

(2) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of confection or food products provided that prior written permission of the board is obtained, all confection or food products manufactured contain one percent or less of alcohol by weight,

and customers are made aware that such confection or food products contain liquor and the alcohol content is one percent or less of the weight of the product.

(3) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises except that liquor brought on a licensed premises under authority of a banquet permit shall be recorked, recapped or resealed in its original container and shall be removed at the termination of such banquet permit function. Further, wine may be removed as authorized by RCW 66.24.320 and 66.24.400.

~~(4) ((No holder of a spirits, beer and wine restaurant license shall be permitted to hold any other class of retail license covering the premises so licensed. Upon the granting of a spirits, beer and wine restaurant license, all other classes of retail licenses which may be held by such new spirits, beer and wine restaurant licensee at that time at the premises to be so licensed must be surrendered to the board for cancellation.~~

~~(5) When a hotel and restaurant are located in the same building or in adjoining buildings and owned by the same person or entity, room service may be provided to the hotel patrons. When the restaurant and hotel are under separate ownership, room service is authorized only when a limited lease or agreement for that purpose has been submitted to and approved by the board.~~

~~(6))~~ No licensee shall sell or serve any spirituous liquor, beer, or wine other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. A spirits, beer and wine restaurant licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

~~((7))~~ (5) No holder of a beer and/or wine restaurant license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Singapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, unless the name of such drink is prefaced by the word "wine," such as Wine Old Fashioned. The holder of a beer and/or wine restaurant license may advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-16-190 Spirits, beer and wine restaurant—Qualifications. (1) Definitions: For the purpose of this section:

(a) Complete meals means any combination of foods consisting of an entree and at least one additional course that is prepared and cooked on the premises and, except as provided in subsection (5) of this section, requires the use of dining implements for consumption.

(b) Entree means the main course of a meal to include meat, fish, fowl, eggs, vegetarian meat substitutes, pasta, or any combination thereof. Except as provided in subsection (5) of this section, such entree must be heated by means of baking, roasting, broiling, or grilling.

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(c) Minimum food service means sandwiches and/or short orders such as deep fried foods, hors d'oeuvres, soup, or chili. Snacks such as peanuts, popcorn, and chips are not sufficient to meet the minimum food service requirement.

(2) ~~((All restaurant applicants for a spirits, beer and wine license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).~~

(3) ~~A restaurant applicant for a spirits, beer and wine license shall be subject to the following requirements which are conditions precedent to action by the board on the application:~~

(a) ~~The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value. The kitchen equipment shall include, at a minimum, adequate refrigeration, oven, grill, cooktop, and/or broiler to support the menu.~~

(b) ~~Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in (a) of this subsection is in place and is operational.~~

(4) ~~In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.~~

(5) ~~Each spirits, beer and wine restaurant licensee shall conspicuously display or provide to any patron upon request, a menu offering a variety of at least five entrees accompanied by such other foods as to constitute a complete meal. One of the five entrees may consist of pizza or a deep fried food. Where salad bars or other buffet-type meals are offered, one or more entrees may be included to count toward the five entree requirement.~~

(6) ~~The restaurant area of any spirits, beer and wine restaurant shall be open to the public for service of complete meals, with a minimum selection of five entrees, at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day between the hours of 11:00 a.m. and 11:00 p.m. on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. The hours of complete meal service shall be conspicuously posted for public viewing. A chef or cook shall be on duty during the hours when complete meal service~~

~~is available. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, minimum food service shall be available for sale to the public. Notice of such minimum food service availability shall be conspicuously posted in all areas where liquor is being served.~~

(7) ~~The licensee shall maintain the ingredients necessary to provide complete meals including at least five different entrees during those times as required in subsection (5) of this section and minimum food service at all other times. Such ingredients shall be fresh, palatable, and relate to the menu so posted or available to the public.~~

(8) ~~The refusal or failure by any licensee or employee thereof to provide complete meals or minimum food service shall be prima facie evidence of a violation of this section.~~

(9) ~~In the event a spirits, beer and wine restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its spirits, beer and wine restaurant license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the spirits, beer and wine restaurant license under such terms and conditions as the board determines are in the best interest of the public.)~~

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-16-196 Spirits, beer and wine restaurant—Floor space requirements—Conditions for service bar only premises. (1) Definitions. For the purpose of this section:

(a) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(b) "Cabaret" means a dining area also used to conduct entertainment such as live music, patron dancing, comedy and floor shows.

(c) "Cocktail lounge" means that portion of a licensed premises used primarily for the preparation, sale and service of liquor. Persons under twenty-one years of age are not permitted to enter a cocktail lounge except as otherwise provided under this title.

(d) "Public service area" means those public areas where food and/or liquor is normally sold and served to the general public.

(e) "Dining room" means that area dedicated to the sale and service of food with liquor being incidental to dining. A dining area must be separate and apart from a dance floor, entertainment stage, cocktail lounge or game area except if written permission is given by the board to use a dining area during specified times as a cabaret area.

(f) "Service bar" means any fixed or portable table, counter, cart or similar work station primarily used to prepare, mix, serve and sell liquor for pickup only, by employees and customers.

(2) Before the board shall issue a spirits, beer and wine restaurant license to a bona fide restaurant, the applicant shall

submit, as a part of or in addition to the blueprint required by WAC 314-16-190 (2)(a), a scale drawing one-quarter inch equals one foot of the proposed premises indicating that the area designated as the primary dining room(s) comprises at least fifteen percent of the total public service area: Provided,

(a) Banquet rooms are permitted without limitations as to number or size.

(b) Routine sale and service of liquor in a banquet room to the public requires written board approval.

(3) The boundary of a cocktail lounge or other restricted area shall be clearly defined as a separate and distinct area by fixed or movable barriers, including, but not limited to, railings, ropes and stanchions, shrubbery or other closely placed plantings, etc.

(a) Restricted area entrances may be no wider than ten feet.

(b) Minor prohibited signs as required by WAC 314-16-025 must be placed at all restricted area entrances and other locations as necessary.

(c) The licensee is responsible to construct and post restricted area boundaries to reasonably prevent unauthorized persons from entering such areas.

(d) Movable barriers may not be placed so as to reduce the required dining area to less than fifteen percent.

(4) In spirits, beer and wine restaurant premises with a cocktail lounge, any portable service bar(s) may be placed in, or moved about, public service areas other than the dining area(s) without need for separate board approval.

(a) Any permanently fixed service bar(s) must be included as part of original floor plans or submitted as an alterations request, requiring board approval.

(b) Customers may not be seated or allowed to consume food or liquor at the service bar(s).

(5) Spirits, beer and wine restaurant licensees/applicants may have a service bar(s) without regard to the floor space requirements of subsection (2) of this section, in lieu of a cocktail lounge on the following conditions:

(a) Location of permanently fixed service bar(s) shall be approved, in writing, by the board.

(b) Customers may not be seated or allowed to consume food or liquor at the service bar(s).

(c) Liquor sale, service and consumption may take place only during hours that the full restaurant menu is available and a chef or cook is on duty.

~~((d) A spirits, beer and wine licensed restaurant having a service bar(s) only, is not eligible for entertainment except for the added activity of live background music. Written board approval is required.))~~

(6) If the board issues a spirits, beer and wine restaurant license to a bona fide restaurant which has a service bar in lieu of an approved cocktail lounge and the licensee subsequently applies for approval to install a cocktail lounge, the board will process such a change in the same manner as an application for a new spirits, beer and wine restaurant license (i.e., notice will be posted at the premises, notice will be given to local officials, and nearby churches and schools will be notified).

(7) The board may approve variations to the floor space requirement of this subsection where the applicant/licensee

can demonstrate to the satisfaction of the board that the proposed layout would best suit the available floor space.

WSR 00-07-004
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-051.

Title of Rule: WAC 4-25-400 Preamble.

Purpose: To introduce the board's rules, chapter 4-25 WAC.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055.

Summary: Outlines the authority for and the purpose of the board's rules, chapter 4-25 WAC.

Reasons Supporting Proposal: Advises the reader of the authority given to the board by the legislature to enact rules and of the subjects covered by the board's rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules advises the reader of the authority given to the board by the legislature through chapter 18.04 RCW (the Public Accountancy Act). This authority includes the enactment of rules. This rule is a preamble to those rules and lists the general subjects included in chapter 4-25 WAC.

Proposal Changes the Following Existing Rules: Amendment of the rule will:

1. Present the rule in a clear concise format.
2. Align with the six major headings found within chapter 4-25 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 25, 2000
 Dana M. McInturff, CPA
 Executive Director

AMENDATORY SECTION (Amending WSR 93-12-063, filed 5/27/93, effective 7/1/93)

WAC 4-25-400 ((Preamble.)) What is the authority for and the purpose of the board's rules? ((These rules are adopted by the Washington state board of accountancy, pursuant to its authority under RCW 18.04.055, the Public Accounting Act. Their purpose is to promote and protect the public interest by implementing the provisions of that act, which provide for the certifying and licensing of practitioners of public accountancy and the regulation of the practice of public accountancy. The further purpose is the enhancing of the reliability of information which is used for guidance in financial transactions or for accounting for or assessing the financial status or performance of commercial, noncommercial, and governmental enterprises.)) The Public Accountancy Act (act) establishes the board as the licensing and disciplinary agency for certified public accountants (CPA) and CPA firms. The act authorizes the board to promulgate rules to carry out the purpose of the act, which include:

- Protecting the public interest; and
 - Enhancing the reliability of information used for guidance in financial transactions or for accounting for or assessing financial status or performance.
- The board's rules, contained in chapter 4-25 WAC, encompass these subjects:
- Definitions;
 - Administration of the board;
 - Ethics and prohibited practices;
 - Certifying and licensing entry and renewal requirements;
 - Continuing competency; and
 - Regulation and enforcement.

WSR 00-07-005
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-032.

Title of Rule: WAC 4-25-510 What is the board's meeting schedule and how are officers elected?

Purpose: Procedural rule to govern the conduct of matters before the board.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 42.30.070.

Summary: Provides the time and dates of regular meetings and the annual meeting of the board, notifies the public of the election of officers at the board's annual meeting, and outlines the procedures the board will follow during its meetings.

Reasons Supporting Proposal: RCW 42.30.070 provides that the governing body of a public agency shall by rule provide the time for holding regular meetings.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule advises the public of:

- (1) The dates and times the board will hold its regular and annual meetings.
- (2) The election of officers at the annual meeting.
- (3) When the newly elected officers will assume their duties.
- (4) Who has the authority to call meetings of the board.
- (5) The board's compliance with the Administrative Procedure Act.

Proposal Changes the Following Existing Rules: The amendment to the rule:

- 1. Clarifies that the board's meetings are "regular" meetings beginning at 9:00 a.m.
- 2. Removes the 5:00 p.m. ending time for regular board meetings.
- 3. States that the annual board meeting begins at 9:00 a.m. and removes the 5:00 p.m. ending time.
- 4. Changes the board's annual meeting to the second Friday of December from the third Friday of December.
- 5. Incorporates portions of WAC 4-25-522 Operations and procedures:
 - a. The board consists of seven members.
 - b. Clarifies that the board's meetings are open public meetings.
 - c. Advises the public to contact the board's office for information regarding board activities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.
February 25, 2000
Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 99-18-111, filed 9/1/99, effective 1/1/00)

WAC 4-25-510 What is the board's meeting schedule and how are officers elected? (~~The board meets from 9:00~~

~~a.m. to 5:00 p.m.))~~ **Regular board meetings begin at 9:00 a.m.** on the last Friday of the month in the months of January, April, July and October. (~~Additionally,))~~ The board holds an annual meeting (~~from 9:00 a.m. to 5:00 p.m.))~~ **beginning at 9:00 a.m.** on the (~~third~~) **second** Friday of December.

The board consists of seven members. At the annual meeting the board elects the chair, vice-chair, and secretary from its members. The newly elected officers assume the duties of their offices at the conclusion of the meeting and serve a term of one year. Officers can be reelected for one additional term.

Either the chair or a quorum of the board has the authority to call meetings of the board. (~~The board complies with the rules of procedure, chapter 42.30 RCW, in regards to notice and conduct of meetings.))~~ The chair presides at all meetings. In the event of the chair's absence or inability to act, the vice-chair presides. The board determines other duties of the officers.

The board's meetings are open public meetings conducted pursuant to chapter 42.30 RCW. Contact the board's office for meeting times and locations or additional information regarding the board's activities.

WSR 00-07-006
PROPOSED RULES
BOARD OF ACCOUNTANCY
[Filed March 3, 2000, 10:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-053.

Title of Rule: WAC 4-25-522 Operations and procedures.

Purpose: Repeal sections of chapter 4-25 WAC.
Statutory Authority for Adoption: RCW 18.04.055.
Statute Being Implemented: RCW 18.04.055.
Summary: Repeal section of chapter 4-25 WAC.

Reasons Supporting Proposal: Portions of the section are duplicative of statute and other board rules, other portions are too generic to be useful, the listing of administrative duties is incomplete, and the section itself is not particularly relevant or useful. The board proposes to move relevant portions of the section to WAC 4-25-510.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is not particularly relevant or useful. Statute and other board rules govern portions of this section making those portions redundant. Other portions are too generic to be useful. The listing of board administrative duties is incomplete. The board will propose moving two minor portions of the section to WAC 4-25-510.

PROPOSED

Proposal Changes the Following Existing Rules: Eliminates a rule that is for the most part unnecessary. The board proposes moving the following two minor portions of the rule to WAC 4-25-510:

1. The board consists of seven members.
2. The board's meetings are open public meetings. Contact the board's office for information regarding the board's activities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The repeal of this rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 25, 2000

Dana M. McInturff, CPA
Executive Director

WSR 00-07-007

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-054.

Title of Rule: WAC 4-25-540 What are brief adjudicative proceedings?

Purpose: To provide a process authorized by the Administrative Procedure Act, chapter 34.05 RCW, for persons to appeal certain decisions by board staff.

Statutory Authority for Adoption: RCW 18.04.055(1).

Statute Being Implemented: RCW 34.05.482.

Summary: To provide a process for persons to appeal a staff action denying initial individual license or certificate applications, initial or renewal firm license applications, exam applications, or a determination of default on federally or state-guaranteed student loans.

Reasons Supporting Proposal: RCW 34.05.482 (the Administrative Procedure Act) allows the board to use brief adjudicative proceedings provided the board has by rule adopted RCW 34.05.482 and 34.05.485 through 34.05.494 and the matter is entirely within one or more categories within the board's rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 34.05 RCW (Administrative Procedure Act) allows agencies to adopt brief adjudicative proceedings to resolve some limited administrative issues. The board uses brief adjudicative proceedings to provide a process to persons to appeal staff actions denying initial individual license or certificate applications, initial or renewal of firm license applications, exam applications, or a determination of default on federally or state-guaranteed student loans.

Proposal Changes the Following Existing Rules: The amendment to this rule:

1. Adds "denials of exam applications" to the listing of decisions governed by brief adjudicative proceedings - this is a technical correction to align the rule with long-term board practice.

2. Adds "denials of initial firm license applications and firm license renewals" to the listing of decisions governed by brief adjudicative proceedings.

3. Eliminates "good character rulings" from the brief adjudicative proceedings - due [to] the severity of the consequence.

4. Eliminates "agency ethics rulings" from the brief adjudicative proceedings - too vague.

5. Includes two minor working amendments for clarity.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 25, 2000

Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 98-12-022, filed 5/27/98, effective 6/27/98)

WAC 4-25-540 What are brief adjudicative proceedings? For certain types of decisions, the board has adopted an appeal process authorized by chapter 34.05 RCW which is called a brief adjudicative proceeding. Decisions to which this appeal process will be applied are:

- Denials of initial individual license or certificate applications;

((~~• Good character rulings;~~

PROPOSED

- ~~Agency ethics rulings; and~~
- Denials of initial firm license applications and firm license renewals;
- Denials of exam applications; and
- A determination whether a licensee or certificate-holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service conditional scholarship.

To appeal a decision you must submit your request for a brief adjudicative proceeding, **in writing**, to the board **within thirty days** after the decision by board staff is posted in the U.S. mail. The residing officer for the brief adjudicative proceedings is the executive director. After consulting with a board member, the executive director renders a decision either upholding or overturning the decision by board staff. This decision, called an order, is mailed to you.

If you ~~((do not receive satisfaction from))~~ are dissatisfied with the order in the brief adjudicative proceeding, you may appeal to the board's vice-chair. This appeal process is called an administrative review. Your appeal must be received by the board, **orally or in writing, within twenty-one days** after the brief adjudicative proceedings order is posted in the U.S. mail. The vice-chair considers your appeal and either upholds or overturns the brief adjudicative proceeding ~~((decision))~~ order. The vice-chair's decision, also called an order, is mailed to you.

WSR 00-07-008
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-056.

Title of Rule: WAC 4-25-631 Compliance with standards.

Purpose: To identify the standards with which the board requires certified public accountants (CPAs) to comply and the bodies that promulgate the identified standards.

Statutory Authority for Adoption: RCW 18.04.055 (2) and (6).

Statute Being Implemented: RCW 18.04.055 (2) and (6).

Summary: The rule requires Washington certified public accountants (CPAs) to comply with rules, regulations, professional standards promulgated by the appropriate bodies for each endeavor undertaken.

Reasons Supporting Proposal: The board's legal counsel and prosecuting attorney general advised the board to clarify the requirements on compliance with standards. The goal of the amendment is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rule.
- Promote efficiencies through minimizing gray areas.

- Address the need to protect the public through regulation of the practice of public accountancy and enhancing the reliability of information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Compliance with standards is a rule of professional conduct necessary to establish and maintain high standards of competence and ethics of certified public accountants (CPAs) to protect the public interest.

Proposal Changes the Following Existing Rules: The amendment to the rule:

1. Adds the following to the listing of "appropriate bodies":

- a. Cost Accounting Standards Board (CASB).
- b. Federal Accounting Standards Advisory Board (FASAB).
- c. U.S. General Accounting Office (GAO).
- d. Federal Office of Management and Budget (OMB).

2. Eliminates "recognized educational and industry institutions" from the listing of appropriate bodies.

3. Replaces the listing of generic standards with which CPAs must comply with a listing of specific standards.

4. Requires CPAs to follow three criteria for professional services not governed by the specific standards listing.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 25, 2000

Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 98-12-050, filed 5/29/98, effective 6/29/98)

WAC 4-25-631 ((Compliance with standards.)) With which rules, regulations and professional standards must a CPA comply? ((A certified public accountant shall exercise due care and professional judgment in order to comply with the pertinent accounting principles, professional stan-

dards, regulations, releases and rules (hereinafter referred to as "standards") promulgated by the "appropriate bodies" for each endeavor undertaken. A certified public accountant shall be knowledgeable of federal, state and local law pertinent to the endeavor. If professional standards differ from board rule, board rules prevail.

Such "appropriate bodies" include, but are not limited to, the Securities and Exchange Commission; the Financial Accounting Standards Board; the Governmental Accounting Standards Board; the Internal Revenue Service; federal, state, and local audit, regulatory and tax agencies; the American Institute of Certified Public Accountants; and recognized educational and industry institutions.

Such "standards" include, but are not limited to:

- (1) Regulation SX and the accounting series releases of the Securities and Exchange Commission;
- (2) Generally accepted accounting principles and other comprehensive bases of accounting;
- (3) Generally accepted auditing, review, compilation, attestation, consulting and peer review standards;
- (4) Generally accepted government accounting standards;
- (5) Consensus opinions of "appropriate bodies" such as Emerging Issues Task Forces;
- (6) Circular 230 of the IRS and "appropriate bodies" guidance with respect to responsibilities in tax practice;
- (7) Rules governing practice before regulatory agencies; and
- (8) Guidance found in industry publications and textbooks and articles published by recognized accounting professionals or societies.) A CPA must comply with rules, regulations, and professional standards (standards) promulgated by the appropriate bodies for each endeavor undertaken. However, if professional standards differ from board rule, board rules prevail.

Such appropriate bodies include, but are not limited to, the Securities and Exchange Commission (SEC); the Financial Accounting Standards Board (FASB); the Governmental Accounting Standards Board (GASB); the Cost Accounting Standards Board (CASB); the Federal Accounting Standards Advisory Board (FASAB); the U.S. General Accounting Office (GAO); the Federal Office of Management and Budget (OMB); the Internal Revenue Service (IRS); the American Institute of Certified Public Accountants (AICPA), and federal, state, and local audit, regulatory and tax agencies.

Such standards include:

- (1) Statements on Auditing Standards and related Auditing Interpretations issued by the AICPA including subsequent amendments;
- (2) Statements on Standards for Accounting and Review Services and related Accounting and Review Services Interpretations issued by the AICPA including subsequent amendments;
- (3) Statements on Governmental Accounting and Financial Reporting Services issued by GASB including subsequent amendments;
- (4) Statements on Standards for Attestation Engagements and related Attestation Engagements Interpretations issued by AICPA including subsequent amendments;

(5) Statements of Financial Accounting Standards, together with those Accounting Research Bulletins and Accounting Principles Board Opinions which are not superseded by action of the FASB, including subsequent amendments;

(6) Statement on Standards for Consulting Services issued by the AICPA including subsequent amendments;

(7) Statements on Quality Control Standards issued by the AICPA including subsequent amendments;

(8) Statements on Responsibilities in Tax Practice and Interpretation of Statements on Responsibilities in Tax Practice issued by the AICPA including subsequent amendments;

(9) Statements on Responsibilities in Personal Financial Planning Practice issued by the AICPA including subsequent amendments;

(10) Professional Code of Conduct issued by the AICPA including interpretations, ethics rulings, and subsequent amendments;

(11) Governmental Auditing Standards issued by the U.S. General Accounting Office, and subsequent amendments; and

(12) Auditing and Accounting Guides (both General and Industry) issued by the AICPA.

If the professional services are governed by standards not included in subsections (1) through (12) of this section, the CPA must:

- Justify the departure from the standards listed in subsections (1) through (12) of this section;
- Determine what standards are applicable; and
- Comply with the applicable standards.

Copies of the above standards may be inspected at the board's office.

WSR 00-07-009
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-057.

Title of Rule: WAC 4-25-660 Advertising and other forms of solicitation.

Purpose: To identify the limitations on advertising and other forms of solicitation by persons using the title CPA.

Statutory Authority for Adoption: RCW 18.04.055(2).

Statute Being Implemented: RCW 18.04.055(2).

Summary: The rule prohibits a person using the CPA title from making false, fraudulent, misleading, deceptive or unfair statements or claims and lists examples of such statements or claims.

Reasons Supporting Proposal: To promote clarity, ensure effective communication, ensure fairness in interpretation of the rule, strengthen public/consumer protection from misleading advertising or solicitation, and promote uniformity with other states' accountancy boards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: "Advertising and other forms of solicitation" is a rule of professional conduct necessary to establish and maintain high standards of competence and ethics of certified public accountants (CPAs) to protect the public interest especially in the area of advertising and solicitation.

Proposal Changes the Following Existing Rules: The amendment to the rule:

1. Clarifies that all aspects of the rule applies to all individuals using the title CPA, not just licensees in public practice.

2. Makes the rule easier to read and understand.

3. Adds the requirement for Washington CPAs soliciting on the Internet to include the statement that they hold a valid Washington state CPA certificate on the Internet site.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 25, 2000

Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 93-22-090, filed 11/2/93, effective 12/3/93)

WAC 4-25-660 (~~Advertising and other forms of solicitation.~~) **What are the limitations on advertising and other forms of solicitation?** (~~A person using the CPA title shall not use or participate in the use of any form of communication having reference to the CPA's professional services which contains a~~) (1) If you use the title CPA, you must not make false, fraudulent, misleading, deceptive or unfair statements or claims (~~A false, fraudulent, misleading, deceptive or unfair~~) regarding your services. Examples of such statements or claims include (s), but (is) are not limited to (a), statements or claims which:

(~~(f)~~) (a) Contain (s) a misrepresentation of fact; (~~or~~

(2) ~~Is likely to mislead or deceive because it~~) (b) Fail (s) to make full disclosure of relevant facts; (~~or~~

(3) ~~Contains any testimonial, laudatory, or other statement or implication that the licensee's~~) (c) Imply your professional services are of an exceptional quality, which is not supported by verifiable facts; (~~or~~

(4) ~~Is intended or likely to~~) (d) Create false (~~or unjustified~~) expectations of favorable results; (~~or~~

(5) ~~Implies~~) (e) Imply educational or professional attainments, specialty designations, or licensing recognition not supported in fact; or

(~~(6)~~) (f) Represent (s) that professional services (~~can or~~) will be (~~competently~~) performed for a stated fee when this is not the case, or (~~makes representations with respect to fees for professional services that~~) do not disclose all variables that may reasonably be expected to (~~effect~~) affect the fees that will (~~in fact~~) be charged (~~or~~

(7) ~~Contains any other representations that are likely to mislead or deceive a reasonable person~~).

(2) If you use the CPA title to perform or solicit services via the Internet, you must include a statement on the Internet site that you hold a valid Washington state CPA certificate. This statement must be clearly visible and prominently displayed.

WSR 00-07-010

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-058.

Title of Rule: WAC 4-25-661 Improper CPA firm names.

Purpose: To identify what CPA firm names must be approved by the board and what CPA firm names are prohibited.

Statutory Authority for Adoption: RCW 18.04.055(8).

Statute Being Implemented: RCW 18.04.055(8).

Summary: The rule governs the names CPA firms may not use to prevent deception of the general public.

Reasons Supporting Proposal: To promote clarity, ensure effective communication, ensure fairness in interpretation of the rule, and promote public/consumer protection from misleading CPA firm names.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: "Improper firm names" is a rule of professional conduct necessary to govern sole proprietors, partnerships, and corporations practicing public accounting concerning their names to protect the public from being misled.

Proposal Changes the Following Existing Rules: Amendments to the rule include:

1. Elimination of the prohibition from using "and Company or & Co." in a CPA firm name.
2. Elimination of the word "fictitious."
3. Revisions to make the rule easier to read and understand.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 25, 2000

Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 93-22-046, filed 10/28/93, effective 11/28/93)

WAC 4-25-661 (~~(Improper CPA firm names.)~~) What firm names must be approved by the board and what firm names are prohibited? ((A firm name is misleading, and thus prohibited if, among other things:))

(1) (~~The firm name~~) A firm name that does not consist of the name(s) of one or more present or former owners must be approved in advance by the board as not being deceptive or misleading.

(2) Misleading or deceptive firm names are prohibited. The following are examples of misleading firm names. The board does not intend this listing to be all inclusive. The firm name:

(a) Implies the existence of a corporation when the firm is not a corporation (as by the use of the abbreviations "P.C.," "P.S.," or "Inc. P.S.");

(~~(2) The firm name~~) (b) Implies the existence of a partnership when (~~there is not a partnership (as in "Smith & Jones, CPA's")~~) one does not exist;

(~~(3) The firm name~~) (c) Includes the name of a person who is neither a present nor a past partner or shareholder of the firm; or

(~~(4) The firm name~~) (d) Includes the (~~designation~~) words "and Associates," "& Associates," or "and Assoc.," ("and Company," or "& Co.") when there are not (~~in fact~~) at least two owners and/or employees (~~who hold~~) holding a valid CPA license (to practice public accounting).

(~~A fictitious firm name (that is, one not consisting of the names of one or more present or former owners) may not be used by a licensee in the practice of public accounting unless such name has been registered with and approved by the board as not being false or misleading.~~)

WSR 00-07-011

PROPOSED RULES

BOARD OF ACCOUNTANCY

(Filed March 3, 2000, 10:07 a.m.)

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-060.

Title of Rule: WAC 4-25-750 Firm license.

Purpose: To prescribe the procedures entities must follow to register and maintain offices established for the practice of public accounting in the state of Washington.

Statutory Authority for Adoption: RCW 18.04.055(8), 18.04.195, and 18.04.205.

Statute Being Implemented: RCW 18.04.055(8) and 18.04.205.

Summary: The rule requires that certified public accountants (CPAs) practice public accounting in a CPA firm, lists the forms of practice in which a CPA may practice public accountancy and defines the application requirements a CPA must follow to obtain a firm license.

Reasons Supporting Proposal: To promote clarity, ensure effective communication, to ensure fairness in interpretation of the rule, and to respond to stakeholder input regarding the rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 18.04.205(3) directs the board to prescribe the procedures to be followed to register and maintain offices established for the practice of public accounting in Washington state. RCW 18.04.195 requires CPA firms to obtain, and renew, licenses to practice public accounting.

Proposal Changes the Following Existing Rules: The amendments to the rule:

1. Clarify when a firm license is required.
2. Clarify and refine what circumstances trigger the need to notify the board.
3. Eliminate the 90-day grace period for obtaining an initial firm license.
4. Clarify the definition of a branch office and incorporate a portion of the board's previous declaratory ruling and policies into the rule.
5. Include the board's current practice/procedures for firm licensing and renewal.
6. Simplify the rule and make it easier to read.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 29, 2000
Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 99-18-117, filed 9/1/99, effective 1/1/00)

WAC 4-25-750 ((Firm license.)) What are the CPA firm licensing requirements? (((1) A licensee may only practice public accountancy in a CPA firm organized as:

- (a) A proprietorship;
- (b) A partnership;
- (c) A professional corporation;
- (d) A limited liability company;
- (e) A limited liability partnership; or
- (f) Some other form of legal entity authorized by statute for use by a CPA firm.

(2) A CPA firm shall apply to the board for a license to practice public accountancy within ninety days of formation. A CPA firm shall apply for renewal of its license no later than sixty days prior to expiration of the firm's current license. The board will not accept a firm license renewal application unless it is accompanied by all applicable renewal and late filing fees.

(3) An application for a firm license shall include the:

- (a) Firm name;
- (b) Addresses and telephone numbers of the main office and any branch offices of the firm;
- (c) Name of the manager of each branch office;
- (d) Owners' names and the states in which they hold CPA licenses;

(e) Names of corporate directors, limited liability company managers, and all firm officers; and

(f) Type of legal organization under which the firm operates (such as, general partnership or limited liability company).

(4) Firm licenses expire on June 30 of the third year after the board issues a firm's initial license and on June 30 of each third year after the initial license expires.

(5) A CPA firm shall file with the board a written notification of any of the following events within ninety days after its occurrence:

- (a) Formation or dissolution of a CPA firm;
- (b) Admission of an owner;
- (c) Retirement or death of an owner;
- (d) Any change in the name of the firm;
- (e) Change in the management of any branch office;
- (f) Opening, closing, or relocating of a branch office; and
- (g) The occurrence of any event that would cause the firm to be in violation of the provisions of the act or these rules.

~~A change in the legal form of a firm constitutes a new firm. Accordingly the new firm shall within ninety days of the change file an application for a firm license and pay the applicable fee.)) A licensee may only practice public accountancy in a licensed CPA firm. An entity wishing to practice as a CPA firm must first obtain a CPA firm license from the board.~~

(1) How may a CPA firm be organized? A CPA firm may be organized as:

- (a) A proprietorship;
- (b) A partnership;
- (c) A professional corporation (PC) or professional service corporation (PS);
- (d) A limited liability company (LLC);
- (e) A limited liability partnership (LLP); or
- (f) Any other form of legal entity authorized by statute for use by a CPA firm.

Each proprietor, partner, shareholder or member who is either resident or practicing public accountancy in this state must hold a valid Washington state CPA license. A nonresident owner must be a licensee of at least one state.

A change in the legal form of a firm constitutes a new firm. Accordingly, the new entity must first obtain a CPA firm license from the board.

(2) What are the requirements for a branch office? A branch office is an office of a CPA firm which is physically separated from the main office. A branch office must be under the direct supervision of a resident licensee manager who is present a minimum of eighty percent of the time the branch office is open for business. A branch office operates under the CPA firm license of the main office.

(3) How do I apply for an initial CPA firm license? To apply for an initial CPA firm license you must use the application form provided by the board. You must submit the completed form, all applicable fees, and all required documentation to the board's office. When completing the application for a CPA firm license, you must include the following information:

- The firm name;
- Address and telephone number of the main office and any branch offices of the firm;
- Name of the managing licensee of the main office and the managing licensee of each branch office;
- Owners' names and the states in which they hold CPA licenses;
- Names of corporate directors, limited liability company managers, and all officers; and
- Type of legal organization under which the firm operates.

An application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. Upon completion of processing, a CPA firm license will be mailed to the main office at the last address provided to the board.

The initial CPA firm license will expire on June 30 of the third calendar year following initial licensure.

(4) How do I renew a CPA firm license? To renew a CPA firm license you must use the form provided by the board. In January of the year of expiration, a renewal form

will be mailed to the main office at the last address provided to the board.

To renew a CPA firm license you must submit a properly completed renewal form, all applicable fees and all required documentation to the board by April 30th of the year of expiration. A renewal application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. Upon completion of processing, the CPA firm license will be mailed to the main office at the last address provided to the board.

The CPA firm license will expire on June 30 of the third calendar year following the date of renewal.

(5) When must I notify the board of changes in the CPA firm? A CPA firm must provide the board written notification of the following within ninety day of its occurrence:

- (a) Formation or dissolution of a CPA firm;
- (b) Admission or departure of an owner;
- (c) Any change in the name of the firm;
- (d) Change in the managing licensee of the main office or of any branch office;

(e) Opening, closing, or relocating of the main office or of any branch office; and

(f) The occurrence of any event that would cause the firm to be in violation of the provisions of the Public Accountancy Act (chapter 18.04 RCW) or these rules.

WSR 00-07-012

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-061.

Title of Rule: Repeal of WAC 4-25-780 Reciprocity for accountants from foreign countries.

Purpose: Repeal sections of chapter 4-25 WAC that are being rewritten and recodified (WAC 4-25-781, 4-25-782, and 4-25-783).

Statutory Authority for Adoption: RCW 18.04.055(11), 18.04.183.

Statute Being Implemented: RCW 18.05.055 [18.04.055](11), 18.04.183.

Summary: Repeal section of chapter 4-25 WAC that is being rewritten and recodified (WAC 4-25-781, 4-25-782, and 4-25-783).

Reasons Supporting Proposal: This section of chapter 4-25 WAC is being repealed (rather than amended) and recodified to provide a history of the rules regarding accountants from foreign countries.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 664-9194.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The board proposes the repeal of WAC 4-25-780 to implement the recodification to three new sections (WAC 4-25-781, 4-25-782, and 4-25-783).

Proposal Changes the Following Existing Rules: Repeals WAC 4-25-780 and replaces it with three rewritten rules (WAC 4-25-781, 4-25-782, and 4-25-783).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 29, 2000

Dana M. McInturff, CPA
Executive Director

WSR 00-07-013

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-061.

Title of Rule: WAC 4-25-781 What are the rules governing reciprocity for accountants from foreign countries? WAC 4-25-782 How do I apply for an initial Washington state license and/or certificate through foreign reciprocity? and WAC 4-25-783 How do I renew a Washington CPA certificate and/or license granted through foreign reciprocity?

Purpose: To prescribe the procedures the board will follow when designating a professional accounting credential issued in a foreign country as substantially equivalent to a Washington CPA certificate.

Statutory Authority for Adoption: RCW 18.04.055 and 18.04.183.

Statute Being Implemented: RCW 18.04.183.

Summary: Lists the requirements for issuance of an initial Washington CPA certificate and/or license to practice public accounting by reciprocity to accountants from foreign countries and the requirements for renewal of a CPA license and/or certificate based on a foreign accounting credential.

Reasons Supporting Proposal: To promote clarity, ensure effective communication, and ensure fairness in interpretation and application of the rules, and promote efficiencies through minimizing gray areas.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 18.04.183 directs the board to grant a license and/or certificate as a certified public accountant (CPA) to a holder of a permit, license, or certificate issued by a foreign country's board, agency or institute. Using the clear rule-writing technique that eliminates confusion, the new rules implement the statute by listing the qualifications the board will accept before issuing an initial CPA license and/or certificate to an accountant from a foreign country, the procedures for applying for a Washington state license and/or certificate through foreign reciprocity and the procedures for renewal of a license and/or certificate based in part on a foreign accounting credential.

Proposal Changes the Following Existing Rules: The board is proposing to replace WAC 4-25-780 Reciprocity for accountants from foreign countries, with three new separate rules, WAC 4-25-781, 4-25-782, and 4-25-783 addressing: General, initial application, and renewal requirements. The new section also:

1. Eliminates sections of WAC 4-25-780 that could appear inequitable (domestic vs. foreign reciprocity):

a. Notice that the board will notify foreign credentialing bodies of any sanctions imposed against a CPA whose certificate was issued through foreign reciprocity - standard board practice for all CPAs.

b. Notice that the board may participate in joint investigations with foreign accounting credentialing bodies - standard board practice concerning investigations regarding all CPAs.

2. Eliminates information regarding discipline of a CPA's foreign accounting credential by the foreign credentialing body as basis for board disciplinary action - moving to another board rule (WAC 4-25-910).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 25, 2000
Dana M. McInturff, CPA
Executive Director

NEW SECTION

WAC 4-25-781 What are the rules governing reciprocity for accountants from foreign countries? (1) Under the authority provided by RCW 18.04.183, the board may rely on the National Association of State Boards of Accountancy, the American Institute of Certified Public Accountants, or other professional bodies for evaluation of foreign accounting credential equivalency.

(2) The board may accept your foreign accounting credential in partial satisfaction of CPA certification requirements if:

(a) You met the foreign issuing body's education and examination requirements used to qualify its domestic candidates;

(b) Your foreign accounting credential is valid and in good standing at the time you apply for a Washington state CPA license and/or certificate; and

(c) The foreign issuing body granting your foreign accounting credential permits Washington CPAs an equivalent opportunity to receive the foreign accounting credential by reciprocity.

The board will, by policy, identify acceptable foreign accounting credentials and acknowledge reciprocal agreements with bodies granting foreign accounting credentials.

(3) The board may require a qualifying examination(s) to determine if you possess adequate knowledge of U.S. practice standards and the board's regulations. The board will, by policy, specify the form of qualifying examination(s) and passing grade(s).

(4) The board will require you to demonstrate satisfactory experience in a foreign or domestic professional accounting firm. The board will, by policy, specify experience standards for each foreign accounting credential accepted by the board.

(5) If you hold a Washington state CPA license and/or certificate issued through foreign reciprocity, you must report any investigations undertaken, or sanctions imposed, by a foreign credentialing body against your foreign credential within thirty days of your receiving notice that an investigation has begun or a sanction was imposed.

NEW SECTION

WAC 4-25-782 How do I apply for an initial Washington state license and/or certificate through foreign reciprocity? (1) Pursuant to RCW 18.04.183 the board may issue a certificate and/or license if you meet the board's requirements for application through foreign reciprocity. To apply for an initial Washington state CPA license and/or certificate you must use the foreign reciprocity application form provided by the board and satisfy continuing professional education (CPE) requirements in WAC 4-25-830.

(2) You need to fully complete the form, have your signature notarized or the foreign equivalent of a notarization, and submit the form, all applicable fees, and all required documentation to the board's office.

(3) An application is not complete and cannot be processed until all fees, required information, and required documentation are received by the board. When the processing

of your application is complete, notification will be mailed to the last address you provided to the board.

(4) Your Washington state CPA license and/or certificate will expire on June 30 of the third calendar year following initial licensure and/or certification.

(5) You may not use the title CPA and you may not hold out as a CPA in public practice until you have filed a complete application with the board. A licensee may only practice public accountancy in a licensed CPA firm licensed by the Washington state board of accountancy.

NEW SECTION

WAC 4-25-783 How do I renew a Washington CPA certificate and/or license granted through foreign reciprocity? To renew a CPA certificate originally issued in reliance on a foreign professional accounting credential, you must:

(1) Submit an application for renewal, including appropriate fees and documentation, at the time and in the same manner prescribed for all Washington state CPAs; and

(2) Submit documentation from the foreign issuing body certifying:

(a) Your foreign credential is in good standing and valid for the practice of public accountancy in the foreign jurisdiction; and

(b) You are not currently under disciplinary investigation or action; or

(c) If you are currently under disciplinary investigation or action, a statement as to the nature of the allegations.

(3) If you no longer hold the foreign credential used to qualify for a Washington state CPA license and/or certificate, you must submit documentation from the foreign issuing body certifying that you were not the subject of any investigations or disciplinary proceedings at the time the foreign credential lapsed.

WSR 00-07-014

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-033.

Title of Rule: WAC 4-25-830 What are the CPE requirements.

Purpose: To clearly prescribe the board's continuing professional education requirements.

Statutory Authority for Adoption: RCW 18.04.055(7), 18.04.105(8), 18.04.215(4).

Statute Being Implemented: RCW 18.04.055(7), 18.04.105(8), 18.04.215(4).

Summary: To implement RCW 18.04.105(8) that requires a certified public accountant (CPA) to verify to the board completion of an accumulation of at least 120 hours of continuing professional education (CPE) during the preced-

ing three-year period to maintain or reinstate a license and/or certificate. WAC 4-25-830 establishes within the 120 hours:

- A licensee in public practice must complete at least eight hours in the subject area of accounting and auditing during each year of the CPE reporting period in which the CPA was in public practice.
- A licensee is limited to a maximum of 24 hours in non-technical subject areas.
- All licensees and certificateholders are required to complete a four-hour course in professional ethics with specific application to the practice of public accounting in Washington state.
- A minimum of 20 hours of CPE each calendar year.

The rule also:

- Establishes provision for a reasonable cause exemption to the CPE requirements.
- Provides direction to CPAs holding a certificate under the reasonable cause exemption and wanting to change status.
- Requires CPAs applying for a Washington license and/or certificate by reciprocity to comply with the CPE requirements as outlined in this rule except for the four-hour ethics course.
- Establishes a provision for requesting a waiver to the CPE requirements.

Reasons Supporting Proposal: To clearly outline the requirements for containing professional education to maintain or improve the professional competence of Washington state CPAs as a condition to the renewal of their license to practice and/or certificate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 4-25-830 sets the continuing professional education (CPE) requirements for Washington CPAs. The goal of the rule is to: Promote clarity, ensure effective communication, ensure fairness in interpretation and application of the rule, and promote efficiencies through minimizing gray areas.

Proposal Changes the Following Existing Rules: The amendment to the rule:

1. Aligns the rule with board policy waiving the "20 hours a year minimum" for the first calendar year of a certificateholder's initial CPE reporting cycle.

2. Clarifies the distinction between a CPE waiver and a reasonable cause exemption.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment to the rule will have negligible economic impact on the accounting profession and business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 29, 2000
 Dana M. McInturff, CPA
 Executive Director

AMENDATORY SECTION (Amending WSR 99-23-045, filed 11/15/99, effective 1/1/00)

WAC 4-25-830 What are the CPE requirements? (1) For CPE reporting periods beginning January 1, 2000, or later, the following CPE is required during the three calendar year period prior to renewal:

Category	Maximum CPE Allowed in Nontechnical Subject Areas	Minimum CPE in Ethics Applicable to Practice in WA State	Total CPE
(a) A licensee.	24	4	120
(b) A certificateholder whose activities during the 3-year calendar period prior to renewal do not require a license to practice public accounting.	Exempt	4	120

(2) Subject area requirements:

(a) Licensees are limited to a maximum of 24 CPE credit hours in nontechnical subject areas during the CPE reporting period.

(b) If you are a certificateholder, you are exempt from the limitation of CPE credit hours in nontechnical subject areas.

(3) Ethics applicable to practice in WA state: During each CPE reporting period all licensees and certificateholders are required to complete a four-hour course on professional ethics with specific application to the practice of public accounting in Washington state.

(4) 20 hours a year minimum: For CPE reporting periods beginning after December 31, 1999, you must complete a minimum of 20 hours of CPE each calendar year. This requirement is waived for the first calendar year of a certificateholder's initial CPE reporting cycle.

~~**(5) Reasonable cause exemption:** ((In order to renew your license and/or certificate you must complete the required CPE unless you can demonstrate your failure to meet the CPE requirements was due to reasonable cause. The board may make exceptions to the CPE requirements for reasons of individual hardship including health, military service, foreign residence, or other reasonable cause. You must request such an exemption in writing to the board. The request should include justification for the exemption and your plan to correct your CPE deficiency.~~

If you are retired, or you are a certificateholder and did)) Retirees and certificateholders who will not make any public, professional, commercial, or occupational use of the title CPA during the ((prior)) upcoming three-year(s, you)) period are deemed to have met the reasonable cause exemption and may therefore renew their certificate under the reasonable cause exemption and be exempt from the CPE requirements. However, individuals holding a certificate under the reasonable cause exemption may not hold out in public practice nor may they make any professional, occupational, commercial or public use of the CPA title.

(6) Return to previous status: If you seek to change your status as a certificateholder exempted from the CPE requirements under the reasonable cause exemption to a:

(a) Licensee, you must satisfy the requirements of subsection (1)(a) of this section within the three-year period immediately preceding the date the application for change in status was received by the board; or

(b) Certificateholder, you must satisfy the requirements of subsection (1)(b) of this section within the three-year period immediately preceding the date the application for change in status was received by the board.

(7) Reinstatement of a lapsed, suspended, or revoked license and/or certificate: If you seek to reinstate a lapsed, suspended, or revoked license and certificate, you must satisfy the requirements of subsection (1)(a) of this section within the three-year period immediately preceding the date the application for reinstatement was received by the board. If you seek to reinstate a lapsed, suspended, or revoked certificate, you must satisfy the requirements of subsection (1)(b) of this section within the three-year period immediately preceding the date the application for reinstatement was received by the board.

(8) Reciprocity: If you are applying for an initial Washington state CPA license and/or certificate under the reciprocity provisions of RCW 18.04.180 or 18.04.183, you must satisfy the applicable requirements in subsection (1) of this section within the three-year period immediately preceding the date the application was received by the board. For purposes of an initial license and/or certificate, you do not need to satisfy the ethics requirements of subsection (3) of this section.

Thereafter, in order to renew your Washington state CPA license and/or certificate, you must comply with all the applicable renewal requirements in subsection (1) of this section, including the ethics requirements in subsection (3) of this section.

(9) CPE waiver request: In order to renew your license and/or certificate you must complete the required CPE unless

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you can demonstrate your failure to meet the CPE requirements was due to reasonable cause. The board may make limited exceptions to the CPE requirements for reasons of individual hardship including health, military service, foreign residence, or other reasonable cause. You must request such an exception in writing on the form provided by the board. The request must include justification for the request and your plan to correct your CPE deficiency.

WSR 00-07-015
PROPOSED RULES
BOARD OF ACCOUNTANCY

[Filed March 3, 2000, 10:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-23-063.

Title of Rule: WAC 4-25-910 Bases for imposing discipline.

Purpose: To clearly prescribe the bases for the board to impose discipline against Washington CPAs and CPA firms.

Statutory Authority for Adoption: RCW 18.04.055(11), 18.04.295, and 18.04.305.

Statute Being Implemented: RCW 18.04.055(11), 18.04.295, and 18.04.305.

Summary: Lists specific examples of prohibited acts that constitute grounds for board discipline authorized by RCW 18.04.295 and 18.04.305.

Reasons Supporting Proposal: To ensure CPAs and CPA firms are fully informed, promote clarity, ensure effective communication, ensure fairness in interpretation and application of the rules, and promote efficiencies through minimizing gray areas.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 210 East Union, Suite A, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 18.04.295 and 18.04.305 authorize the board to impose discipline against Washington CPAs and CPA firms. Using the clear rule-writing technique that eliminates confusion, this rule lists specific examples of prohibited acts that constitute grounds for discipline.

Proposal Changes the Following Existing Rules: Amendment of the rule will:

1. Present the rule in a clear concise format.
2. Present the rule in simplified, easier to understand, language.
3. Add orders of foreign jurisdictions to the listing of causes of prima facie evidence that a CPA has engaged in dishonesty, fraud, or negligence.
4. Add causes for discipline found in statute not in the current rule to ensure CPAs and CPA firms are fully informed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Wyndham Garden Hotel—SeaTac, 18118 Pacific Highway South, SeaTac, WA 98188, on April 28, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 21, 2000, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by April 26, 2000.

Date of Intended Adoption: April 28, 2000.

February 29, 2000

Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 94-23-070, filed 11/15/94, effective 12/16/94)

WAC 4-25-910 (~~(Bases for imposing discipline.)~~)
What are the bases for the board to impose discipline?
RCW 18.04.295 (~~(specifies sanctions the board may impose based on a listing of general causes)~~) authorizes the board to revoke, suspend, refuse to renew a license and/or certificate, impose a fine not to exceed one thousand dollars, and recover investigative and legal costs for the specific acts listed below.

The following are specific (~~(acts are)~~) examples of prohibited (~~(activities)~~) acts that constitute grounds for discipline under RCW 18.04.295 and 18.04.305. The board does not intend this listing to be all inclusive.

(1) Fraud or deceit in obtaining a CPA license and/or certificate (~~(as a certified public accountant, or in obtaining a license, within the meaning of RCW 18.04.295(1), includes but is not limited to)~~).

(2) Making a false or misleading statement in support of another's application for (~~(certificate or)~~) a license and/or certificate.

~~((2)(a))~~ (3) Dishonesty, fraud, or negligence while representing oneself as a CPA (~~(, within the meaning of RCW 18.04.295(2), includes)~~) including but (~~(is)~~) not limited to:

~~((i))~~ (a) Practicing public accountancy in (~~(this)~~) Washington state prior to obtaining a license;

~~((ii))~~ (b) Making misleading, deceptive, or untrue representations;

~~((iii))~~ (c) Engaging in acts of fiscal dishonesty;

~~((iv))~~ (d) Purposefully, knowingly, or negligently failing to file a report or record, or filing a false report or record, required by local, state, or federal law;

~~((v))~~ (e) Unlawfully selling unregistered securities;

~~((vi))~~ (f) Unlawfully acting as an unregistered securities salesperson or broker-dealer;

~~((vii))~~ (g) Discharging a trustee's duties in a negligent manner or breaching one's fiduciary duties; or

~~((viii))~~ (h) Withdrawing or liquidating, as fees earned, funds received by a CPA from a client as a deposit or retainer

when the client contests the amount of fees earned, until such time as the dispute is resolved.

~~((b))~~ (4) The following shall be prima facie evidence that a ~~((certified public accountant))~~ CPA has engaged in dishonesty, fraud, or negligence while representing himself or herself as a CPA:

~~((+))~~ (a) An order of a court of competent jurisdiction finding the CPA to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's fitness to represent himself or herself as a CPA(=);

~~((+))~~ (b) An order of a federal, state, ~~((or))~~ local or foreign jurisdiction regulatory body finding the CPA to have committed an act of negligence, fraud, or dishonesty or other act reflecting adversely on a CPA's fitness to represent himself or herself as a CPA;

(c) Cancellation, revocation, suspension, or refusal to renew the right to practice as a CPA by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state; or

(d) Suspension or revocation of the right to practice before any state or federal agency.

(5) Conviction of a crime or an act constituting a crime under: Federal law; the laws of Washington state; or the laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state.

~~((3))~~ (6) A conflict of interest ~~((, within the meaning of RCW 18.04.055(2), includes but is not limited to))~~ such as:

(a) Self dealing as a trustee, including, but not limited to:

(i) Investing trust funds in entities controlled by or related to the trustee;

(ii) Borrowing from trust funds, with or without disclosure; and

(iii) Employing persons ~~((or entities related to the trustee))~~ related to the trustee or entities in which the trust has a beneficial interest to provide services to the trust (unless specifically authorized by the trust creation document)(=).

(b) Borrowing funds from ~~((any))~~ a client unless the client is in the business of making loans of the type obtained by the ~~((licensee))~~ certificateholder and the loan terms are not more favorable than loans extended to other persons of similar credit worthiness.

~~((4))~~ (7) A violation of ~~((a rule of professional conduct promulgated by the board, within the meaning of RCW 18.04.295(4), includes but is not limited to:))~~ the Public Accountancy Act or failure to comply with a board rule contained in chapter 4-25 WAC.

~~((a))~~ (8) Violation of one or more of the rules of professional conduct included in chapter 4-25 WAC(=;

~~(b) Violation of one or more of the administrative rules included in chapter 4-25 WAC;~~

~~(c))~~ or concealing another's violation of the Public Accountancy Act or board rules.

(9) Failure to cooperate with the board by failing to:

(a) Furnish any papers or documents requested or ordered to produce by the board;

(b) Furnish in writing a full and complete explanation related to a complaint as requested by the board;

(c) Respond to an inquiry of the board;

(d) Respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding.

(10) A CPA's adjudication as mentally incompetent is prima facie evidence that the CPA lacks the professional competence required by the rules of professional conduct.

WSR 00-07-019

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

[Filed March 3, 2000, 10:53 a.m.]

The Department of Fish and Wildlife withdraws proposed rule filing WSR 00-06-083 relating to marine preserves and conservation areas.

Evan Jacoby
Rules Coordinator

WSR 00-07-023

PROPOSED RULES SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY

[Filed March 3, 2000, 1:14 p.m.]

Original Notice.

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

Title of Rule: Spokane County Air Pollution Control Authority (SCAPCA) Regulation I, Article IV - Registration.

Purpose: To amend the existing regulation to make it easier to read, establish exemption thresholds and categories, and restructure Exhibit "R."

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

Statute Being Implemented: Chapter 70.94 RCW and 42 U.S.C. 7401 et seq.

Summary: The amendments to this rule will establish de minimis levels for air contaminant sources, below which, registration is not required. It increases the readability of the regulation.

Reasons Supporting Proposal: De minimis levels for registration sources are necessary to ensure that agency time is best utilized for air contaminant sources that emit higher levels of air pollution. The revisions should make the regulation more understandable by the regulated community.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Spokane County Air Pollution Control Authority, 1101 West College, #403, Spokane, WA 99201, (509) 477-4727.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Certain sections of the original regulation were

unclear in their intent. Agency resources are better utilized as a result of these changes.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The registration rule identifies air pollution sources that are required to be registered with SCAPCA. It also identifies source categories and that are exempt from registration requirements. De minimis levels, below which registration is not required, are also established.

Effect: Insignificant emission sources will be dropped from registration. Some fees (~\$7,000 per annum) will be lost to the agency. However, personnel resources will be better utilized.

Revisions should make the regulation more understandable by the regulated community and agency staff.

Proposal Changes the Following Existing Rules: The registration regulation is more understandable and better organized.

The registration regulation is more flexible.

Air pollution source categories are established for exemption from the regulation.

De minimis level for some air pollution source were established.

Some air pollution sources, not previously listed in Exhibit "R," but regulated by other Local Air Pollution Control Authorities were added to Exhibit "R."

Source closure and transfer of ownership processes and procedures were included.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a local agency rule and RCW 34.05.328 has not been made voluntarily applicable to this rule.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule amendment.

Hearing Location: Spokane County Public Works Building, 1206 West Broadway, Hearing Room, Lower Level, Spokane, WA 99201, on May 4, 2000, at 9:00 a.m.

Submit Written Comments to: Charles E. Studer, Spokane County Air Pollution Control Authority, 1101 West College, Suite #403, Spokane, WA 99201, fax (509) 477-6828, by May 1, 2000.

Date of Intended Adoption: May 4, 2000.

February 25, 2000

Charles E. Studer

Environmental Engineer

ARTICLE IV

REGISTRATION

ADOPTED: June 9, 1969

((REVISED: August 13, 1992))

REVISED: May 4, 2000

((EFFECTIVE: September 17, 1992))

EFFECTIVE: June 4, 2000

AMENDATORY SECTION (Amending WSR 92-17-054, filed 8/17/92)

SECTION 4.01 REGISTRATION REQUIRED

The Authority regulates the classes of air contaminant sources, listed in Exhibit R, under the authority of RCW 70.94.151. ((Under the authority of 70.94.151 RCW, the classes of air contaminant sources listed in Exhibit "R" below are regulated by the Authority.)) An air contaminant source, listed in Exhibit R, whether publicly or privately owned, shall register with the Authority unless exempted under Section 4.03 of this Article. ((a written exemption is issued by the Authority. An air contaminant source established after the adoption of this Section shall register prior to commencing operations. Registration information shall be updated annually thereafter.))

AMENDATORY SECTION (Amending WSR 92-17-054, filed 8/17/92)

SECTION 4.02 GENERAL REQUIREMENTS FOR REGISTRATION

A. Registration Responsibility. Registration of an air contaminant source ((installation or facility)), except those exempted under Section 4.03 of this Article, shall be made by the owner or ((lessee)) operator of the source, or an appointed agent, on forms furnished by the Authority. The owner of the source and ((lessee)) operator are responsible for registration and for submitting accurate ((the accuracy of the)) information ((submitted)).

B. ((A separate r))Registration Information. Registration shall be required for each emission unit, including quantifiable fugitive air emissions, located at the source ((source of contaminant)). The owner or operator shall make reports to the Authority, containing information as may be required by the Authority, concerning location, size, and height of contaminant outlets, processes employed, nature of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled. Registration information shall be updated annually by the owner or operator on forms provided by the Authority. ((provided that, an owner or lessee has the option to register a process or facility with a detailed inventory of contaminant sources and emissions related to said process or facility; provided further that, an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premises)).

C. Signature. Each registration shall be signed by the owner or ((lessee)) operator, or the agent for such owner or ((lessee)) operator.

D. New Sources. The owner or operator of an air contaminant source shall file a Notice of Construction and Application for Approval, in accordance with Article V of this Regulation, prior to establishing any new or modified air contaminant source. An approved Notice of Construction suffices to meet the initial requirement to register the air contaminant source. Registration information shall be updated annually thereafter.

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E. Transfer of Ownership. The new owner or operator shall report any change of ownership or change of operator to the Authority, on forms provided by the Authority, within ninety (90) days of any such change. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a source.

F. Source Closure. A report of closure shall be filed by the owner or operator with the Authority within ninety (90) days after the owner or operator determines that operations, producing air contaminant emissions, have permanently ceased.

In the event the owner or operator of a source discontinues operations, but continues payment of the annual registration fee to the Authority, the registration and the status of the source with the Authority are maintained as if the source were still in operation. In such a case, a report of closure is not required.

Prior to re-opening a closed source, or establishing a new source at a site for which the Authority has received a closure report, the proponent shall contact the Authority for a determination as to whether Notice of Construction and Application for Approval must be filed with and approved by the Control Officer, per the requirements of SCAPCA Regulation I, Article V.

AMENDATORY SECTION (Amending WSR 92-17-054, filed 8/17/92)

SECTION 4.03 REGISTRATION EXEMPTIONS ((REQUESTS))

A. Operating Permit Sources. Sources subject to Chapter 173-401 WAC (air operating permit sources) are exempt from the registration requirements of this Article.

B. Grain Handling Facilities. If registration has been made and a registration fee has been paid for a source that is properly classified as a grain warehouse or grain elevator under Standard Industrial Classification (SIC) code 5153 and that is licensed by the Department of Agriculture under Chapter 22.09 RCW or by the federal government for purposes similar to those of licensure under Chapter 22.09 RCW, registration or a registration fee shall not be required again unless the licensed capacity of the source increases. The source is subject to all other applicable requirements of this Regulation.

If the licensed capacity increases, registration shall be made, and a registration fee paid, prior to the date that the source receives grain from the first harvest season that occurs after the increase in its licensed capacity. In addition, if required under Article V of this Regulation, a Notice of Construction application shall be filed with and approved by the Authority prior to increasing the licensed capacity of the source.

C. Agricultural Operations. Agricultural operations as defined in RCW 70.94.640 (5)(a) are exempt from the registration requirements of this Article.

D. Dwellings of Four Families or Less. Fuel burning equipment that serves dwellings of four or less families is exempt from the registration requirements of this Article.

E. Source Specific Facilities. Any person may submit a written request to the Control Officer for an exemption from the registration requirements of this Article, providing justification for such request.

1. At a minimum, the request shall provide an inventory of emissions, emission points, and location, sufficient for the Authority to determine how the source impacts air quality and the public.

2. Within 30 calendar days of receipt of an exemption request, the Authority may require additional information it deems necessary to determine if an exemption is appropriate.

3. Within 15 calendar days of receiving of the additional information, the Control Officer shall make a determination as to whether an exemption will be granted. Consideration shall be given to:

a. Potential impacts from the source on ambient air quality standards;

b. Potential nuisance from odors and particulate matter emissions;

c. Public exposure to toxic air pollutants; as defined in WAC 173-400-030;

d. The source's ability to meet applicable emission standards;

e. Potential damage to business or property; and

f. Importance of periodic verification that emission units, including any associated air pollution control equipment, are being properly maintained and operated.

4. Any source exempted from registration under this subsection shall maintain sufficient documentation, as may be required in the Control Officer's determination, to verify that the source is entitled to continued exemption under this section.

((Any person may submit a written request to the Control Officer for an exemption from the registration requirements of this Article, providing justification for such request. The request shall address, as a minimum, how the emissions from that class of air pollution source would impact applicable ambient air quality standards, public nuisance, and public exposure to toxic air pollutants.

Within thirty (30) days the Authority shall request any additional information it deems necessary. Within fifteen (15) days of receipt of the additional information, the Control Officer shall make a ruling on the exemption request.))

5. The Authority, or an authorized representative, may periodically verify, through inspection, survey, records request, or other appropriate means, that the source is meeting applicable regulations and the conditions of the exemption approval letter, if the exemption is granted.

E. Source Category De Minimis Level Exemptions. The Control Officer may establish de minimis levels, based on the criteria presented in Section 4.03.D, or other relevant criteria, below which registration of a source category, as defined in Exhibit R, is not required. Any source exempted from registration under this subsection shall maintain sufficient documentation, as required by the Authority, to verify that the source is entitled to continued exemption under this section.

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EXHIBIT R

NOTE: Emission rates in this Section are based on actual emissions, unless otherwise noted.

1. Acid production plants, including all acids listed in Chapter 173-460 WAC.

2. ((4-)) Abrasive blasting operations, except portable blasting operations operating at a site for less than 60 days in any running 12-month period and operations that are inside a building and any associated air pollution control equipment that exhausts inside of the building.

3. ((2-)) Agricultural chemicals((;)); ~~manufacturing, mixing, packaging, ((facilities for packing, and mixing,)) and/or other related air contaminant emitting operations~~ (fertilizer concentrates, pesticides, etc.).

4. ((3-)) Agricultural drying and dehydrating operations.

5. Alumina processing operations.

6. Ammonium sulfate manufacturing plants.

7. ((4-)) Any category of stationary sources subject to ((which)) a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart S (Primary Aluminum Reduction Plants), BB (Kraft Pulp Mills) or AAA (New Residential Wood Heaters)((-applies)).

8. ((5-)) Any source category subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) under 40 CFR Parts 61 and 63, other than Subpart M (asbestos on roadways, asbestos demolition or renovation activities, or asbestos spraying). ((Any source category subject to limitations on emissions of hazardous air pollutants by the federal clean air act.))

((6. Any source in operation on or before the effective date of this regulation with small quantity emission rates exceeding the limits defined in WAC 173-460-080 (2)(e).))

9. A source listed in 9.e. below that:

a. emits any single criteria pollutant, or its precursors, as defined in 40 CFR § 51.852, exceeding emission rates of 0.5 tons per year, or

b. emits toxic air pollutants, as defined in WAC 173-460-020 (20), with emission rates exceeding the small quantity emission rates established in WAC 173-460-080 (2)(e), or

c. emits combined air contaminants in excess of 1.0 ton per year, or

d. emits combined toxic air pollutant and volatile organic compound emissions greater than 0.5 tons per year.

e. The above criteria applies to the following source categories:

1) Bakeries

2) Bed lining or undercoating production or application operations.

3) Degreasers/solvent cleaners, not subject to 40 CFR Part 63, Subpart T (Halogenated Solvent Cleaners); including, but not limited to, vapor, cold, open top and conveyerized cleaner.

4) Evaporators.

5) Graphic art systems.

6) Organic vapor collection systems within commercial or industrial facilities.

7) Soil and groundwater remediation operations.

8) Sterilizing equipment.

9) Utilities, combination electric and gas, and other utility services (SIC 493).

10) Wood furniture stripping and treatment operations (commercial only), and

11) Any source category not otherwise listed in this exhibit.

10. ((7-)) Any source ((or emissions unit)) with ((a)) significant emissions as defined ((by)) in SCAPCA Regulation 1, Article X, Section 10.01((173-400-030 (24), (37), and (61) WAC)).

11. ((8-)) Any source required to obtain an approved Notice of Construction under Article V.

12. Any air contaminant source (including fugitive emission sources) for which the Control Officer determines that registration is necessary in order to reduce the potential impact from the source's air emissions on: the health, safety, and/or welfare of the public, or unreasonable interference with any other property owner's use and enjoyment of his property, or damage to other property owner's property or business.

13. Any source where the owner or operator has elected to avoid one or more requirements of the operating permit program established in Chapter 173-401 WAC, by limiting its potential-to-emit (synthetic minor) through an order issued by the Authority.

14. Any source that is required to report periodically to demonstrate nonapplicability to requirements under Sections 111 or 112 of the Federal Clean Air Act.

15. ((9-)) Asphalt and asphalt products production ((facilities)) operations (asphalt roofing and application equipment excluded).

((10. Boilers using coal, hog fuel, oil or other solid or liquid fuel.))

16. ((11-)) Brick and clay products manufacturing ((plants)) operations (tiles, ceramics, etc.). Noncommercial operations are exempt.

17. ((12-)) Bulk gasoline and aviation gas terminals, bulk gasoline and aviation gas terminals, and gasoline and aviation gas loading terminals ((and gasoline dispensing facilities subject to 173-491-040 WAC)).

((13. Casting facilities and foundries, ferrous and nonferrous)).

18. ((14-)) Cattle feedlots with facilities for one thousand or more cattle.

19. ((15-)) Chemical manufacturing ((plants)) operations.

20. Coffee roasting operations.

21. ((16-)) Composting operations, including commercial, industrial and municipal, except noncommercial agricultural and noncommercial residential composting activities.

22. ((17-)) Concrete production operations and ready mix plants ((manufacturers and ready mix plants)).

((18. Degreasers; vapor, cold, open top and conveyerized))

23. ((19-)) Dry cleaning ((plants)) operations, using solvents that emit toxic air pollutants or volatile organic compounds.

24. Materials handling and transfer facilities that generate fine particulate and that exhaust more than 1,000 acfm to

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the ambient air, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere.

25. Flexible polyurethane foam, polyester resin, and styrene production operations.

26. Flexible vinyl and urethane coating operations.

27. Fuel burning equipment (external combustion) with per unit heat inputs greater than or equal to:

a. 500,000 Btu/hr using coal or other solid fuels;

b. 500,000 Btu/hr using used/waste oil, per the requirements of RCW 70.94.610;

c. 1,000,000 Btu/hr using kerosene, #1, #2 fuel oil, or other liquid fuel, except used/waste oil; and

d. ((20. Fuel burning equipment other than those serving dwellings of four or less families and has a heat input of more than 400,000 BTU per hour.)) 4,000,000 Btu/hr using gaseous fuels, such as, natural gas, propane, methane, LPG, or butane, including but not limited to, boilers, dryers, heat treat ovens and deep fat fryers.

28. Gasoline dispensing facilities, subject to Chapter 173-491 WAC, and aviation gas dispensing facilities with total tank capacities greater than 10,000 gallons.

29. ((21-)) Grain handling; seed, pea and lentil processing facilities. Registration shall be in accordance with Section 4.03.B.

~~((22. Graphic art systems.))~~

~~((23. Grass seed fields.))~~

~~((24. Hazardous waste treatments, storage, and disposal facilities.))~~

30. Hay cubing operations, established at a dedicated collection and processing site.

31. Incinerators; as defined in Section 1.04 of this Regulation.

32. Insulation manufacturing operations.

~~((25. Hospitals, specialty and general medical surgical.))~~

~~((26. Active landfills including gas collection systems and flares.))~~

~~((27. Incinerators designed for a capacity of one hundred pounds per hour or more.))~~

~~((28. Insulation manufacturers.))~~

~~((29. Fine particulate materials handling and transfer facilities.))~~

~~((30. Meat packing plants.))~~

33. Metal casting facilities and foundries, ferrous.

34. Metal casting facilities and foundries, nonferrous.

35. ((31-)) Metal plating and anodizing operations.

36. ((32-)) Metallic and nonmetallic mineral processing, including, but not limited to, rock crushing, sand and gravel mixing ((facilities)) operations.

37. ((33-)) Metallurgical processing ((facilities)) operations.

38. ((34-)) Mills; lumber, plywood, shake, ((and)) shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, grass/stubble pressboard, pelletizing, or any combination thereof.

39. ((35-)) Mills; grain, seed, feed and flour((ing)) production and related operations

40. ((36-)) Mills; wood products manufacturing operations (including, but not limited to, cabinet works, casket works, furniture and wood by-products).

41. ((37-)) Mineralogical processing ((facilities)) operations.

42. ((38-)) Natural gas transmission and distribution (SIC 4923).

43. ((39-)) Ovens/furnaces, kilns and curing, burnout, (including, but not limited to, ovens/furnaces that heat clean automotive parts, paint hooks, electric motors, etc.) ((and heat treat)).

44. ((40-)) Paper manufactur((ers))ing operations, except Kraft and sulfite pulp mills.

45. Petroleum refineries.

46. Pharmaceuticals production operations.

47. ((41-)) Plastics and fiberglass fabrication, including gelcoat, polyester resin, or vinylester coating ((facilities)) operations using more than 55 gallons per year of all materials containing volatile organic compounds or toxic air pollutants.

48. ((42-)) Refuse systems (SIC 4953), including municipal waste combustors; landfills with gas collection systems and/or flares; hazardous waste treatment, storage, and disposal facilities; and wastewater treatment plants other than private and publicly owned treatment works (POTWs).

49. ((43-)) Rendering ((plants)) operations.

~~((44. Rock crushing plants.))~~

~~((45. Salvage operations (scrap metal, junk.))~~

~~((46. Sand and gravel and pre-mix plants.))~~

50. ((47-)) Sewerage systems, private and publicly owned treatment works (POTWs) with a rated capacity of more than 1 million gallons per day (SIC 4952).

~~((48. Soil and groundwater remediation projects.))~~

51. Semiconductor manufacturing operations

52. Standby emergency generator sets (used for back up only) with internal combustion engines rated at or above five hundred brake horsepower.

53. ((49-)) Stationary internal combustion engines, other than emergency generator sets, ((and turbines)) rated at ((five)) one hundred horsepower or more, including engines integral to powering a source category registered under this exhibit, including but not limited to, rock crushing, stump and woodwaste grinding, and hay cubing operations.

54. Stump and woodwaste grinding established at a dedicated collection and processing site.

55. ((50-)) Storage tanks for organic liquids, within commercial or industrial facilities, with capacities greater than ((4)) 20,000 gallons.

56. ((51-)) Surface coating((s)), adhesive, and ink manufactur((ers))ing operations.

57. ((52-)) Surface coating operations, including; automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper, and other substrates.

58. ((53-)) Synthetic fiber production ((facilities)) operations.

59. ((54-)) Synthetic organic chemical manufacturing ((industries)) operations.

60. ((55-)) Tire recapping ((facilities)) operations.

~~((56. Utilities, combination electric and gas, and other utility services (SIC 493-).))~~

~~((57. Vapor collection systems within commercial or industrial facilities.))~~

~~((58. Waste oil burners.))~~

61. Wholesale meat/fish/poultry slaughter and packing plants.

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

WSR 00-07-024
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY
[Filed March 3, 2000, 1:17 p.m.]

Original Notice.

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

Title of Rule: Spokane County Air Pollution Control Authority (SCAPCA) Regulation I, Article V - New, Modified, and Temporary Stationary Air Contaminant Sources.

Purpose: To amend the existing regulation to make it easier to read, establish exemption thresholds and categories, clarify source closure and transfer of ownership issues, provide an administrative revision process, clarify the appeal process, and establish the requirement for operations to employ best available control technology (BACT).

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

Statute Being Implemented: Chapter 70.94 RCW and 42 U.S.C. 7401 et seq.

Summary: The amendments to this rule will establish de minimis levels for air contaminant sources, below which, an order of approval is not required. It increases the readability of the regulation; clarifies the appeal process, source closure and transfer of ownership issues.

Reasons Supporting Proposal: De minimis levels for registration sources are necessary to ensure that agency time is best utilized for air contaminant sources that emit higher levels of air pollution. The revisions should make the regulation more understandable by the regulated community.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Spokane County Air Pollution Control Authority, 1101 West College, #403, Spokane, WA 99201, (509) 477-4727.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Certain sections of the original regulation were unclear in their intent. Agency resources are better utilized as a result of these changes.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation identifies new, modified and temporary air pollution sources that are required to obtain an order of approval to construct, install, or operate in Spokane County. It also identifies source categories that are exempt from obtaining an order of approval. De minimis levels, below which registration is not required, are also established.

Effect: Insignificant emission sources will not be required to apply for order of approval to operate. Some fees will be lost to the agency. However, personnel resources will be better utilized.

Revisions should make the regulation more understandable by the regulated community and agency staff.

Proposal Changes the Following Existing Rules: The regulation is more understandable and better organized.

The regulation is more flexible.

Air pollution source categories are established for exemption from the regulation.

De minimis level for some air pollution source were established.

Source closure and transfer of ownership processes and procedures were included. BACT is established as the control level for new, modified, and temporary air pollution sources.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a local agency rule and RCW 34.05.328 has not been made voluntarily applicable to this rule.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule amendment.

Hearing Location: Spokane County Public Works Building, 1206 West Broadway, Hearing Room, Lower Level, Spokane, WA 99201, on May 4, 2000, at 9:00 a.m.

Submit Written Comments to: Charles E. Studer, Spokane County Air Pollution Control Authority, 1101 West College, Suite #403, Spokane, WA 99201, fax (509) 477-6828, by May 1, 2000.

Date of Intended Adoption: May 4, 2000.

February 25, 2000

Charles E. Studer

Environmental Engineer

ARTICLE V

NEW, MODIFIED, AND TEMPORARY STATIONARY
AIR CONTAMINANT SOURCES
((NOTICE OF CONSTRUCTION))

ADOPTED: June 9, 1969

~~((REVISION: September 1, 1994))~~

REVISED: May 4, 2000

~~((EFFECTIVE: October 6, 1994))~~

EFFECTIVE: June 4, 2000

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)

SECTION 5.01 DEFINITIONS

In addition to the definitions provided in Article I of this R((#))egulation and unless a different meaning is clearly required by context, words and phrases used in this Article shall have the following meaning:

A. ~~((C.))~~ Stationary Air Contaminant Source means any building, structure, facility, or installation, including any

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emissions unit as defined in Section 1.04 of this ~~((#))~~Regulation, that emits or may emit any air contaminant.

B. ~~((A-))~~ Modification means any physical change ~~((#))~~, or change in the method of operation of, a ~~((#))~~ stationary air contaminant source that increases the amount of any air contaminant emitted by such a stationary air contaminant source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in ~~((Section))~~ 42 USC 7411, ~~((Title 42, United States Code))~~, and with the rules implementing that section.

C. ~~((B-))~~ New Stationary Air Contaminant Source means the construction or installation ~~((modification))~~ of a ~~((#))~~ stationary air contaminant source ~~((that increases the amount of any air contaminant emitted by such a source or that results in the emission of any air contaminant not previously emitted;))~~ and any other project that constitutes a new source under the Federal Clean Air Act. Replacement of existing emission unit(s) with new or used emission unit(s) qualifies as a new stationary air contaminant source, except as provided by the Control Officer in a Notice of Construction Approval.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)

SECTION 5.02 NOTICE OF CONSTRUCTION (NOC) - WHEN REQUIRED

A. No person shall ~~((construct, install,))~~ establish ~~((or modify))~~ a new stationary air contaminant source or modify an existing stationary air contaminant source, including but not limited, to the sources listed in Exhibit R of Article IV of this Regulation, except as provided for in 5.02.G ~~((E-))~~, and 5.02.H ~~((F-))~~ of this section, unless a "Notice of Construction and Application for Approval" has been filed by the owner, operator, or their agent, of the stationary air contaminant source (using Authority prepared and furnished application and information request forms) and approved by the Control Officer~~((Authority using forms prepared and furnished by the Authority))~~. ~~((New source #))~~ Review of a modification shall be limited to the emission unit or units proposed to be modified and the air contaminants whose emissions would increase as a result of the modification.

B. New and modified stationary air contaminant source emission calculations shall be based on a ~~((#))~~ stationary air contaminant source's potential to emit, as defined in Chapter 173-400-030 WAC.

C. ~~((B-))~~ No person shall replace or substantially alter the emissions control equipment installed on an existing stationary air contaminant source, except as provided for in 5.02.F ~~((D))~~ and 5.02.G ~~((E))~~ of this ~~((s))~~Section, unless a Notice of Construction and Application for Approval has been filed by the owner or operator of the stationary air contaminant source (using Authority prepared and furnished application and information request forms) and approved by the Control Officer ~~((Authority using forms prepared and furnished by the Authority))~~.

D. ~~((C-))~~ A separate Notice of Construction and Application for Approval shall be filed for each new or modified stationary air contaminant source or emissions control system, unless identical units are to be constructed, installed, or

established and operated in an identical manner at the same facility. ~~((provided that, #))~~ The owner or operator has the option to file one application for an entire facility, with a detailed inventory of contaminant sources and emissions related to that facility.

E. ~~((D-))~~ A Notice of Construction and Application for Approval shall not be required to commence an alteration, which would normally require a Notice of Construction and Application for Approval, pursuant to 5.02.D ~~((B))~~ of this ~~((s))~~Section, in the event of a breakdown or if delaying the alteration may endanger life or have other serious consequences. The Authority shall be notified in writing of the alteration ~~((on))~~ no later than the first working day after the alteration is commenced and a Notice of Construction and Application for Approval shall be filed within 14 days after the day that the alteration is commenced. For purposes of compliance with Section 5.02, the Control Officer shall determine whether an alteration, commenced before issuance of an order of approval, meets the requirements of this subsection.

F. ~~((E-))~~ Construction, installation, establishment, modification, or alteration of air contaminant sources, comprised of equipment utilized exclusively in connection with any structure, which is designed for, and used exclusively as, a residence with not more than four dwelling units, shall not require a Notice of Construction and Application for Approval.

G. ~~((F- Construction, installation, establishment, or operation of a))~~ Owners or operators of temporary ~~((portable)) stationary air contaminant sources, operating in accordance with Section 5.08 - Temporary Stationary Air Contaminant Sources, ~~((which has met the requirements of Section 5.08))~~~~ shall not be required to apply for a Notice of Construction and Application for Approval.

H. ~~((G))~~. A person seeking approval to construct, install, or modify a ~~((#))~~ stationary air contaminant source at a Chapter 401 source as defined in WAC 173-401-200(6), ~~((that requires an operating permit))~~ may elect to integrate review of the operating permit application or amendment ~~((required under RCW 70.94.161))~~ and the Notice of Construction and Application for Approval required by this Article. A Notice of Construction and Application for Approval designated for integrated review shall be processed in accordance with the operating permit program procedures and deadlines ~~((as found))~~ in Chapter 173-401 WAC.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)

SECTION 5.03 NOC FEES

A. The person filing the Notice of Construction and Application for Approval shall pay a filing fee and plan review and approval fee according to Article X, Fees and Charges, of this ~~((#))~~Regulation.

B. Fees shall be paid without regard to whether a Notice of Construction and Application for Approval is approved or denied.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)**SECTION 5.04 INFORMATION REQUIRED**

A. Each Notice of Construction and Application for Approval shall be accompanied by appropriate documentation that provides a detailed description of the ~~((following))~~ stationary air contaminant source. Such information may include, but is not limited to:

1. The new or modified stationary air contaminant source, equipment and emissions control equipment (~~((apparatus))~~) subject to the Notice of Construction;
2. Any equipment connected to, serving, or served by the new or modified stationary air contaminant source, equipment, and emissions control equipment (~~((apparatus))~~) subject to the Notice of Construction;
3. A plot plan, including the distance to, length, width, and height of; buildings within ~~((a))~~ 200 feet or other distance specified by the Control Officer from the place where the new or modified stationary air contaminant source is or will be installed;
4. The proposed means for the prevention or control of the emissions of air contaminants;
5. Estimated emissions resulting from the proposal and the basis for the estimates, or sufficient information for the ~~((a))~~ Authority to calculate the expected emissions;
6. Any additional information required by the Control Officer to show that the proposed new or modified stationary air contaminant source will meet the applicable air quality requirements of Chapter 70.94 RCW and the rules and regulations adopted thereunder (~~((emissions standards))~~).
7. The owner or operator shall provide proof that the requirements of Article XI of this Regulation (Spokane Environmental Ordinance) have been met.

B. Each Notice of Construction and Application for Approval shall be signed by the owner or operator of the new or modified stationary air contaminant source, or their agent.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)**SECTION 5.05 PUBLIC NOTICE ~~((MAY BE))~~ REQUIRE~~((D))~~MENTS**

A. The Control Officer shall publish or cause to be published a notice to the public of the opportunity to submit written comments on a preliminary determination for an application during a thirty (30) day period under any of the following conditions:

1. If required by state or federal laws, or regulations; or
2. If the proposed new or modified stationary air contaminant source would cause an annual increase of ten (10) tons or more of any air contaminant or precursor, for which ambient air quality standards have been established, or toxic air pollutant, as defined in Article X, Section 10.01 of this ~~((f))~~ Regulation; or
3. If the applicant requests approval of a risk analysis pursuant to Chapter 173-460 WAC; or,
4. ~~((3-))~~ If the Control Officer determines that such opportunity for comment is in the public interest.

B. The cost of publishing any public notice required by this Section ~~((5-05))~~ shall be paid by the owner or applicant.

C. Such public notice shall be published in a newspaper of general circulation in the area of the proposal and shall contain the following information:

1. Name and address of the source, and the owner or operator of the source, if different.
2. Brief description of proposed construction.
3. The location at which a copy of the preliminary determination and a summary of information, considered in making such preliminary determination, are available to the public.
4. Announcement of a thirty day period for submitting written comment to the Authority, stating the ending date of the comment period.
5. Announcement that a public hearing may be held if the ~~((Authority))~~ Control Officer determines within a thirty day period that significant public interest exists.
6. Any other information required under state or federal laws or regulations.

D. A copy of the public notice shall be sent to the U.S. Environmental Protection Agency ~~((f))~~ Regional ~~((a))~~ Administrator.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)**SECTION 5.06 APPLICATION COMPLETENESS DETERMINATION**

Within 30 days of receipt of a Notice of Construction and Application for Approval, the Authority shall notify the applicant in writing that the application is complete or notify the applicant in writing of any additional information necessary, based on review of information already supplied, to complete the application. Determination of completeness shall be evaluated on the basis that the application contains all information required to determine that the proposal shall be in accord with Chapter 70.94 RCW, the Federal Clean Air Act (42 USC 7401 et seq.), and the rules adopted thereunder ~~((, and the Federal Clean Air Act (42 USC 7401 et seq.))~~. As a condition of completeness determination, the Control Officer may require payment of applicable fees, or a portion thereof, pursuant to Article X of this ~~((f))~~ Regulation.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)**SECTION 5.07 ISSUANCE OF APPROVAL OR ORDER**

A. For new or modified stationary air contaminant sources, ~~((as defined in Chapter 173-400 WAC:))~~

1. Within 60 days of receipt of a complete application ~~((the completeness determination made pursuant to Section 5-06))~~, the ~~((Authority))~~ Control Officer shall either issue a final determination on the application or, for those proposals subject to public notice requirements, initiate notice and comment procedures under Section 5.05. If notice is required by state or federal regulations, the public notice shall occur in a manner that ~~((shall))~~ meets both Section 5.05 and those sec-

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tions of the state or federal regulations that are applicable. As promptly as possible after the close of the comment period, a final determination shall be issued by the Control Officer.

2. The final determination may include:

a. an order of denial, if it is found that the proposal is not in accord with Chapter 70.94 RCW, the Federal Clean Air Act (42 USC 7401 et seq.), and the rules adopted thereunder(~~(, and the Federal Clean Air Act (42 USC 7401 et seq.);~~); or

b. an order of approval which may provide conditions as are reasonably necessary to assure maintenance of compliance with Chapter 70.94 RCW, the Federal Clean Air Act (42 USC 7401 et seq.), and the rules adopted thereunder(~~(, and the Federal Clean Air Act (42 USC 7401 et seq.);~~).

3. Prior to issuance, the final determination shall be reviewed and signed by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.

4. If the new stationary air contaminant source is a major stationary (~~(air contaminant)~~) source as defined in Chapter 173-400 WAC or the change is a major modification as defined in Chapter 173-400 WAC(~~(, the Authority shall submit any)~~) The control technology determination included in a final determination will be submitted to the RACT/BACT/LAER (e) Clearinghouse maintained by the United States Environmental Protection Agency.

5. Construction shall not commence, consistent with the WAC 173-400-030 definitions of "begin actual construction" and "commenced construction", until the Notice of Construction application is approved by the (~~(Authority))~~ Control Officer.

B. For replacement or substantial alteration of emission control equipment:

1. Within 30 days of receipt of a complete application (~~(the completeness determination made pursuant to Section 5.06)~~), the (~~(Authority))~~ Control Officer shall either issue an order of approval, an order of denial, or a proposed Reasonably Available Control Technology (RACT) determination pursuant to Chapter 173-400 WAC.

2. The order of approval may:

a) Require that the owner or operator employ RACT for the affected emission unit, and

b) Prescribe reasonable operation and maintenance conditions for the control equipment,

c) Prescribe other requirements as authorized by Chapter 70.94 RCW.

3. Prior to issuance, the order of approval shall be reviewed and signed by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.

4. Replacement or substantial alteration shall not commence until the application is approved by the (~~(Authority))~~ Control Officer. However, any Notice of Construction and Application for Approval, filed under Subsection 5.02.D (~~(B)~~), shall be deemed to be approved without conditions if the Authority takes no action within thirty days of receipt of a complete Notice of Construction and Application for Approval.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)

SECTION 5.08 TEMPORARY ((PORTABLE)) STATIONARY AIR CONTAMINANT SOURCES

A. Except as otherwise allowed in 5.08.I of this Article, (~~(F)~~)for (~~(portable)~~) stationary air contaminant sources which locate temporarily at specific sites, the owner or operator shall be allowed to operate at the temporary location without filing a Notice of Construction and Application for Approval, provided the owner or operator files a (~~(=)~~)Notice of Intent to Install and Operate a Temporary Source(~~(=)~~) (NOI) at least fifteen (15) calendar days prior to starting the operation, (using Authority prepared and furnished application and information request forms) (~~(on forms prepared and furnished by the Authority, at least 15 days prior to starting the operation)~~) and obtains permission to operate from the (~~(Authority))~~ Control Officer. Sufficient information shall be supplied by the owner or operator to enable the (~~(Authority))~~ Control Officer to determine that the operation will be in accordance with Chapter 70.94 RCW, the Federal Clean Air Act (42 USC 7401 et seq.), and the rules adopted thereunder(~~(, and the federal Clean Air Act (42 USC 7401 et seq.))~~). The owner or operator shall also provide proof that the requirements of Article XI of this Regulation (Spokane Environmental Ordinance) ((Chapter 197-11 WAC (State Environmental Policy Act))) have been met.

B. Permission to operate may be granted, subject to conditions as are reasonably necessary to assure compliance with Chapter 70.94 RCW, the Federal Clean Air Act (42 USC 7401 et seq.), and the rules adopted thereunder(~~(, and the Federal Clean Air Act (42 USC 7401 et seq.))~~). If any conditions listed in Subsection 5.05.A. are applicable to the proposal, a public comment period shall be held pursuant to Section 5.05.

C. Permission to operate may be granted for a limited time, but in no case longer than 180 consecutive days.

D. The person filing a Notice of Intent to Install and Operate a Temporary Source shall pay (~~(=)~~) filing (~~(fee)~~), (~~(and)~~) plan review, and approval fees according to Article X, Fees and Charges, of this (~~(=)~~)Regulation. Fees shall be paid without regard to whether permission is granted or denied.

E. The Control Officer (~~(Authority))~~ may revoke, or suspend permission to operate if the Control Officer determines that the stationary air contaminant source is not constructed or operated as described in the Notice of Intent to Install and Operate a Temporary Source, including plan, specification, or other information submitted therewith.

F. Permission to operate shall be invalid if:

1. Construction, installation, or operation does not begin within 180 days of receipt of permission; or

2. Construction, installation, or operation is discontinued for a period of 180 days or more; or

3. Construction, installation, or operation is not completed within a reasonable time, as determined by the Control Officer; or

4. The operation is removed from the site for 30 consecutive days or longer.

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G. ((H.)) Permission to operate, conditions of permission to operate, or denial of installation and operation of a temporary stationary air contaminant source may be appealed to the Pollution Control Hearings Board of Washington, as provided in Chapter 43.21B RCW.

H. Installation or operation of a temporary stationary air contaminant source shall not commence until the Notice of Intent to Establish a Temporary Source application is approved by the Control Officer.

I. The following operations are exempt from Article V.

1. Abrasive blasting units that operate at a site for less than 30 days in any 12-month period. All other abrasive blasting units are subject to the requirements of this Article.

2. Rock drilling operations.

3. Blasting operations.

4. Woodwaste chipping and grinding operations that operate at a site for less than 30 days in any 12-month period, except for operations that establish a permanent collection, storage and/or processing facility at a site or sites for purpose of future processing. All other woodwaste chipping and grinding operations are subject to the requirements of this Article.

5. Soil and groundwater remediation projects that the Control Officer determines have insignificant air pollution impacts.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)

SECTION 5.09 OPERATING REQUIREMENTS

A. All equipment, machines, devices, and other contrivances, constituting parts of, or called for by plans, specifications or other information submitted pursuant to Section 5.02, 5.04, and 5.08 shall be maintained in good working order and operated at all times that air contaminant emissions may occur, unless otherwise specified by the Control Officer ((Authority)).

B. All conditions of approval, established pursuant to Sections 5.07 and 5.08, shall be complied with.

C. All new and modified stationary air contaminant sources shall employ Best Available Control Technology (BACT), as defined in Chapter 173-400 WAC, and if applicable, Toxic Best Available Control Technology (TBACT), as defined in Chapter 173-460 WAC, except that, if the new source is a major stationary source or the proposed modification is a major modification, the lowest achievable emission rate (LAER) shall be achieved for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

D. In no event shall the application of BACT or TBACT permit a new or modified source to emit any pollutant in excess of the amount allowable under an applicable Federal or Washington State standard or regulation.

AMENDATORY SECTION (Amending WSR 99-19-014, filed 9/7/99)

SECTION 5.10 CHANGES TO AN ORDER OF APPROVAL

A. The ((Authority)) Control Officer may revoke, revise, or suspend the order of approval if the Control Officer determines that the new or modified stationary air contaminant source is not constructed or operated as described in the Notice of Construction and Application for Approval including the plans, specifications, or other information submitted therewith.

B. The ((Authority)) Control Officer may revoke, revise or suspend the permission to operate a temporary source if the Control Officer determines that the source is not installed or operated as described in the "Notice of Intent to Install and Operate a Temporary Source" including the plans, specifications, or other information submitted therewith.

C. ((B.)) The applicant may request, at any time, a change in conditions of an order of approval or permission to operate a temporary source and the Control Officer may approve such a request provided the Control Officer finds that:

1. The change in conditions will not cause the stationary air contaminant source to exceed an emissions standard; and
2. No ambient air quality standard will be exceeded as a result of the change; and
3. The change will not adversely impact the ability of the ((Authority)) Control Officer to determine compliance with an emissions standard.

D. ((C.)) A fee, as established in Section 10.07 of this R((R))egulation, shall be assessed to, and paid by, the applicant for requests pursuant to Subsection 5.10.C ((B.))

E. Order of approval and permit to operate revisions may be initiated by the Control Officer, without fees charged to the owner or operator, as long as the stationary air contaminant source continues to comply with all applicable requirements of Chapter 70.94 RCW and the Federal Clean Air Act (42 USC 7401 et seq.), and the rules adopted thereunder, and the Control Officer determines that the order of approval or permit to operate:

1. has typographical errors, or
2. has conditions listed therein that are ineffective or unreasonable, or
3. has conditions that no longer apply because the affected stationary air contaminant source or associated process or process materials have been significantly altered, or
4. has conditions that no longer apply due to revisions to Federal, State, or Local laws or regulations, or
5. does not accurately show current ownership, name, address, phone number, or there are other minor administrative inaccuracies.

F. The Control Officer may not modify, delete, or add conditions to an existing order of approval or permit to operate under Section 5.10.E, unless the owner or operator is notified in writing at least 30 days in advance of the effective date of the change. Modified, deleted or added conditions may be appealed in accordance with RCW 43.21B.310.

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AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)**SECTION 5.11 NOTICE OF COMPLETION**

The owner or operator of the new or modified stationary air contaminant source shall notify the Authority seven (7) days prior to the new or modified stationary air contaminant source's expected start-up date, or a shorter time if approved by the Control Officer.

~~((Within 7 days, or a shorter time if approved by the Authority, of the expected start up date of the source, the owner or operator shall notify the Authority of the date upon which operation is expected to commence.))~~

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)**SECTION 5.12 WORK DONE WITHOUT AN APPROVAL**

Where construction, installation, modification, or operation of an stationary air contaminant source is commenced or performed prior to receiving an order of approval or permission to operate from the Control Officer, ~~((for which Notice of Construction and Application for Approval is required, is commenced or performed prior to making application and receiving an order of approval,))~~ except as provided for in Subsection 5.02.E ~~((D))~~ and 5.02.F, the Control Officer may conduct, or cause to be conducted, a compliance investigation as part of the Notice of Construction or Notice of Intent to Establish a Temporary Source review. In such case, a compliance investigation fee, as established in Section 10.07 of this ~~((R))~~ Regulation, shall be assessed to, and paid by, the ~~((applicant))~~ owner or operator, in addition to the fees required in Sections 5.03 and 5.08 of this ~~((R))~~ Regulation. Payment of the compliance investigation fee ~~((s))~~ does not relieve any person from the requirement to comply with applicable ~~((the))~~ regulations, nor from any penalties for failure to comply.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)**SECTION 5.13 TIME LIMITS**

A. An order of approval, issued pursuant to Section 5.07 shall become invalid if:

1. Construction is not commenced within eighteen months after the receipt of the approval
2. Construction is discontinued for a period of eighteen months or more, or
3. Construction is not completed within a reasonable time as determined by the Control Officer.

B. The ~~((Authority))~~ Control Officer may extend the 18-month period, upon a satisfactory showing ~~((to the Control Officer))~~ that an extension is justified. The Control Officer may approve such a request provided that:

1. No new requirements, such as New Source Performance Standards (Title 40, Code of Federal Regulations, Part 60), National Emissions Standards for Hazardous Air Pollutants (Title 40, Code of Federal Regulations, Parts 61 and 63), or state and local regulations, have been adopted pursuant to

Chapter 70.94 RCW or the Federal Clean Air Act (42 USC 7401 et seq.) which would change the order of approval, had it been issued at the time of the extension; and

2. If there is a control technology requirement, pursuant to sections WAC 173-400-112, WAC 173-400-113, or WAC 173-400-114 of Chapter 173-400 WAC ~~((s));~~ or Article V, Section 5.09.C of this Regulation; that no technologies have been subsequently identified which would change the order of approval, had it been issued at the time of the extension; and

3. The information presented in the Notice of Construction and Application for Approval and associated documents and the assumptions that were made by the ~~((Authority))~~ Control Officer during review of the application continue to accurately represent the design, configuration, equipment, and emissions of the proposed stationary air contaminant source; and

4. The applicant certifies that the stationary air contaminant source will comply with all applicable requirements of Chapter 70.94 RCW, the Federal Clean Air Act (42 USC 7401 et seq.), and the rules adopted thereunder ~~((, and the Federal Clean Air Act (42 USC 7401 et seq.))~~.

C. Subsection 5.13.A. does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within 18 months of the projected and approved commencement date.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)**SECTION 5.14 APPEALS**

A. The following may be appealed to the Pollution Control Hearings Board of Washington within 30 calendar days of receipt, as provided in Chapter 43.21B RCW:

- Notice of Construction and Application for Approval
1. An order of approval,
 2. Conditions of an order of approval, or
 3. An order of denial of a Notice of Construction and Application for Approval
- Notice of Intent to Install and Operate a Temporary Source
1. a permission to operate,
 2. conditions of a permission to operate, or
 3. an order of denial of a Notice of Intent to Install and Operate a Temporary Source.

~~((An order of approval, conditions of an order of approval, or an order of denial of a Notice of Construction and Application for Approval may be appealed to the Pollution Control Hearings Board of Washington as provided in Chapter 43.21B RCW.))~~

B. The Authority shall promptly mail copies of each order, approving or denying a Notice of Construction or Notice of Intent, to the applicant and to any other party (in the case of a petition, the person or organization submitting the petition) who submitted timely comments on the application. The approval or denial order shall include a notice advising the parties of their rights of appeal to the Pollution Control

Hearings Board and, where applicable, to the U.S. EPA Environmental Appeals Board.

AMENDATORY SECTION (Amending WSR 94-18-114, filed 9/6/94)

SECTION 5.15 OBLIGATION TO COMPLY

The absence of an ordinance, resolution, rule or regulation, or the failure to issue an order pursuant to this Article shall not relieve any person from the obligation to comply with this Regulation or with any other provision of law.

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

WSR 00-07-025

PROPOSED RULES

**SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY**

[Filed March 3, 2000, 1:18 p.m.]

Original Notice.

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

Title of Rule: Spokane County Air Pollution Control Authority (SCAPCA) Regulation I, Article X, Section 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY SOURCE.

Purpose: To amend the existing fee regulation to clarify the definition on like-kind emission units and to establish a compliance investigation fee of \$300 per emission unit or group of like-kind emission units.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

Statute Being Implemented: Chapter 70.94 RCW and 42 U.S.C. 7401 et seq.

Summary: These amendments establish an equitable compliance investigation fee of \$300 per emission unit or group of like-kind emission units. These amendments result in lower compliance investigation fees to the regulated community.

Reasons Supporting Proposal: The present compliance investigation fee results in inequity, when applying it to different types of sources. Since the present compliance investigation fee is two times the applicable fees according to Section 10.07.B and the fees in that section vary depending upon the type of emission unit, then resulting compliance investigation fees for different types of emission units vary. The amount of inspection time is approximately the same for any type of emission unit, therefore a variation in compliance investigation fees is not equitable.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Spokane County Air Pollution Control Authority, 1101 West College, #403, Spokane, WA 99201, (509) 477-4727.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Compliance investigation fees will be decreased to the regulated community.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Purpose: To amend the existing fee regulation to clarify the definition on like-kind emission units and to establish a compliance investigation fee of \$300 per emission unit or group of like-kind emission units.

Effect: This revision effectively reduces the compliance investigation fee for emission units that have been installed without an approval to operate. It also establishes a finite fee that is the same for all types of emission units. The previous wording allowed SCAPCA to charge varying compliance investigation fees depending upon the type of emission unit. This establishes equity among emission units.

Proposal Changes the Following Existing Rules: Clarifies the definition of like-kind.

Establishes a \$300 compliance investigation flat fee.

Reduces the amount of the compliance investigation fee.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a local agency rule and RCW 34.05.328 has not been made voluntarily applicable to this rule.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule amendment.

Hearing Location: Spokane County Public Works Building, 1206 West Broadway, Hearing Room, Lower Level, Spokane, WA 99201, on May 4, 2000, at 9:00 a.m.

Submit Written Comments to: Charles E. Studer, Spokane County Air Pollution Control Authority, 1101 West College, Suite #403, Spokane, WA 99201, fax (509) 477-6828, by May 1, 2000.

Date of Intended Adoption: May 4, 2000.

February 25, 2000

Charles E. Studer

Environmental Engineer

AMENDATORY SECTION (Amending WSR 99-19-014, filed 9/7/99)

SECTION 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY SOURCE

A. For each project required by Article V to file a Notice of Construction and Application for Approval (NOC) or a Notice of Intent to Install and Operate a Temporary Source, the applicant shall pay a filing fee of \$150 at the time of filing the application.

B. IN ADDITION to the filing fee provided in Section 10.07.A, the applicant shall pay a fee, according to the following:

(1) Equipment fee. Sources for which an application is made for more than one emission point under one Notice of Construction application, as allowed in Section 5.02.C, the

PROPOSED

equipment fee, for each emission unit and/or air pollution control system being installed or modified, shall be as follows:

(a) Fuel Burning Equipment With or Without Air Pollution Control Equipment:

<u>Design Input Size (MMBtu/hr)</u>	<u>Fee</u>
.4 < 5	\$200
5 < 10	\$250
10 < 20	\$300
20 < 50	\$350
50 < 100	\$400
100 < 250	\$500
250 < 500	\$650
500 < UP	\$850

(b) Refuse Burning Equipment Including Air Pollution Control Equipment:

<u>Capacity (ton/day)</u>	<u>Fee</u>
0 < 12	\$1,000
12 < 250	\$1,500
250 < UP	\$2,500

(c) Process Equipment and/or Air Pollution Control Equipment or Uncontrolled Process Equipment:

<u>Actual ft³/min</u>	<u>Fee</u>
0 < 5,000	\$150
5,000 < 20,000	\$250
20,000 < 50,000	\$350
50,000 < 100,000	\$450
100,000 < 250,000	\$550
250,000 < 500,000	\$650
500,000 < UP	\$800

(d) Gasoline dispensing facilities:

<u>Equipment Being Installed</u>	<u>Fee</u>
Annual facility gasoline throughput of less than 1.5 million gallons	\$150
Annual facility gasoline throughput of 1.5 million gallons or greater	\$250

(e) For sources not included in the above categories, an hourly fee of \$50.00 per hour of time expended in plan review.

(2) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B. (1)(e) above, for any new or modified source of air pollution to be constructed and anticipated to produce significant emissions, a significant emissions review fee of \$250.

(3) In addition, except for projects subject to an equipment fee, pursuant to Section 1.07.B. (1)(e) above, for any new or modified source of air pollution which requires review pursuant to Chapter 173-460 WAC, a toxic air pollutant review fee. For sources with more than one emission

point under one Notice of Construction application, as allowed in Section 5.02.C, a separate toxic air pollutant review fee applies to each emission unit, or each group of like-kind emission units, being installed or modified. A group of emission units shall be considered as like-kind if ~~((one set of emission calculations adequately represents emissions from all the emission units))~~ the same set of emission calculations can be used to characterize emissions from each of the emissions units. The toxic air pollutant review fee shall be as follows:

(a) For a new or modified source using WAC 173-460-080 (2)(e), Small Quantity Emission Rates, to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070 & WAC 173-460, an additional charge of \$100;

(b) For a new or modified source using dispersion screening models (e.g., EPA SCREEN or TSCREEN) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$150;

(c) For a new or modified source using more refined dispersion models (e.g., EPA ISC3) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$400; or

(d) For a new or modified source using a second tier analysis under WAC 173-460-090 or a risk management decision under WAC 173-460-100 to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$1000.

(4) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B. (1)(e) above, for any new or modified source of air pollution, subject to a standard under WAC 173-400-115 (NSPS), an additional charge as follows:

(a) If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, with only natural gas as a fuel, an additional charge of \$50;

(b) If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, using fuels other than solely natural gas, an additional charge of \$100;

(c) If subject to 40 CFR Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities, an additional charge of \$100;

(d) If a volatile organic liquid storage tank subject to 40 CFR § 60.110b (b) or (c), no additional charge;

(e) If subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, no additional charge; and

(f) If subject to a subpart of 40 CFR Part 60, other than those covered in (a) through (d) above, an additional charge of \$250.

(5) In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B. (1)(e) above, for any new or modified source of air pollution, subject to a standard

PROPOSED

under WAC 173-400-075 (NESHAP), an additional charge as follows:

(a) If subject to 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities, and/or WAC 173-400-075(6), Emission Standards for Perchloroethylene Dry Cleaners, no additional charge;

(b) If subject to 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, an additional charge of \$100;

(c) If subject to 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning, an additional charge of \$150; and

(d) If subject to a subpart of 40 CFR Part 63, other than those covered in (a) through (c) above, an additional charge of \$250.

(6) In addition, for integrated review of a Notice of Construction and Application for Approval, as allowed under Section 5.02.G of this regulation, an additional charge of \$250.

C. Sources for which application is made for a change in conditions pursuant to Section 5.10.C of this regulation, the fee shall be one half the current fee for a Notice of Construction and Application for Approval or a Notice of Intent to Install and Operate a Temporary Source for that type of source, including the filing fee, according to Section 10.07.A, and the applicable fees, according to Section 10.07.B, or \$350, whichever is less.

D. Where a compliance investigation is conducted pursuant to Section 5.12 of this regulation, the compliance investigation fee shall be ~~((equal to 2 times the applicable fees according to Section 10.07.B-))~~ \$300 per emission unit, or group of like-kind emission units, being installed or modified. A group of emission units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

WSR 00-07-037

WITHDRAWAL OF PROPOSED RULES HORSE RACING COMMISSION

[Filed March 6, 2000, 10:22 a.m.]

Notice is hereby given that the Washington Horse Racing Commission is withdrawing Form CR-102 (WSR 00-03-088 filed January 19, 2000) related to proposed amendments to WAC 260-34-140 Alcohol levels determined and 260-34-150 Alcohol testing.

Bruce Batson
Executive Secretary

WSR 00-07-047 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Commission Docket No. UT-991573—Filed March 7, 2000, 12:06 p.m.]

Supplemental Notice to WSR 00-02-035.

Preproposal statement of inquiry was filed as WSR 99-09-028.

Title of Rule: WAC 480-120-990 Telephone companies—Toll carrier obligations, requirements for toll carriers.

Purpose: This rule is designed to ensure that all customers of the state have access to toll service.

Statutory Authority for Adoption: RCW 80.01.040 General, RCW 80.36.183 Telecommunications.

Summary: The rule requires that telecommunications carriers transmit toll traffic within the state to all exchanges, and to provide thirty days' notice upon an election to withdraw from serving an exchange.

Reasons Supporting Proposal: A rule is needed to prevent consumers in some parts of the state from losing access to long-distance services. Long-distance service is classified as competitive by the commission because there are multiple toll service providers, which ensures adequate service at reasonable prices. However, there may be circumstances where effective competition alone does not protect consumers. This rule will provide the opportunity to secure alternate service when a carrier ceases to offer toll service in an exchange.

Name of Agency Personnel Responsible for Drafting: Betty Erdahl, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1283; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule requires telecommunications carriers that provide toll service to transmit calls to all areas of the state from the area they serve. This rule also requires thirty days' notice to exit the toll market. The commission in Docket UT-990976 eliminated the obligation of US WEST Communications to provide local toll service in areas of the state where it does not provide local exchange service. The commission has proposed this rule in order to ensure that all customers of the state have access to toll services. This rule requires the thirty days' notice upon exiting the toll market to ensure adequate time for the commission and consumers to react if in fact the carrier is the last one to exit this market.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency does not believe toll carriers' cost will increase as a result of adopting this rule. Toll carriers are currently providing intraLATA service where they provide interLATA service.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies.

PROPOSED

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on May 10, 2000, at 9:30 a.m.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, or e-mail to records@wutc.wa.gov, fax (360) 586-1150, by April 12, 2000. Please include Docket No. UT-991573 in your communication.

Date of Intended Adoption: May 10, 2000.

March 7, 2000
Carole J. Washburn
Secretary

NEW SECTION

WAC 480-120-990 Toll carrier obligation to serve.

(1) Telecommunications companies offering originating toll service from an exchange must transmit toll calls to all other exchanges within the state and outside the local calling area. This requirement may be satisfied through toll service offerings of an affiliated company. This requirement does not apply to the extent a company is prohibited by law from offering toll service for calls between specified exchanges or areas.

(2) A telecommunications company offering originating toll service may not discontinue offering such service from an exchange until thirty days after it has notified all of its customers in that exchange, notified each company offering local exchange service within that exchange, and notified the commission by filing a tariff or price list revision.

(3) The notice requirements of subsection (2) of this section do not apply to any telecommunications company whose gross revenues from Washington intrastate toll service in the prior calendar year were less than twenty million dollars. For the purposes of this calculation, the Washington intrastate toll revenues of all affiliated companies will be combined.

Purpose: To comply with the release and settlement agreement by and between the Humanists of Washington, et al., and Joseph Lehman, et al., Number C97-5499FDB, dated October 1, 1999; to reflect changes in department policies; and to make technical corrections. The revisions will help clarify the procedural guidelines relating to general and serious infractions, and the hearings and appeals process.

Statutory Authority for Adoption: RCW 72.01.090.

Statute Being Implemented: RCW 72.09.010.

Summary: Changes include the addition of a general infraction for the possession of written, photographic, or hand-drawn material that depicts a sexually explicit act, and the addition of a procedure for consideration of mitigating factors in deciding whether to charge a general infraction for such behavior rather than a serious infraction or to reduce a serious infraction to a general infraction. Other changes include the elimination of fines as a possible sanction, the modification of certain hearings and appeals procedures, and the correction of department titles and offices.

Reasons Supporting Proposal: Changes in these rules are necessary for compliance with the Release and Settlement Agreement Number C97-5499FDB, and to ensure conformance with department policies.

Name of Agency Personnel Responsible for Drafting: Sherri Pardue, P.O. Box 41114, Olympia, WA 98504, (360) 586-2160; Implementation and Enforcement: Eldon Vail, Deputy Secretary, Office of Correctional Operations, P.O. Box 41118, Olympia, WA 98504, (360) 753-1502.

Name of Proponent: Department of Corrections, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The following changes are proposed to chapter 137-28 WAC:

Title of Rule	Explanation of Rule, its Purpose, and Anticipated Effects
137-28-140 Purpose	Technical correction to eliminate the division of community corrections.
137-28-160 Definitions	Technical correction to reflect deputy secretary rather than director. Added definitions of infraction review officer, mitigating factors, secretary, and sexually explicit.
137-28-170 Supplementary rules	Clarified policy on the creation of new sanctions for infractions.
137-28-185 Creation or amendment of serious infractions	New rule describing the procedure for the creation or amendment of a serious infraction.
137-28-220 General infractions	Creates a general infraction for the possession of any written, photographic, or hand-drawn material that depicts a sexually explicit act. Adds subsection on the consideration of mitigating factors prior to charging a general infraction of this type.
137-28-230 General infraction procedure	Clarifies procedures for upgrading a general infraction to a serious infraction.

**WSR 00-07-048
PROPOSED RULES
DEPARTMENT OF CORRECTIONS**

[Filed March 7, 2000, 2:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-070.

Title of Rule: Prisons—Discipline, chapter 137-28 WAC, WAC 137-28-140 Purpose, 137-28-160 Definitions, 137-28-170 Supplementary rules, 137-28-185 Creation or amendment of serious infractions, 137-28-220 General infractions, 137-28-230 General infraction procedure, 137-28-260 Serious infractions, 137-28-270 Serious infraction procedure, 137-28-290 Preparations for hearing, 137-28-300 Conduct of hearing, 137-28-310 Decision of hearing officer, 137-28-320 Lesser included and related infractions, 137-28-350 Sanctions—Authority to impose, 137-28-380 Appeal to superintendent, and 137-28-420 Continuances.

PROPOSED

Title of Rule	Explanation of Rule, its Purpose, and Anticipated Effects
137-28-260 Serious infractions	Adds subsection on the consideration of mitigating factors prior to charging a serious infraction for the possession of any written, photographic, or hand-drawn material that depicts a sexually explicit act.
137-28-270 Serious infraction procedure	Clarifies serious infraction procedures and adds the consideration of mitigating factors.
137-28-290 Preparations for a hearing	Decreases time for scheduling a hearing from ten to seven working days.
137-28-300 Conduct of hearing	Clarifies procedure for staff advisors.
137-28-310 Decision of hearing officer	Adds subsection stating that a hearing officer may not find an inmate guilty of 728 (a) or (b) infraction for the possession of sexually explicit materials depicting only actual penetration if such material was screened and approved by a mail room staff member prior to the delivery to the inmate. New subsection clarifies that this does not limit the ability to remove such material from the inmate's cell. Adds consideration of mitigating factors. Adds subsections on lesser included and related offenses.
137-28-350 Sanctions—Authority to impose	Technical corrections to policy number citation and title of deputy secretary. Deletes fines as a possible sanction.
137-28-380 Appeal to superintendent	Increases time to appeal from twenty-four hours to fifteen days. Adds consideration of mitigating factors in the appeal process.
137-28-420 Continuances	Technical correction of division of prisons to department of corrections.
137-28-320 Lesser included and related infractions	Repeal of section. These procedures were added as subsections to WAC 137-28-310.

Proposal Changes the Following Existing Rules: Changes are described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules will not impose costs on businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule adoption as the agency is not named in RCW 34.05.328 (5)(a)(i) and has not voluntarily subjected the rule adoption to the statute as described in RCW 34.05.328 (5)(a)(ii).

Hearing Location: Department of Corrections, 410 West 5th Avenue, 7th Floor Conference Room, Olympia, WA 98504, on April 25, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sherri Pardue by April 13, 2000, (360) 586-2160.

Submit Written Comments to: Sherri Pardue, P.O. Box 41114, Olympia, WA 98504-1114, fax (360) 664-2009, by April 24, 2000.

Date of Intended Adoption: April 25, 2000.

March 6, 2000
Joseph D. Lehman
Secretary

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-140 Purpose. The rules in this chapter provide a standardized system to determine whether misconduct by an inmate of an adult correctional institution has occurred, and to provide a system that clearly links an offender's behavior and participation in available education and work programs as determined through classification with the receipt or denial of earned early release time and other privileges.

The rules in this chapter shall not apply to proceedings of the indeterminate sentence review board (~~or the division of community corrections~~).

The following rules set forth procedural guidelines. They do not create any procedural or substantive rights in any person, including any liberty interests in time credits, levels of custody, classification status, or other privileges. In accordance with Washington statutes, such matters are governed solely by the discretion of the department of corrections.

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-160 Definitions. For the purposes of this chapter, the following words have the following meanings:

Adult correctional institution and institution - a facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - an assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - a physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to weapons, body parts, food products or bodily secretions.

Attempt - putting forth an effort to commit any infraction shall be considered the same as commission of the infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - physical pain or injury, illness, or impairment of physical condition.

Cell tag - if contraband or other violation is discovered in an area under control of the inmate (such as within the confines or contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - an agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

~~(Director—the director of the division of prisons of the Washington state department of corrections, or the director's designee.)~~ Deputy secretary - the deputy secretary of the office of correctional operations of the Washington state department of corrections, or the deputy secretary's designee.

Discovery - when a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

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Earned time - means that portion of time an offender is eligible to earn for program participation approved by the classification process and consistent with his/her case management plan.

Earned release time - means the combined earned time and good conduct time credit an offender is eligible to earn off the minimum term established by the indeterminate sentence review board or the sentencing court.

Good conduct time credits - that portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - Staff member(s) designated by the superintendent to conduct disciplinary hearings.

Infraction - commission of, attempt to commit, or conspiracy with another to commit any violation of prison rules as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Infraction review officer - staff member(s) designated by the superintendent to review a serious infraction.

Lesser included offense - any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to bandaging, suturing, surgery, etc. An examination conducted by medical staff to determine whether an injury has been sustained shall not be considered medical care.

Mitigating factors - factors to be considered by the infracting officer in deciding whether to charge a #728(a) general infraction rather than a #728(b) serious infraction. Also, factors to be considered by the infraction review officer, hearings officer, and superintendent for the purpose of deciding whether a #728(b) serious infraction should be reduced to a #728(a) general infraction. Mitigating factors may include the seriousness of the sexually explicit material involved, whether the inmate has been convicted of a sexually motivated crime, the treatment needs of the inmate, the prior history of similar behavior, and the source of the material.

Possession - established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Secretary - the secretary of the Washington state department of corrections, or the secretary's designee.

Sexual harassment - any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Sexually explicit - means a depiction of one of the following:

• One of the participants in the sexual act is, or appears to be, nonconsenting;

• One of the participants in the sexual act appears to be forceful, threatening, or violent;

• One of the partners in the sexual act is dominating one of the other participants and one of the individuals is obviously in a submissive role or one of the participants is degraded, humiliated, or willingly engages in behavior that is degrading or humiliating;

• One of the participants in the sexual act is a minor, or appears to be a minor, or a minor alone is depicted in a sexually suggestive way;

• Actual penetration, be it penile/vaginal-oral, penile-anal, or penile-vaginal; digital-anal; digital-vaginal; or insertion of any inanimate object in the vaginal or anal cavity, and the depiction in the context presented is deemed to be a threat to legitimate penological objectives;

• Any bodily excretory function which is sexual in nature;

• Bestiality, sadomasochistic behavior, bondage; or

• Material reasonably deemed to be a threat to legitimate penological objectives.

Staff member - for purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-170 Supplementary rules. (1) The superintendent may promulgate local supplementary rules, policies, and procedures including((:

~~(a) The creation of new infractions, either general or serious;~~

~~(b) The reclassification of any infractions set out in these rules;~~

~~(e))) the creation of new sanctions.~~

(2) All new or ~~((reclassified))~~ supplemental ~~((infractions and))~~ sanctions shall be approved in writing by the ~~((director))~~ deputy secretary before being put into effect.

~~((3) The secretary, department of corrections, or designee, has the authority to amend or supplement the rules set forth in this chapter by written policy or directive.))~~

NEW SECTION

WAC 137-28-185 Creation or amendment of serious infractions. (1) The secretary or designee may create and/or amend serious infractions.

(2) Prior to the creation or amendment of a serious infraction, the secretary or designee shall follow the rule-making procedures of chapter 34.05 RCW, the Administrative Procedure Act.

(3) Nothing herein shall be construed as limiting the department of corrections' exclusion from the Administrative Procedure Act under RCW 34.05.030 (1)(c).

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-220 General infractions. (1) Any of the following types of behavior may constitute((s)) a general infraction:

Unauthorized possession/theft

- 051 - Unauthorized possession of money, stamps or negotiable instruments the total value of which is less than five dollars.
- 053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to an inmate by regular institutional channels.
- 255 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is less than ten dollars.
- 310 - Pretending or failing to take prescribed medication that the inmate has accepted by concealing or retaining a single or daily dose.
- 354 - Theft of food, the value of which is five dollars or less.
- 356 - Possession of unauthorized amount of otherwise authorized clothing, bedding, or issued supplies.

Loaning/trading

- 052 - Loaning of property for profit.
- 351 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family the value of which is less than ten dollars.

Altering/destroying property

- 055 - Mutilating, altering, defacing or destroying any item valued at less than ten dollars and that is not the personal property of the inmate.

Disruptive behavior/lying

- 202 - Abusive language, harassment or other offensive behavior directed to or in the presence of staff, visitors, inmates, or other persons or groups.
- 203 - Lying to a staff member.
- 244 - Unauthorized displays of sexual affection with another inmate.
- 353 - Disruptive behavior.
- 355 - Horseplay, roughhousing or any other unauthorized physical contact between inmates.

Failure to follow rules and orders

- 102 - Failure to follow any written rules or policies adopted by the institution and not specified within this chapter or in local disciplinary rules.
- 103 - Refusing or failing to obey an order, oral or written, of any staff member.
- 210 - Out of bounds; being in an area where the presence of the inmate is unauthorized.
- 214 - Interfering or failing to comply with count procedures.
- 251 - Smoking and possession of tobacco products where prohibited.
- 301 - Failure to keep your person or your quarters in accordance with institution rules or policies.

Unauthorized communication/visitor contact

- 303 - Unauthorized use of mail or telephone.
- 304 - Unwanted written and telephonic communications to any person.
- 305 - Correspondence or conduct with a visitor in violation of published or posted rules and policies.
- 309 - Unauthorized display of affection with a visitor.

Inappropriate use of equipment

- 212 - Using any equipment or machinery when not specifically authorized.
- 213 - Using any equipment or machinery contrary to instructions or safety standards.

Unexcused absence/feigning illness

- 104 - Unexcused absence from work or any assignment, scheduled meeting, appointment, or call out.
- 352 - Pretending to be ill or injured contrary to medical/mental health screening results.

Inappropriate sexual behavior

- 728(a) - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act as defined in WAC 137-28-160.

(2) In determining whether a #728(a) infraction or a #728(b) infraction pursuant to WAC 137-28-260 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-230 General infraction procedure. Infraction report.

(1) In the event of a general infraction, a staff member may make an on-site adjustment. An on-site adjustment may consist of counselling, warning, or reprimanding the inmate

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and/or causing the inmate to remove him/herself from the situation immediately. An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether a #657 serious infraction has occurred.

(2) In the event of a general infraction where a staff member does not make an on-site adjustment, the staff member may prepare and submit an infraction report. The infraction report shall include:

- (a) Name, number and housing location of the offender;
- (b) A description of the incident;
- (c) The time and place of the incident;
- (d) The names of witnesses, victims, and other persons involved;
- (e) The specific rule(s) alleged to have been violated;
- (f) A description of any action taken and copies of any relevant documentation or supplemental reports;
- (g) Name and signature of reporting staff.

(3) The general infraction report shall be submitted promptly to the supervisor or unit team designated by the superintendent to receive such reports. The supervisor or unit team may upgrade the general infraction to a serious infraction. If the infraction is upgraded, the supervisor or unit team shall forward the general infraction report to the hearing clerk for preparation for a hearing on the serious infraction.

(4) The supervisor or unit team receiving a general infraction report shall decide whether the inmate is guilty or not guilty within five working days of receipt of the report. An extension to the five days may be granted by the hearing officer. This decision of the supervisor or unit team can be reached by:

- (a) Taking no further action, in which case the report shall not be retained in the inmate's files, but may be retained in other institutional files designated for statistical, record-keeping, or litigation purposes;
- (b) Deciding the infraction without a hearing upon a determination that the inmate is guilty, the supervising employee or unit team may impose any appropriate sanction; or
- (c) Scheduling an informal hearing with the inmate present at which the supervising employee or unit team may allow witnesses and documentary evidence. Upon finding that an inmate is guilty, the supervising employee or unit team may impose any appropriate sanction.

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-260 Serious infractions.

(1) Assault/threatening actions/causing injury to another person

- 501 - Committing homicide.
- 502 - Aggravated assault on another offender.
- 503 - Extortion, blackmail, or demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
- 505 - Fighting with any person.

- 506 - Threatening another with bodily harm or with any offense against another person, property or family.
- 508 - Throwing objects, materials, substances or spitting at staff, visitors, or other inmates.
- 511 - Aggravated assault on a visitor.
- 520 - Unauthorized demonstration, practice or use of martial arts.
- 521 - Taking or holding any person hostage.
- 588 - Causing a valid and documented threat of transmission of a contagious disease to any person due to intentional, negligent or reckless action.
- 599 - Careless behavior that causes injury to another offender.
- 604 - Aggravated assault on a staff member.
- 633 - Assault on another offender.
- 663 - Using physical force, intimidation or coercion against any person.
- 699 - Careless behavior that causes injury to a staff member.
- 704 - Assault on a staff member.
- 711 - Assault on a visitor.
- 717 - Causing a threat of injury to another person by disregard of orders, careless behavior, resisting assisted movement or physical efforts to restrain.
- 777 - Causing injury to a staff member by resisting orders, resisting assisted movement or physical efforts to restrain.
- 799 - Careless behavior that causes injury to a visitor.

Unauthorized possession

- 559 - Gambling; possession of gambling paraphernalia.
- 601 - Possession, manufacture or introduction of an explosive device or any ammunition, or any components of an explosive device or ammunition.
- 602 - Possession, manufacture or introduction of any gun, firearm, weapon, sharpened instrument, knife, or poison or any components thereof.
- 620 - Receipt or possession of contraband during participation in off-grounds or outer perimeter activity or work detail.
- 660 - Unauthorized possession of money, stamps, or negotiable instruments, the value of which is five dollars or more.
- 702 - Possession, manufacture or introduction of an unauthorized tool.

- 736 - Possession, manufacture or introduction of unauthorized keys.
- 738 - Possession of the clothing of a staff member.

Tattooing

- 710 - Being tattooed while incarcerated, tattooing another, or possessing tattoo paraphernalia.

Theft/possession of stolen property

- 555 - Theft of property or possession of stolen property.
- 741 - Theft of food, the value of which is more than five dollars.
- 755 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is ten dollars or more.

Forgery

- 654 - Counterfeiting, forging, altering or unauthorized reproduction of any document, article of identification, money, security, or official paper.

Setting fire, damaging or destroying property

- 553 - Setting a fire.
- 554 - Mutilating, altering, defacing or destroying any item, the value of which is ten dollars or more and that is not the personal property of the inmate.
- 563 - Making a false fire alarm or tampering with, damaging, blocking or interfering with fire alarms, fire extinguishers, fire hoses, fire exits, or other fire fighting equipment or devices.
- 600 - Tampering with, damaging, blocking, or interfering with any locking or security device.
- 720 - Flooding a cell or other area of the institution.

Inciting others/participation in unacceptable group behavior

- 650 - Rioting.
- 651 - Inciting others to riot.
- 652 - Engaging in or inciting a group demonstration.
- 661 - Performing or taking part in an unauthorized marriage.
- 682 - Engaging in an organized work stoppage.
- 708 - Organizing or participating in an unauthorized group activity or meeting.
- 734 - Participating or engaging in the activities of any unauthorized club, organization, gang or security threat group; or wearing or possessing the symbols of an unauthorized club, organization, gang or security threat group.
- 746 - Participating in or inciting others to go on a hunger strike.

Inappropriate sexual behavior

- 504 - Engaging in sexual acts with others with the exception of spouses during approved extended family visits.
- 659 - Sexual harassment; any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.
- 728(b) - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act((s)) as defined in ((DOC 450.100)) WAC 137-28-160.
- 750 - Indecent exposure.

Providing false statements

- 551 - Lying to the disciplinary hearing officer or lying on a disciplinary appeal.
- 552 - Causing an innocent person to be penalized or proceeded against by lying.
- 706 - Lying or giving false information about proposed community residence when proposing a release plan, community placement, etc.

Interfering with staff/impersonating

- 558 - Interfering with staff members, medical personnel, fire fighters, or law enforcement personnel in the performance of their duties.
- 605 - Impersonating any staff member, other inmate or visitor.

Failure to follow orders and rules

- 509 - Refusing a direct order by any staff member to proceed to or disperse from a particular area.
- 556 - Refusing to submit to or cooperate in a search when ordered to do so by a staff member.
- 557 - Refusing to participate in an available education or work program or other mandatory programming assignment.
- 609 - Refusing or failing to submit to testing required by policy, statute, or court order, such as DNA blood tests, when ordered to do so by a staff member.
- 658 - Failing to comply with any administrative or posthearing sanction imposed for committing any general or serious infraction.
- 724 - Refusing a cell or housing assignment.
- 745 - Refusing a transfer to another facility.

Counts/unauthorized absence

- 653 - Causing an inaccurate count by means of unauthorized absence, hiding, concealing ones self or other form of deception or distraction.

Escape/attempted escape

- 525 - Violating conditions of furlough.
- 550 - Escape or attempted escape.

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- 560 - Unauthorized possession of items or materials likely to be used in an escape attempt.

Committing crimes/excess infractions

- 507 - Committing any act that is a felony under state or federal law that is not otherwise included in these rules.
- 517 - Committing any act that is a misdemeanor under local, state, or federal law that is not otherwise included in these rules.
- 657 - Being found guilty of four or more general infractions which have been reported in writing arising out of separate incidents, all of which occur within a six-month period.

Unacceptable communication

- 718 - Use of mail or telephone in violation of court order or local, state or federal law.
- 726 - Telephoning or sending written communication or otherwise initiating communication with a minor without the approval of that minor's parent or guardian.
- 727 - Telephoning or sending written communications to any person contrary to previous written warnings and/or documented disciplinary actions.

Misuse of controlled substances, drugs, alcohol and related programs

- 603 - Possession, introduction, or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug or drug paraphernalia.
- 606 - Possession of tobacco products and/or matches in close/maximum housing units where strictly prohibited.
- 607 - Refusing to submit to a urinalysis and/or failure to provide a urine sample when ordered to do so by a staff member.
- 608 - Refusing or failing to submit to a breathalyzer or other standard sobriety test when ordered to do so by a staff member.
- 610 - Unauthorized accumulation of prescribed medication greater than a single or daily dose.
- 655 - Making intoxicants, alcohol, controlled substances, narcotics, or the possession of ingredients, equipment, items, formulas or instructions that are used in making intoxicants, alcohol, controlled substances, or narcotics.
- 707 - Possession, introduction, or transfer of any alcoholic or intoxicating beverage.
- 716 - Unauthorized use of drugs, alcohol or other intoxicants.
- 752 - Receiving a positive test for use of unauthorized drugs, alcohol, or other intoxicants.

Soliciting/fraud

- 656 - Giving, offering or receiving from any person a bribe or anything of value for an unauthorized favor or service.
- 662 - Soliciting goods or services for which the provider would expect payment when the inmate knows or should know that no funds are available to pay for those goods or services.
- 714 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family, the value of which is ten dollars or more.
- 740 - Fraud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense.

Creating an emergency situation

- 712 - Attempted suicide or self-mutilation.
- 742 - Creating a false emergency by feigning illness when contrary to medical/mental health screening results.
- 744 - Making a bomb threat.

(2) In determining whether a # 728(b) infraction or a # 728(a) infraction pursuant to WAC 137-28-220 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-270 Serious infraction procedure. Infraction report.

(1) In the event of a serious infraction, the staff member who discovers such violation shall prepare and submit an infraction report. The infraction report shall be submitted promptly upon discovery of the incident or upon completion of an investigation. The infraction report must include:

- (a) Name, number and housing assignment of offender;
- (b) A description of the incident;
- (c) The time and place of the incident;
- (d) The names of witnesses, victims, and other persons involved;
- (e) The specific rule alleged to have been violated;
- (f) A description of any action taken;
- (g) Copies of any relevant documentation or supplemental reports. Confidential information and the identities of confidential informants shall not be included;
- (h) Name and signature of reporting staff.

(2) The infracting staff member may recommend action to be taken on the infraction to the hearing officer. This may include a recommendation that the inmate be referred for a mental health consultation.

(3) Serious infraction reports may be reviewed by the ~~((infraction staff member's supervisor))~~ infraction review officer who may:

(a) Approve the report and forward it to the hearing clerk;

(b) Require the report be revised, rewritten or reinvestigated by the reporting staff member to ensure that the alleged facts support the charges;

(c) Add, dismiss, delete or reduce the indicated WAC violations as appropriate, based upon the information and/or evidence provided by the reporting staff member and any mitigating factors;

(d) Recommend referral to a mental health professional for consultation if there is a question whether:

(i) Mental illness contributed to the behavior that led to the infraction; or

(ii) The inmate's mental health status may need to be monitored.

(4) If a negotiated hearing process is in place in the facility, the report may be forwarded to the designated hearings officer.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-290 Preparations for hearing. In preparation for the hearing, the hearing clerk or designee shall, at least twenty-four hours in advance of the hearing:

(1) Provide copies of the infraction report to the inmate;

(2) Advise the inmate in writing:

(a) Of his/her right to have a hearing;

(b) That if he/she chooses not to testify at or attend the hearing, his/her silence may be used against him/her;

(c) To present written statements from other inmates, staff, or other persons only if those statements would be relevant to the infraction and have a tendency to demonstrate his/her innocence;

(d) To request that staff members, other inmates, and other persons be present as witnesses in his/her defense for the hearing if it is determined by the hearing officer that to do so would not be unduly hazardous to institutional safety or correctional goals. Limitations may be made by the hearing officer if the information to be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the inmate's case;

(e) To have a staff advisor assist in preparation of the inmate's case when it is determined by appropriate staff that the inmate is unable to adequately represent him/herself on the basis of literacy, competence, or other disability;

(f) To have access to nonconfidential reports and records used by the hearing officer during the fact-finding stage. However, where reports and records contain information that might reasonably compromise the security or safety of the institution or its inmates, these reports and records shall be identified as confidential and withheld. A summary of the confidential information shall be provided to the inmate. This summary may be included in the infraction report.

(g) The inmate must establish that any requested witness has relevant and exculpatory evidence to present at the hearing. The inmate must list all intended witnesses on the notice

of hearing. The hearing officer may, in his/her discretion, allow additional witnesses for good cause shown;

(3) Advise the inmate that he/she does not have a right:

(a) To cross-examine witnesses;

(b) To have the infracting staff member present at the hearing;

(c) To a polygraph or other supplemental tests;

(4) Obtain written acknowledgement of the inmate's receipt of the information;

(5) Determine from the inmate whether the inmate wishes to contest the allegation;

(6) Schedule the hearing within ~~((ten))~~ seven working days after discovery of the incident. If an inmate is placed in prehearing confinement, a hearing shall be held within three working days after the day of placement, unless the time is extended by the superintendent. If the hearing is continued, a determination shall be made whether the inmate should remain on prehearing confinement and the reasons for that confinement.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-300 Conduct of hearing. (1) The hearing officer shall ensure that the inmate is capable of understanding the charge against him/her, the nature of the proceedings, and is able to adequately take part in the hearing. If there is reason to doubt the inmate's understanding or ability, the hearing officer may order a continuance of the hearing in order to obtain additional information ~~((If the hearing officer determines that the inmate is not able to understand or take part in the proceedings, the hearing officer shall assign a staff advisor to the inmate. If the inmate's mental status impairs the inmate's ability to participate in the hearing, the staff advisor appointed should be a mental health professional or a staff member with mental health training or experience))~~, refer the inmate to a mental health staff member for assessment, appoint a mental health staff member to represent the inmate at the hearing, or request a staff advisor.

(2) The inmate shall be present at all stages of the hearing except during deliberations and any inquiry the hearing officer may make concerning the source of confidential information.

(3) The hearing officer may consider relevant evidence presented outside the hearing when not feasible to present that evidence within the hearing. The inmate shall be apprised of the content of that evidence and shall be allowed to rebut that evidence during the hearing. An inmate may waive his/her presence at a hearing. Failure without good cause to attend a scheduled hearing may be deemed a waiver of personal attendance. An inmate may be removed from his/her disciplinary hearing and the hearing may be continued in the inmate's absence if the inmate's behavior disrupts the disciplinary hearing.

(4) Where institution staff members are witnesses against the inmate, a written statement from the staff member may be considered by the hearing officer instead of in-person testimony, except where the hearing officer determines that the staff member's presence is necessary to an adequate understanding of the issues in the case.

(5) The hearing officer has the authority to question all witnesses. The inmate may submit proposed questions to be asked of witnesses, but the hearing officer has discretion over the questions asked.

(6) The inmate shall be allowed to present witnesses in his/her defense and to present documentary evidence in his/her defense when permitting him/her to do so will not be unduly hazardous to institutional safety or correctional goals. Testimony of witnesses from outside the facility will be submitted in writing.

(a) The hearing officer may deny the admission of evidence or testimony if the hearing officer determines that the testimony or evidence is irrelevant, immaterial, unnecessarily duplicative of other information before the hearing officer, or otherwise found to be unnecessary to the adequate presentation of the inmate's case.

(b) The testimony of witnesses that is adverse to the inmate may be given in person, in writing, or by telephone.

(c) The hearing officer shall document on the written record the reasons for denial of in-person testimony that is requested in writing by the inmate.

(7) If the hearing officer determines that a source of information would be subject to risk of harm if his/her identity were disclosed, testimony of the confidential source may be introduced by the testimony of a staff member. The confidential testimony may be provided by the source or by the written and signed statement of the source. If the staff member to whom the source provided information is unavailable, the written statement of this staff member may be used.

(a) The hearing officer shall, out of the presence of all inmates and off the record, identify the confidential source, and how the testifying staff member received the confidential information.

(b) The staff member presenting the information from a confidential source shall identify the source and the circumstances surrounding the receipt of the confidential information to the hearing officer, off the record. The hearing officer shall make an independent determination regarding the reliability of the confidential source, the credibility of the information, and the necessity of not revealing the source of the confidential information. In determining whether the confidential source is reliable and the confidential information is credible, the hearing officer should consider all relevant circumstances including, but not limited to:

(i) Evidence from other staff members that the confidential source has previously given reliable information;

(ii) Evidence that the confidential source had no apparent motive to fabricate information;

(iii) Evidence that the confidential source received no benefit from providing the information;

(iv) Whether the confidential source is giving first-hand information;

(v) Whether the confidential information is internally consistent and is consistent with other known facts; and

(vi) The existence of corroborating evidence.

The hearing officer shall also determine whether safety concerns justify nondisclosure of the source of confidential information. The reliability and credibility determination and the need for confidentiality must be made on the record.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-310 Decision of hearing officer. (1) A report of the hearing shall be made.

(a) The report shall include:

(i) The charge;

(ii) Names of witnesses;

(iii) Inmate plea(s);

(iv) Summary of the testimony and cross-examination;

(v) A description of the physical evidence used;

(vi) Reasons for denying witnesses or the fact that written witness statements were not returned to the hearing officer; and

(vii) The decisions and reasons.

(b) The written report shall be placed in the inmate's institutional file if he/she is found guilty.

(c) All reports and attachments shall be maintained by the clerk as part of the hearing officer's permanent records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the inmate's file, and may be destroyed one hundred twenty days after the date of the hearing unless the hearing officer becomes aware that an appeal or court proceeding is pending.

(2) In reaching a decision on the guilt or innocence of the inmate, the hearing officer must rely solely on evidence considered at the hearing. However, during the dispositional stage of the hearing, other factors, such as the inmate's institutional file, prior conduct, mental status, and overall institutional adjustment, may be considered.

(3) The hearing officer may not find an inmate guilty of committing a #728(a) or #728(b) infraction if the inmate possesses sexually explicit materials depicting only actual penetration and such sexually explicit material was screened and approved by a mail room staff member prior to delivery to the inmate. Nothing herein shall be construed to limit the ability to remove such material from the inmate's possession and cell.

(4) The hearing officer shall consider mitigating factors in determining whether to reduce a #728(b) serious infraction to a #728(a) general infraction.

(5) The hearing officer is authorized to find an inmate guilty of a lesser included offense without issuing a new infraction report or conducting a new hearing.

(6) Where the evidence suggests an inmate is guilty of an offense not charged and which is not a lesser included offense to a charged offense, the hearing officer may recommend that new charges be filed to address such offenses. The inmate may waive the right to a separate hearing on the new charges and may allow the hearing officer to enter a finding of guilty or not guilty and impose sanctions.

(7) The inmate shall be informed of the decision of the hearing officer in writing within three working days of the hearing, unless extended by the superintendent.

~~((4))~~ (8) The inmate shall be informed of his/her right to appeal the decision of the hearing officer to the superintendent.

AMENDATORY SECTION (Amending WSR 97-03-041, filed 1/10/97, effective 2/4/97)

WAC 137-28-350 Sanctions—Authority to impose.

(1) If the hearing officer determines that an inmate is guilty of a serious infraction, he/she may impose one or more of the following sanctions:

- (a) Any of the sanctions available for general infractions;
- (b) Any of the sanctions available under ~~((DOP))~~ DOC 320.150 ~~((disciplinary sanctions directive))~~;
- (c) Loss of a privilege or privileges as specified by the hearing officer not to exceed: Thirty days on a first offense, ninety days on a second offense, and one hundred eighty days on a third offense, within a one-year period;
- (d) Evening lockup or confinement to quarters for ten days;
- (e) Weekend and/or holiday lockup or confinement to quarters for a period of one or more weekends but not to exceed twelve consecutive weekends per incident. For purposes of this rule, a "weekend" shall begin at the end of the Friday workday and terminate at the beginning of the Monday workday;
- (f) Confinement to quarters except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed thirty days;
- (g) Recommendation to the unit team/classification committee/assignment officer for reconsideration of custody classification or program change;
- (h) Recommendations to the classification committee/classification officer for transfer to another institution when, as a result of the infraction committed, the inmate is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;
- (i) Confinement on segregation status for a period not to exceed thirty consecutive days;
- (j) Confinement on isolation status for a period not to exceed ten consecutive days; however, where a serious infraction occurs during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed. In situations where an inmate is in isolation for more than ten consecutive days, the director's prior approval is required unless the inmate is released from isolation for at least seventy-two consecutive hours between the end of one isolation sanction and the beginning of another;
- (k) Restitution ~~((or fines))~~;
- (l) Recommendation to the superintendent that he/she not certify good conduct time credit for an inmate subject to the jurisdiction of the indeterminate sentence review board, pursuant to RCW 9.95.070 or that he/she approve the denial of good conduct time credit for those inmates not under the jurisdiction of the board.
 - (i) The recommendation will be consistent with guidelines established by the secretary of the department of corrections.
 - (ii) Any sanctions for loss of good conduct credits in excess of the guidelines established by the secretary of the department of corrections must have final approval by the ~~((director, division of prisons))~~ deputy secretary.
 - (iii) For inmates not under the board's jurisdiction, all awards of good conduct time shall be considered tentative

and therefore all good conduct time credits earned or to be earned may be addressed under this rule;

(m) Recommendation to the indeterminate sentence review board for a disciplinary hearing or reconsideration of minimum term should occur only with infractions providing for actual time loss of twelve months or more and consistent with guidelines established by the department;

(n) Interruption of visitation between the offender and a specified individual(s) for a period of up to one hundred eighty consecutive days when there has been an infraction for visit related behavior or behavior that presents a security or safety threat. In cases of multiple or very serious offenses, recommendations may be made to the superintendent for extended or permanent loss of the privilege of visitation with a specified individual(s);

(o) Restrictions, interruption or termination of correspondence, and/or telephone privileges with specified individuals. Sanctions for offense(s) within any one-year period may not exceed: Up to ninety consecutive days for the first offense, one hundred eighty consecutive days for the second offense and permanent loss for the third offense. Termination of correspondence and/or telephone privileges may be permanent for the first offense if:

- (i) The recipient so requests; or
- (ii) A parent or guardian of the recipient, if a minor or an incompetent person, so requests; or
- (iii) A felony was involved in the incident; or
- (iv) If the contact violates a court order;

(p) The sanction for infraction # 557 shall be the loss of available earned release credits and other privileges as outlined in division directives. Progressively more severe sanctions will be utilized for subsequent infractions # 557.

(2) If the hearing officer determines that more than one infraction occurred as a result of the same incident, he/she shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The hearing officer may suspend the execution of a disciplinary sanction for a fixed period of time, not to exceed three hundred sixty-five consecutive days, subject to the good behavior of the inmate or to meeting other conditions as specified by the hearing officer. If the subsequent behavior of the inmate is appropriate, the hearing officer may, at or before the end of the fixed period, cancel the sanction. A suspended sanction may be imposed if the inmate has been found guilty of a general or serious infraction or of violating the conditions attached to the original suspension. A suspended sanction may be imposed by the hearing officer following notice to, and an in-person meeting with, the inmate.

(4) The hearing officer may review any decision he/she previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the hearing officer's decision is under consideration by the superintendent.

(6) In all cases, regardless whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

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(7) Nothing in this section limits the superintendent's discretion to grant, deny, suspend, or revoke any privilege.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-380 Appeal to superintendent. (1) An inmate or the inmate's staff advisor may appeal the decision of the hearing officer to the superintendent by filing a written request for review with his/her reasons with the clerk within ~~((twenty-four hours))~~ fifteen days, exclusive of weekends and holidays, after receiving notice of the decision of the hearing officer. The superintendent may consider appeals filed beyond the ~~((twenty-four-hour))~~ fifteen-day period.

(2) The clerk shall promptly transmit the appeal and the hearing record to the superintendent.

(3) The superintendent shall act on the appeal within ten working days of its receipt. The superintendent may affirm the decision of the hearing officer; reduce the charge to a lesser included offense; reduce a #728(b) serious infraction to a #728(a) general infraction based upon mitigating factors; reduce the severity of the sanctions imposed; vacate the judgment of the hearing officer; or remand the matter for a new hearing. Any new hearing may not result in an increase in the severity of the sanctions originally imposed unless the inmate is charged with related or additional offenses.

(4) Pending the decision of the superintendent, disciplinary sanctions shall not be imposed on the inmate.

(5) The inmate shall be notified promptly of the decision of the superintendent.

AMENDATORY SECTION (Amending WSR 95-15-044, filed 7/13/95, effective 8/15/95)

WAC 137-28-420 Continuances. (1) At any time during the disciplinary process, the hearing officer may continue the hearing for any reasons, including the following:

(a) To determine the inmate's mental status or competency.

(b) To appoint a staff advisor.

(c) To obtain an interpreter.

(d) To obtain witnesses or witness statements.

(e) To order an investigation into the incident.

(f) To correct errors.

(g) To obtain a replacement hearing officer.

(h) To obtain crime lab reports or other documentation.

(i) Due to the inmate's and/or witness' unavailability.

(j) Because the inmate is on escape, court-ordered custody, at a non-DOC facility, in transit, etc.

(k) A reasonable request by the inmate.

(l) To determine restitution costs.

(2) Continuances shall be for no longer than necessary, but shall not exceed twenty working days, unless approved by the superintendent.

(3) Hearings for inmates on escape status, court-ordered custody, in transit at a ~~((nondivision of prisons))~~ nondepartment of corrections facility or otherwise unavailable may be continued up to a period not to exceed twenty working days after their return to the facility where the infraction originated.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 137-28-320 Lesser included and related infractions.

**WSR 00-07-052
PROPOSED RULES
SECRETARY OF STATE**
[Filed March 8, 2000, 1:30 p.m.]

Supplemental Notice to WSR 99-18-044.

Preproposal statement of inquiry was filed as WSR 99-10-106.

Title of Rule: Political party abbreviations.

Purpose: To create a framework for designating political party abbreviations to be placed on the ballot.

Statutory Authority for Adoption: RCW 29.04.210.

Statute Being Implemented: RCW 29.30.020.

Summary: The Secretary of State shall certify the abbreviations for political party abbreviations to be printed on all primary and election ballots.

Reasons Supporting Proposal: To ensure ballot uniformity.

Name of Agency Personnel Responsible for Drafting: Bill Huennekens, Office of the Secretary of State, (360) 902-4169; Implementation and Enforcement: Gary McIntosh, Office of the Secretary of State, (360) 902-4167.

Name of Proponent: Office of the Secretary of State, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: It requires the Secretary of State to certify abbreviations for political party designations on the primary and election ballots. Its purpose and anticipated effect is to ensure ballot uniformity.

Proposal Changes the Following Existing Rules: It adds language requiring the Secretary of State to certify political party abbreviations for placement on the primary and election ballots.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule adoption falls under the exception provided in RCW 34.05.328 (5)(b)(ii).

Hearing Location: 120 East Union Avenue, Room 106, Olympia, WA 98504, on April 26, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Bill Huennekens by April 21, 2000, TDD (800) 422-8683.

Submit Written Comments to: Bill Huennekens, P.O. Box 40229, Olympia, WA 98908 [98504]-0229, fax (360) 902-5629, by April 21, 2000.

PROPOSED

Date of Intended Adoption: May 5, 2000.

March 8, 2000

Donald F. Whiting
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-230-170 Electronic voting devices—Ballot form. Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for, with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed together with political party designation certified by the secretary of state as provided in RCW 29.27.020 or the word "nonpartisan," or "NP" as applicable. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate their choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-230-210 Paper ballots—Ballot form. Following ballot measures, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for, with the words, "one," "two," or a spelled number). Office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be arranged in the manner described in RCW 29.30.020. Immediately following shall be the names of all candidates for that position, together with the political party designation certified by the secretary of state as provided in RCW 29.27.020 or the word "nonpartisan" or "NP." Each office to be elected shall be separated by a bold line. In a year in which a President of the United States is to

be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with a single square to either the left or right in which the voter indicates their choice.

Candidates names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a box at either the left or right of the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote.

Immediately following the list of candidates for a given position shall appear a blank space or spaces for writing in the name of a candidate, followed by a box to the right of the blank space.

NEW SECTION

WAC 434-230-220 Same party designations used for primary and general elections. The party designations certified by the secretary of state in RCW 29.27.020 for primary elections shall be used on all general election ballots.

WSR 00-07-062

PROPOSED RULES

PUGET SOUND

CLEAN AIR AGENCY

[Filed March 10, 2000, 9:13 a.m.]

Continuance of WSR 00-04-093.

Title of Rule: Amend Regulation III, Sections 4.01, 4.03, 4.04, 4.05, and 4.06.

Purpose: Continue hearing from March 9, 2000, to April 13, 2000.

Hearing Location: Puget Sound Clean Air Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on April 13, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by April 6, 2000, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by April 3, 2000.

Date of Intended Adoption: April 13, 2000.

March 9, 2000

James Nolan

Director - Compliance

WSR 00-07-065
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed March 13, 2000, 8:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-034.

Title of Rule: Chapter 308-93 WAC, General provisions for vessel subject to and exempt from titling.

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

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

Statutory Authority for Adoption: RCW 88.02.070, 88.02.100.

Summary: WAC 308-93-010 Definitions (amended).

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

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, 902-4045.

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

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

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

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

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

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on April 27, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by April 26, 2000, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831 by April 26, 2000.

Date of Intended Adoption: May 23, 2000.

March 10, 2000

Deborah McCurley, Administrator
 Title and Registration Services

AMENDATORY SECTION (Amending WSR 98-16-029, filed 7/29/98, effective 7/30/98)

WAC 308-93-010 Definitions. Unless the context clearly indicates otherwise, the following definitions apply to the rules in this chapter:

(1) "Bare boat" means a vessel rented without a crew.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel (~~for which such certificate is issued~~) and certifying the first conveyance of (~~said~~) the vessel after its manufacture.

(3) "Charter vessel" means a vessel rented with a crew.

(4) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.

(5) "Cruising license" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry. This term is interchangeable with U.S. Customs Cruising Permit and U.S. Customs Cruising License.

(6) "Decal" means an emblem or tab displayed on a vessel as proof of annual registration.

(7) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, ~~is~~ homemade, or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

~~((6))~~ (8) "Department" means the department of licensing.

(9) "Director" means the director of the department of licensing.

~~((7))~~ "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel for which it was issued under the authority of WAC 308-93-055 or 308-93-056.

(8)) (10) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

~~((9))~~ (11) "Exclusively" means solely and without exception.

~~((10))~~ (12) "Foreign vessel" means a vessel registered in accordance with the laws of another (~~state~~) jurisdiction.

~~((11))~~ (13) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self propulsion by mechanical means or wind.

~~((12))~~ (14) "Identification documents" means the registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.

~~((13))~~ (15) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

(16) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(17) "Indian" means a person on the tribal rolls of the Indian tribe occupying an Indian reservation.

(18) "Issuing authority" means a state that has a vessel numbering system approved by the Coast Guard (~~or the~~

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Coast Guard where a number system has not been approved)). (Also see definition for out of country vessel.)

~~((14))~~ (19) "Joint tenancy with right of survivorship" means owners who own a vessel in joint tenancy with the right to own individually if one of them dies.

(20) "Legal owner/secured party" means a person(;) or business, ((or institution)) having a security interest in a vessel perfected in accordance with RCW 88.02.070 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.

~~((15))~~ (21) "Lifeboat" means watercraft used exclusively for lifesaving purposes.

~~((16))~~ (22) "Manufacturer's ((statement)) certificate of origin" ((MSO)) (MCO) or "Manufacturer's ((certificate)) statement of origin" ((MCO)) (MSO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after manufacture.

~~((17))~~ (23) "Out of country vessel" means a vessel registered or numbered by the laws of ((a)) another country ((other than the United States,)) or has a valid United States Customs Service Cruising License.

~~((18))~~ (24) "Overall length" means a straight-line measurement ((of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement)) from the tip of the bow to the stern of the vessel down the centerline but not including boomkins, swim ladders, outboard engines, or other extremities.

~~((19))~~ (25) "Paperless title" means electronic ownership record.

~~((20))~~ (26) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

~~((21))~~ (27) "Previous ownership document" means the last issued certificate of ownership.

(28) "Primarily" means the principal purpose for which a vessel is used ((when considered in conjunction with all of its uses)).

~~((22))~~ (29) "Principle use" means ((when a vessel is used, or is to be used, on waters of this state for one hundred eighty three days or more)) the jurisdiction where the vessel is located the majority of the year.

~~((23))~~ (30) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

~~((24))~~ "Release of interest" means the act of signing over any ownership in a vessel. A release of interest is also a notarized or certified document relinquishing interest in a vessel.

~~(25))~~ (31) "Registered owner," and "owner," are synonymous terms used interchangeably, meaning a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

(32) "Registration numbers" are numbers configured in accordance with 33 C.F.R. 174.23 and:

- (a) Uniquely identify the vessel;
- (b) Are assigned by the department when you apply for initial registration or were previously assigned WN numbers by the Coast Guard; and

(c) Are printed on your registration and ownership certificates.

(33) "Release of interest" is a notarized or certified document releasing interest in a vessel or the original certificate of ownership signed by the registered and/or legal owner as listed on the certificate of ownership.

(34) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

~~((26))~~ (35) "Tender" means watercraft that is used to provide direct transportation between that vessel and the shore and for no other purpose used exclusively to furnish transportation from a larger vessel to shore and return.

~~((27))~~ (36) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

~~((28))~~ (37) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

~~((29))~~ (38) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

~~((30))~~ (39) "Unsolicited business contact" for purposes of public disclosure means any person or business requesting owner information with the intent of using that information to promote the sale of any goods or services.

(40) "Valid marine document" means a document issued by the ((United States)) Coast Guard which declares it to be a ((vessel to be a)) United States documented vessel ((of the United States)).

~~((31))~~ "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

(32)) (41) "Waters of this state" means any waters within the territorial limits of this state.

(42) "Vessel registration number" is a Washington registration number issued to vessels, just as a license plate with unique letter number combinations is issued to vehicles.

WSR 00-07-070

WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

[Filed March 14, 2000, 8:06 a.m.]

WAC 230-46-020 and 230-46-035, proposed by the Gambling Commission in WSR 99-18-077 appearing in issue 99-18 of the State Register, which was distributed on September 15, 1999, 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 00-07-071

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed March 14, 2000, 11:12 a.m.]

Supplemental Notice to WSR 00-02-037.

Preproposal statement of inquiry was filed as WSR 99-22-003.

Title of Rule: WAC 468-38-110 Escort vehicle requirements.

Purpose: To clarify language regarding who needs to receive certification as a pilot/escort vehicle operator and the acceptance of certifications from other jurisdictions.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: The proposal change the language to better reflect that all individuals performing escort vehicle operator duties, as described in the rule, must be certified. Also, certifications from other jurisdictions will be accepted subject to review of the program.

Reasons Supporting Proposal: The proposal eliminates earlier confusion by industry regarding who must be certified and whether other jurisdiction programs will be accepted.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Washington State Department of Transportation, Olympia, (360) 664-9497; and Enforcement: Captain Colleen McIntyre, Washington State Patrol, Olympia, (360) 753-0350.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides basic guidelines for the equipping and operation of a pilot/escort vehicle used to escort over-dimensional loads over Washington state highways.

Proposal Changes the Following Existing Rules: It clarifies the language regarding who must be certified and under what circumstances a certification from another jurisdiction would be accepted.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Did not meet the requirement.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Transportation, Transportation Building, Commission Board Room 1D2, Olympia, Washington 98504, on May 8, 2000, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact TDD 1-800-833-6388 by April 28, 2000.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 664-9440, by April 28, 2000.

Date of Intended Adoption: May 8, 2000.

March 14, 2000

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 191, filed 3/30/99, effective 4/30/99)

WAC 468-38-110 Escort vehicle requirements. (1) When the escort vehicle is in front of the permitted vehicle, the operator shall:

(a) Warn oncoming traffic of the presence of the permitted vehicle by use of signs and lights as provided in subsections (4) and (8) of this section.

(b) Notify the driver of the permitted vehicle, and driver(s) of any trailing escorts, by two-way radio, of all hazards; overhead clearances; obstructions; traffic congestion; pedestrians; and any other circumstances evident to the operator that could affect either the safe movement of the permitted vehicle, the safety of the traveling public, or the efficient movement of traffic in sufficient time for the driver of the permitted vehicle to take corrective action, as necessary.

(c) To the extent necessary, locate safe places (if available) adjacent to the highway and notify the driver of the permitted vehicle, and driver(s) of trailing escorts, in ample time for the permitted vehicle and the escort vehicle(s) to clear the highway, allowing the traffic following to safely pass, or for any other reasons necessary to provide for the safety of the traveling public.

(d) Be far enough in front of the permitted vehicle to signal oncoming motorists to stop in a timely manner, or as specified by local jurisdiction, before such motorists enter any narrow structures or other restrictions on the highway, to permit the safe passage of the permitted vehicle.

(2) When the escort vehicle is behind the permitted vehicle, the operator shall:

(a) Warn traffic approaching from the rear of the presence of the permitted vehicle ahead, by use of signs and lights as provided in subsections (4) and (8) of this section.

(b) Notify the driver of the permitted vehicle, and driver of any lead escort, by two-way radio of flat tires or other problems with the permitted vehicle; objects coming loose from the permitted vehicle; other traffic approaching or passing the permitted vehicle; and any other circumstances evident to the operator that could affect either the safe movement of the permitted vehicle, the safety of the traveling public, or the efficient movement of traffic, in sufficient time for the driver of the permitted vehicle to take corrective action.

(c) Notify the front escort driver and the driver of the permitted vehicle by two-way radio of traffic build-up and other delays to the normal flow and efficient movement of traffic caused by the movement of the permitted vehicle.

(d) Notify the driver of the permitted vehicle, and driver of any lead escort, by two-way radio of other vehicles attempting to pass the permitted vehicle or load.

(e) Be far enough behind the permitted vehicle to signal motorists following the permitted vehicle to slow or stop in a timely manner, or as specified by local jurisdiction, before narrow structures or other restrictions in the highway, to permit the safe passage of the permitted vehicle.

(3) The escort vehicle operator shall ensure that the escort vehicle is in safe and reliable operating condition.

(4) An escort vehicle shall, in addition to any other equipment required by traffic law, be equipped with a minimum of two flashing or rotating amber lights, positioned

above the roof line, visible from a minimum of five hundred feet to traffic approaching from the front or rear of the escort. The light apparatus must not obstruct, or be obstructed by, the required OVERSIZE LOAD sign.

(5) The escort vehicle shall:

(a) Be either a single unit passenger car or a two-axle truck;

(b) Not exceed a maximum gross vehicle weight rating of fourteen thousand pounds;

(c) Be at least sixty inches wide; and

(d) Not exceed the legal limits of size and weight, as defined in chapter 46.44 RCW.

(6) The escort vehicle shall not carry any passengers, human or animal (excluding individuals in training status or necessary flag persons), or equipment or load in or on the escort vehicle which:

(a) Exceeds the height, length, or width of the escort vehicle, or overhangs the escort vehicle, or otherwise impairs its immediate recognition as a safety escort vehicle by the motoring public; or

(b) Obstructs the view of the flashing or rotating yellow lights, or the signs used by the escort vehicle; or

(c) Causes safety risks; or

(d) Otherwise impairs the performance by the operator or the escort vehicle of the duties required by these rules.

(7) The escort vehicle operator shall properly load and secure any item(s) or equipment or load carried by the escort vehicle to ensure compliance with the requirements of this section.

(8) An escort vehicle shall display "oversize load" signs, in clear readable condition, which shall be mounted above the roofline of the escort vehicle and be visible to approaching traffic from the front and the rear. All such signs shall be a minimum of five feet wide, ten inches high with one-inch wide brush stroke, black letters a minimum of eight inches high on yellow background, or shall be a maximum of seven feet wide, eighteen inches high, with a 1.41 inch brush stroke, black letters a minimum of ten inches high on yellow background.

(9) The escort vehicle(s) shall have its headlights activated at all times when escorting a permitted vehicle.

(10) The escort vehicle shall be equipped with a two-way radio capable of providing reliable two-way voice communication between the driver of the permitted vehicle and the driver(s) of the escort vehicle(s) when the permitted vehicle is in motion on a public highway.

(11) An escort vehicle shall carry the following items of equipment at all times when escorting a permitted vehicle:

(a) Standard eighteen inch STOP & SLOW paddle sign.

(b) Three bi-directional emergency reflective triangles.

(c) A minimum of one 5 pound B, C, fire extinguisher, or equivalent.

(d) A reflectorized high visibility orange or other color vest, shirt or jacket, as permitted by the *Manual on Uniform Traffic Control Devices*, and a yellow or other highly visible colored hard hat to be worn by the operator while directing traffic, in accordance with WAC 296-155-305, Signaling.

(e) A height measuring device which is nonconductive and nondestructive to overhead clearances, when required by the terms of the permit or regulations.

(f) First-aid supplies must be readily available as described in WAC 296-24-06145.

(g) A flashlight in working order with red nose cone.

(12) An escort vehicle is prohibited from escorting more than one permitted vehicle at the same time, unless expressly authorized by the department.

(13) A front escort vehicle shall use a height pole at all times when escorting a permitted vehicle exceeding fifteen feet in height, unless otherwise expressly authorized/directed by the department on the permit. The height pole shall not extend less than three inches nor more than six inches above the maximum height of the permitted vehicle being escorted. When the escort vehicle is not escorting a permitted vehicle, but is moving on the highway, the height pole shall be removed, tied down, or shortened to within legal limits, unless involved in the act of prerunning a route to determine height acceptance.

(14) When an escort vehicle is not escorting a permitted vehicle, or prerunning a route, but is moving on a public highway, the signs, described in subsection (8) of this section, shall either be removed, lowered to a position not readily visible, or covered, and the flashing yellow lights, described in subsection (4) of this section, shall not be operated.

(15) In the performance of the duties required by these rules, the operator of the escort vehicle may be required to advise the permitted vehicle to stop, allowing other traffic to proceed safely. The operator of the escort vehicle shall signal the permitted vehicle to stop, and the permitted vehicle shall stop, as far off the roadway as practicable to allow other traffic to pass in the following situations:

(a) When the permitted vehicle becomes disabled; or

(b) When the movement of the permitted vehicle on a particular section of public highway presents a safety risk or unreasonably interferes with the efficient movement of other traffic, based upon such factors as the widths of the permitted vehicle and the roadway, volume of other traffic, visibility and limited sight distance, and mountainous terrain; or

(c) When driving conditions for the permitted vehicle are hazardous for any other reason, including weather.

(16) ~~(In the performance of the duties required by these rules, the escort vehicle operator may be required to direct other traffic to stop, slow or proceed in order to allow the permitted vehicle to continue moving safely, or to help the other traffic to navigate around a stopped permitted vehicle. When directing traffic in these situations, the operator of the escort vehicle shall, effective January 1, 2000:~~

~~(a) Be certified, having a valid WSDOT certificate/card on person, as an escort vehicle operator;~~

~~(b) Comply with procedures described in Section 6 of the MUTCD, as may be amended by the department of transportation, and such other criteria as may be developed under WAC 296-155-305, Signaling.~~

(17) The operator of the permitted vehicle and the operator(s) of the escort vehicle(s) shall comply with the following procedures:

(a) Before trip:

- (i) Discuss aspects of the move, including the permitted vehicle, the route, and specific responsibilities.
 - (ii) Review permit special conditions.
 - (iii) Review the permitted route.
 - (iv) Determine the proper position of the escort vehicle(s).
 - (v) Establish any necessary procedures.
 - (vi) Check mandatory equipment, each operator being responsible for their own vehicle.
 - (vii) Mount signs, adjust mirrors, turn on lights.
 - (viii) Check each two-way radio to ensure clear communication on a selected channel.
 - (ix) Assure special motor vehicle permit(s) is in the possession of the appropriate operator(s).
 - (x) Determine if additional flagpersons will be necessary and, if so, have them available.
- (b) During the trip:
- (i) Obey all traffic laws.
 - (ii) Do not follow or precede more closely than is reasonably prudent, considering the speed of the permitted vehicle, other traffic, and highway conditions.
 - (iii) Do not exceed 1/2 mile distance between permitted vehicle and the escort vehicle to maintain radio contact, except when necessary to safely travel a long narrow section of highway.

(c) Traffic lights:

- (i) If the front escort vehicle goes through a traffic light but the permitted vehicle does not, the escort vehicle must pull over to the right side of the highway, where practicable, to wait for the permitted vehicle.
- (ii) If the permitted vehicle goes through the traffic light but the escort vehicle does not, then the permitted vehicle must pull over to the right side of the highway, where practicable, to wait for the rear escort vehicle.

(17) Compliance with the rules of this chapter requires safe consistent operating procedures for the interaction between escort vehicle, escorted load and the surrounding traffic. Operators of escort vehicles, therefore, must be certified as having received a predefined base level of training as an escort vehicle operator. An escort vehicle operator with a Washington state driver's license must have a valid Washington state escort vehicle operator certificate/card which must be on the operator's person while performing escort vehicle operator duties. Escort vehicle operators licensed to drive in Washington state and operating with current certification cards from a different jurisdiction, approved by the department, must get a Washington state escort vehicle operators card upon expiration of their current card, but not later than January 1, 2003. Escort vehicle operators with a driver's license from a jurisdiction other than Washington state may acquire a Washington state escort vehicle operator certificate/card, or operate with a certification from another department approved jurisdiction, subject to ongoing department reviews and approval of the issuing jurisdiction's certification program. A current list of approved programs will be maintained by the department's motor carrier services office. Washington state pilot/escort vehicle operator cards must be renewed every three years.

(18) When uniformed off-duty law enforcement officers act as escorts, using official police cars or motorcycles, the requirements of this section may be amended as necessary.

WSR 00-07-072

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed March 14, 2000, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-04-068.

Title of Rule: WAC 468-38-070 Maximums for special permits—Nonreducible.

Purpose: Clarifies what will be eligible for special permits to haul over-dimensional or overweight, nonreducible loads by motor carriers on state highways.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: Provides a radical expansion to the eligibility criteria by addressing loading restrictions, overweight loads, vehicle configurations and loads with multiple pieces.

Reasons Supporting Proposal: Provides clearer criteria for the transport of over-dimensional and overweight loads, leading to improved compliance and enforcement. The amendments will also result in the repeal of WAC 468-38-090 Loading restrictions.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Washington State Department of Transportation, Motor Carrier Services, Olympia, (360) 664-9497; and Enforcement: Captain Colleen McIntyre, Washington State Patrol, Commercial Vehicle Division, Olympia, (360) 753-0350.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule provides expanded criteria for eligibility for special permits to move over-dimensional and/or overweight loads by motor carrier on state highways. Specifically, the rule adds criteria for loading restrictions, overweight loads, allowable configurations, and loads with multiple pieces.

Proposal Changes the Following Existing Rules: Expansion of criteria as outlined above, and creates opportunity to repeal WAC 468-38-090 Loading restrictions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment does not create additional costs. Added criteria generally puts in writing what has been the unwritten policy. An exception is the added criteria on multiple pieces which will reduce costs if there is any impact at all.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Transportation, Transportation Building, Commission Board Room 1D2, Olympia, WA 98504, on May 8, 2000, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact TDD 1-800-833-6388 by April 28, 2000.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 664-9497, by April 28, 2000.

Date of Intended Adoption: May 8, 2000.

March 14, 2000

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 183, filed 10/13/98, effective 11/13/98)

WAC 468-38-070 Maximums for special permits—Nonreducible. (1) **Overwidth:** 14 feet on any two-lane highway; 20 feet on any multiple-lane highway where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes; 32 feet on any multiple-lane undivided highway.

The regulations on movement of buildings are in WAC 468-38-360.

(2) **Overheight:** A load over 14 feet high must be moved by permit, but the permittee is to be governed by the clearance of overhead obstructions such as bridges, underpasses, wires, overhead signs and other objects. The issuance of a permit does not insure the route to be free of low overhead structures. It is the responsibility of the permittee to check the proposed route and detour when necessary. County or city road detours for this purpose require authorization from respective jurisdictions.

(3) **Overlength:** The permit will allow movement on routes on which the permittee can negotiate curves, interchanges, entrance and exit roadways and other obstacles. In all instances the general safety of the public is considered paramount.

(4) ~~((Overweight: 22,000 pounds on a single axle; 43,000 pounds on tandem axles. (RCW 46.44.091)))~~ **Load-ing restrictions:** The load must be reduced to a practicable minimum. Loads created by welding, bolting or tying will be construed as devisible, unless proven with good cause not to be, even if additional vehicles are required to transport the divided item.

(5) **Overweight loads:** Restricted to the limits established in RCW 46.44.091 Special permits—Gross weight limit. In addition, tire loadings are limited to a maximum of six hundred pounds per inch width of tire.

(6) **Allowable vehicle configurations:**

(a) **Tractor (or unladen truck) and semi-trailer or full trailer.** Jeeps and/or boosters may be added to the trailer as necessary. Trailers in excess of the legal width of eight feet six inches, or legal length of fifty-three feet, or the permitted length of fifty-six feet, shall not exceed the length or width of the load, unless, the added dimension is necessary to spread the weight of load to comply with requirements established by the department to protect the infrastructure. A "pusher" power unit may be added to the configuration upon approval.

(b) **Truck and trailer.** Combined overall length when carrying an over-length load may not exceed eighty-five feet, with the nondevisable over-length load restricted to the trailing unit, overhang loaded entirely to the rear of the trailer.

An over-width or over-height nondevisable load may be carried on the truck and/or trailing unit. This configuration may not carry overweight loads.

(7) **Loads with multiple pieces:** An over-dimensional load may include multiple pieces, provided:

(a) The vehicle(s) and load are transported at legal weights.

(b) The largest nondevisable piece(s) must be loaded to its practicable minimum. No single piece may create a dimension greater than the dimension it would create if carried by itself.

(c) Additional pieces may not exceed the outside envelope (rectangular) dimension created by the largest piece(s) loaded in its smallest configuration. No piece shall be added to a load for the sole purpose of creating a larger envelope, the burden of proof being placed on the carrier.

WSR 00-07-075

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed March 14, 2000, 3:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-01-050.

Title of Rule: WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and medically indigent (MI) programs. WAC 388-478-0080 SSI-related categorically needy income level and countable resource standards.

Purpose: Implements the increased federal standards for the one-person medically needy income level, for the medically indigent program and the SSI-related categorically needy income level.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Statute Being Implemented: RCW 74.04.057.

Summary: Increased federal standards as described under Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, Mailstop 45534, Olympia, WA 98504-5534, (360) 725-1330.

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

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule has no impact on small businesses. It affects eligibility for medical assistance programs.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on April 25, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by April 14, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by April 25, 2000.

Date of Intended Adoption: No sooner than May 1, 2000.

March 10, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-11-054, filed 5/17/99, effective 6/17/99)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and medically indigent (MI) programs. (1) Beginning January 1, ((1999)) 2000, the medically needy income level (MNIL) and MI monthly income standards are as follows:

- (a) One person \$((527))539
- (b) Two persons \$592
- (c) Three persons \$667
- (d) Four persons \$742
- (e) Five persons \$858
- (f) Six persons \$975
- (g) Seven persons \$1,125
- (h) Eight persons \$1,242
- (i) Nine persons \$1,358
- (j) Ten persons and more \$1,483

(2) The MNIL standard for a person ((meeting)) who meets institutional status requirements is in WAC 388-513-1305((2))(3).

(3) Countable resource standards for the MN and MI programs are:

- (a) One person \$2,000
- (b) ((A legally married couple)) Two persons \$3,000
- (c) For each additional family member add \$50

AMENDATORY SECTION (Amending WSR 99-11-054, filed 5/17/99, effective 6/17/99)

WAC 388-478-0080 SSI-related categorically needy income level (CNIL) and countable resource standards.

(1) The SSI-related CNIL standard is the same as the SSI monthly payment standard based upon the area of the state where the person lives. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap.

Area 2 is all other counties. Beginning January 1, ((1999)) 2000, the CNIL monthly income standards are as follows:

	Area 1	Area 2
(a) Single person	\$((527.00)) <u>539.00</u>	\$((506.55)) <u>518.55</u>
(b) A legally married couple who are both eligible	\$((772.00)) <u>790.00</u>	\$((751.00)) <u>769.00</u>

(2) The countable resource standards for the SSI-related CN medical program are:

- (a) One person \$2,000
- (b) A legally married couple \$3,000

WSR 00-07-076
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed March 14, 2000, 3:19 p.m.]

Original Notice.

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

Title of Rule: WAC 388-414-0001, categorical eligibility for food assistance.

Purpose: This food assistance eligibility rule explains categorical eligibility and describes what types of households are categorically eligible for food assistance.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: This rule expands the definition of "categorical eligibility" to include food assistance households in which some members are authorized to receive TANF payments or services.

Reasons Supporting Proposal: USDA Administrative Notice 99-46, published July 16, 1999, requires states to expand categorical eligibility for food assistance to any household including a person that is authorized to receive services or payments paid for primarily by TANF or TANF-MOE funds. If the state fails to implement this policy change, some applicants and recipients leaving TANF will be wrongly denied or terminated from food assistance, and the state will incur quality control payment errors.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alicia Kone, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3205.

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

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

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

PROPOSED

Proposal Changes the Following Existing Rules: WAC 388-414-0001, some food assistance households do not have to meet all eligibility requirements. The rule is expanded to include households in which some members are authorized to receive TANF payments or services as categorically eligible.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It only affects Department of Social and Health Services clients.

RCW 34.05.328 does not apply to this rule adoption. This rule does not fit the definition of a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on April 25, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by April 14, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by April 25, 2000.

Date of Intended Adoption: No sooner than April 26, 2000.

March 8, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-414-0001 ~~Some food assistance ((categorically-eligible)) households do not have to meet all eligibility requirements.~~ (1) ~~((A food assistance unit is categorically eligible ((CE) to receive food benefits when all members are authorized to receive a cash benefit under any of the following cash programs:~~

- ~~(a) Temporary assistance for needy families (TANF);~~
- ~~(b) State family assistance (SFA);~~
- ~~(c) Supplemental Security Income (SSI); or~~
- ~~(d) General assistance cash programs.~~

~~(2) Some food assistance units are not categorically eligible to receive food benefits even after meeting the requirements in subsection (1) of this section. Categorical eligibility does not happen when the entire assistance unit or any member of the unit fits into the following situations:~~

- ~~(a) The entire food assistance unit is:~~
 - ~~(i) Living in an institution;~~
 - ~~(ii) Disqualified from receiving food assistance for any reason; or~~
 - ~~(iii) Terminated from food assistance because of failure to meet monthly reporting requirements.~~
- ~~(b) Any member of the food assistance unit is:~~
 - ~~(i) Disqualified from food assistance for an intentional program violation (IPV);~~
 - ~~(ii) Disqualified from food assistance because of failure to meet work registration requirements;~~
 - ~~(iii) Not eligible for food assistance because of their alien or student status; or~~

~~(iv) Receiving SSI as an essential person or an ineligible spouse, not eligible for SSI on their own behalf.~~

~~(3) A categorically eligible assistance unit has already met cash eligibility requirements. Some requirements are similar for food assistance. A food assistance unit determined to be categorically eligible does not have to meet food assistance eligibility requirements regarding:~~

- ~~(a) Residency;~~
- ~~(b) Social security number;~~
- ~~(c) Sponsored alien;~~
- ~~(d) Resources; and~~
- ~~(e) The gross and net income standards)) **What is "categorical eligibility"?**~~

~~Some food assistance households do not have to meet all of the eligibility requirements for food assistance. The department calls this categorical eligibility. Categorically eligible households have already met these requirements for another program:~~

- ~~(a) Resources;~~
- ~~(b) Gross and net income standards; and~~
- ~~(c) Residency.~~

~~**(2) Who is categorically eligible for food assistance?**~~

~~Your household is categorically eligible when~~

~~(a) **All members of your household are getting general assistance (GA) cash benefits;**~~

~~(b) **All members of your household are getting Supplemental Security Income (SSI) on their own behalf;**~~

~~(c) **All members of your household are getting either GA or SSI on their own behalf; or**~~

~~(d) **Some members of your household are authorized to receive payments or services from the following programs and you all benefit from the assistance:**~~

~~(i) **Temporary assistance for needy families (TANF) cash assistance;**~~

~~(ii) **State family assistance (SFA);**~~

~~(iii) **Diversion cash assistance (DCA) for the month you receive assistance and the three following months; or**~~

~~(iv) **TANF post-employment services (as defined in WAC 388-310-1800) as long as your assistance unit meets TANF resource requirements.**~~

WSR 00-07-084

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed March 15, 2000, 1:57 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-13-082.

Title of Rule: Chapter 246-790 WAC, Special supplemental nutrition program for women, infants, and children (WIC).

Purpose: To comply with new federal regulations which explain program violations in more explicit terms and increase the severity of mandatory sanctions for those violations.

Statutory Authority for Adoption: RCW 43.70.120.

Statute Being Implemented: RCW 43.70.120, 7 C.F.R. 246.12, [246.]15 and [246.]18.

Summary: The rules spell out mandatory sanctions for specific violations, identify what is and is not appealable under the new regulations, address when monetary penalties can be used in lieu of disqualification, and explain the formula for calculating monetary penalties.

Reasons Supporting Proposal: The USDA is focusing on program integrity to reduce fraud and abuse in all aspects of the WIC program. The first action taken was to promulgate rules tightening the sanctions for violating program regulations for the food delivery component of the program. The regulations explicitly state the violations and the mandatory sanctions for committing those violations. The regulations provide a formula for calculating monetary penalties using redemption data. In addition, the regulations remove the ability of the state agency to negotiate reduced penalties.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Evans/Becky Waite, P.O. Box 47886, Olympia, 98504-7886, (360) 236-3636.

Name of Proponent: Department of Health, WIC Program, governmental.

Rule is necessary because of federal law, 7 C.F.R. 246.12.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides the procedures by which food items and retailers become authorized to participate in the WIC program. It also lists in detail the responsibilities of authorized retailers, the violations of program requirements, the sanctions a noncompliant retailer is subject to, and the appeal hearing process. The new federal regulations tighten the integrity of the program by increasing the severity of the sanctions, both in the length of time for disqualification and in the amount of any monetary penalty imposed.

By making sure all authorized retailers are aware of the program requirements, the violations, and the sanctions, the program intends to increase voluntary compliance of the authorized retailers with the program requirements. It is the program's goal to enable retailers to successfully participate in the WIC program.

Proposal Changes the Following Existing Rules: In the proposed rule, the violations of program requirements and the corresponding sanctions are spelled out in more detail, as is the formula for calculating monetary penalties.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The revisions to the current rule are necessary to comply with federal regulations in 7 C.F.R. 246.12 and the state agency must comply with federal regulations to ensure continued funding.

RCW 34.05.328 applies to this rule adoption. The rule contains requirements stipulated in the federal regulations which subject an authorized retailer to sanctions if violated. The Administrative Procedure Act requires a rule be in place when violation of program requirements subjects the violator to monetary sanctions. One of the types of sanctions listed in the federal regulations is monetary.

Hearing Location: Department of Health, New Market Campus, 7171 Cleanwater Lane, Building 1, Tumwater, WA 98504-7880, on April 25, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Nina Benson by April 17, 2000, (360) 236-3615.

Submit Written Comments to: Susan Evans, WIC Program, P.O. Box 47886, Olympia, WA 98504-7886, fax (360) 586-3890, by April 17, 2000.

Date of Intended Adoption: April 28, 2000.

March 14, 2000

Mary Selecky
Secretary

Chapter 246-790 WAC

SPECIAL SUPPLEMENTAL ((~~FOOD~~)) NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-010 Definitions. (1) "Alternate endorser" means a person authorized by the WIC client to pick up WIC checks at the local WIC agency and use the WIC checks at the retailer when the client is unable to do so.

(2) "Appeal process" means a formal proceeding to appeal ((~~the~~)) certain program decisions. The appeal hearing process provides a contractor the opportunity to review the case record prior to the hearing, to present its case in an impartial setting, to confront and cross-examine witnesses, and to be represented by counsel.

((~~2~~)) (3) "Applicant retailer" means any ((~~retailer~~)) contractor submitting a completed request for authorization on behalf of a retailer requesting participation in the program.

((~~3~~)) (4) "Authorized" or "authorization" means the applicant retailer has met selection criteria as determined by the United States Department of Agriculture (USDA) and signed a contract ((~~with~~)) offered by the department signifying eligibility to participate in the WIC program.

((~~4~~)) (5) "CFR" means the Code of Federal Regulations.

((~~5~~)) (6) "Contract" means a written legal document binding the contractor and the department, represented by the WIC program, to designated terms and conditions.

((~~6~~)) (7) "Contractor" means the owner, chief executive officer, controller, or other person legally authorized to obligate a retailer to a contract.

((~~7~~)) (8) "Department" means the Washington state department of health.

((~~8~~)) (9) "Disqualification" means the act of revoking the authorization and terminating the contract of an authorized retailer for noncompliance with WIC program requirements.

((~~9~~)) (10) "Effective policy and program to prevent trafficking" means a written document that states what you can and cannot do with WIC checks and the consequences for failing to follow program requirements. Effectiveness is determined by documentation that a retailer has provided this written policy to all employees prior to any noncompliance being detected, including employees' signatures verifying they have been advised of the policy and understand the con-

sequences of noncompliance, both for the retailer and for the employee.

~~((11))~~ (11) "Food company" means a manufacturer or broker of food items.

~~((10))~~ (12) "Inadequate participant access" means the decision the state agency makes considering a variety of factors to determine how disqualification of a WIC retailer might affect a WIC client's access to WIC foods. The procedure includes, but is not limited to, assessing how many WIC authorized retailers are in a given service area, how many clients currently use the retailer in question, and any geographical barriers a client would contend with to access WIC foods at a different authorized retailer.

(13) "Local WIC agency" means the contracted clinic or agency where a client receives WIC services.

~~((14))~~ (14) "Monetary penalty" means a sum of money imposed by the program for noncompliance with program requirements.

~~((12))~~ (15) "Pattern" means more than one documented incidence of noncompliance with WIC program requirements in any given contract period.

(16) "Providing credit" means the retailer submitted and received payment on a WIC check for which the client did not receive all the foods listed on the check at the time the check was redeemed. The client may or may not receive the remaining foods or something of equal value at a later time.

(17) "Reauthorization" or "subsequent authorization" means the process when a retailer who has a contract with the ~~((department))~~ program which is expiring, has ~~((again applied and))~~ reapplied, met the selection criteria, and signed ~~((a subsequent))~~ another contract with the department signifying eligibility to participate in the WIC program.

~~((13))~~ (18) "Supplemental WIC foods" means those foods containing nutrients determined to be beneficial for pregnant, breast-feeding, and postpartum women, infants and children, as prescribed by federal regulations and state requirements, and, as authorized by the Washington state WIC program.

~~((14))~~ (19) "Trafficking" means buying or selling WIC checks for cash.

(20) "WIC program" or "program" means the federally funded special supplemental nutrition program for women, infants, and children administered in Washington state by the department of health.

~~((15))~~ (21) "WIC retailer" or "retailer" means an individual store owned by a contractor ~~((which is))~~ authorized to participate in the WIC program.

~~((16))~~ (22) "Wholesaler" means a business entity ~~((which))~~ that sells food and other items to a retailer.

~~((17))~~ (23) "WIC check" means a negotiable instrument issued to and used by a WIC client or ~~((a WIC client's designee))~~ alternate endorser to obtain specified supplemental WIC foods at a contracted WIC retailer.

~~((18))~~ (24) "WIC client" or "client" means a ~~((pregnant, breast-feeding, or postpartum))~~ woman who is pregnant, breast-feeding, or postpartum, infant, or child receiving WIC benefits.

~~((19))~~ "WIC client's designee" means a person authorized by the client to pick up WIC checks at the local WIC

agency and use the WIC checks at the retailer when the client is unable to do so.))

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-050 What is the WIC program? (1) The WIC program in the state of Washington is administered by ~~((the division of community and family health, office of public health nutrition services in))~~ the department of health.

(2) The WIC program is a federally funded program established in 1972 by an amendment to the Child Nutrition Act of 1966. ~~((It is))~~ The purpose of the program is to provide nutrition and health assessment, nutrition education, nutritious food; breast-feeding counseling; and referral services to pregnant, breast-feeding, and postpartum women, infants, and children in specific risk categories.

(3) Federal regulations governing the WIC program (7 CFR Part 246) require implementation of standards and procedures to guide the state's administration of the WIC program and are hereby incorporated in this rule by reference. ~~((These regulations are designed to promote consistent and high quality services to clients, promote consistent application of procedures for eligibility and food issuance, and promote client and retailer compliance.))~~ These regulations define the rights, responsibilities, and legal procedures of clients and retailers. They are designed to promote:

(a) Consistent and high quality services to clients;

(b) Consistent application of procedures for eligibility and food issuance; and

(c) Client and retailer compliance.

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-060 What ~~((is the process for getting a food))~~ are WIC authorized foods? ~~((1))~~ WIC eligible women, infants, and children receive supplemental WIC foods from one or more of the following food categories. These foods ~~((shall))~~ must meet nutritional standards established by federal regulations and state requirements:

~~((a))~~ (1) Cereals,

~~((b))~~ (2) Juices,

~~((c))~~ (3) Infant formula,

~~((d))~~ (4) Infant cereal,

~~((e))~~ (5) Liquid nutritional supplements,

~~((f))~~ (6) Milk,

~~((g))~~ (7) Eggs,

~~((h))~~ (8) Dry beans and peas,

~~((i))~~ (9) Peanut butter,

~~((j))~~ (10) Cheese,

~~((k))~~ (11) Tuna, and

~~((l))~~ (12) Carrots.

Additionally, the WIC program authorizes specific brands of juice, cereal, and infant formula based on federal and state nutritional requirements. The WIC program limits the selection of authorized WIC foods in accordance with federal cost containment requirements, including, but not limited to, the competitive procurement of a single manufacturer's infant formula.

PROPOSED

~~((2) The procedure for initially authorizing a food is:~~

~~(a) By December 31 of odd-numbered years, a food company or other entity, such as a local WIC clinic, shall submit a written request to the WIC program for authorization of a food, to include:~~

~~(i) Package flats or labels, information on package sizes and prices, and a summary of current distribution, including identification of the wholesaler carrying the food; and~~

~~(ii) Assessment of when the new food replaces the old on store shelves when there is a change in formulation.~~

~~(b) The WIC program shall verify if a food considered for authorization fits within one of the authorized food categories, meets the federal requirements of nutritional standards, is available to retailers, and has been available to retailers for one year or more;~~

~~(c) A public health nutrition services work group shall make a recommendation based on the food's ingredients and value to the promotion of healthful and economic food buying practices;~~

~~(d) The WIC program has the option to survey local WIC agency staff and clients for their recommendation regarding need and demand for the food;~~

~~(e) The WIC program shall review data and recommendations and shall notify the food company of the program's decision;~~

~~(f) The WIC program shall add the newly authorized foods to the WIC check and related materials to coincide with the retailer contract period.~~

~~(3) Food companies shall notify the WIC program in writing of any changes in product formulation, product name, packaging, label design, size, or availability. A food company shall notify the WIC program of any such changes before any Washington state wholesaler receives the new product.~~

~~If a food company fails to notify the WIC program of any changes, the WIC program may revoke or deny the food's WIC authorization.~~

~~(4) A food company shall not use the term "WIC approved" or the WIC program logo without prior written approval from the WIC program.~~

~~(5) The WIC program may require a food company to submit a statement guaranteeing a minimum period of time during which a food will be available in the state of Washington.~~

~~(6) The WIC program shall refuse any food that contradicts the principles promoted by the WIC program's nutrition service component.~~

~~(7) The WIC program may limit the number of authorized foods within a food category.~~

~~(8) The WIC program may initiate reassessment of any WIC authorized food.))~~

NEW SECTION

WAC 246-790-065 What is the process for getting a food WIC authorized? (1) The procedure for initially authorizing a food is:

(a) By December 31 of odd-numbered years, a food company or other entity, such as a local WIC clinic, submits a

written request to the WIC program for authorization of a food, to include:

(i) Package flats or labels, information on package sizes and prices, and a summary of current distribution, including identification of the wholesaler carrying the food; and

(ii) Assessment of when the new food replaces the old on store shelves when there is a change in formulation.

(b) The WIC program verifies if a food considered for authorization fits within one of the authorized food categories, meets the federal requirements of nutritional standards, is available to retailers, and has been available to retailers for one year or more;

(c) The WIC program may survey local WIC agency staff and clients for their recommendation regarding need and demand for the food;

(d) The WIC program reviews data and recommendations and notifies the food company whether or not a food is authorized;

(e) The WIC program will add any new authorized food to the WIC check and related materials to coincide with the retailer contract period.

(2) Food companies must notify the WIC program in writing of any changes in product formulation, product name, packaging, label design, size, or availability. A food company must notify the WIC program of any such changes before any Washington state wholesaler receives the new product.

If a food company fails to notify the WIC program of any changes, the WIC program may revoke or deny the food's WIC authorization.

(3) A food company must obtain written approval from the WIC program before using the term "WIC approved" or the WIC program logo.

(4) The WIC program may require a food company to submit a statement guaranteeing a minimum period of time during which a food will be available in the state of Washington.

(5) The WIC program shall refuse any food that contradicts the principles promoted by the WIC program's nutrition service component.

(6) The WIC program may limit the number of authorized foods within a food category.

(7) The WIC program may initiate reassessment of any WIC authorized food.

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-070 How do I become a WIC retailer?

(1) Applicant retailers interested in participating in the WIC program must apply for authorization and enter into a contract with the department.

(2) Application procedure.

(a) ~~((Upon request, the WIC program will send an application packet to interested applicant retailers.))~~ Applicant retailers ~~((shall))~~ submit ~~((the))~~ a completed application to the WIC program, including a price list for authorized WIC foods.

(b) The WIC program may require applicant retailers to provide information regarding shelf price records and inven-

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tory records showing all purchases, both wholesale and retail, including but not limited to, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods and other pertinent records that substantiate the volume and the prices charged. Cash register receipts without specific identification of the quantity, unit price, and WIC food purchased are not acceptable as evidence of WIC food purchases.

(c) The WIC program (~~(shall)~~) conducts and documents an on-site visit prior to, or at the time of, initial authorization of an applicant retailer (~~(, for the purpose of evaluating)~~) to evaluate the inventory of WIC foods and (~~(providing)~~) provide training on the WIC retailer handbook.

(d) Applications are accepted from April 1 of odd-numbered years until September 30 of even-numbered years. Exceptions can be made in the case of an ownership change or where there is a documented need for a location in order to assure client access. The WIC program may limit acceptance of new applications.

(3) The WIC program shall authorize a distribution of retailers (~~(that facilitates)~~) to ensure client access (~~(, and enables effective management of the retailers)~~). The WIC program may limit the number of authorized retailers in any given geographic area or state-wide to enable effective management of the retailers.

(4) The WIC program bases selection (~~(is based)~~) of authorized retailers on the following:

(a) (~~(The applicant retailer shall have)~~) Requests from or the potential of serving fifteen or more WIC clients as verified by the local WIC agency for new stores.

(b) (~~(Applicant retailers applying for re-authorization shall have)~~) A check redemption record averaging forty or more checks per month over a six-month period, documented by WIC program statistics reports for stores who are reapplying.

(c) Exceptions may be made for:

(i) Pharmacies needed as suppliers of special infant formulas; or

(ii) Applicant retailers in isolated areas where client access cannot otherwise be assured.

In either case, the need (~~(shall)~~) must be documented by the local WIC agency.

(d) (~~(Applicant retailers shall)~~) Stock of representative items with current shelf lives from all food categories on the authorized WIC food list. Minimum quantities specified on the authorized WIC food list (~~(shall)~~) must be on the shelf available for purchase before a contract is offered to the retailer. An applicant retailer seeking a waiver from the minimum formula stock requirement (~~(shall)~~) must request the waiver in writing for each contract period. No waivers (~~(shall be)~~) are granted unless there is an insufficient number of authorized retailers in a given service area to assure client access (~~(?)~~).

(e) Prices of individual foods (~~(shall not exceed)~~) less than one hundred twenty percent of the state-wide average price as calculated at least annually. An applicant retailer seeking a waiver from the one hundred twenty percent requirement (~~(shall)~~) must request the waiver in writing for each contract period. No waivers shall be granted unless there

is an insufficient number of authorized retailers in a given service area to assure client access;

(f) (~~(The applicant retailer shall possess)~~) Possession of a valid Washington state tax registration number;

(g) (~~(The applicant retailer shall agree)~~) Agreement to comply with training sessions and monitor visits, and provide shelf price records and inventory records showing all purchases, both wholesale and retail, including but not limited to, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records that substantiate the volume and prices charged upon the WIC program's request;

(h) (~~(The applicant retailer shall operate)~~) Business operation from a fixed location;

(i) (~~(The applicant retailer shall be)~~) Open for business (~~(at)~~) a minimum of eight (~~(or more)~~) hours per day, six days per week.

(j) (~~(The applicant retailer shall be)~~) In compliance with local sanitation rules;

(k) (~~(The applicant retailer with a)~~) Have no history of any of the following (~~(shall be denied authorization unless client access can not otherwise be assured)~~):

(i) WIC or food stamp disqualification;

(ii) Redeeming WIC checks without authorization;

(iii) Changing ownership more than twice during a two-year contracting period;

(iv) Failing to implement corrective action imposed by the program;

(v) Failing to complete payment within the time specified, of an imposed monetary penalty or reimbursement of an overcharge; and

(vi) Refusing to accept training from the WIC program.

Exceptions may be made if client access cannot otherwise be assured.

(5) The WIC program may deny a retailer authorization for failure to meet any of the stated selection criteria.

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-080 What do I need to know about WIC retailer contracts? (1) All authorized retailers (~~(shall)~~) must enter into written contracts with the department. The contract (~~(shall)~~) must be signed by the contractor and the designee of the contracting officer of the department of health.

(2) The contract (~~(shall)~~) lists all authorized retailers by name and location. Individual retailers may be added, changed, disqualified, or (~~(terminated)~~) deleted by contract amendment without affecting the remaining retailers.

(3) Duration of contract.

(a) The WIC program (~~(shall)~~) issues contracts for a maximum period of two years. All contracts expire on March 31 of odd-numbered years.

(b) Neither the WIC program nor the contractor is obligated to renew the contract. The WIC program (~~(shall)~~) must notify contractors in writing not less than fifteen days before the expiration of a contract not being renewed by the program.

(c) Authorization is valid for no longer than the period stated in the contract. The retailer must reapply to be considered for subsequent authorization in the WIC program.

(d) The contractor or the WIC program may terminate the contract at any time by submitting a written notice to the other party thirty days in advance.

(e) The contract is null and void in the event of a retailer closure or change in ownership.

(f) The contractor cannot voluntarily withdraw from participating in the WIC program in order to avoid being disqualified.

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-085 What is expected of WIC retailers? (1) The retailer ~~((shall))~~ must comply with WIC program requirements and terms of the retailer contract.

(2) The retailer ~~((shall))~~ must stock sufficient quantities of authorized WIC foods to meet the needs of WIC customers, but not less than the minimum stock levels.

(3) The retailer ~~((shall))~~ must redeem WIC checks made payable only to ~~((that specific retailer))~~ their store or with the words "any authorized WIC vendor."

(4) The retailer ~~((shall))~~ must accept WIC checks from a WIC customer on the "first day to use," the "last day to use," or any day in between the dates printed on the WIC check. The retailer ~~((shall))~~ must submit the WIC check for payment within sixty days from the "first day to use."

(5) The retailer ~~((shall))~~ must refuse ~~((to accept))~~ WIC checks that have the purchase price missing, the client's signature missing, the "first day to use" or the "last day to use" missing, or that are ~~((postdated or stale))~~ dated too early or too late.

(6) The retailer must refuse WIC checks with purchase amounts over the "not to exceed" amount printed on the check.

(7) The retailer ~~((shall))~~ must enter the actual purchase price of the specific quantity of WIC authorized foods on each WIC check before the WIC customer countersigns the check.

~~((7))~~ (8) The retailer ~~((shall))~~ must accept only WIC checks on which the WIC customer's countersignature matches the first customer signature on the check.

~~((8))~~ (9) The retailer ~~((shall))~~ must refuse ~~((to accept))~~ WIC checks that are altered in any way.

~~((9))~~ (10) The retailer must refuse to accept WIC checks from any other retailer.

(11) The retailer ~~((shall))~~ must redeem WIC checks for only the supplemental WIC foods and in no more than the quantity specified on the check.

~~((10))~~ (12) The retailer ~~((shall))~~ must post the prices of WIC foods so they are visible to the public.

~~((11))~~ (13) The retailer ~~((shall))~~ must provide supplemental foods at the current price or at less than the current price charged to other customers.

~~((12))~~ (14) The retailer ~~((shall))~~ must not sell WIC-authorized foods after the manufacturer's expiration date.

~~((13))~~ The retailer shall not accept WIC checks with purchase amounts over the "not to exceed" amount printed on the check.

~~((14))~~ (15) The retailer ~~((shall))~~ must reimburse the WIC program for documented overcharges and payments made on improperly handled WIC checks.

~~((15))~~ (16) The retailer ~~((shall))~~ must not seek restitution from WIC ~~((clients))~~ customers for WIC checks not paid by the WIC program, nor ~~((shall the retailer))~~ seek restitution through a collection agency.

~~((16))~~ (17) The retailer ~~((shall))~~ must not request cash or give change in a WIC transaction.

~~((17))~~ (18) The retailer ~~((shall))~~ must not impose a surcharge or charge sales tax on any food purchased with WIC checks.

~~((18))~~ (19) The retailer ~~((shall))~~ must refuse WIC ~~((client's))~~ customer's requests for exchanges or cash refunds for returned WIC foods. Exceptions may be made for exchange of food due to spoilage or expired date not noticed by the WIC ~~((client))~~ customer at the time of the WIC transaction.

~~((19))~~ (20) The retailer ~~((shall))~~ must not issue rain checks, any form of credit, or otherwise charge the WIC program for foods not received by the WIC customer at the time the WIC check is redeemed.

~~((20))~~ (21) The retailer ~~((shall))~~ must treat WIC customers with the same courtesy provided to other customers.

~~((21))~~ (22) The retailer must comply with federal and state nondiscrimination laws.

(23) The contractor ~~((shall be))~~ is responsible for the actions or inactions of employees, agents, and authorized retailers with regard to participation in the WIC program.

~~((22))~~ (24) The manager of the retailer or an authorized representative such as head cashier ~~((shall))~~ must attend training on WIC program requirements and procedures prior to issuance of a contract and as otherwise required by the WIC program. Those individuals receiving training must sign a document verifying attendance and understanding of the contents of the training. The WIC program ~~((shall))~~ provides this training at no cost to the retailer.

~~((23))~~ ~~((Those who attend))~~ (25) The individuals attending training ~~((shall))~~ must inform and train other employees on WIC program requirements and WIC check cashing procedures.

~~((24))~~ (26) The retailer ~~((shall))~~ must provide access to its facilities at all reasonable times for WIC program representatives to monitor, to provide training or technical assistance, and to evaluate performance, compliance, and quality assurance.

~~((25))~~ ~~((During any WIC program visit of a retailer,))~~ (27) The retailer ~~((shall))~~ must provide access to redeemed WIC checks for the purpose of review by the program representative during any on-site visit.

~~((26))~~ (28) Retailers ~~((shall))~~ must maintain inventory records showing all purchases, both wholesale and retail, for a period of at least ~~((three years, including))~~ one year after the expiration of the contract with the WIC program. These inventory records include, but are not limited to, shelf price records, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records

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that substantiate the volume and prices charged and provide WIC program representatives access to those records on request.

~~((27))~~ (29) Each retailer ~~((shall))~~ must provide the WIC program with a completed price list of authorized WIC foods on request, but not more than twelve times per year.

~~((28))~~ (30) The contractor ~~((shall))~~ must notify the WIC program of any change of ownership, retailer name, location and/or cessation of operation for any reason ~~((no later than the tenth of the month prior to))~~ at least thirty days before the effective date of the change.

~~((29))~~ (31) Contractors ~~((shall))~~ must observe time lines, such as deadlines for submitting price lists and returning properly signed contracts. Failure of contractors to do so may result in denial of authorization.

~~((30))~~ (32) Contractors ~~((shall))~~ must take corrective action as directed by the WIC program. Examples of corrective action include, but are not limited to, payment of monetary penalties and reimbursements, conducting monthly education buys, and filing requested progress reports.

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-090 How are WIC retailer contracts monitored? (1) The WIC program conducts on-site compliance reviews at retailer locations to monitor retailer compliance with program requirements.

(2) Preauthorization visits.

(a) Visit is scheduled in advance.

(b) ~~((The WIC program representative identifies self.~~

~~((e)))~~ The WIC program representative provides training on the WIC retailer handbook which includes information on WIC foods and WIC check handling, and collects information on WIC food stock levels and shelf prices.

~~((d))~~ (c) The retailer signs the preauthorization visit form verifying receipt of the training, understanding of program requirements, and the commitment to train store personnel.

(3) Compliance visits.

(a) Visit may or may not be scheduled in advance;

(b) ~~((The WIC program representative identifies self;~~

~~((e)))~~ The WIC program representative may do some or all of the following during a visit: Review WIC check handling procedures, WIC food stock levels, expiration dates and prices, WIC checks negotiated but not yet deposited, shelf price records, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records that substantiate the volume and prices charged, provide training or technical assistance, and verify implementation of a corrective action plan.

~~((d))~~ (c) The WIC program representative documents the name of the retailer, the name of the program representative, the names of all persons interviewed, the date of the visit, any problems or concerns detected or the observation the retailer appears to be in compliance, any corrective action plan if problems are detected, and the signatures of the program representative and the retailer.

(4) Compliance purchases.

(a) The WIC program representative ~~((does not identify self))~~ acts covertly;

(b) The WIC program representative may make~~((s))~~ a purchase using WIC checks ~~((applying a predetermined methodology))~~ or may attempt trafficking;

(c) The WIC program representative completes a report on the visit itemizing information including but not limited to, a description of the checker involved, the time and date of the transaction, the number of check stands opened and closed, other customers in line, exact items purchased and/or refused, the prices charged ~~((or the purchase prices)),~~ comments of the checker, observations of the investigator or the investigative aide, any stock deficiencies noted, any other pertinent information, and the signature of the investigator.

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-100 What happens if I don't comply with the WIC retailer contract or rules? (1) Retailers who commit acts of noncompliance are liable to prosecution in accordance with federal regulations (7 CFR 246.12 and 7 CFR 246.23). Noncompliance is failure to follow WIC program requirements including, but not limited to:

(a) Buying or selling WIC checks for cash (trafficking);

(b) Selling firearms, ammunition, explosives, or controlled substances for WIC checks;

(c) Selling alcohol or tobacco for WIC checks;

(d) Charging WIC for food not available to buy and having no documentation of having had enough food on the shelf for WIC clients to buy;

~~((e))~~ (e) Providing ~~((cash,))~~ unauthorized food~~((, nonfood items,))~~ or other items to WIC customers in lieu of or in addition to authorized WIC supplemental foods;

~~((b))~~ (f) Selling or offering to sell foods with expired shelf lives;

~~((e))~~ (g) Charging the WIC program for foods not received by the customer;

~~((d))~~ (h) Charging the WIC program more for authorized WIC supplemental foods than other customers are charged for the same food;

~~((e))~~ (i) Inflating the purchase price of a WIC transaction;

~~((f))~~ (j) Providing ~~((rain checks or))~~ credit or nonfood items to customers in a WIC transaction;

~~((g))~~ (j) Charging WIC customers cash or giving change in a WIC transaction;

~~((h))~~ (k) Redeeming WIC checks outside of authorized channels; for example, accepting WIC checks without having ~~((authorization from))~~ a signed contract with the WIC program and accepting checks payable elsewhere then working out an exchange at that other retailer;

~~((i))~~ (l) Failing to write the actual purchase price on the WIC check at the time of the WIC transaction; and

~~((j))~~ (m) Failing to maintain adequate stock of WIC foods on the retailer's shelves.

(2) The WIC program may deny payment to, impose monetary penalties on and disqualify retailers for noncompliance with WIC program requirements and terms of the retailer contract.

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(3) The WIC program (~~(shall)~~) must seek reimbursement from retailers for documented overcharges and for payments made on improperly handled WIC checks.

(4) Retailers found in noncompliance, except for the offenses listed in the first five rows of the table in subsection ((9)) (6) of this section, will be notified by the WIC program and given the opportunity to correct the deficiency. Methods of notification include, but are not limited to, technical assistance contacts and notice of correction letters. Repeating any act of noncompliance (~~(may)~~) will subject a retailer to sanctions.

(5) When the WIC program denies a retailer authorization, denies payment, imposes a monetary penalty, requests reimbursement, or disqualifies a retailer, the program (~~(shall)~~) must give the contractor written notice not less than fifteen days prior to the effective date of the action. The notice (~~(shall)~~) must state what action is being taken, the effective date of the action, and the procedure for requesting an appeal hearing if the action is one which can be appealed.

~~(6) ((Monetary penalties shall be imposed when non-compliance of a same or similar type of noncompliance occurs following notification and the opportunity for correction.~~

~~(7) Monetary penalties, in accordance with federal regulations, are:~~

~~(a) If the value of the unauthorized items was less than one hundred dollars, the monetary penalty shall be not less than one hundred dollars and not more than one thousand dollars.~~

~~(b) If the value of the unauthorized items was one hundred dollars or more, the monetary penalty shall be not less than five hundred dollars and not more than ten thousand dollars.~~

~~(8) Monetary penalties and reimbursements shall be paid to the revenue section of the department within the time period specified in the notice. Retailers who fail to pay within the time period specified in the notice shall be referred to a commercial collection agency and may be disqualified.~~

~~(9)) The WIC program ((shall)) must disqualify the WIC retailer for the following((- after providing advance notice of not less than fifteen days):~~

~~((a) Redeeming a WIC check for the purchase of any form of alcohol or tobacco;~~

~~(b) Purchasing a WIC check for partial value and redeeming at full value (commonly referred to as trafficking or discounting);~~

~~(c) Redeeming a WIC check for the purchase of nonfood items;~~

~~(d) Using a pattern of overcharging;~~

~~(e) Noncomplying in a same or similar nature following notification and the opportunity for correction;~~

~~(f) Being disqualified from the food stamp program by the food and consumer service.~~

~~(10) The WIC program shall disqualify the retailer from the WIC program for a specified period of time, not to exceed three years.))~~

Violation	Length of Disqualification
Disqualification from the food stamp program by the food and nutrition service;	Time period corresponding to food stamp program disqualification
Conviction for trafficking in WIC checks or exchanging firearms, ammunition, explosives, or controlled substances for WIC checks;	Permanent
One incidence of trafficking;	Six years
One incidence of exchanging firearms, ammunition, explosives, or controlled substances for WIC checks;	Six years
One incidence of exchanging any form of alcohol or tobacco for a WIC check;	Three years
A documented pattern of charging WIC for food not available to buy and having no documentation of having had enough food on the shelf for WIC clients to buy;	Three years
A documented pattern of overcharging, including charging more than the shelf price, charging more than for non-WIC customers, and charging for food not received by the customer;	Three years
A documented pattern of redeeming WIC checks outside of authorized channels;	Three years
A documented pattern of providing credit or nonfood items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances as defined in 21 N.S.C. 802, in exchange for WIC checks;	Three years
A documented pattern of selling unauthorized foods or selling more than the amount of food listed on the WIC check.	One year

~~(7) At the end of the disqualification period, the retailer must reapply to be considered for authorization.~~

~~((11)) (8) Prior to disqualifying a retailer, the WIC program ((shall)) must consider whether the disqualification would create ((undue hardships)) inadequate access to WIC foods for WIC clients. ((In these cases)) If the WIC program determines a retailer's disqualification would result in inadequate client access to WIC foods, the WIC program may ((agree on)) impose a monetary penalty in lieu of disqualification.~~

~~((12)) (9) Monetary penalties are calculated in accordance with federal regulations using the following formula:~~

~~(a) Average the retailer's monthly volume of WIC business over at least the six-month period ending with the month preceding when the notice to the retailer is dated;~~

~~(b) Multiply the average by ten percent (.10);~~

~~(c) Multiply that number by the number of months for which the store would be disqualified. This is the amount of the monetary penalty.~~

(10) Monetary penalties must not exceed ten thousand dollars for each violation. For a violation warranting permanent disqualification, the monetary penalty is ten thousand dollars. If several violations are documented during the course of one investigation, the department must impose a monetary penalty for each violation, not to exceed a total of forty thousand dollars.

(11) Monetary penalties and reimbursements must be paid to the revenue section of the department within the time period specified in the notice. Retailers who fail to pay within the time period specified in the notice will be referred to a commercial collection agency and disqualified for the length of time corresponding to the violation.

(12) When a retailer who has already been sanctioned for noncompliance is found out of compliance again, the department must double the sanction. A monetary penalty in lieu of disqualification is not an option for third or subsequent incidences of noncompliance.

(13) A contractor who fails to give the specified notice of closure, a change in ownership, retailer name, and/or location ((shall be)) is liable for resultant costs incurred by the WIC program.

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-120 How do I appeal a WIC decision I don't agree with? (1) ((The contractor may appeal notice of denial of payment, denial of authorization, monetary penalty, reimbursement, or disqualification. Expiration and nonrenewal of a WIC contract is not subject to appeal.

(2)) The contractor may appeal:

(a) Notice of denial of payment;

(b) Denial of authorization;

(c) Monetary penalty;

(d) Reimbursement; or

(e) Disqualification.

(2) Actions not subject to appeal are:

(a) Expiration or nonrenewal of a WIC contract;

(b) Department determination regarding inadequate client access to WIC foods; and

(c) Disqualification based on a food stamp program disqualification. When the action being appealed is disqualification, the retailer ((shall)) must cease redeeming WIC checks effective the date specified in the notice and ((shall)) must not accept WIC checks during the appeal period. ((Payments shall not be made for)) The department will not pay any WIC checks redeemed by a retailer during a period of disqualification.

(3) A request for an appeal hearing ((shall)) must be in writing and:

(a) State the issue raised;

(b) Contain a summary of the contractor's position on the issue, indicating whether each charge is admitted, denied, or not contested;

(c) State the name and address of the contractor requesting the appeal hearing;

(d) State the name and address of the attorney representing the contractor, if applicable;

(e) State the contractor's need for an interpreter or other special accommodations, if necessary; and

(f) Have a copy of the notice from the program attached.

(4) A request for an appeal hearing ((shall)) must be filed at the ((Office of Professional Standards (OPS))) Adjudicative Clerk's Office, Department of Health, 1107 Eastside St., P.O. Box ((47872)) 47879, Olympia, WA 98504-((7872)) 7879. The request ((shall)) must be made within twenty-eight days of the date the contractor received the notice.

(5) The decision concerning the appeal ((shall)) must be made within sixty days from the date the request for an appeal hearing was received by the ((office of professional standards (OPS))) Adjudicative Clerk's Office. The time ((shall)) for rendering the decision may be extended by as many days as ((the contractor requests, assents to, or necessitates a delay in the proceedings)) all parties agree to with ((due)) good cause.

AMENDATORY SECTION (Amending WSR 97-16-117, filed 8/6/97, effective 9/6/97)

WAC 246-790-130 How does the WIC program get input from the food industry? (1) The WIC program may establish a retailer advisory committee for the purpose of soliciting input on policies, procedures, and other matters pertinent to retailer participation in the WIC program.

(2) The retailer advisory committee ((shall)) meets at least two times per year.

(3) The membership of the retailer advisory committee ((will)) consists of representation of at least the following:

(a) ((The)) Washington Food ((industries)) Industry;

(b) Manager or checker trainer from a large chain;

(c) Manager or checker trainer from a small chain;

(d) Minority-owned retailer;

(e) Instructor of a checker training program with a technical college;

(f) Local WIC agency staff person;

(g) Current or former WIC client;

(h) Administrative representative, such as loss prevention or risk manager or human resources representative, from any size retailer;

(i) Owner of an independent retailer (single store); and

(j) A military commissary.

WSR 00-07-097

PROPOSED RULES

CRIMINAL JUSTICE

TRAINING COMMISSION

[Filed March 17, 2000, 8:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-04-048 with a published date of January 27, 2000.

Title of Rule: Criminal Justice Training Commission regulatory reform. Amending WAC 139-01-100, 139-05-200, 139-05-210, 139-05-220, 139-05-230, 139-05-240, 139-05-242, 139-05-250, 139-05-810, 139-05-912, 139-05-915, 139-10-210, 139-10-212, 139-10-215, 139-10-220, 139-10-

222, 139-10-230, 139-10-235, 139-10-237, 139-10-240, 139-10-310, 139-10-320, 139-10-410, 139-10-420, 139-10-510, 139-10-520, 139-25-110; and repealing WAC 139-01-110, 139-01-320, 139-01-330, 139-01-410, 139-01-415, 139-01-420, 139-01-425, 139-01-430, 139-01-435, 139-01-440, 139-01-445, 139-01-450, 139-01-455, 139-01-460, 139-01-465, 139-01-470, 139-01-475, 139-01-510, 139-01-515, 139-01-520, 139-01-525, 139-01-530, 139-01-535, 139-01-540, 139-01-545, 139-01-550, 139-01-555, 139-01-560, 139-01-565, 139-01-570, 139-01-575, 139-01-610, 139-01-615, 139-01-620, 139-01-625, 139-01-630, 139-01-710, 139-01-715, 139-01-720, 139-01-725, 139-01-730, 139-01-735, 139-01-810, 139-01-820; and new sections WAC 139-02-010, 139-02-020, 139-02-030, 139-02-040, 139-02-050, 139-02-060, 139-02-070, 139-02-080, 139-02-090, 139-02-100, 139-02-110, 139-03-010, 139-03-020, 139-03-030, 139-03-040, 139-03-050, 139-03-060, 139-03-070, 139-03-080, 139-10-221, and 139-10-236.

Purpose: Pursuant to Governor Locke's Executive Order that requires state agencies to review all of their existing rules, the Criminal Justice Training Commission (CJTC) is reviewing all of its rules to evaluate their effectiveness, clarity and statutory intent in an effort to streamline the rules.

Statutory Authority for Adoption: RCW 43.101.080.

Summary: CJTC is proposing the repeal of over forty WAC rules along with updating, clarifying and housekeeping changes to remaining sections, and proposal of new sections.

Reasons Supporting Proposal: To improve effectiveness, clarity and intent in order to better serve client, stakeholders, and citizens.

Name of Agency Personnel Responsible for Drafting and Enforcement: Sharon M. Tolton, Seattle, (206) 835-7345 or 7372; **Implementation:** Michael D. Parsons, Seattle, (206) 835-7347 or 7372.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Title of Rule, Purpose, and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Criminal Justice Training Center, 19010 1st Avenue South, Seattle, WA 98148-2055, (206) 835-7300, on June 14, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Ed Johnson by June 12, 2000, at (206) 835-7372.

Submit Written Comments to: Sharon M. Tolton, 19010 1st Avenue South, Seattle, WA 98148-2055, fax (206) 439-3860, by June 12, 2000.

Date of Intended Adoption: Approximately July 1, 2000.

March 17, 2000
Sharon M. Tolton
Deputy Director

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-01-100 Description of central and field organization. The Washington state criminal justice training commission consists of the executive director, ((his/her)) staff, and ((twelve)) fourteen commissioners. Recommendations for training pursuant to commission adopted goals and standards may be approved by the executive director of the commission. Other recommendations will be reviewed by the commissioners for approval or rejection. Approved recommendations and other matters of the commission necessitating implementation or staff involvement will be assigned by the executive director to appropriate personnel.

The ((central)) business office of the commission is located ((on the campus of St. Martin's College)) at 621 Woodland Square Loop, P.O. Box 40905, Olympia, Washington, 98504. It is maintained by the commission's executive director and staff from 8:00 a.m. to 5:00 p.m., Monday through Friday, and serves as a central repository for the commission's records of administration and operation.

The Criminal Justice Training Center, ((2450 So. 42nd)) 19010 1st Avenue, Seattle, Washington, 98148, serves as the commission's primary training site. Other training is conducted locally, regionally, or at centralized locations state-wide, as determined by staff.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 139-01-110	Public records available.
WAC 139-01-320	Appearance and practice before commission— Appearance by former member of attorney general's staff.
WAC 139-01-330	Computation of time.
WAC 139-01-410	Service of process—By whom served.
WAC 139-01-415	Service of process—Upon whom served.
WAC 139-01-420	Service of process—Service upon parties.
WAC 139-01-425	Service of process—Method of service.
WAC 139-01-430	Service of process—When service complete.
WAC 139-01-435	Service of process—Filing with agency.

WAC 139-01-440	Subpoenas—Where provided by law—Form.	WAC 139-01-570	Depositions upon interrogatories—Attestation and return.
WAC 139-01-445	Subpoenas—Issuance to parties.	WAC 139-01-575	Depositions upon interrogatories—Provisions of deposition rule.
WAC 139-01-450	Subpoenas—Service.	WAC 139-01-610	Official notice—Matters of law.
WAC 139-01-455	Subpoenas—Fees.	WAC 139-01-615	Official notice—Material facts.
WAC 139-01-460	Subpoenas—Proof of service.	WAC 139-01-620	Presumptions.
WAC 139-01-465	Subpoenas—Quashing.	WAC 139-01-625	Stipulations and admissions of record.
WAC 139-01-470	Subpoenas—Enforcement.	WAC 139-01-630	Rules of evidence—Admissibility criteria.
WAC 139-01-475	Subpoenas—Geographical scope.	WAC 139-01-710	Petitions for rule making, amendment or repeal—Who may petition.
WAC 139-01-510	Depositions and interrogatories in contested cases—Right to take.	WAC 139-01-715	Petitions for rule making, amendment or repeal—Requisites.
WAC 139-01-515	Depositions and interrogatories in contested cases—Scope.	WAC 139-01-720	Petitions for rule making, amendment or repeal—Agency must consider.
WAC 139-01-520	Depositions and interrogatories in contested cases—Officer before whom taken.	WAC 139-01-725	Petitions for rule making, amendment or repeal—Notice of disposition.
WAC 139-01-525	Depositions and interrogatories in contested cases—Authorization.	WAC 139-01-730	Declaratory rulings.
WAC 139-01-530	Depositions and interrogatories in contested cases—Protection of parties and deponents.	WAC 139-01-735	Forms.
WAC 139-01-535	Depositions and interrogatories in contested cases—Oral examination and cross-examination.	WAC 139-01-810	Review and appeal of action.
WAC 139-01-540	Depositions and interrogatories in contested cases—Recordation.	WAC 139-01-820	Request for exemption or variance.
WAC 139-01-545	Depositions and interrogatories in contested cases—Signing attestation and return.		
WAC 139-01-550	Depositions and interrogatories in contested cases—Use and effect.		
WAC 139-01-555	Depositions and interrogatories in contested cases—Fees of officers and deponents.		
WAC 139-01-560	Depositions upon interrogatories—Submission of interrogatories.		
WAC 139-01-565	Depositions upon interrogatories—Interrogation.		

Chapter 139-02 WAC

PUBLIC RECORDS

NEW SECTION

WAC 139-02-010 Purpose. The purpose of this chapter shall be to ensure compliance by the criminal justice training commission with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340.

NEW SECTION

WAC 139-02-020 Definitions. (1) "Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the commission regardless of physical form or characteristics.

(2) "Writing" means 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, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) "Commission" means the criminal justice training commission.

(4) "Client" means any person or organization about whom the commission has a record.

(5) "Disclosure" means inspection and/or copying.

(6) "Denial of disclosure" denotes any exempting from disclosure of any public record.

NEW SECTION

WAC 139-02-030 Public records available. (1) Requests for any identifiable public record may be initiated by mail or in person at the business office of the commission during normal business hours.

(2) The commission shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within five business days of receipt of the request for disclosure.

NEW SECTION

WAC 139-02-040 Public disclosure officer. The commission shall designate a public disclosure officer, located in its business office, who shall be responsible for implementing the commission's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

NEW SECTION

WAC 139-02-050 Request for public records. (1) Unless waived by a public disclosure officer, all requests for the disclosure of a public record must be in writing identifying the record sought with reasonable certainty. The written request may include:

- (a) The name of the person requesting the record;
- (b) The calendar date on which the request is made; and
- (c) The nature of the request.

(2) An in-person request for disclosure shall be made during customary business hours.

(3) If the public record contains material exempt from disclosure pursuant to law, the commission must provide the person requesting disclosure with a written explanation for the nondisclosure, pursuant to WAC 137-08-130.

(4) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(5) Nothing in this section or elsewhere in this chapter shall be construed to require the commission to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other

essential functions of the commission and is not required for litigation by rules of pretrial discovery.

NEW SECTION

WAC 139-02-060 Disclosure to client's representative. (1) If a client requests disclosure to a representative, that request must be accompanied by a written release signed by the client, except that, as an accommodation to the client and if the legislator or attorney representing the client can provide assurance that the client has authorized disclosure, the client's record may be briefly discussed with that legislator or attorney so long as there is neither physical inspection nor copying of client records by that representative. A written release must include:

(a) The identity of the person(s) or organization(s) to whom disclosure is to be made;

(b) An identification of the record, or portion thereof, to be disclosed;

(c) A statement of when the authorization for disclosure expires.

(2) Disclosures of information to a representative shall be made to the same extent as to the client.

(3) The legal guardian of a client has any and all rights accorded to a client by this section.

NEW SECTION

WAC 139-02-070 Fees—Inspection and copying. (1) No fee shall be charged for the inspection of public records.

(2) The commission shall collect a fee of twenty cents per page plus postage to reimburse itself for the cost of providing copies of public records.

(3) Nothing contained in this section shall preclude the commission from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the commission.

(4) The director of the commission or his or her designee is authorized to waive any of the foregoing copying costs.

NEW SECTION

WAC 139-02-080 Protection of public records. Public records shall be disclosed only in the presence of the public disclosure officer or his or her designee, who shall withdraw the records if the person requesting disclosure acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the commission. This section shall not be construed to prevent the commission from accommodating a person by use of the mails in the disclosure process.

NEW SECTION

WAC 139-02-090 Disclosure procedure. (1) The public disclosure officer shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the public disclosure officer shall ensure full disclosure.

(3) If the file does contain materials exempt from disclosure, the public disclosure officer shall deny disclosure of those exempt portions of the file, and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption or reason applies. The remaining, nonexempt materials shall be fully disclosed.

NEW SECTION

WAC 139-02-100 Qualifications on nondisclosure.

(1) To the extent that nondisclosable information can be deleted from the specific records sought, the remainder of the records shall be disclosable.

(2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

(3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of the superior court enforcing a subpoena in accordance with the provisions of RCW 42.17.310(3), or an order of the office of hearings enforcing a subpoena.

NEW SECTION

WAC 139-02-110 Records index. (1) The commission finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence, reports, surveys, staff studies, and other materials.

(2) The commission will make available for public disclosure all indices which may at a future time be developed for agency use.

Chapter 139-03 WAC

PROCEDURES

NEW SECTION

WAC 139-03-010 Adoption of model rules of procedure. In those contested cases, declaratory proceedings, and requests for rule making in which the commission has authority to conduct hearings, practice and procedure shall be in accordance with the model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended. The model rules hereby adopted are found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and the procedural rules adopted in this title, the procedural rules adopted in this title shall govern.

NEW SECTION

WAC 139-03-020 Review and appeal of action. (1) Except as otherwise provided in this section or in WAC 139-03-030, a person aggrieved by a commission "action" as defined under the Administrative Procedure Act may appeal that action by filing a notice of appeal to the commission on an appeal form provided by the commission. Notice of appeal forms are available from the commission at the following address: 621 Woodland Square Loop, P.O. Box 40905, Olympia, WA 98504. This section shall not apply to a request for a variance or exemption pursuant to WAC 139-03-030.

(2) Unless otherwise provided in this title, student dismissal for academic or disciplinary reasons may be reviewed at the request of such individual, or the head of such individual's employing agency, and shall be considered in accordance with the process hereinafter provided.

(3) An individual requesting review shall submit a request in writing to the executive director and shall therein specify and include, where applicable:

(a) The action for which review is requested, identified by date and description of action;

(b) The direct and adverse effects of such action;

(c) The corrective or remedial action or other relief sought;

(d) The name and mailing address of the requesting party, any witness to be called by the requesting party, and any person who will personally appear in support of the requesting party, including legal counsel; and

(e) A statement that the person signing the request for review has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

(4) A request for review must be mailed to or personally served upon the director of the commission within thirty days of the date of written communication of commission staff action. "Mailing" for purposes of this regulation means posting in the United States mail, properly addressed, postage prepaid.

(5) A requesting party may notify the director of the commission within seven days of filing the request for a hearing that the requesting party chooses to first meet with the executive director and ask him or her to informally review the staff action. The executive director will conduct such informal review within thirty days of such request for informal review or within such additional period as is agreed to between the requesting party and the executive director. If the executive director then affirms staff action, or if the requesting party elects to forgo this informal review step, the matter will proceed to a formal hearing by an administrative law judge from the state office of administrative hearings. The administrative law judge will:

(a) Schedule and conduct an adjudicative proceeding under chapter 34.05 RCW; and

(b) Issue an initial decision of the commission in the matter.

The commission staff or the requesting party may then pursue review by the commission subject to the time limits and any other jurisdictional requirements of chapter 34.05 RCW and of this section.

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(6) A petition for review of the initial decision must be filed with the commission within thirty days of mailing of the initial decision to the parties. Extensions of the time for filing petitions for review may be granted for good cause shown in the discretion of the chairperson of the commission on timely written request of a party. The petition for review shall set forth in detail the grounds for review, and the party filing the petition shall be deemed to have waived all objections or claims of irregularities not specifically set forth therein. At the next succeeding regularly scheduled meeting of the commission at which review can practicably be conducted, the commission shall consider the whole record, or such portions of it as are cited by the parties. The commission shall afford the parties an opportunity to present written argument, and may, as a matter of discretion, allow oral argument. Thereafter, a final decision shall be entered within thirty days of the meeting, either finally disposing of the action or remanding the matter for further proceedings before the initial reviewer.

NEW SECTION

WAC 139-03-030 Request for exemption, waiver, extension or variance. (1) Requests for exemption, waiver, extension or variance from the commission's regulations may be pursued only under this section.

(2) A request for exemption, waiver, extension or variance may be made only by the head of a law enforcement or corrections agency on behalf of an employee or employees directly affected by the regulation. Where a request for an exemption or variance is on behalf of a chief of police, such request shall be made by the appointing authority. Requests under this section shall be for mitigation only and shall not raise questions of law or of fact. Such requests shall be submitted in writing to the executive director of the commission and shall include, where applicable:

- (a) The particular regulation from which exemption, waiver, extension or variance is sought;
- (b) The nature of the exemption, waiver, extension or variance which is sought;
- (c) The mitigating factors in the particular case;
- (d) The name and mailing address of the requesting party and any person who will personally appear in support of the requesting party, including legal counsel;
- (e) A statement that the person signing the request has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

(3) Upon receipt of a request under this section which satisfies the requirements of subsection (2) of this section, the executive director shall schedule the request for full consideration at the next commission meeting. If it is determined by the chair that circumstances justify expedited review, the chair may schedule a special meeting for the sole purpose of effecting review. After full consideration of the matter, the commission shall deny the request, grant the request or provide alternative mitigating relief.

NEW SECTION

WAC 139-03-040 Method of recording. Proceedings shall be recorded by a method determined by the presiding

officer, by manual, electronic, or other type of recording device.

NEW SECTION

WAC 139-03-050 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 139-03-060 Procedure for closing parts of hearings. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application in writing to the presiding officer. The request shall be made at least thirty days before the date of the hearing, except upon a showing of good cause for delay in making the request. If the other party opposes the request, a written response to the request shall be made within ten days of the request. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and shall state the reasons therefor in writing within twenty days of receiving the request. No recording devices or cameras are allowed in those parts of proceedings which the presiding officer has decided to close, except for the method of official recording selected by the presiding officer.

NEW SECTION

WAC 139-03-070 Burden and standard of proof. Unless otherwise provided by law, the appealing party has the burden of proof, and the standard of proof on all factual issues is preponderance of the evidence.

NEW SECTION

WAC 139-03-080 Petitions for stay of effectiveness. Disposition of a petition for stay of effectiveness of a final order shall be made by the chair of the commission or the chair's designee.

AMENDATORY SECTION (Amending Order 14D, filed 6/13/89)

WAC 139-05-200 Requirement of basic law enforcement training. (1) All full-time commissioned law enforcement employees of a city, county, or political subdivision of the state of Washington, except officers of the Washington state patrol, unless otherwise exempted by the Washington state criminal justice training commission, shall as a condition of continued employment successfully complete a ((440-hour)) basic law enforcement academy sponsored or conducted by the commission, or obtain a certificate of equivalent basic training from the commission. This requirement of basic law enforcement training shall be met within the initial ((fifteen)) six-month period of law enforcement employment,

unless otherwise extended by the commission. (~~Provided, that aforementioned personnel hired on or after January 1, 1990, shall commence basic training during the first six months of employment unless otherwise extended by the commission.~~)

(2) Law enforcement personnel exempted from the requirement of subsection (1) of this section shall include:

(a) Individuals holding the office of sheriff of any county on September 1, 1979;

(b) Auxiliary and reserve personnel; and

(c) Commissioned personnel(~~(f)~~).

(i) Who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:

(A) No police chief or sheriff of any agency with ten or fewer (~~full-time patrol~~) commissioned officers shall be eligible to receive such exemption;

(B) Any request for such exemption shall be submitted to the commission on an approved form with a criminal records check completed by the Washington state patrol and, in any instance wherein the requestor is a police chief, such request shall be cosigned by requestor's appointing authority;

(C) Any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(D) Any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's primary duties and responsibilities change from administrative to general enforcement; and

(E) Any approved administrative exemption may be revoked by the commission at any time (~~and~~) upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;

(ii) Whose initial date of full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978; or

(iii) Who have been certified in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four month(~~s~~) duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, except the Washington state patrol, shall immediately notify the commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency (~~on or after January 1, 1978~~). Such notification shall be maintained by the commission and shall be utilized by the commission for the subsequent scheduling, notification and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of noncompliance, by the commission, on approved form, to:

(a) The individual in noncompliance;

(b) The head of his/her agency;

(c) The civil service commission having jurisdiction of such agency;

(d) The judges and clerks of the municipal, district, and superior courts in which said agency is located;

(e) The state auditor's office; and

(f) Any other agency or individual, as determined by the commission.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-210 Basic law enforcement equivalency certification. (1) A certificate of equivalent basic law enforcement training shall be issued only to applicants who successfully complete the equivalency process as required by the Washington state criminal justice training commission. For this purpose, the term "process" shall include all documentation and prerequisites set forth in subsection (6) of this section, and successful completion of all knowledge and skills requirements within the basic equivalency academy. A certificate of equivalent basic law enforcement training shall be recognized in the same manner as the certificate of completion of the basic law enforcement academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time, commissioned enforcement officers who otherwise are eligible to attend the basic law enforcement academy, and who have attained basic certification through completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training program, or any federal training program not otherwise approved by a majority of the law enforcement representatives within the commission membership.

(3) (~~Effective January 1, 1987,~~) The participation of any eligible and approved applicant for a certificate of equivalent basic law enforcement training shall be effected within, and limited to, the first available session of the basic equivalency academy following such applicant's date of hire; provided that no applicant shall be required to attend a session of the basic equivalency academy which is conducted within the initial sixty days of the employment for which certification is requested.

It shall be the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner and as necessary to ensure that the participation provided by this section is effected.

The participation of any applicant in any session of the basic equivalency academy not otherwise provided herein shall require the approval of the commission.

(4) In those instances wherein an applicant has attended more than one basic training program, eligibility for participation in the basic equivalency process shall not be approved if such applicant, for whatever reason, failed to successfully complete the most recent of such programs attended.

(5) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency, who shall advise the commission of that decision by appropriate notation upon the

PROPOSED

hiring notification submitted to the commission for such officer. Upon receipt of such notification, the commission shall provide to such agency head all necessary forms and information required for the processing of a request for a certificate of equivalent basic training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission the following documentation as a precondition of participation within such process:

- (a) A copy of applicant's current and valid Washington state driver's license;
 - (b) A copy of applicant's current and valid basic first-aid card;
 - (c) A statement of applicant's health and physical condition by an examining physician;
 - (d) A record of applicant's firearms qualification;
 - (e) A liability release agreement by the applicant; and
 - (f) A criminal records check regarding such applicant.
- (7) If such training has not been completed previously, the applicant shall be required to complete the commission's twenty-four-hour emergency vehicle operation course, as scheduled by the commission.

(8) Upon completion of the equivalency process and review and evaluation of applicant's performances therein, the commission shall:

- (a) Issue a certificate of equivalent basic training;
- (b) Issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the training commission may require; or
- (c) Require completion of the basic law enforcement academy.

(9) ~~((Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the commission if it determines that sufficient justification exists for such action.~~

~~Additionally,))~~ Any action or determination by the commission staff regarding a requestor or applicant for equivalency certification shall, upon written request of the involved individual or agency, be reviewed by the executive director of the training commission.

(10) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the commission if it determines that sufficient justification exists for such action.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-220 Backgrounding requirement for admission to basic law enforcement academy. The Washington state criminal justice training commission is responsible for the conduct of the basic law enforcement academy and to therein certify, to and for the state of Washington, those officers who have demonstrated the ability and suitability requisite to law enforcement service and the public trust.

In accordance with that responsibility, and to ensure the continuing integrity and credibility of the basic academy program, no individual shall be granted academy admission or allowed continued participation if such individual, in adult

status, has been convicted of a felony offense, or has been convicted of a gross misdemeanor or misdemeanor involving moral turpitude.

For this purpose, the term "convicted" shall include any disposition adverse to the subject, except a decision not to prosecute, a dismissal, or acquittal; provided, however, that a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

~~((Additionally, and for this purpose,))~~ The term "felony offense" shall include any act or omission which is classified as a felony by the laws of the jurisdiction in which such act or omission occurred, or for which imprisonment in a federal or state penitentiary could have been imposed.

It shall be the responsibility of each sponsoring or applying agency to request a complete criminal records check to include a search of state and national criminal history records information regarding its applicant through the submission of the applicant's fingerprints to an appropriate action agency or agencies.

Each application for academy attendance shall be accompanied by a written attestation by the applying agency that (1) the aforementioned ~~((records search))~~ criminal records check has been effected regarding the individual for which academy application is being made, and (2) that such search indicated the absence of any felony conviction or other disqualifying conviction.

No exception to, or variance from, the above requirements or the prohibition which is provided, will be granted without the approval of the training commission.

AMENDATORY SECTION (Amending WSR 91-14-011, filed 6/24/91, effective 7/25/91)

WAC 139-05-230 Physical requirements for admission to basic law enforcement academy. Each successful applicant for admission to a basic law enforcement academy sponsored or conducted by the Washington state criminal justice training commission shall possess good health and physical capability to actively and fully participate in defensive tactics training and other required physical activities. In order to minimize risk of injury and maximize the benefit of such participation, each ~~((trainee))~~ recruit in any academy session ~~((commencing on or after July 1, 1992,))~~ shall, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the training commission.

For this purpose, each academy applicant shall be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the training commission. ~~((Such evaluation shall be based upon performance ratings which are normed to the general population and appropriately adjusted for consideration of the age and gender of the applicant.))~~

Failure to demonstrate a requisite level of fitness ~~((within each assessment area))~~ will result in ineligibility for academy admissions and/or attendance.

AMENDATORY SECTION (Amending WSR 93-13-098, filed 6/21/93, effective 7/22/93)

WAC 139-05-240 Requirements of basic law enforcement academy. (1) Each ~~((trainee))~~ recruit in a basic law enforcement academy shall receive ~~((certification))~~ a certificate of completion only upon full and successful completion of the academy process as prescribed by the Washington state criminal justice training commission. The performance of each ~~((trainee))~~ recruit shall be evaluated as follows:

(a) **Scholarship.** A standardized examination process shall be utilized by all basic law enforcement academies sponsored or conducted by the ~~((Washington state criminal justice training))~~ Washington state criminal justice training commission, in evaluating the level of scholastic achievement of each ~~((trainee))~~ recruit. Such process shall include the application of a designated minimum passing score to each subject area and the availability of a retesting procedure. Failure to achieve the required minimum passing score will result in termination of academy assignment ~~(([if] provided that any unsuccessful trainee whose beginning date of continuous law enforcement employment precedes January 1, 1978, may be allowed to audit the remainder of the academy upon a determination by the coordinator of law enforcement training that such audit would be beneficial to the trainee and have no adverse effect upon the other attendees))~~.

(b) **Physical performance.** A standardized evaluation process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of physical performance of each trainee. Such process shall include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to achieve a final passing grade ~~((of pass))~~ in physical training, including defensive tactics, shall preclude ~~((certification))~~ a certificate of completion.

(c) **Department and conduct.** Failure to maintain an exemplary standard of department and conduct or to adhere to all rules, regulations and policies of a basic law enforcement academy sponsored or conducted by the commission may result in termination of academy assignment.

(2) Upon the written request of a ~~((trainee))~~ recruit, or the head of a ~~((trainee's))~~ recruit's employing agency, any action affecting such ~~((trainee's))~~ recruit's status or eligibility for ~~((certification))~~ a certificate of completion shall be reviewed ~~((pursuant to the procedural rules and regulations adopted))~~ by the commission.

AMENDATORY SECTION (Amending WSR 93-13-103, filed 6/21/93, effective 7/22/93)

WAC 139-05-242 Readmission to basic law enforcement academy. No person may be readmitted to the basic law enforcement training academy except as provided in this section.

(1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency.

(2) Any individual terminated from any academy for academic failure or who has voluntarily withdrawn from any

academy for any reason, may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission of the individual to the academy program, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met.

(3) Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, the making of materially false statements, or the commission of ~~((any))~~ a crime ~~((involving moral turpitude))~~, shall not be eligible for readmission to any subsequent academy within twenty-four months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

(5) An exception to the ineligibility period specified in subsection (4) may be granted ~~((it))~~ at the sole discretion of the director, based upon mitigating circumstances. However, no person may be considered for such early readmission after an integrity violation dismissal unless a written request is made on his or her behalf by the head of the agency employing the individual at the time of the request. Such request may be granted by the director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission. The director's decision under this subsection shall be subject to further review only for abuse of discretion.

(6) After the ineligibility period specified in subsection (4) has passed, or after an exception thereto has been granted by the commission under subsection (5), the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement ~~((or corrections trainee))~~ recruit or prospective

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((~~trainee~~)) recruit may be disseminated without restriction between the commission staff and any employer or prospective employer.

(8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

AMENDATORY SECTION (Amending WSR 93-13-097, filed 6/21/93, effective 7/22/93)

WAC 139-05-250 Basic law enforcement curriculum.

The basic law enforcement curriculum of the Washington state criminal justice training commission shall ~~((consist of 440 hours, including))~~ include, but not be limited to, the following core subject areas with common threads of communications, community policing and police ethics:

- (1) ~~((Introduction to law enforcement[;]~~)
 - (a) ~~Introduction to law enforcement[;]~~
 - (b) ~~The criminal justice system[;]~~
 - (c) ~~Police power and execution of authority[;]~~
 - (d) ~~Civil rights and civil liability[; and]~~
 - (e) ~~Police ethics[-]~~
 - (f) ~~Police use of force~~
 - (g) ~~Cultural awareness~~
 - (h) ~~Harassment in the workplace~~
 - (i) ~~Critical incident stress~~
 - (j) ~~Community policing~~
- (2) ~~Criminal law[;]~~
 - (a) ~~Criminal law[; and]~~
 - (b) ~~Juvenile law[-]~~
- (3) ~~Criminal procedures[;]~~
 - (a) ~~Constitutional law[;]~~
 - (b) ~~Probable cause[;]~~
 - (c) ~~Laws of arrest[;]~~
 - (d) ~~Search and seizure[;]~~
 - (e) ~~Interrogation, statements and confessions[; and]~~
 - (f) ~~Field interrogations and "stop and frisk[-]"~~
 - (g) ~~Domestic violence law~~
- (4) ~~Patrol procedures[;]~~
 - (a) ~~Observation and perception[;]~~
 - (b) ~~Patrol procedures[;]~~
 - (c) ~~First aid/adult and juvenile CPR[;]~~
 - (d) ~~HIV/HSV awareness~~
 - (e) ~~Community relations[;]~~
 - (f) ~~Crime prevention[;]~~
 - (g) ~~Juvenile procedures[;]~~
 - (h) ~~Traffic stop[;]~~
 - (i) ~~Felony stop[;]~~
 - (j) ~~Field interview[;]~~
 - (k) ~~Building search[; and]~~
 - (l) ~~Gang awareness~~
 - (m) ~~K-9 application~~
 - (n) ~~Hazardous materials~~
 - (o) ~~ACCESS training~~
- (5) ~~Communication skills[;]~~
 - (a) ~~General writing skills~~
 - (b) ~~Police report writing and notetaking[; and]~~
 - (c) ~~Oral communication[-]~~
- (6) ~~Emergency vehicle operation course[-]~~
- (7) ~~Human relations[;]~~

- (a) ~~General theory[;]~~
- (b) ~~Recognizing and handling abnormal behavior[;]~~
- (c) ~~Oral and physical communication[;]~~
- (d) ~~Handling stress[; and]~~
- (e) ~~Family disturbance[-]~~
- (f) ~~Victim/witness~~
- (g) ~~Family violence~~
- (8) ~~Traffic law[;]~~
 - (a) ~~Traffic law enforcement[;]~~
 - (b) ~~Impaired driving[; and]~~
 - (c) ~~Accident investigation[-]~~
 - (d) ~~Vehicle registration/licensing~~
 - (e) ~~Drivers' licensing~~
 - (f) ~~Dept. of licensing records~~
- (9) ~~Firearms[-]~~
 - (a) ~~Fundamentals of Shooting~~
 - (b) ~~Safe weapon handling~~
 - (c) ~~Night/low light shooting~~
 - (d) ~~Range qualification~~
 - (e) ~~Firearms training simulator~~
- (10) ~~Defensive tactics[-]~~
- (11) ~~Criminal Investigation[-]~~
 - (a) ~~Crime scene search and protection[;]~~
 - (b) ~~Collection and preservation of evidence[;]~~
 - (c) ~~Interviews and interrogation techniques[;]~~
 - (d) ~~Crime scene protection/search/investigation[; and]~~
 - (e) ~~Testifying in court[-]~~
 - (f) ~~Fingerprinting~~
 - (g) ~~Child abuse~~
 - (h) ~~Sex crimes~~
 - (i) ~~Drug enforcement~~) Introduction to law enforcement;
- (2) Criminal law;
- (3) Criminal procedures;
- (4) Patrol procedures;
- (5) Communication skills;
- (6) Emergency vehicle operation course;
- (7) Human relations;
- (8) Traffic law;
- (9) Firearms;
- (10) Defensive tactics; and
- (11) Criminal Investigation.

AMENDATORY SECTION (Amending Order 20, filed 9/28/88)

WAC 139-05-810 Basic training requirement for reserve officers. (1) For the purposes herein:

(a) "Reserve officer" includes any law enforcement officer who does not serve as a law enforcement officer of this state on a full-time basis, but who, when called by such agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state; and

(b) "Field assignment" includes any period of active service wherein the assigned officer is expected to take routine and/or special enforcement actions, independently or otherwise, in the same manner and capacity as a full-time officer with such assignment.

(2) For the purposes of the Washington Mutual Aid Peace Officers Powers Act, chapter 10.93 RCW, every indi-

vidual who is commissioned as a specially commissioned peace officer in this state (~~on or after January 1, 1989~~), shall obtain a basic reserve certificate as a precondition of his/her exercise of authority pursuant to such act; provided that, any individual possessing a basic reserve certificate issued to him/her by the training commission prior to January 1, 1989, shall be deemed to have met this requirement.

(3) A basic reserve certificate shall be issued by the training commission to any individual who successfully completes:

(a) A basic course of instruction for reserve officers as prescribed and required by the training commission; and

(b) A comprehensive (~~certification~~) examination developed and administered by the training commission.

(4) Requirements of section 3 above may be waived in whole or in part as determined by the training commission and based upon an evaluation of an applicant's experience and training accomplishments. A request for such waiver must be submitted to the training commission on an approved form by the applicant's agency head and, if approved, may result in direct issuance of a basic reserve certificate or issuance of such certificate upon successful completion of specific training requirements prescribed by the training commission.

AMENDATORY SECTION (Amending WSR 93-13-101, filed 6/21/93, effective 7/22/93)

WAC 139-05-912 Requirement of training for fire marshals. (1) The training prescribed herein shall constitute:

(a) The training requirement which must be met by deputy state fire marshals and resident fire marshals as a precondition of any exercise of police powers granted to such personnel by RCW 48.48.060, and

(b) The training standard recommended by the criminal justice training commission for local agencies employing a training requirement (~~of~~) or prerequisite for the purpose of commissioning fire personnel.

(2) The training requirement herein prescribed for the purpose of RCW 48.48.060 shall be met by:

(a) Obtainment of the training commission's basic law enforcement certificate, or

(b) Obtainment of the training commission's basic law enforcement equivalency certificate, or

(c) Successful completion of a training program of at least one hundred and seventy-six hours, including:

(i) Criminal investigation	52 hours
(ii) Criminal law	40 hours
(iii) Criminal procedures	42 hours
(iv) Human relations	38 hours
(v) Use of force	04 hours

(3) No authorization, expressed or implied, to carry a firearm in the performance of official duties may be granted to any deputy state fire marshal or resident fire marshal unless such personnel has successfully completed a basic firearms training program. Such program shall be at least forty hours in length and include instruction in firearms care,

handling, and usage, and a range qualification course approved by the training commission. Thereafter such personnel shall successfully complete an eight-hour firearms requalification course approved by the training commission during each year in which authorization to carry a firearm is granted or remains in effect.

(4) It shall be the responsibility of the state fire marshal to effect and ensure personnel compliance herein, and to provide documentation of such compliance upon the request of the training commission.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-915 Requirements of training for police dog handler. (1) For purposes herein:

(a) "Dog handler" means any commissioned law enforcement officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police dog within a law enforcement patrol or investigative assignment; and

(b) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, for the purpose of developing the trainee's competency in the care, control, and utilization of a police dog.

(2) A dog handler shall, as a precondition of such assignment, successfully complete the basic law enforcement academy program, or otherwise comply with the basic training requirement prescribed by WAC (~~(139-14-010)~~) 139-05-200 and 139-05-210 of the training commission.

(3) Prior to, or within the first six months of such assignment, a dog handler shall successfully complete training according to the nature and purpose of utilization of the police dog for which such handler is responsible. Categories of utilization and concomitant training standards are prescribed as follows:

(a) Generalist. A dog handler who is responsible for the routine and regular utilization of a police dog within general patrol or investigative activities, shall successfully complete at least three hundred ninety hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police K-9;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Tracking;
- (vii) Trailing;
- (viii) Area searching;
- (ix) Building searching;
- (x) Evidence searching;
- (xi) Pursuit/holding; and
- (xii) Master protection.

(b) General detection. A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of specific substances, excluding explosives, shall successfully complete at least one hundred

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eighty hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police K-9;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area searching;
- (vii) Building searching;
- (viii) Evidence searching; and
- (ix) Detection of specific substances.

(c) Explosives detection. A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of explosive substances and devices, shall successfully complete at least three hundred ninety hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police K-9;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area searching;
- (vii) Building searching;
- (viii) Evidence searching; and
- (iv) Detection of explosives.

(d) Master protection. A dog handler who is responsible for the routine and regular utilization of a police dog solely for self-protection and assistance in hostile or potentially hostile situations, shall successfully complete at least one hundred eighty hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police K-9;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Pursuit/holding; and
- (vii) Master protection.

~~((4) Any dog handler whose initial date of assigned responsibility for K-9 utilization precedes January 1, 1983, shall meet the applicable training standard as above prescribed. For this purpose, training completed by such handler prior to January 1, 1983, shall be recognized and considered as training completed pursuant to such standard. If such training is less than, or does not include, that prescribed, the additional training required shall be completed prior to July 1, 1983.~~

~~(5) It shall be the responsibility of the local agency to ensure both program and personnel compliance with the above standards, as applicable, and the maintenance of training records necessary for the substantiation of such compliance. Such compliance shall constitute compliance required by RCW 4.24.410 and 9A.76.200 and for purposes of the immunity and penal provisions therein.)~~

AMENDATORY SECTION (Amending WSR 95-08-036 and 95-09-070, filed 3/30/95 and 4/19/95, effective 4/30/95 and 5/20/95)

WAC 139-10-210 Requirement of basic corrections training. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, ~~((initially hired on or after January 1, 1982,))~~ shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored or conducted by the Washington state criminal justice training commission ~~((for their class))~~. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the commission. Requests for extension or waiver of the basic training requirement shall be submitted to the commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections officers academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and ~~((work release))~~ detention facilities. Representative job classifications include, but are not limited to, ~~((jailers))~~ custody and correctional officers.

(b) Adult services academy. All employees whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, community corrections officers, adult probation counselors, institution counselors, and psychiatric social workers.

(c) Juvenile services academy. All employees working with juveniles whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole counselors ~~((and))~~, case aides/assistants, trackers, juvenile rehabilitation community counselors, juvenile drug court counselors, and community surveillance officers.

(d) Juvenile security workers academy. All employees responsible for the care, custody, and safety of youth in county and state juvenile ~~((court detention centers))~~ custody facilities. Representative job class includes, but is not limited to, juvenile detention workers, juvenile corrections officers, juvenile supervision officers, and juvenile rehabilitation residential counselors.

(e) Work release academy. All employees responsible for the safety, custody and care of adult offenders in a work release facility. Representative job class includes, but is not limited to, work release officers and work release counselors.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the commission.

An agency may elect to forgo completely any basic academy training if such employee occupies a middle management or an executive position, as defined in WAC 139-10-410, 139-10-510, and 139-25-110.

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(3) Failure to comply with the above requirements shall result in a notification of noncompliance from the commission directed to the individual employee, and, as appropriate, the employing agency director, chief or sheriff, the civil service commission, and/or the state auditor's office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

AMENDATORY SECTION (Amending WSR 91-14-010, filed 6/24/91, effective 7/25/91)

WAC 139-10-212 Physical requirements for admission to basic corrections academies. Each successful applicant for admission to a basic corrections officer or juvenile security workers academy sponsored or conducted by the Washington state criminal justice training commission shall possess good health and physical capability to actively and fully participate in defensive tactics training and other required physical activities. In order to minimize risk of injury and maximize the benefit of such participation, each trainee in any academy session (~~((commencing on or after July 1, 1992,))~~) shall, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the training commission.

For this purpose, each academy applicant shall be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the Training Commission. Such evaluation shall be based upon composite performance ratings (~~((which are normed to the general population and appropriately adjusted for consideration of age and gender of the applicant))~~) in the overall assessment as established by the commission.

Failure to demonstrate a requisite level of fitness within ~~((each))~~ the overall assessment ((area)) will result in ineligibility for academy ~~((admissions and/or))~~ attendance and completion.

AMENDATORY SECTION (Amending WSR 91-01-041, filed 12/12/90, effective 1/12/91)

WAC 139-10-215 Basic corrections ~~((officer))~~ academy equivalency certification. (1) A certificate of equivalent basic corrections training shall be issued only to corrections employees who successfully complete the equivalency process as required by the Washington state criminal justice training commission and shall be recognized in the same manner as the certificate of completion of a basic ~~((training commission basic))~~ corrections ~~((officer))~~ academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time custody and case management employees of publicly funded corrections agencies within this state who have obtained certification through successful completion of an accepted basic corrections

~~((basic))~~ training program in this or another state. The determination of program acceptability shall be the responsibility of the commission's executive director or his/her designee and shall be based upon a description and/or curriculum specifying subject areas and hourly allocation thereto.

(3) The decision to request an employee's participation within the equivalency process shall be discretionary with the chief executive officer of the employing agency. Such request shall be made to the commission ~~((on))~~ in the approved form, signed by the chief executive officer of the requesting agency and shall include:

(a) Documented certification of successful completion of a basic corrections training program accepted by the training commission for the purposes of equivalency participation pursuant to the provisions of section (2) above;

(b) Written curriculum detailing specific areas of training and hours of training in specific areas;

(c) Copies of current and valid basic cardiopulmonary resuscitation (CPR) card and current and valid basic or advanced first-aid card(s) taken within the past year;

(d) Statement of applicant's health and physical condition from a licensed physician giving clearance for participation in physical training and defensive tactics coursework.

(4) Following receipt and acceptance of the above by the training commission, the applicant may participate in the equivalency process which shall include written examinations of specific core material classes, practical testing in basic skill areas, and full participation in mock scenes.

(5) Upon completion of the examination process outlined in section (4) and evaluation of the applicant's performance, the training commission shall:

(a) Issue a certificate of equivalent basic training;

(b) Issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the training commission may require;

(c) Require completion of the appropriate basic corrections academy program.

(6) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the training commission if it ~~((determines))~~ is determined that sufficient justification exists for such action. Any action or determination by commission staff regarding a requestor or applicant for equivalency certification may, upon written request of the involved individual or agency, be appealed to the training commission executive director, or designee.

AMENDATORY SECTION (Amending WSR 93-13-099, filed 6/21/93, effective 7/22/93)

WAC 139-10-220 Requirements of basic corrections academy. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the ~~((Washington state criminal justice training))~~ Washington state criminal justice training commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scho-

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lastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.

(b) Participation. Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes active and full participation in the physical activities required for certification ~~(([;] provided, that any applicant whose beginning date of continuous corrections [officer] employment precedes January 1, 1982, may be allowed to audit, in whole or in part, basic corrections [officer] training)).~~ In no instance shall certification be granted until successful completion of physical fitness training, including defensive tactics, has been achieved.

(c) Deportment and conduct. Failure to maintain a standard of deportment and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy ~~((assignment))~~ enrollment.

(2) Upon the written request of a trainee, or the head of a trainee's employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

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WAC 139-10-221 Scholastic performance requirements for basic corrections training. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the basic academy process as prescribed by the Washington state criminal justice training commission. The performance of each trainee shall be evaluated as follows:

(a) Scholastic achievement. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scholastic achievement of each trainee. Such process shall include the application of a minimum passing score for written examinations in each academy, as determined by the rules of the commission. Retesting of each trainee shall be limited to one retest for each written examination.

(b) Skill proficiency. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of skill proficiency of each trainee. Such process shall include application of a minimum passing score of one hundred percent for demonstration of skill proficiencies identified by the commission. Retesting shall be limited to one retest for each identified skill proficiency testing procedure.

(c) Employing agencies will be notified of test results within twenty-four hours in the case of test failure. Agency authorization for retesting must occur before the retest examination is conducted. Subsequent failure of the retest will result in commission notification to the employing agency executive director, or designee, and removal of the affected trainee from the academy.

(2) In the event of retest failure, and subsequent academy removal, a letter of training attendance will be sent to the employing agency and a certificate of completion will not be awarded. The affected trainee will not be eligible for reentry into that same academy for a twenty-four-month period, if continually employed by the same agency.

Hours of successfully completed training will be recorded by the commission in the trainee's commission training record.

AMENDATORY SECTION (Amending WSR 93-07-119, filed 3/24/93, effective 4/24/93)

WAC 139-10-222 Readmission to corrections academies. No person may be readmitted to any corrections training academy except as provided in this section.

(1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency chief executive officer, or designee.

(2) Any individual terminated from any academy for academic failure, skills deficiency or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency, or designee, submits to the commission a written request for readmission of the individual to the academy program, and

(b) The executive director of the commission, or ~~((his or her))~~ designee, is satisfied that any conditions to the individual's readmission previously specified by the agency director or ~~((his or her))~~ designee have been met.

(3) Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:

(a) The head of the individual's current employing agency, or designee, submits to the commission a written request for readmission, and

(b) The executive director of the commission, or ~~((his or her))~~ designee, is satisfied that any conditions to the individual's readmission previously specified by the director or ~~((his or her))~~ designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, the making of materially false statements, or the commission of ~~((any))~~ a crime ~~((involving moral turpitude,))~~ shall not be eligible for readmission to any subsequent academy within twenty-four months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

(5) An exception to the ineligibility period specified in subsection (4) may be granted ~~((in))~~ at the sole discretion of the ~~((director))~~ commission executive director or designee, based upon mitigating circumstances. However, no person may be considered for such early readmission after an integrity violation dismissal unless a written request is made ~~((on his or her behalf))~~ by the head of the agency employing the

individual at the time of the request. Such request may be granted by the executive director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission. The executive director's decision under this subsection shall be subject to further review only for abuse of discretion.

(6) After the ineligibility period specified in subsection (4) has passed, or after an exception thereto has been granted by the commission under subsection (5), the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or ~~((his or her))~~ designee, is satisfied that any conditions to the individual's readmission specified by the agency director or ~~((his or her))~~ designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee or prospective trainee may be disseminated without restriction between the commission staff and any employer or prospective employer.

(8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-230 Basic corrections officers academy curriculum. The basic corrections officers academy curriculum of the Washington state criminal justice training commission, ~~((effective January 1, 1988,))~~ shall be one hundred sixty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills~~((+))~~
- (a) Observation skills~~((+ and))~~
- (b) Communication skills~~((+))~~
- (c) Security management
- (d) Supervision of inmates
- (e) Discipline of inmates
- (f) Proper use of physical force
- (g) Writing skills
- (2) Key skills~~((+))~~
- (a) Legal issues~~((+))~~
- (b) Dealing with aggressive behavior~~((+))~~
- (c) Dealing with medical problems~~((+))~~
- (d) Dealing with mental illness problems~~((+ and))~~
- (e) Problem solving~~((+))~~
- (f) Report writing
- (g) Avoiding inmate manipulation
- (h) Booking and classification
- (i) Fingerprinting
- (3) Related skills~~((+))~~
- (a) Stress management~~((+ and))~~
- (b) Physical fitness~~((+))~~
- (c) Professionalism

- (d) Human relations/cultural awareness
- (e) Self-leadership.

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-235 Basic adult services academy curriculum. The basic adult correctional services academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills~~((+))~~
- (a) Assessment~~((+))~~
- (b) Motivation~~((+))~~
- (c) Goal setting/action planning~~((+))~~
- (d) Monitoring and intervention~~((+ and))~~
- (2) Key skills~~((+))~~
- (a) Interpersonal skills~~((+))~~
- (b) Interviewing~~((+))~~
- (c) Classification~~((+))~~
- (d) Supervision and discipline~~((+))~~
- (e) Offense prevention~~((+ and))~~
- (3) Related skills~~((+))~~
- (a) Dealing with aggressive and resistive behavior~~((+))~~
- (b) ~~((Ethnic competency+))~~
- ~~((e))~~ Legal issues~~((+ and))~~
- ~~((d))~~ (c) Report writing~~((+))~~
- ~~((e))~~ (d) Counseling techniques
- ~~((+))~~ (e) Managing information.

NEW SECTION

WAC 139-10-236 Work release academy curriculum. The basic work release academy curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
- (a) Observation skills
- (b) Communication skills
- (c) Security management
- (d) Offender behavior management
- (2) Key skills
- (a) Report writing
- (b) Personal safety
- (c) Offender manipulation
- (d) Professionalism
- (e) Team building
- (3) Related skills
- (a) Gang identification
- (b) Substance abuse issues
- (c) Self leadership
- (d) Legal issues.

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-237 Basic juvenile services academy curriculum. The basic juvenile services academy curriculum

PROPOSED

of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Assessment
 - (b) Motivation
 - (c) Goal setting/action planning
 - (d) Monitoring and intervention
- (2) Key skills
 - (a) Interpersonal skills
 - (b) Interviewing
 - (c) Classification
 - (d) Supervision and discipline
 - (e) Offense prevention
- (3) Related skills
 - (a) Dealing with aggressive and resistive behavior
 - (b) Ethnic competency
 - (c) Legal issues
 - (d) Report writing
 - (e) Counseling techniques
 - (f) Skill training
 - (g) Teamwork.

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-240 Basic juvenile security workers academy curriculum. The basic juvenile security workers academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills((f+))
 - (a) Observation skills((f+))
 - (b) Interpersonal skills((f+ and))
 - (c) Security management((f+))
 - (d) Supervision of youth
 - (e) Discipline of youth
 - (f) Proper use of physical force
 - (g) Writing skills
- (2) Key skills((f+))
 - (a) Legal issues((f+))
 - (b) Dealing with aggressive behavior((f+))
 - (c) Handling medical problems((f+))
 - (d) Handling mental illness problems((f+ and))
 - (e) Report writing((f+))
 - (f) Skills training
 - (g) Reception and classification
- (3) Related skills((f+))
 - (a) Professionalism((f+))
 - (b) Physical fitness((f+))
 - (c) Stress management((f+ and)).

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

WAC 139-10-310 Requirement of corrections supervisory training. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washing-

ton, promoted or appointed to a full-time first-level or second-level supervisory position (~~on or after January 1, 1982,~~) shall successfully complete, prior to, or within six months after such promotion or appointment, unless otherwise extended or waived by the commission((:)) the commission's first-level and second-level supervision course, or other training deemed the equivalent by ~~((the corrections training manager of))~~ the commission's executive director, or designee.

(2) It shall be the responsibility of the employing agency, in consultation with the commission corrections training manager, to determine which of its employees should attend the first-level and second-level ~~((supervisors))~~ supervisory course. In general, first-level supervision positions are defined as positions above operational level for the direct supervision of nonsupervisory personnel. Second-level supervisors are defined as those persons who supervise first-level supervisors. Representative job classes may include, but are not limited to, sergeants, lieutenants, district supervisors, classification and community corrections officer supervisors, cottage supervisors, and unit supervisors.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or ~~((the head of his [or her]))~~ employing agency director, or designee, any action affecting such trainee's status or compliance with the above requirement for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

WAC 139-10-320 First-level and second-level corrections supervision curriculum. The first-level and second-level corrections supervision curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Role of the supervisor((f+))
- (2) Advanced oral and written communication((f+))
- (3) Team building((f+))
- (4) Goal setting((f+))
- (5) Work planning/time management((f+))
- (6) Scheduling and delegating((f+))
- (7) On-the-job training((f+))
- (8) Performance monitoring((f+))
- (9) Employee selection((f+))
- (10) Employee performance appraisal((f+))
- (11) Handling incompetent and difficult staff and preventing grievances((f+))
- (12) Handling criticism from staff((f+))
- (13) Preventing and handling staff burnout((f+))
- (14) Leading meetings((f+)).

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

WAC 139-10-410 Requirement of middle-management corrections training. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time middle-management position (~~(on or after January 1, 1982,)~~) shall successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission, the commission's corrections middle-management course or other middle-management training deemed the equivalent thereof by the (~~(corrections training manager)~~) commission executive director, or designee.

(2) It shall be the responsibility of the employing agency to determine which of its employees should attend the middle-management course. In general, middle managers shall be defined as those persons in the organization who manage and develop programs and who are responsible for the smooth functioning of work groups supervised by first-level and second-level supervisors. Representative job classes include regional administrators, central office staff, captains, associate superintendents, district administrators, and unit program directors.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, (~~(or the head of his [or her])~~) employing agency director, any action affecting such trainee's status or compliance with the middle-management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-420 Middle-management curriculum—Corrections. The middle-management curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Teamwork((-))
- (2) Internal consulting((-))
- (3) Budgeting((-))
- (4) Program development((-))
- (5) Program evaluation((-))
- (6) Procedures development((-))
- (7) Motivation and bureaucracy((-))
- (8) Procedure writing((-))
- (9) Managing by systems.

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

WAC 139-10-510 Requirement of executive management corrections training. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county, or political subdivision of the state of Washington, promoted or appointed to a full-time executive management position (~~(on or after January 1, 1982,)~~) shall successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission, the commission's corrections executive management course or other executive management training deemed the equivalent thereof by the (~~(corrections training manager of the)~~) commission's executive director, or designee.

(2) It shall be the responsibility of the employing agency to determine which of its employees should attend the executive management course. In general, executive managers are defined as superintendents of large correctional institutions and jails, central office directors, deputy directors and assistant directors, and juvenile court directors and deputy directors in large jurisdictions.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or (~~(the head of his [or her])~~) employing agency director, any action affecting such trainee's status or compliance with the executive management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

AMENDATORY SECTION (Amending Order 15-E, filed 9/18/87)

WAC 139-10-520 Corrections executive management curriculum. The corrections executive management curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Team building and organizational goal setting((-))
- (2) Long-range planning((-))
- (3) Your public image((-))
- (4) Creating momentum for organizational change((-))
- (5) Organizational communication((-))
- (6) Organizational leadership((-))
- (7) Policy development((-))
- (8) Executive self-care((-))
- (9) Managing with limited resources((-))
- (10) Executive career ladder and power base((-))
- (11) Program effectiveness research((-))
- (12) Quality control((-))
- (13) View of the executive((-))
- (14) Training systems((-))

(15) Futures planning(~~(f-)~~).

AMENDATORY SECTION (Amending Order 21, filed 9/28/88)

WAC 139-25-110 Career-level certification for law enforcement and corrections personnel. (1) For purposes herein:

(a) The term "first-level supervisory position" means a position above operational level for which commensurate pay is authorized and is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of nonsupervisory employees of an agency or is subject to assignment of such responsibilities;

(b) The term "middle-management position" means a position between a first-level supervisory position and an executive position and for which commensurate pay is authorized and is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of supervisory employees of an agency and/or command duties;

(c) The term "executive position" means the head of an agency or those individuals occupying positions designated as executive positions by the agency head.

(2) Any law enforcement officer or corrections employee successfully completing the training requirements specified (~~(h)~~) hereinafter shall be eligible to apply to the Washington state criminal justice training commission for issuance of the certification for which such requirements are prescribed. Such certification is intended to acknowledge the recipient's accomplishment of training and experience responsive to the specific functions and responsibilities of a first-level supervisory, (~~(midmanagement)~~) middle management, or executive position. It is not intended to supplant an effective promotional or selection process or preclude consideration of a broad scope of qualifying factors within such process.

(3) The minimum requirements of supervisory certification are set forth as follows:

(a) Possession of a basic law enforcement or corrections certificate or basic equivalency certificate of the training commission or basic certificate of the Washington state patrol; and

(b) At least three years of regular and full-time law enforcement or corrections service in a patrol, line, or nonsupervisory position; and

(c) Satisfactory completion of a probationary period made applicable by the employing agency to a first-level supervisory position or, in the absence of such period, satisfactory performance throughout the initial six months of service in such position; and

(d) Successful completion of the first(~~(-)~~)level or first(~~(-)~~) and second(~~(-)~~)level supervision course of the training commission; and

(e) Successful completion of at least 72 additional elective training hours intended or approved for the first-level supervisory position.

(4) The minimum requirements for (~~(midmanagement)~~) middle management certification are set forth as follows:

(a) At least two years of full-time and regular service in a first-level supervisory position; and

(b) Satisfactory completion of a probationary period made applicable by the employing agency to a (~~(midmanagement)~~) middle management position or, in the absence of such period, satisfactory performance throughout the initial six months of service within such position; and

(c) Possession of the supervisory certificate of the training commission; and

(d) Successful completion of a (~~(midmanagement)~~) middle management course of the training commission; and

(e) Successful completion of at least 72 additional elective training hours intended or approved for the (~~(midmanagement)~~) middle management position.

(5) The minimum requirements for executive certification are set forth as follows:

(a) At least two years of full-time and regular service in a (~~(midmanagement)~~) middle management position; and

(b) Possession of the (~~(midmanagement)~~) middle management certificate of the training commission; and

(c) Successful completion of the (~~(small)~~) agency administration (~~(or introduction to)~~) and executive management core courses of the training commission; and

(d) (~~(Successful completion of the Law Enforcement Command College or executive management course of the training commission; and~~

(~~e~~)) Successful completion of at least 72 additional elective training hours intended or approved for the executive position.

(6) Any application for certification provided herein shall be submitted in writing on an approved form to the executive director of the training commission or (~~(his/her)~~) designee.

(7) Education and training programs successfully completed by the applicant and not sponsored or otherwise approved by the training commission may be considered in any determination of satisfaction of training requirements prescribed herein. Such determinations and any other determinations relating to equivalent or alternative training shall be made by the executive director of the training commission or (~~(his/her)~~) designee.

(8) Any requests for exception to or variance within any provision or requirements set forth herein may be submitted in writing by the individual seeking certification to the executive director or (~~(his/her)~~) designee, who shall have dispositive authority in the matter.

WSR 00-07-121

PROPOSED RULES

CASCADIA COMMUNITY COLLEGE

[Filed March 21, 2000, 10:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-007.

Title of Rule: Chapter 132Z-112 WAC, Student rights and responsibilities and chapter 132Z-115 WAC, Code of student conduct and disciplinary procedures.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: These rules describe the student rights and responsibilities and code of student conduct and disciplinary procedures.

Reasons Supporting Proposal: Rules designed above are required by state law.

Name of Agency Personnel Responsible for Drafting and Implementation: Victoria Richart, President's Office, 19017 120th Avenue N.E., Suite 102, Bothell, WA 98011, (425) 398-5536; and Enforcement: Jack Bautsch, Vice-President, 19017 120th Avenue N.E., Suite 102, Bothell, WA 98011, (425) 398-5536.

Name of Proponent: Cascadia Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules describe the student rights and responsibilities and code of student conduct and disciplinary procedures.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Has no impact on business.

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

Hearing Location: The Seattle Times Building, 19200 120th Avenue N.E., Bothell, WA, on May 8, 2000, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact Linda Taylor by May 5, 2000, (425) 398-5536.

Submit Written Comments to: Linda Taylor, Cascadia Community College, 19017 120th Avenue N.E., Suite 102, Bothell, WA 98011, fax (425) 398-5730, by May 5, 2000.

Date of Intended Adoption: May 8, 2000.

March 17, 2000

Linda Taylor

Executive Assistant

Chapter 132Z-112 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

NEW SECTION

WAC 132Z-112-010 Values pursuant to student rights and responsibilities. Cascadia Community College is a learning-centered college, maintained for the purpose of providing to all learners knowledge and skills for the achievement of their academic, professional, technical, and personal goals. As a public institution of higher education, the college also exists to provide students with the capacity for critical judgment and an independent search for truth toward both optimal individual development and the well being of the entire learning community.

Inherent in the college's mission, vision, and goals are certain rights and freedoms which provide to students the support and respect needed for learning and personal development. Admission to Cascadia Community College pro-

vides these rights to students but also assumes that students accept the responsibility to conduct themselves in a manner that does not interfere with the purposes of the college in providing education for all of its learners.

NEW SECTION

WAC 132Z-112-020 Freedom of inquiry and expression. As a public institution of higher education in the state of Washington, Cascadia Community College recognizes and supports the following principles regarding freedom of expression.

- Individual freedom of expression is a fundamental tenet of any free and democratic society.

- Freedom of expression shall be interpreted to include all forms of written and oral expression, and all forms of dramatic and artistic expression.

- The college is dedicated to upholding the individual freedom of expression as it is protected by the First Amendment to the Constitution of the United States and that no act shall be undertaken by the college to abridge that freedom.

- As an institution dedicated to freedom of thought and expression, the college shall support expression of divergent viewpoints in order to foster broad-mindedness and a willingness to learn from others.

In keeping with these principles and the college's right to place reasonable restraints on the time, place and manner of expression, the college shall observe the following general guidelines and appropriate general procedures to ensure the responsible exercise of freedom of expression.

(1) **Freedom of expression.** It is the right of any member of the college community to express any point of view and to be free from harassment in such expression; it is the responsibility of those expressing opinions to respect the rights and property of others, to refrain from disrupting the normal operations of the college and to maintain lawful conduct.

The right of free speech and expression does not include activity that may endanger the safety of any member of this college community or visitors, or damage any of the facilities. Moreover, modes of expression (including electronic transmissions) that are unlawful or indecent or that are grossly offensive on matters such as race, color, national and ethnic origin, religion, sexual orientation, sex, age, disability, or veteran status are inconsistent with accepted norms of conduct of the college and are subject to the sanctions described in the Code of student conduct and disciplinary procedures (chapter 132Z-115 WAC).

(2) **Sponsoring organizations.** It is the right of all recognized college organizations and units to sponsor lecturers, entertainers, or exhibitions of their choice as approved by the college; it is the responsibility of the sponsoring organization or unit to make adequate preparation as deemed necessary by the college for the orderly conduct of such events.

(3) **Campus speakers.** Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the col-

lege. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Political candidates seeking to use facilities to discuss campaign issues with nonstudents shall pay normal facility rental fees. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution, which prohibits state support for religious worship, exercise or instruction.

In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring that a designated member of the faculty serve as chair, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

(4) **Audiences.** It is the right of all members of the college community to attend any public event sponsored by any recognized campus organization or unit, once applicable admission fees have been paid; it is the responsibility of all who attend such events to respect the rights and property of others.

(5) **Facilities.** It is the right of any recognized campus organization or unit to schedule the use of appropriate college facilities free from discrimination on the basis of viewpoints to be expressed at the event; it is the responsibility of such an organization or unit to provide sufficient evidence to the college administration that adequate provision has been made for the health, safety and welfare of the general public.

(6) **Distribution of information.** Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees during their off-work hours on or in college facilities at locations specifically designated by the vice-president for student learning provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

All nonstudents shall register with the vice-president of student learning prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

Any person or persons who violates these provisions will be subject to disciplinary action.

NEW SECTION

WAC 132Z-112-030 Student records—Family educational rights and privacy. Cascadia Community College implements this policy in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. & 1232g) and its implementing regulation (34 C.F.R. § 99). The act requires Cascadia Community College to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify the student of these rights.

(1) **Definitions.** For the purposes of this policy, the following definitions of terms apply:

(a) "Student" means any individual who is or has been in attendance at Cascadia Community College and for whom the college maintains education records.

(b) "Education records" are defined as those records, files and documents (in handwriting, print, tapes, film, microfiche or other medium) maintained by Cascadia Community College, which contain information directly related to the individual student. Education records include only the following:

(i) Records pertaining to admission, advisement, registration, grading, and progress toward a degree.

(ii) Assessment information used for advisement purposes.

(iii) Information concerning payment of fees.

(iv) Financial aid information.

(v) Information regarding students participating in student government or athletics.

(c) "Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in this chapter.

(d) "Written consent" means a written authorization for disclosure of student education records which:

(i) Is signed;

(ii) Is dated;

(iii) Specifies the records to be disclosed; and

(iv) Specifies to whom disclosure is authorized.

(e) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; a personal identifier such as the student's Social Security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

(2) **Annual notification of rights.** Cascadia Community College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and schedule of classes. The college shall

make available upon request a copy of the policy governing release of student records.

(3) Procedure to inspect education records.

(a) Students may inspect and review their education records upon request to the vice-president for student success.

(b) Students must submit to the vice-president a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

(c) The vice-president for student success or designee will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given within forty-five days or less from the receipt of the request.

(4) Disclosure of education records.

(a) In addition to "directory information," the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(i) College officials, including administrative, clerical staff and faculty. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

(ii) Officials of another school in which the student seeks or intends to enroll;

(iii) Authorized federal, state, or local officials as required by law;

(iv) Authorized parties in connection with financial aid for which the student has applied or received;

(v) Appropriate parties in a health or safety emergency;

(vi) Accrediting organizations to carry out their functions; and

(vii) To comply with a judicial order or a lawfully issued subpoena.

(b) The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(c) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third-party disclosure to other parties listed in (a)(i) through (vii) of this subsection.

(5) Limits on rights to review and inspect and obtain copies of education records.

(a) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(b) Cascadia Community College reserves the right to refuse to permit a student to inspect the following records:

(i) The financial statement of the student's parents;

(ii) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(iii) Records connected with an application to attend Cascadia Community College if that application was denied; and

(iv) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(c) Cascadia Community College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

(i) The student has an unpaid financial obligation to the college;

(ii) There is an unresolved disciplinary action against the student.

(6) Record of request and disclosures.

(a) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review.

(b) The college shall maintain the record with the education records of the student as long as the records are maintained.

(c) The disclosure record must include:

(i) The names of parties who have received personally identifiable information;

(ii) The interest the parties had in requesting or obtaining the information; and

(iii) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(d) The following parties may inspect the record of requests and disclosures relating to a student:

(i) The student;

(ii) The college officials who are responsible for the custody of the records; and

(iii) Persons authorized to audit the recordkeeping procedures of the college.

(e) The college is not required to maintain a record if the request was from, or the disclosure was to:

(i) The student;

(ii) A school official;

(iii) A party with written consent from the student; or

(iv) A party seeking directory information.

(7) Disclosure of directory information. Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request to prevent disclosure. The request continues in effect according to its terms unless it is revoked in writing by the student.

(8) Requests for corrections, hearings, adding statements to education records. Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(a) A student must submit a written request to amend his or her education record to the vice-president for student success or designee. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

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(b) The vice-president for student success or designee will forward the request to the appropriate college official for determination.

(c) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the vice-president for student success within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The vice-president for student success or designee shall convene a hearing to include the student and the appropriate college official, and shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time and place of the hearing.

(d) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through RCW 34.05.494 and shall be conducted by the vice-president for student success or designee. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records.

(e) The vice-president for student success or designee will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(f) If the vice-president for student success or designee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(g) If the vice-president for student success or designee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, he/she will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(h) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

(9) Fees for copies. Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the admissions/records office.

(10) Waiver. A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the vice-president for student success. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

(11) Type and location of education records.

Types	Custodian
Admission records	Vice-president for student success or designee

Cumulative academic records, testing records, registration and payment of tuition records	Vice-president for student success or designee
Student government	Vice-president for student learning or designee
Participation records in student government	Vice-president for student learning or designee
Financial aid records	Vice-president for student success or designee
Student employment records	Director of human resources
Athletic participation records	Vice-president for student learning or designee

NEW SECTION

WAC 132Z-112-040 Financial assistance for students—Scholarships. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Cascadia Community College is located in the office of the vice-president for student success on the Cascadia Community College campus.

NEW SECTION

WAC 132Z-112-050 Financial assistance for students—Financial aid. Federal, state, and private financial aid applications and information may be obtained at the following address:

Office of Financial Aid
 Cascadia Community College
 19017 120th Avenue NE, Suite 102
 Bothell, WA 98011-9510

Chapter 132Z-115 WAC

**CODE OF STUDENT CONDUCT
 AND DISCIPLINARY PROCEDURES**

NEW SECTION

WAC 132Z-115-010 Purpose of the disciplinary system. Human beings grow and mature in communities. Participating in a community requires that individuals depend upon the knowledge, integrity, and decency of others. In turn, the best communities help individuals mold habits and values that will enable them to achieve the highest personal satisfaction, including the satisfaction associated with helping to make a better global community. Cascadia Community College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

This *Code of Student Conduct* protects the unique, diverse community of Cascadia Community College. It fosters the college's commitment to excellence and equity, and affirms institutional values.

The student conduct system was created to protect the rights of each individual, to support the community values and to assist students in modifying their behavior to become responsible members of the community. Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty. If a student does not accept her/his responsibilities within the college community, corrective action must be taken. This is accomplished through an educational process, whose goal is to provide a learning environment for students to grow and learn respect for others, to understand how their behaviors affect the community and to change inappropriate behaviors. Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

NEW SECTION

WAC 132Z-115-020 Jurisdiction and authority for student discipline. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities, and to an enrolled student whose behavior is detrimental to the college wherever occurring.

The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated by written order to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president, or designee, shall be responsible for the administration of the disciplinary procedures provided for herein. However, all disciplinary action in which there is a recommendation that a student be suspended shall be reviewed by the president or acting president.

NEW SECTION

WAC 132Z-115-030 Student participation. Students will participate in college matters pursuant to these procedures.

NEW SECTION

WAC 132Z-115-040 Demand for identification. For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce evidence of student enrollment at

the college by tender of that person's student identification card.

NEW SECTION

WAC 132Z-115-050 Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of, a person or persons or any group of persons to enter onto or remain upon any portion of the college facility.

NEW SECTION

WAC 132Z-115-060 Standards of classroom behavior. Cascadia Community College is an institution of learning and predicated on the existence of an environment of honesty and integrity. As members of the academic community, faculty, students, and administrative officials share responsibility for maintaining this environment. It is essential that all members of the academic community subscribe to the ideal of academic honesty and integrity and accept individual responsibility for their work. This statement on academic honesty has been developed to promote and ensure a climate of academic honesty and personal integrity among students and other members of the college community.

Academic honesty is vital to the very fabric and integrity of the college. All students must comply with an appropriate and sound academic honesty policy and code of honest behavior. All members of the college community are responsible for knowing and understanding the statement on academic honesty. The statement and procedures will be made readily available to all students and faculty to ensure understanding of the academic honesty system and its proper functioning.

The entire college community works together to operate the academic honesty system. Where suspected violations of the academic honesty system occur, appropriate procedures are designed to protect the academic process and integrity while ensuring due process. The academic honesty system is an academic process, not a court of law.

(1) Academic dishonesty: Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in (b) of this subsection, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This action shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided that, a student shall have the right to appeal such disciplinary action to the associate dean of student affairs.

NEW SECTION

WAC 132Z-115-070 Violations of law and college regulations. Students may be accountable both to civil authorities and to the college for acts that constitute violations of law and of this code. Disciplinary action at the college will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

NEW SECTION

WAC 132Z-115-080 Definitions. When used in the code:

(1) The term "aggravated violation" means a violation that resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal college or college-sponsored activities.

(2) The term "group" means persons who are associated with each other but who have not complied with college requirements for registration or organization.

(3) The terms "institution" and "college" mean Cascadia Community College and all of its areas, elements, and programs.

(4) The term "reckless" means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal college operations and/or college-sponsored activities.

(5) The term "student" means any person who is enrolled at the college and for whom the college maintains current educational records, as defined by the Family Rights and Privacy Act of 1974, and related regulations.

(6) The terms "college premises" and "college facilities" mean buildings or grounds owned, leased, operated, controlled, or supervised by the college, including all appurtenances affixed thereon or attached thereto.

(7) "Board" means the board of trustees of Cascadia Community College.

(8) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(9) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(10) "President" means the chief executive officer of the college appointed by the board of trustees.

(11) "Disciplinary action" means the warning, reprimand, summary suspension, suspension and/or expulsion, probation, of a student for the violation of a rule adopted under this policy.

NEW SECTION

WAC 132Z-115-090 Code of conduct. Cascadia Community College expects that its students while within college facilities or attending a college-sponsored activity, will adhere to high standards of honor and good citizenship and that they will conduct themselves in a responsible manner that reflects credit on themselves and the college. The following misconduct is subject to disciplinary action:

(1) Intentionally or recklessly endangering, threatening, or causing physical harm to any person or oneself, or intentionally or recklessly causing reasonable apprehension of such harm.

(2) Sexual assault or sexual harassment as defined in college policy under Article 8, "Equal Opportunity, Nondiscrimination and Nonharassment."

(3) Intentionally or recklessly interfering with normal college or college-sponsored activities including, but not limited to, studying, teaching, research, college administration, or fire, police, or emergency services.

(4) Unauthorized entry or use of college facilities.

(5) Knowingly violating the term of any disciplinary sanction imposed in accordance with the code.

(6) Intentionally and substantially interfering with the freedom of expression of others.

(7) Theft of property or services; knowing possession of stolen property.

(8) Intentional violations of college regulations, rules or policies.

(9) Actions violating college rules, policies and procedures or any actions listed above or prohibited conduct by a student's guest.

(10) Smoking is prohibited in all classrooms and the library and other areas so posted by college officials.

(11) The possession, use, sale or distribution of any alcoholic beverage or illegal drug on the college campus is prohibited. The use of illegal drugs by any student attending a

college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law.

(12) Engaging in lewd, indecent, or obscene behavior.

(13) Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college.

(14) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college.

(15) The intentional making of false statements or filing of false charges against the college and members of the college community.

(16) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification.

(17) Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises.

(18) Failure to comply with the direction of college officials acting in the legitimate performance of their duties.

(19) Possession of firearms, licensed or unlicensed, except where possessed by commissioned police officers as prescribed by law.

(20) Failure to comply with the college's Systems and Technology Acceptable Use Policy (BP9: 1.101), and/or misuse of computing equipment and services and facilities, including use of electronic mail and the Internet.

NEW SECTION

WAC 132Z-115-100 Civil disturbances. In accordance with provision contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his/her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

NEW SECTION

WAC 132Z-115-110 Disciplinary process. (1) Any infractions of college rules, policies or regulations may be referred by any college faculty or staff member to the vice-president for student success or designee. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary

action taken by an instructor or faculty member pursuant to the provisions in this code.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of these rules. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the conflict resolution council.

(3) If a referral or an appeal is made to the conflict resolution council, the committee shall hold a hearing, reach conclusion, and recommend sanctions to the vice-president for student success. The student may appeal the matter to the president of the college.

(4) The president of the college or his/her designee, after reviewing the case, may reverse, sustain or modify any sanctions. The decision of the president is final.

NEW SECTION

WAC 132Z-115-120 Procedures for resolving disciplinary violations. (1) The vice-president for student success is responsible for initiating disciplinary proceedings. The vice-president for student success may delegate this responsibility to members of his/her staff, and he/she may also establish committees or other hearing bodies to advise or act for him/her in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the sanctions that may be involved.

(3) Upon initiation of disciplinary proceedings, the vice-president for student success or designee shall provide written notification to the student, either in person or by delivery via regular mail to the student's last known address, specifying the violations with which the student is charged. The vice-president for student success or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.

(4) After considering the evidence in a case and interviewing the student or students involved, the vice-president for student success or designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate; not subject to the appeal rights provided in this code;

(c) Dismiss the case after verbally admonishing the student, not subject to the appeal rights provided in this code;

(d) Direct the parties to make a reasonable attempt to achieve a mediated settlement;

(e) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(f) Refer the matter to the conflict resolution council requesting their recommendation for appropriate action. The

student shall be notified in writing that the matter has been referred to the conflict resolution council.

(5) This section shall not be construed as preventing the appropriate official from summarily suspending a student.

(6) If the vice-president for student success or his or her designee(s) has cause to believe that any student:

(a) Has committed a felony; or

(b) Has violated any provision of this chapter; and

(c) Presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served.

Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

(7) During the summary suspension period, the suspended student shall not enter campus other than to meet with the vice-president of student success or to attend the hearing. However, the vice-president of student success or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

(8) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student. The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the student code or the law involved; and

(b) That the student charged must appear before the designated disciplinary officer at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension.

The hearing shall be held as soon as practicable after the summary suspension.

(9) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the vice-president for student success presiding. At the summary suspension hearing, the vice-president shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(10) If the vice-president for student success, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(a) The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations; and

(b) That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus; and

(c) Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the vice-president may, with the written approval of the president, continue to suspend such student from the

college and may impose any other disciplinary action as appropriate.

(11) A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the vice-president for student success' findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing. The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.

(12) The vice-president for student success is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(13) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the conflict resolution council. No such appeal shall be entertained, however, unless:

(a) The student has first appeared at the student hearing in accordance with subsection (9) of this section;

(b) The student has been officially notified of the outcome of the hearing;

(c) Summary suspension or other disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in WAC 132Z-115-220.

The conflict resolution council shall, within five working days, conduct a formal hearing in the manner described in XXX-XXX-XXX.

NEW SECTION

WAC 132Z-115-130 Cascadia conflict resolution council. The Cascadia conflict resolution council will hear cases referred under this code.

(1) The Cascadia conflict resolution council, convened by the vice-president for student success or designee for disciplinary action, will hear and make recommendations on all disciplinary cases referred to it or appealed to it by students. The conflict resolution council will be composed of the following persons:

(a) A member appointed by the president of the college who shall serve as the chair;

(b) A member of the faculty, appointed by faculty;

(c) A student, appointed by the student body president.

(2) None of the above-named persons shall sit on any case in which he or she has been or will be a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the conflict resolution council as a whole. The conflict resolution council chairper-

son will be elected by the members of the conflict resolution council.

(3) The conflict resolution council may recommend to the vice-president for student success that the student involved:

- (a) Be exonerated with all proceedings terminated and with no sanctions imposed;
- (b) Be disqualified from participation in any school-sponsored athletic events or activities;
- (c) Be given a disciplinary warning;
- (d) Be given a reprimand;
- (e) Be placed on disciplinary probation;
- (f) Be responsible for restitution for damages resulting from the violation;
- (g) Be given a suspension;
- (h) Be expelled.

NEW SECTION

WAC 132Z-115-140 Conflict resolution council procedural guidelines. (1) The chair of the conflict resolution council shall set the time, place and available seating capacity for a hearing.

(2) All proceedings of the conflict resolution council will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(3) The conflict resolution council chairperson shall enforce general rules of procedures for conducting hearings consistent with these procedural guidelines.

(4) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare a defense.

(5) The student or his/her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall be able to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(6) Hearings conducted by the conflict resolution council may be held in closed session at the discretion of the council, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the chairperson of the conflict resolution council may exclude such persons from the hearing room.

(7) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged, but the student's past record of conduct may be taken into account in formulating the conflict resolution council's recommendation for disciplinary action.

(8) The failure of a student to cooperate with the hearing procedures, however, shall not preclude the conflict resolution council from making its findings of fact, reaching con-

clusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the conflict resolution council in recommending penalties.

(9) The student may be represented by counsel and/or accompanied by an advisor of his/her choice. If counsel is present for the student, the college may also have counsel present to assist the council.

(10) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspections and copying in the office of the vice-president for student success during regular business hours.

(11) The student will be provided with a copy of the findings of fact and the conclusions of the conflict resolution council.

(12) If the council's proceedings were to hear a disciplinary matter pursuant to the request of the vice-president for student services, the council's recommendation shall be forwarded to the vice-president for student success for disposition of the matter.

(13) The vice-president for student success or designee shall notify the student of his or her decision.

(14) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the conflict resolution council.

(15) If the council's proceedings were to hear a student's appeal, the council's recommendation shall be forwarded to the vice-president for student success.

(16) The vice-president for student success or designee shall notify the student of his or her decision.

(17) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the conflict resolution council.

(18) The president of the college or his/her designated representative, after reviewing the case, including the decision by the vice-president for student success, the report and recommendation of the conflict resolution council and any statement filed by the student, shall either indicate his/her approval of the decision by the vice-president for student success by sustaining the decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision, or shall nullify previous sanctions imposed by reversing the decision. The president or designee shall then notify the vice-president for student success, the student, and the conflict resolution council. The president's decision shall be final.

NEW SECTION

WAC 132Z-115-150 Disciplinary terms. The definitions set forth in this section apply throughout.

(1) **Disciplinary warning** means oral or written notice of violation of college rules.

(2) **Reprimand** means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A

reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) **Disciplinary probation** means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) **Summary suspension** means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college. (Pursuant to the summary suspension procedures set forth in WAC 132Z-115-120 (6) through (13).)

(5) **Suspension** means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(6) **Expulsion** means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

(7) **Restitution** means repayment to the college or to an affected party for damages resulting from a violation of this code.

NEW SECTION

WAC 132Z-115-160 Loss of eligibility in college activities and athletics. Any student found to have violated the standards of student conduct or chapter 69.41 RCW shall, in lieu of or in addition to, any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored athletic events or activities.

NEW SECTION

WAC 132Z-115-170 Student groups and organizations. Student groups and organizations may be charged with violations of the *Student Code of Conduct*.

A student group or organization and its officers may be held collectively and individually responsible when violations of this code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the group's or organization's leaders or officers.

The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by college officials to take appropriate action designed to prevent or end violations of this code by the group or organization. Failure to make reasonable efforts to comply with college officials' order shall be considered a violation of this code, by the officers, leaders or spokesperson for the group or organization and by the group or organization itself.

Sanctions for group or organization misconduct may include revocation or denial of registration or recognition as well as other appropriate sanctions.

NEW SECTION

WAC 132Z-115-180 Appeals. Disciplinary actions subject to appeal as specified in board policy may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the vice-president for student success within ten calendar days of the college's giving of the notice of the disciplinary action.

(1) Disciplinary action by a faculty member or other college staff member may be appealed to, and shall be reviewed by, the vice-president for student success.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the conflict resolution council.

(3) Disciplinary recommendation by the conflict resolution council and subsequent action by the vice-president for student success, may be appealed to, and shall be reviewed by, the college president or his/her designee.

(4) Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. The president's decision shall be final.

NEW SECTION

WAC 132Z-115-190 Transcript notations. A temporary encumbrance may be placed on a student's college records by the vice-president for student learning while disciplinary proceedings are pending.

Permanent notation of disciplinary action will be made on the transcript whenever a student is expelled.

NEW SECTION

WAC 132Z-115-200 Refunds and access. (1) There shall be no refund of tuition and/or fees for the quarter in which disciplinary action is taken.

(2) A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 132Z-115-210 Readmission after suspension or expulsion. Any student suspended from the college for disci-

plinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for student success. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

NEW SECTION

WAC 132Z-115-220 Reestablishment of academic standing. Students who have been suspended pursuant to disciplinary procedures set forth in this chapter and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

NEW SECTION

WAC 132Z-115-230 Reporting, recording and maintaining records. Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

WSR 00-07-124

PROPOSED RULES

SENTENCING GUIDELINES COMMISSION

[Filed March 21, 2000, 12:17 p.m.]

Continuance of WSR 99-22-094.

Preproposal statement of inquiry was filed as WSR 99-18-124.

Title of Rule: Community custody ranges.

Purpose: Establishing community custody ranges to be included in sentences for eligible felonies committed on or after July 1, 2000.

Statutory Authority for Adoption: RCW 9.94A.040(6).

Statute Being Implemented: E2SSB 5421, section 3, chapter 196, Laws of 1999, amending RCW 9.94A.040(5).

Summary: Continuance of adoption date.

Reasons Supporting Proposal: Continuance of adoption date.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Roger E. Goodman, Sentencing Guidelines Commission, (360) 956-2130.

Name of Proponent: Sentencing Guidelines Commission, governmental.

Date of Intended Adoption: May 20, 2000.

March 21, 2000

Roger E. Goodman

Executive Director

WSR 00-07-126

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed March 22, 2000, 8:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-055.

Title of Rule: Chapter 308-99 WAC.

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

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

Statutory Authority for Adoption: RCW 46.01.110.

Summary: Repealing WAC 308-99-010, 308-99-021, 308-99-025, 308-99-030 and 308-99-050; and amending WAC 308-99-020, 308-99-040; and new section 308-99-060.

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

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Deborah McCurley, 1125 Washington Street S.E., Olympia, 902-3754.

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

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

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

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

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

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on April 28, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by April 27, 2000, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957,

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Olympia, WA 98507-2957, fax (360) 664-0831 by April 27, 2000.

Date of Intended Adoption: May 23, 2000.

March 21, 2000

Deborah McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending Order TL/RG 37, filed 10/9/87)

WAC 308-99-020 Definitions. (1) ~~((For the purposes of vehicle license registration, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:~~

- ~~(a) Becoming a registered voter in this state; or~~
- ~~(b) Receiving benefits under one of the Washington public assistance programs; or~~
- ~~(c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.~~

~~(2) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty.~~

~~(3) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country.) "Resident" means a person who resides in this state on more than a temporary or transient basis. Evidence of residency includes, but is not limited to:~~

- ~~(a) Becoming a registered voter in this state; or~~
- ~~(b) Receiving benefits under one of the Washington public assistance programs; or~~
- ~~(c) Claims this state as a residence for obtaining a Washington state hunting or fishing license or for eligibility to hold a public office.~~

~~(2) "Military personnel" means active members of the United States armed forces, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty.~~

~~(3) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country.~~

~~(4) "Reciprocity" means an agreement with another jurisdiction granting mutual benefits, privileges, or exemptions from payment of vehicle registration fees. Reciprocity will only be extended to vehicles that are properly registered in another jurisdiction.~~

~~(5) "Washington public assistance program" is defined in RCW 46.16.028.~~

AMENDATORY SECTION (Amending Order TL/RG 37, filed 10/9/87)

WAC 308-99-040 Restrictions and conditions. Is a vehicle properly licensed or registered in another jurisdiction ((may)) able to be operated in Washington without further registration requirements ((subject to the following conditions and restrictions))? Yes, as provided in RCW 46.85.060

and 46.85.080 the following conditions and restrictions apply:

~~(1) ((Nonresident persons: Nonresident persons not employed in this state may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed six months in any continuous twelve-month period.~~

~~(2)) Nonresident students: The student must be in full-time attendance at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocational school as that term is defined by RCW 28C.10.020(7) and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry documentation issued by the institution in the vehicle which readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.~~

~~((3)) (2) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at his/her official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.~~

~~((4)) (3) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.~~

~~((5) Nonresident employed in Washington: Nonresident persons employed in this state may operate vehicles not to exceed 12,000 pounds registered gross vehicle weight that are currently licensed in another jurisdiction if no permanent, temporary, or part-time residence is maintained in this state for a period greater than six months in any continuous twelve-month period.~~

~~(6) Business vehicle: A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of 12,000 pounds, which is properly base licensed in another jurisdiction and registered to a bona fide business in that jurisdiction is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.)~~

NEW SECTION

WAC 308-99-060 Reciprocity for leased and rented vehicles. **If there is no agreement or arrangement to the contrary, are rental or leased vehicles eligible for vehicle license reciprocity in the state of Washington?** No, except

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for the classes of vehicles and circumstances indicated below:

(1) Passenger cars and motorhomes currently and properly registered in another jurisdiction will be granted vehicle license reciprocity in this state if:

(a) The vehicle was rented by the vehicle operator from a location outside of the state of Washington; or

(b) The vehicle was dropped off in Washington by the previous renter and is being rented for a one-way trip out of Washington.

(2) Trailers and semitrailers with a gross vehicle weight in excess of 6,000 pounds, trucks, truck tractors, tractors, and road tractors that are currently and properly registered in other jurisdictions will be granted vehicle license reciprocity in this state if:

(a) The vehicle is rented from a location within another jurisdiction; and

(b) The vehicle registration certificate (cab card) or a photo copy thereof and a copy of the rental agreement is carried in the rental vehicle or in the vehicle providing the motive power for a combination of vehicles.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-99-010 Applications.
- WAC 308-99-021 "Washington public assistance programs" criteria.
- WAC 308-99-025 Registration required.
- WAC 308-99-030 Basic policy defined.
- WAC 308-99-050 Commercial vehicle reciprocity.

WSR 00-07-130
PROPOSED RULES
LOTTERY COMMISSION
[Filed March 22, 2000, 9:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-059.

Title of Rule: WAC 315-06-120 Payment of prizes—General provisions.

Purpose: To allow the director the discretion to adjust prize payment schedules to improve administrative efficiency.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Mary Jane Ferguson, Rules and Coordinator, Olympia, (360)

664-4833; Implementation and Enforcement: Merritt D. Long, Director, Olympia, (360) 664-4800.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment to WAC 315-06-120 will provide the director with the discretion to adjust prize payment schedules to improve administrative efficiency.

Proposal Changes the Following Existing Rules: As noted above, the proposed amendment will allow the director the discretion to adjust prize payment schedules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: 1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of lottery games; and 2) the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

RCW 34.05.328 does not apply to this rule adoption. Said section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Oxford Suites, 1701 Terrace Heights Drive, Yakima, WA, on May 19, 2000, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Mary Jane Ferguson by May 17, 2000, TDD (360) 664-4833.

Submit Written Comments to: Mary Jane Ferguson, Lottery, fax (360) 586-6586 by May 17, 2000.

Date of Intended Adoption: May 19, 2000.

March 22, 2000
Jerome C. Jansen
for Mary Jane Ferguson
Rules Coordinator

AMENDATORY SECTION (Amending WSR 99-19-103, filed 9/20/99)

WAC 315-06-120 Payment of prizes—General provisions. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: PROVIDED, That if the address

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label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) prohibit deletion, amendment, or addition of terms without the director's approval;

(b) state the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their social security numbers;

(c) acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

(d) provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated subsection (4) of this section.

(6) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and, upon written permission, photograph for publicity purposes by the lottery.

(7) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(8) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(9) No natural person or legal entity entitled to a prize may assign the right to payment, except under the following limited circumstances:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; and

(b) When payment of all or part of the remainder of an annuity and the right to receive future annual prize payments has been voluntarily assigned to another person, pursuant to an appropriate judicial order that meets the requirements of RCW 67.70.100(2).

(10) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(11) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(12) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated, or the date the winner makes a choice of payment by annual payments or by single cash payment pursuant to WAC 315-34-057. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; however, at the director's discretion, the lottery may designate an alternate payment date for regular prize payment; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded. However, at the director's discretion, the lottery

may designate an alternate payment date for regular prize payment.

(13) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(14) If any prize is payable for the life of the winner, only a natural person may claim such a prize. Such "win for life" type prizes shall cease upon the death of the winner or the end of a guaranteed payment period (if any), whichever is later. Win for life prizes may be assigned; and the following conditions apply to such assignments:

(a) The original winner's actual life shall determine when prize payments cease; and

(b) The assignee shall be responsible for notifying the lottery of the original winner's death.

(15) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(16) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(17) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

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 00-07-136

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 22, 2000, 10:22 a.m.]

Continuance of WSR 99-20-113.

Title of Rule: Proposed repeal of the Washington Asparagus Commission Marketing Order, chapter 16-557 WAC.

Purpose: Continue the adoption date of the proposal to terminate the Washington Asparagus Commission effective December 31, 2000.

Date of Intended Adoption: March 31, 2000.

March 22, 2000

William E. Brookreson

Deputy Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-557-010 Definition of terms.

WAC 16-557-020	Asparagus commodity board.
WAC 16-557-025	Rules for implementation of promotional hosting by the Washington asparagus commission.
WAC 16-557-030	Marketing order purposes.
WAC 16-557-040	Assessments and collections.
WAC 16-557-041	Time—Place—Method for payment and collection of assessments.
WAC 16-557-050	Obligations of the board.
WAC 16-557-060	Termination of the order.
WAC 16-557-070	Effective time.
WAC 16-557-080	Separability.

WSR 00-07-137
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 22, 2000, 10:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-17-115.

Title of Rule: Chapter 296-402A WAC, Electrical evaluation/certification laboratory accreditation.

Purpose: These rules describe the methods required to obtain recognition and accreditation of electrical product(s) certification and/or field evaluation laboratories. These rules are necessary to provide assurance to the general consuming public that electrical products have been tested for safety and identified for their intended use.

A new, state-initiated chapter 296-402A WAC is being proposed to:

- Apply clear rule-writing principles to the current chapter 296-402 WAC. (See proposed chapter 296-402A WAC.)
- Move existing chapter 296-402 WAC requirements into new sections of chapter 296-402A WAC. (See proposed chapter 296-402A WAC.)
- Remove outdated and redundant language to make the rules easier to use and understand. (See proposed chapter 296-402A WAC.)
- Reorganize and restructure rule sections to make the rules easier to use. (See proposed chapter 296-402A WAC.)
- Add definitions for easier use and understanding of the rule. (See proposed WAC 296-402A-030.)
- Clarify the differences between product certification requirements and field evaluation requirements. (See proposed WAC 296-402A-370 through 296-402A-690.)
- Change the accreditation period from two years to five years to decrease the administrative burden on testing

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- labs and the department. (See proposed WAC 296-402A-060.)
- Modify the calculation of renewal fees from 50% of the initial accreditation amount (which could be as much as \$2650) to 50% of the initial filing fee (which is only \$500.00) which is \$250.00. This change results in a decreased renewal fee. (See proposed WAC 296-402A-110.)
- Correct the amount of time to appeal (currently in WAC 296-402-200) from fifteen days to twenty days and that the notice of intent to revoke, suspend, or refuse to renew must be sent to the last known address by certified mail (in new WAC 296-402A-260). These requirements are found in RCW 19.28.310.

There are no new requirements associated with this rule. Statutory Authority for Adoption: RCW 19.28.060.

Statute Being Implemented: Chapter 19.28 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ron Fuller, Tumwater, (360) 902-5249; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because this rule does not impose any new costs on business.

RCW 34.05.328 does not apply to this rule adoption. This rule was clear rule written in order to clarify the requirements and make it easier to understand and use. This rule is exempt from the significant legislative rule requirements per RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Labor and Industries Building, S 117 and S 118, 7273 Linderson Way S.W., Tumwater, WA, on April 25, 2000, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by April 21, 2000, at (360) 902-6411.

Submit Written Comments to: Josh Swanson, Speciality Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail swaj235@lni.wa.gov, (360) 902-5292, by 5:00 p.m. on May 2, 2000. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 19, 2000.

March 22, 2000

Gary Moore

Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-402-010 Foreword.

WAC 296-402-020	Purpose and scope.
WAC 296-402-030	Definitions.
WAC 296-402-040	Organization.
WAC 296-402-050	Professional and ethical business practices.
WAC 296-402-060	Quality control system.
WAC 296-402-070	Personnel.
WAC 296-402-080	Calibration—Verification and maintenance of facilities and equipment.
WAC 296-402-090	Plans for certification programs.
WAC 296-402-100	Records.
WAC 296-402-110	Product certification program.
WAC 296-402-120	Product assurance (follow-up) activities.
WAC 296-402-130	Laboratory approval program implementation.
WAC 296-402-140	Initial laboratory evaluation.
WAC 296-402-150	Renewals.
WAC 296-402-160	Conditions of accreditation.
WAC 296-402-170	Penalties.
WAC 296-402-180	Notification of change.
WAC 296-402-190	Revocation and suspension procedures.
WAC 296-402-200	Appeal procedures.

Chapter 296-402A WAC

ELECTRICAL EVALUATION/CERTIFICATION LABORATORY ACCREDITATION

GENERAL

NEW SECTION

WAC 296-402A-010 What is the statutory authority for this chapter? Electricians and electrical installations RCW 19.28.010, 19.28.060, 19.28.065, and 19.28.070 authorize this chapter.

NEW SECTION

WAC 296-402A-020 What is the scope and purpose of this chapter? This chapter describes the methods required to obtain recognition and accreditation of electrical product(s) certification and/or field evaluation laboratories by the state of Washington. This chapter provides assurance to the

general consuming public that electrical products have been tested for safety and identified for their intended use.

NEW SECTION

WAC 296-402A-030 Definitions. (1) "**Accreditation**" is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to offer electrical products for sale in the state of Washington.

(2) "**ANSI**" means American National Standards Institute.

(3) A "**category list**" is a list of nonspecific product types determined by the department.

(4) A "**certified electrical product**" is an electrical product to which a laboratory certification mark, accredited by the state of Washington, has been attached.

(5) A "**certification mark**" is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

(6) A laboratory "**certification program**" is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority, regulating the evaluation of electrical products for certification marking by a certification laboratory.

(7) "**Department**" means the department of labor and industries.

(8) "**Electrical board**" means the board established in accordance with electricians and electrical installations RCW 19.28.065.

(9) An "**electrical products certification laboratory**" is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

(10) An "**electrical products evaluation laboratory**" is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

(11) A "**field evaluation program**" is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

(12) "**Field evaluated**" means an electrical product to which a field evaluation mark is attached. Field evaluation must include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

(13) "**Field evaluation mark**" is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

(14) "**Labeled**" means an electrical product to which a certification mark accredited by the state of Washington is attached.

(15) A "**laboratory**" may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

(16) A "**laboratory operations control manual**" is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

(17) "**NRTL**" means Nationally Recognized Testing Laboratory accredited by the Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 CFR 1910.7.

(18) A "**quality control manual**" is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test method responding to the requirements of the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

NEW SECTION

WAC 296-402A-040 When is an electrical product considered safe? An electrical product is considered to be safe when it is either certified by a laboratory accredited by the department or labeled with a field evaluation mark by a laboratory accredited by the department.

ACCREDITATION—GENERAL REQUIREMENTS

NEW SECTION

WAC 296-402A-050 Where do I obtain the forms and procedures for submitting an application for accreditation? The department's chief electrical inspector's office provides forms and procedures enabling applicants to submit the data necessary for evaluation or accreditation.

NEW SECTION

WAC 296-402A-060 What is the period of accreditation? The accreditation period of an NRTL will be valid for the period of accreditation of the NRTL by OSHA.

The accreditation of a non-NRTL will be valid for the period of five years from the date of the department's accreditation.

NEW SECTION

WAC 296-402A-070 Is an on-site inspection of a laboratory requesting initial accreditation or renewal required? On-site inspection of the laboratory may be required during the initial application process or the renewal process. Technically qualified representative(s) of the department will evaluate for compliance with accreditation criteria.

NEW SECTION

WAC 296-402A-080 When can the on-site inspection be waived? On-site inspection is not required for:

- NRTL recognized laboratories requesting approval as certification laboratories using standards for which NRTL recognition has been approved.

The department may waive on-site inspection for:

- Laboratories recognized or accredited by another state determined to provide an accreditation program acceptable to the department.
- NRTL recognized laboratories requesting approval as certification laboratories for using other standards for which NRTL recognition has not been approved.

NEW SECTION

WAC 296-402A-090 Who pays for the on-site inspection? The applicant must pay all costs associated with the on-site inspection.

NEW SECTION

WAC 296-402A-100 Do NRTL recognized laboratories have to apply for accreditation with the department? Yes. For purposes of chapter 19.28 RCW, the department must accredit all laboratories which certify and/or field evaluate electrical products offered for sale in the state of Washington. A NRTL requesting approval as a certification laboratory will be approved for accreditation by the department upon completion of the application process.

NEW SECTION

WAC 296-402A-110 What fees are involved in receiving or renewing accreditation by the state of Washington?

Initial filing fee	\$ 500.00
Initial accreditation fee:	
One product category	\$ 250.00
Each additional category for the next nineteen categories	\$ 100.00 each
Maximum for twenty categories or more	\$2150.00
Renewal fee:	50% of initial filing fee
Each additional category for the next nineteen categories	\$ 100.00 each
Maximum for twenty categories or more	\$2150.00

NEW SECTION

WAC 296-402A-130 When does a laboratory need to apply for renewal of accreditation? The laboratory must apply for renewal of accreditation at least thirty days prior to the accreditation expiration date. The department will renew accreditation for the period specified in WAC 296-402A-060 or notify the renewing laboratory of the department's rea-

son(s) of refusal following receipt of the completed form and renewal fee. Accreditation may be renewed or refused for one or more electrical product category(ies).

NEW SECTION

WAC 296-402A-140 Who determines the adequacy of a laboratory for accreditation? The department accepts or denies laboratory accreditation. Adequacy is determined when a laboratory provides evidence to the department that all the requirements of this chapter are met. Adequacy is determined by the department and prior to making a determination the department may require information and documentation to be provided by the laboratory.

NEW SECTION

WAC 296-402A-150 Is continued accreditation subject to review by the department? Accreditation is subject to review when deemed necessary by the department. The laboratory must pay all costs associated with on-site review.

NEW SECTION

WAC 296-402A-160 What conditions are required to obtain and maintain accreditation? Every accredited laboratory must continue to satisfy all the conditions specified in this chapter during the period of the accreditation. A non-NRTL accredited laboratory must furnish the department an annual report detailing the extent of its activities for the year. The report must include, but not be limited to:

- (1) The number of factory inspections.
- (2) Organizational structure.
- (3) Statement of ownership.
- (4) Laboratory equipment verification.
- (5) Client accreditation programs.
- (6) Reports of litigation, which in any way were the result of or will affect any accreditation or testing of products covered by this chapter.
- (7) Assessment of recordkeeping (i.e., certification/evaluation plans, certification/evaluation reports).

NEW SECTION

WAC 296-402A-170 How is notification of accreditation results made? The department will notify the applicant of the accreditation results. A letter of accreditation from the department is proof of the accreditation of a laboratory.

NEW SECTION

WAC 296-402A-180 What categories of electrical products can the laboratory certify or evaluate after accreditation is obtained? The laboratory will be approved to certify only those categories identified and authorized by the department. The department will approve and list electrical product category(ies) the laboratory is qualified to certify or evaluate. The accreditation letter will indicate the electrical product category(ies) for which accreditation is issued.

PROPOSED

NEW SECTION

WAC 296-402A-190 Is electrical product acceptance in each category all-inclusive? No. The department may exclude specific electrical products from acceptance. When required, the laboratory must provide evidence, acceptable to the department, that the laboratory is qualified to certify or field evaluate the specific electrical product. Laboratory recognition as an NRTL for the standard(s) used to certify or field evaluate an electrical product will be acceptable evidence. The standards used for certification or field evaluation must be determined by the department to be acceptable and applicable to the electrical product being certified or field evaluated.

SUSPENSION OR REVOCATIONNEW SECTION

WAC 296-402A-200 What happens if the laboratory fails to comply with the requirements for accreditation? Any laboratory failing to comply with the requirements of this chapter or submitting false information may have accreditation revoked or suspended for one or more electrical product category(ies).

NEW SECTION

WAC 296-402A-210 Can the department suspend or revoke the accreditation? The department may suspend or revoke the accreditation of any laboratory found to be in non-compliance with this chapter or the laws of the State of Washington.

NEW SECTION

WAC 296-402A-220 Must the department provide written notice of intent to suspend, revoke or refusal to renew? Yes. Prior to suspension, revocation, or refusal to renew the accreditation of a laboratory, written notice of such intent must be served by the department by certified mail to the last known address.

NEW SECTION

WAC 296-402A-230 What must the laboratory do if department accreditation is suspended, revoked, or not renewed? The laboratory must immediately notify all manufacturers whose products are covered by the accreditation that such products manufactured subsequent to the departmental revocation and offered for sale in the state of Washington can no longer bear the laboratory's label that identified it as a certified product in the state of Washington. A laboratory, whose accreditation has been suspended, may not reapply for accreditation during the period of such suspension. A laboratory, whose accreditation has been revoked, may reapply for accreditation no sooner than one year after the date of revocation of accreditation.

NEW SECTION

WAC 296-402A-240 Is there an opportunity to confer with the department after notice of intent to suspend, revoke, or refusal to renew? Yes. Within fifteen calendar days of receipt of the notice of intent, the affected laboratory may request a conference before the department. The request for a conference stays the effect of notice of intent until the department makes its final determination.

APPEALNEW SECTION

WAC 296-402A-250 Can a laboratory appeal a decision of the department? Yes. If the affected laboratory disagrees with the decision of the department, the laboratory may appeal to the electrical board.

NEW SECTION

WAC 296-402A-260 Who may appeal and what is the time allowed to enter an appeal? Only the affected laboratory may appeal the department's decision. The appeal must be filed within twenty calendar days after the notice of intent to suspend, revoke, or refuse to renew is sent by certified mail to the last known address of the holder of the accreditation.

NEW SECTION

WAC 296-402A-270 What is the procedure for appealing a suspension, revocation, or refusal to renew? An appeal must be made in writing to the department chief electrical inspector, as secretary to the electrical board. The written appeal must state the decision of the department that is being appealed and the relief that is desired.

NEW SECTION

WAC 296-402A-290 How is a formal appeal made? A written request for a formal appeal must be made per the requirements of WAC 296-402A-260 through 296-402A-270 and accompanied by a certified check in the amount of two hundred dollars made payable to the department. The deposit will be returned to the appealing party if the decision of the department is not sustained or upheld. If the decision of the department is sustained or upheld, the deposit will be used to pay the expenses of holding the hearing, and any balance remaining after the payment of expenses will be paid into the electrical license fund.

A formal appeal will be held in conformance with the requirements of the Administrative Procedure Act, chapter 34.05 RCW and will be assigned by the electrical board to an administrative law judge.

NEW SECTION

WAC 296-402A-300 Where is other appeal information located? See chapter 296-13 WAC and chapter 34.05

RCW for additional information on appeals before the electrical board.

BUSINESS STRUCTURE, PRACTICES, AND PERSONNEL

NEW SECTION

WAC 296-402A-310 What type of business organization is required of the laboratory? The laboratory must be an independent, third-party organization with no organizational, managerial, financial, design, or promotional affiliation with manufacturers, suppliers, installers, or vendors of products covered under its certification or evaluation programs.

The laboratory must have an adequate diversity of clients or activity so that the loss or award of a specific contract regarding certification or evaluation would not be a deciding factor in the financial well being of the laboratory.

NEW SECTION

WAC 296-402A-320 What professional business practices must the laboratory meet? The laboratory must adequately:

(1) Perform the examinations, tests, evaluations, and inspections required under the certifications programs in accordance with the designated standards and procedures.

(2) Assure that reported values accurately reflect measured and observed data.

(3) Limit work to that for which competence and capacity is available.

(4) Treat test data, records, and reports as proprietary information.

(5) Respond and attempt to resolve complaints contesting certifications and evaluation results.

(6) Maintain an independent relationship between its clients, affiliates, and other organizations so the laboratory's capacity to give certifications and evaluations objectively and without bias is not adversely affected.

(7) Notify the department within thirty calendar days should it become unable to conform to any of the requirements of this chapter.

NEW SECTION

WAC 296-402A-330 Must the laboratory notify the department of any business changes? Yes. Laboratories accredited under this chapter must notify the department within thirty working days of any of the following:

(1) Change in company name and/or address.

(2) Changes in major test equipment which affect the ability to perform work for which accredited.

(3) Changes in principal officers, key supervisory and responsible personnel in the company including the director of testing and engineering services, director of follow-up services, and the laboratory supervisor.

(4) Change in independent status.

NEW SECTION

WAC 296-402A-340 What is a certification or evaluation program plan? The laboratory must develop and maintain a certification or evaluation program plan that includes, but is not limited to:

(1) The procedures and authority to ensure the product complies with the standard(s) established by the program.

(2) A quality control system.

(3) Adequate personnel to perform the certification or evaluation.

(4) Verification and maintenance of facilities and/or equipment.

(5) Sample selection as applicable for product certifications, and for component testing as necessary for field evaluations.

The plan must demonstrate that the laboratory has adequate personnel, facilities, and equipment to perform all certifications and testing for which it is accredited by the state of Washington. These elements must be contained in the laboratory operations control manual.

NEW SECTION

WAC 296-402A-350 What quality control requirements must the laboratory meet? The laboratory must develop and maintain a quality control system adequate to assure the accuracy and technical integrity of its work as follows:

(1) The laboratory's quality control system must include a quality control or laboratory operations control manual.

(2) The quality control or laboratory operations control manual must be adequate to guide a testing technician or inspector in conducting the inspection, evaluation, and/or test in accordance with the test methods and procedures required for the laboratory's certification and/or evaluation program(s).

(3) The laboratory must have a current copy of its quality control or laboratory operations control manual available in the laboratory for use by laboratory personnel.

NEW SECTION

WAC 296-402A-360 What personnel requirements must the laboratory meet? Competent personnel who must have training, technical knowledge, and experience adequate to perform the tests, examinations, and evaluations for the certification and/or evaluation activities for which recognition is sought must staff the laboratory.

The laboratory must:

(1) Provide adequate safeguards protecting the employment status of personnel from the influence or control of manufacturers, vendors, or installers of electrical products certified or tested by the laboratory.

(2) Develop and maintain a job description for each technical position category.

(3) Assure the competency of its staff to perform assigned tasks through individual yearly observation and/or examination by a person(s) qualified by the person who has technical responsibility for the laboratory.

(4) Develop and maintain records of the results and dates of the observation or examination of personnel performance.

(5) Maintain information on the training, technical knowledge, and experience of personnel.

(6) Develop and maintain an adequate training program assuring that new or untrained personnel will be able to perform assigned tasks properly and uniformly.

RECORDKEEPING AND REPORTING—GENERAL

NEW SECTION

WAC 296-402A-370 What type of records must the laboratory maintain? The laboratory must develop and maintain records and reports of those testing, inspection, certification, and evaluation activities associated with each program for which accreditation is sought. The laboratory must retain these records for a minimum of three years.

NEW SECTION

WAC 296-402A-380 Is the laboratory required to make records available to the department? Yes. The laboratory must make available to the department, upon request, all records required by the department to verify compliance with this chapter.

PRODUCT CERTIFICATION—RECORDKEEPING AND REPORTING

NEW SECTION

WAC 296-402A-390 What must be included in certification reports? Certification reports must contain, as applicable:

- (1) Name and address of the laboratory.
- (2) Pertinent data and identification of tests or inspections.
- (3) Name of client.
- (4) Appropriate product title.
- (5) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997).
- (6) Description and identification of the sample including, as necessary, where and how the sample was selected.
- (7) Identification of the test, inspection, or procedure as specified for certification or evaluation by the standard.
- (8) Known deviations, additions to, or exclusions from evaluation and certification activities in order to be appropriate for new or innovative products not contemplated by the standard.
- (9) Measurements, examinations, derived results, and identification of test anomalies.
- (10) A statement as to whether or not the results comply with the requirements of the standard.
- (11) Signature of person(s) having responsibility for the report.

(12) Raw data, calculations, tables, graphs, sketches, and/or photographs generated during certification or evaluation must be maintained if not included in the report.

(13) Control forms documenting the receipt, handling, storage, shipping, and testing of samples.

(14) The laboratory must maintain records of its quality control checks and audits for monitoring its test work associated with its certification programs, including:

(a) Records of products assurance (follow-up) test results; and

(b) Records of detected errors and discrepancies and actions taken subsequent to such detection.

(15) The laboratory must maintain a record of written complaints and disposition thereof.

(16) The laboratory must retain records required by these criteria for a minimum of three years after cessation of the certification or evaluation.

FIELD EVALUATION—RECORDKEEPING AND REPORTING

NEW SECTION

WAC 296-402A-400 What does the evaluation report include? (1) Name and address of the laboratory.

(2) Pertinent test evaluation data and identification of tests or inspections including anomalies.

(3) Name of client.

(4) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997).

(5) Description and identification of the nonlisted and nonlabeled component(s) requiring evaluation by applicable standard(s).

(6) Description of the overall product evaluated to include full nameplate data and equipment type.

(7) A statement as to whether or not the results comply with the requirements of the standard.

(8) Signature of person(s) having responsibility for the report.

(9) Any condition of acceptability or restrictions on use/relocation.

(10) Serial number(s) of the field evaluation label(s) applied must be included with the equipment identification.

(11) The labor and industries department file identification number.

NEW SECTION

WAC 296-402A-410 Who gets a copy of the evaluation report? (1) The department's chief electrical inspector.

(2) Local electrical inspection office.

(3) Client.

NEW SECTION

WAC 296-402A-420 Must the laboratory maintain control of field evaluation marks? Yes. The field evaluation laboratory must have a system of controls and records for

all field evaluation marks it applies. The records must include labels removed or otherwise voided.

NEW SECTION

WAC 296-402A-425 Are there other requirements regarding the field evaluation mark? Yes. The field evaluation mark must:

- (1) Not be readily transferable from one product to another.
- (2) Be directly applied to each unit in the form of labels or markings suitable for the environment and use of the product.
- (3) Include the name or other appropriate identification of the certification laboratory.

FACILITIES AND EQUIPMENT

NEW SECTION

WAC 296-402A-430 How does the laboratory verify maintenance and calibration of facilities and/or equipment? The laboratory must provide adequate evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each certification or evaluation.

Verification and maintenance of facilities and equipment must include as applicable, but not be limited to:

- (1) Equipment description.
- (2) Name of manufacturer.
- (3) Model, style, serial number, or other identification.
- (4) Equipment variables subject to calibration and verification.
- (5) Statement of the equipment's allowable error and tolerances of readings.
- (6) Calibration or verification procedure and schedule.
- (7) Dates and results of last calibrations or verifications.
- (8) Specified maintenance practices.
- (9) Calibration and/or verification of equipment used.
- (10) Name of personnel or outside contractor providing the calibration or verification service.
- (11) Traceability to National Institute of Standards and Technology or other adequate standard reference authority.

STANDARDS

NEW SECTION

WAC 296-402A-440 Must standards documents be available for use by laboratory personnel? Yes. The laboratory must have copies available, for laboratory personnel use, of applicable standards and other documents referred to or used in performing each certification or test for which approval is sought.

NEW SECTION

WAC 296-402A-450 What standards may be used for electrical product certification or evaluation? The standard(s) used, as the basis of the electrical product certifi-

cation or evaluation program, must be a department approved product safety standard that is determined to provide an adequate level of safety or define an adequate level of safety performance.

NEW SECTION

WAC 296-402A-460 What product safety standards are approved by the department? Generally, such standards will:

- (1) Be recognized by ANSI as an electrical product safety standard.
- (2) Be compatible with and be maintained current with periodic revisions of applicable national codes and installation standards.
- (3) Be developed by a standards developing organization under a method providing for input and consideration of views of industry groups, experts, users, consumers, and governmental authorities, and others having broad experience in the electrical products safety field.

NEW SECTION

WAC 296-402A-470 Are any product safety standards automatically accepted? Yes. All ANSI safety designated electrical product standards are deemed acceptable for their intended use without further qualification.

NEW SECTION

WAC 296-402A-480 What is required if the product safety standard is not ANSI? Generally, such standards will:

- Be recognized in the United States as an electrical product safety standard.
- Be compatible with and be maintained current with periodic revisions of applicable national codes and installation standards.
- Be developed by a standards developing organization under a method providing for input and consideration of views of industry groups, experts, users, consumers, and governmental authorities, and others having broad experience in the electrical products safety field.

If a laboratory desires to use a standard other than an ANSI standard, the department will evaluate the proposed standard to determine that it provides an adequate level of safety. If a standard meeting the criteria of WAC 296-402A-450 and 296-402A-460 has been recognized by the department for use in similar certification or evaluation programs, the laboratory must identify and justify all differences between the proposed standard and the standard previously recognized by the department.

NEW SECTION

WAC 296-402A-490 What if there is no product safety standard that meets the criteria for department approval? Where there is no standard meeting the above-cited criteria for the equipment under consideration, the department will evaluate the proposed standard to determine

that it provides an adequate level of safety. The laboratory must identify and justify the adequacy of the standard or other specifications used as a source of requirements.

PRODUCT CERTIFICATION—GENERAL

NEW SECTION

WAC 296-402A-500 What must the electrical product certification program contain? The program must contain test procedure(s), standard(s) used, certification agreement(s), method(s) of identification of products, follow-up inspection, and other laboratory procedures and authority necessary to ensure that the product complies with the standards (requirements) established by the program.

NEW SECTION

WAC 296-402A-510 Must all components of certified electrical products be certified for safety? Yes. All components of certified or tested products must be labeled or evaluated for compliance with all standards and conditions of use applicable to such components.

NEW SECTION

WAC 296-402A-520 Is there a directory listing authorized products? Yes. The laboratory must publish an *Annual Product Directory* identifying products that are authorized to bear the laboratory's certification mark. The products directory must briefly describe the program, the products covered, the name of the manufacturer or vendor of the certified products, and the identification of the published standards or the compiled requirements on which the program is based. The product directory must be available to the public. Supplemental up-to-date information must be available to the public at the office of the laboratory during normal business hours.

CERTIFICATION LABORATORY/ MANUFACTURER AGREEMENT

NEW SECTION

WAC 296-402A-530 What must be included in a laboratory certification agreement with a manufacturer? Measures to provide for manufacturer compliance with the provisions of the product standard and laboratory control of the use of the certification mark must be embodied in an agreement between the manufacturer and the certification laboratory. The certification agreement must:

- (1) Require the manufacturer to provide information and assistance as needed by the laboratory to conduct the necessary product conformity and production assurance evaluation.
- (2) Allow the laboratory's representative(s) access to the manufacturer's facilities during working hours for inspection and may allow audit activities without prior notice.

(3) Restrict the manufacturer's application of certification marks to products that comply with requirements of the product standard.

(4) Secure the manufacturer's agreement to the publication of notice by the certification laboratory for any product already available in the marketplace that does not meet the safety standard.

(5) Require reevaluation of products whenever the standard covering the product is revised.

(6) Require the laboratory to notify the manufacturer's personnel responsible for and authorized to institute product recall in the case of a hazard.

(7) Provide for control of certification marks by the laboratory.

(8) Require that the laboratory provide the manufacturer with a report of original product evaluation. The report must document conformity with applicable product standards by test results and other data.

(9) Require the identification of the manufacturer(s) of the product and the location(s) where the product is produced.

CERTIFICATION MARK

NEW SECTION

WAC 296-402A-540 Who owns the certification mark? The laboratory owns the certification mark.

NEW SECTION

WAC 296-402A-550 Do certification marks need to be registered? Yes. The mark must be registered as a certification mark with the United States Patent and Trademark Office.

NEW SECTION

WAC 296-402A-560 Are there other requirements regarding the certification mark? Yes. The certification mark must:

- (1) Not be readily transferable from one product to another.
- (2) Be directly applied to each unit of production in the form of labels or markings suitable for the environment and use of the product. When the physical size of the unit does not permit individual marking, markings may be attached to the smallest package in which the unit is marketed.
- (3) Include the name or other appropriate identification of the certification laboratory.
- (4) Include the product category.
- (5) The laboratory must have a system of controls and records for all marks. The records must include marks removed or otherwise voided. See WAC 296-402A-390.

NEW SECTION

WAC 296-402A-570 When can a certification mark be applied to the product? Prior to authorizing the use of a certification mark on a product, the laboratory must:

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(1) Determine by examination and/or tests that representative samples of the product comply with the requirements (standards). Components of certified products must comply with the applicable safety requirements (standards) or be listed. Evaluation of the product design must be made on representative production samples or on prototype product samples with subsequent verification that factory productions are the same as the prototype.

(2) Determine that the manufacturer has the necessary facilities, test equipment, and control procedures to ensure that continuing production of the product complies with the requirements.

(3) If the certification mark is not applied at the manufacturing facility, the laboratory must provide prior notification to the department of its intent to affix the certification mark in the field.

CERTIFICATION LABORATORY PRODUCT ASSURANCE/FOLLOW-UP

NEW SECTION

WAC 296-402A-580 Must the laboratory require assurance or follow-up with the manufacturer to verify continued product acceptability? Yes. The laboratory must develop and maintain a factory follow-up inspection program and manual to determine continued compliance of certified products with the applicable standard.

NEW SECTION

WAC 296-402A-590 What must be in the follow-up inspection file? The follow-up file must include the:

- (1) Conditions governing the use of the certification mark on products.
- (2) Identification of the products authorized for certification.
- (3) Identification of manufacturer and plant location at which manufacture and certification are authorized.
- (4) Description, specifications, and requirements applicable to the product.
- (5) Description of processes needed for control purposes.
- (6) Description of the manufacturer's quality assurance program when used as part of the follow-up program.
- (7) Description of inspections and tests to be conducted by the manufacturer and the laboratory.
- (8) Description of follow-up tests to be conducted in the laboratory.
- (9) Description of the form and means of applying the certification mark.

NEW SECTION

WAC 296-402A-600 What follow-up procedures and activities are required? Follow-up procedures and activities must include:

- (1) Periodic inspections at the factory with testing at the factory or certification laboratory of representative samples

selected from production and, if appropriate, from the market.

(2) Periodic auditing or surveillance of the manufacturer's quality assurance program through the witnessing of manufacturer's tests, review of the manufacturer's records, and verification of the manufacturer's produced data.

(3) Investigation of alleged field failures upon department request.

(4) Procedures for control of the use of the certification mark by:

- (a) Keeping records of the release and use of certification marks.
- (b) Removal of marks from noncomplying products.
- (c) Return or destruction of unused marks when the authority to use the marks is terminated.
- (d) Legal action.

NEW SECTION

WAC 296-402A-610 What is the required frequency of follow-up inspections? The frequency of follow-up inspections must not be less than four times per year during production, unless adequate data is provided to the department to justify less frequent inspections. If there is no production during the year, at least one follow-up inspection is to be completed. The frequency of follow-up inspections must be sufficient to provide a reasonable check on the method(s) the manufacturer exercises to assure that the product bearing the certification mark complies with the applicable standards.

FIELD EVALUATION REQUIREMENTS—GENERAL

NEW SECTION

WAC 296-402A-620 What products can a field evaluation laboratory evaluate? The field evaluation laboratory may perform evaluations on any products or product categories previously approved by the department. NRTL recognition may be accepted by the department as a basis for approval to perform field evaluations. Since OSHA does not accept laboratories for field evaluation purposes, laboratories seeking accreditation from the department for field evaluation may be required to provide additional justification of capability such as, but not limited to: Recordkeeping, employee standards and proficiency, equipment requirements, and other requirements described in this chapter.

NEW SECTION

WAC 296-402A-630 Must an evaluation laboratory apply to perform each field evaluation? Yes. The laboratory must request and receive permission from the department in writing two working days prior to conducting any field evaluation of an electrical product to be installed in any jurisdiction in the state.

NEW SECTION

WAC 296-402A-640 What must be included in the scope of a field evaluation? The scope will depend on the status of the item to be evaluated as follows:

(1) A new piece of equipment must have a complete evaluation of all components and the assembly as provided by the manufacturer. For example: An industrial machine with a control panel, remote motors, sensors, controls, and other utilization equipment.

(2) A product that has been modified internally or by an addition must have only those portions evaluated that were affected by the modification. For example: A switchboard with multiple sections that has a section added would only need the new section, the one section immediately adjacent, and any control modifications evaluated.

NEW SECTION

WAC 296-402A-650 When there is more than one unit of a product, does each product unit need to be evaluated? Yes. Each unit that receives a field evaluation mark applied by the field evaluation laboratory must have sufficient inspections and/or testing completed to ensure it is in essential conformance with the applicable product standard(s).

NEW SECTION

WAC 296-402A-660 Can field evaluations be performed in the manufacturer's facility? The laboratory may perform preliminary evaluation, in the manufacturer's facility. Final evaluation and acceptance of the product must be made on-site at the location of final installation, unless waived by the department.

FIELD EVALUATION MARKNEW SECTION

WAC 296-402A-670 When can the field evaluation mark be applied to the product? Only laboratory personnel may apply the field evaluation mark after final acceptance of the product. The field evaluation label must be applied on-site at the location of the final installation, unless waived by the department.

NEW SECTION

WAC 296-402A-680 Can a product marked with a field evaluation mark be relocated or supplied from a different power source? Yes. A field evaluated product may be relocated or fed from a different power source if not prohibited by the field evaluation mark or the field evaluation report.

NEW SECTION

WAC 296-402A-690 Are there other requirements regarding the field evaluation mark? Yes. The field evaluation mark must:

(1) Not be readily transferable from one product to another.

(2) Be directly applied by the laboratory personnel to each unit of production in the form of labels or markings suitable for the environment and use of the product.

(3) Include the name or other appropriate identification of the certification laboratory.

(4) Include a unique evaluation laboratory reference number.

The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided. See WAC 296-402A-400.

WSR 00-07-138
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 22, 2000, 11:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-02-090.

Title of Rule: Workers' compensation classification plan, chapter 296-17 WAC.

Purpose: Agency proposes to revise general reporting rules, classification plan and experience rating rules applicable to chapter 296-17 WAC for workers' compensation insurance, underwritten by the Department of Labor and Industries. Specifically, to amend three general reporting rules, establish one new risk classification description rule, amend forty-one risk classification definitions, and amend three experience rating rules.

Statutory Authority for Adoption: RCW 51.04.020 General authority, RCW 51.16.035 Classification plan/base rates.

Statute Being Implemented: RCW 51.16.035.

Summary: The department proposes to amend three general reporting rules, add one new section for a risk classification definition, amend forty-one risk classification definitions, and amend three experience rating rules applicable to chapter 296-17 WAC.

Reasons Supporting Proposal: RCW 51.16.035 requires that the department maintain actuarial solvency of the industrial insurance (workers' compensation) funds and maintain a classification plan. Adjustments to the classification and rating plan reflect changes in Washington industries. Revisions to general reporting rules, risk classification definitions, and experience rating rules are being amended to provide greater detail and clarity to the rule.

Name of Agency Personnel Responsible for Drafting: Nancy Junk/Ken Woehl, Tumwater, Washington, 902-4775/902-4748; Implementation: Doug Connell/Kathy Kimbel, Tumwater, Washington, 902-4209/902-4835; and

Enforcement: Doug Mathers, Tumwater, Washington, 902-4750.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 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 certain general reporting rules, to distribute the costs fairly among employers, and to ensure actuarial solvency. The department proposes to revise general reporting rules and classification plan. This includes amending three general rules, establishing one new risk classification rule, amending forty-one risk classification definitions, and amending three experience rating rules (add new risk class code to two rating tables and correct a typographical error in one rating rule) applicable to chapter 296-17 WAC for workers' compensation insurance underwritten by the Department of Labor and Industries.

These changes are brought about by various elements: 1) The department has conducted a review of certain classifications and determined that certain revisions are needed. 2) The addition of new emerging industries to the classification plan. 3) Requests from stakeholders for certain changes or clarification in rules. 4) To continue to clarify, while providing adequate detail, in compliance with regulatory reform.

Proposal Changes the Following Existing Rules: WAC 296-17-31011 Classification system and plan, (clarification). WAC 296-17-31012 Classification assignment, (clarification). WAC 296-17-31021 Units of exposure, (add reporting method for some contract personnel).

Establish New Risk Classification Rule: WAC 296-17-54403, Classification 1407-00, Bus companies (separate private from municipal).

Amend Risk Classification Rules: WAC 296-17-501, Classification 0101, Tree care/soil remediation (clarification).

WAC 296-17-50601, Classification 0107, Invisible fence installation (reassign to classification 0308).

WAC 296-17-510, Classification 0301, Landscape construction operations, N.O.C. (add invisible fence installation).

WAC 296-17-521, Classification 0508, Radio, television, water towers, poles and towers, N.O.C. (clarification).

WAC 296-17-52102, Classification 0510, Wood frame building construction N.O.C. (clarification).

WAC 296-17-52106, Classification 0514, Garage/overhead door: Install./service/repair (clarification).

WAC 296-17-527, Classification 0607, Television antenna or satellite dish: Installation, removal, service/repair (clarification).

WAC 296-17-529, Classification 0803, Cities and towns (include city/town bus drivers in classification 0803).

WAC 296-17-537, Classification 1102, Interstate/intrastate trucking (allow separate reporting of permanent yard/shop employees).

WAC 296-17-53803, Classification 1106, Rental stores, N.O.C.; Canopy sales (clarification).

WAC 296-17-542, Classification 1401, Taxicab companies (reassign cabulancedrivers to classification 1404).

WAC 296-17-544, Classification 1404, Bus companies/transit systems/cabulance (reassign private bus companies to classification 1407, and reassign cabulance from classification 1401 to 1404).

WAC 296-17-54401, Classification 1405, Ambulance services (clarification).

WAC 296-17-545, Classification 1501, Counties/taxing districts, N.O.C. (include county/taxing district bus drivers in classification 1501).

WAC 296-17-546, Classification 1507, Irrigation ditches/waterworks operations (clarification).

WAC 296-17-562, Classification 2101, Grain milling; flour/feed mills; feed mfg. (clarification).

WAC 296-17-57001, Classification 2907, Wood cabinet/countertop/fixture: Mfg. (clarification).

WAC 296-17-583, Classification 3406, Auto/truck detailing; glass tinting (clarification).

WAC 296-17-58503, Classification 3411, Auto, recreational vehicle/trailers: Dealers, service centers, rental/leasing (clarification).

WAC 296-17-597, Classification 3605, Truck: Mfg. (correct typographical error).

WAC 296-17-615, Classification 3902, Pet food: Mfg. (clarification).

WAC 296-17-618, Classification 3905, Restaurants; taverns; pizza parlors (clarification).

WAC 296-17-643, Classification 4802, Farms; vegetable - mechanically harvested (clarification).

WAC 296-17-649, Classification 4808, Farms; diversified field crops (clarification).

WAC 296-17-66003, Classification 5005, Logging; tree thinning; - mechanical (clarification).

WAC 296-17-675, Classification 5206, Permanent shop operations: Trucking (add a sub code to existing classification).

WAC 296-17-678, Classification 5305, Cities/towns: Clerical/admin. Employees (clarification).

WAC 296-17-679, Classification 5306, Counties; public utility/taxing districts; tribal councils; public housing authorities; military base contractors: Clerical/admin. employees (clarification).

WAC 296-17-686, Classification 6109, Licensed massage therapy services (clarification).

WAC 296-17-695, Classification 6203, YMCA institutions; boys/girls clubs (clarification).

WAC 296-17-690, Classification 6204, Baths/saunas, N.O.C.; gyms/health clubs (clarification).

WAC 296-17-694, Classification 6208, Amusements: Ranges; boat rentals; fairs; shows; miniature golf courses; shooting galleries; (clarification).

WAC 296-17-695, Classification 6209, Campgrounds (clarification).

WAC 296-17-712, Classification 6408, Dealers: Farm machinery/implement (allow separate reporting of certain parts department employees).

WAC 296-17-713, Classification 6409, Dealers: Machinery/equipment, N.O.C. service/repair centers, N.O.C. (allow separate reporting of certain parts department employees).

WAC 296-17-729, Classification 6607, Card rooms; bingo parlors; casinos (clarification).

WAC 296-17-740, Classification 6709, Sheltered work-shops (to correct grammar).

WAC 296-17-748, Classification 6903, Aerial spraying/seedling/dusting; fire fighting (clarification).

WAC 296-17-749, Classification 6904, Cities/towns/counties/taxing districts: Salaried fire fighters (clarification).

WAC 296-17-751 Classification 6906, Cities/towns; counties; taxing districts; tribal councils: Volunteer law officers-med.aid only (clarification).

WAC 296-17-779, Classification 7309, Work activity centers (to correct grammar).

Amend Experience Rating Rule:

WAC 296-17-855, Experience modification (correct a typographical error).

WAC 296-17-885 Expected Loss Rates and D Ratios (add new class 1407 to table).

WAC 296-17-895 Accident fund/medical aid fund base rates (add new class 1407 to table).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Regulatory Fairness Act requires that the economic impact of proposed regulations be analyzed in relation to small business, and outlines the information that must be included in a Small Business Economic Impact Statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on business.

However, since the proposed rule would not place a more than minor economic impact on business, the preparation of a comprehensive SBEIS is not required.

RCW 34.05.328 applies to this rule adoption. RCW 51.16.035 requires the Department of Labor and Industries to establish a classification plan to include general reporting rules, risk classification definitions, and premium rates for all classifications in accordance with recognized principles of insurance.

Although the rule proposal would be considered "significant," as defined by statute, the department is exempted from preparing an Evaluation of Probable Costs and Probable Benefits Analysis as mandated in RCW 34.05.328(1). RCW 34.05.328 (5)(b)(vi) establishes that rules that set or adjust fees or rates pursuant to legislative standards are exempt from the criteria outlined in RCW 34.05.328.

Hearing Location: Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on May 5, 2000, at 10 a.m.

Assistance for Persons with Disabilities: Contact Classification Services, (360) 902-4776, by May 1, 2000, TDD (360) 902-4776.

Submit Written Comments to: Fax (360) 902-4729, by May 5, 2000.

Date of Intended Adoption: July 1, 2000.

March 22, 2000

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31011 Classification system and plan.

(1) What is a workers' compensation classification system?

A workers' compensation classification system is an objective method of collecting money (*premiums*) to pay the benefits of workers injured on the job. We believe the method used to spread this cost among the employers we insure should be fair and have some relationship to their hazard and potential for loss. Classifications are the tool used to achieve a fair method of distributing the risk among employers we insure. Objective boundaries are established for each classification. These boundaries describe the types of businesses which are included in the classification, as well as the operations and employments routinely encountered. We refer to these objective boundaries as the scope of the classification. Once these boundaries have been defined, we can begin collecting information about the employers assigned to each classification. The information includes the exposure which is being covered (*risk*) and the losses (*claims*) which are related to these businesses. Next, we use this information to establish premium rates that employers in each industry will pay for their workers' compensation insurance. Our goal is to produce fair insurance rates which reflect the hazardous nature of each industry. We have tailored our classification system in Washington to reflect industries found in our state. This makes our system responsive to change and provides rate payer equity to the employers we insure. Employers engaged in more hazardous industries such as logging will pay higher insurance rates than employers engaged in less hazardous businesses such as retail store operations.

(2) Why is a classification system needed?

We need a classification system to provide fair premium rates. Washington law (*RCW 51.16.035*) also requires us to have a classification system.

(3) Is the classification system the same as the classification plan?

No, we refer to the body of rules (*WACs*) which establish the general parameters of how classifications are to be used as the "classification system." These rules speak to the requirements of workers' compensation insurance and to our general classification approach, such as classifying by nature of business in the state of Washington, not by occupation of worker. The "classification plan" refers to all of the various classification descriptions which describe different types of business or industry. The classification system rules (*general rules*) will apply to all businesses unless another treatment is specifically provided for in the classification plan rules (*special rules*).

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(4) How is our classification plan designed?

We have designed a plan which is keyed to the nature of the businesses or industries of the employers we insure. Our plan has over three hundred business or industry classifications. Each classification carries a premium rate which reflects the hazards that workers are exposed to. Descriptions of our classifications can be found in WAC 296-17-501 through 296-17-779.

(5) Is your classification approach similar to the approach used by private insurance companies?

Yes, we are required by law (*RCW 51.16.035*) to use the same classification (*underwriting*) approach used by private carriers.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-31012 Classification assignment. (1) How are classifications assigned to my business?

We will assign a basic classification or classifications to your business based on the nature of ~~((the))~~ your business ~~((you are engaged))~~ operation(s) in the state of Washington. We will not assign classifications to your business based on the individual operations, duties or occupations of individuals found within your business unless the basic classification assigned to your business either requires or permits a separate classification treatment for specified operations or employments. Exceptions to this approach are outlined in WAC 296-17-31017 and 296-17-31018.

(2) Does this same classification approach apply if I have several businesses?

This classification approach will apply to each separate legal entity. Each separate legal entity will be classified on its own merits.

(3) How do you decide what classification(s) to assign to my business?

To determine what classification(s) to assign to your business, we need enough information to give us a clear understanding of the precise nature of your business and the hazards your business poses to your workers. In some cases we will need to call you to obtain more detailed information about your business. Occasionally one of our field representatives may visit your business to gain a better understanding of the nature of your business. In most cases we will find a classification that specifically describes your business.

Example: You operate a company that sells baked goods to retail customers. Before we can classify your business we need to determine whether you bake the goods you are selling or are simply selling goods another business has baked. Once we have determined the precise nature of your business, we will review all of the available classifications to find the one that best describes the entire business. If the business has baked the products they are selling, we would consider a bakery classification or maybe a restaurant classification. If your business simply sells baked goods that another business made, we may look at a retail store classification. In most cases we will find a classification that specifically describes the business we are classifying.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-31021 Units of exposure. (1) What is a "unit of exposure?"

A unit of exposure is the measure which is used to help determine the premium you will pay. For most businesses the unit of exposure is the *hours* worked by their employees. Because not all employees are compensated based on the hours they work, we have developed reporting alternatives to make reporting to us easier. Those alternatives are outlined in subsection (2) of this section. In other cases, the department may authorize some other method in assuming workers hours for premium calculation purposes.

~~((Example: Employers in the horse racing industry pay their premiums based on a type of license their employees hold rather than the hours the employees work. Drywall contractors pay premiums based on the square footage of the materials they install rather than the hours it took their employees to install the drywall material.~~

~~In other instances, we have developed daily, weekly, or monthly assumed work hours.~~

~~Example: Commission sales employees who work primarily away from your premises, such as a real estate sales person, are to be reported on the basis of eight hours per day or forty hours per week.)~~

(2) What are the alternatives to actual hours worked?

The exceptions are:

- **Apartment house managers, caretakers, or similar employees:** To determine the number of hours you need to report to us, divide an employee's total compensation, including housing and utility allowances, by the average hourly wage for the classification. The total number of work hours to be reported for each employee is not to exceed 520 hours per quarter. You will need to call us at (360) 902-4817 to obtain average hourly wage information.
- **Baseball, basketball, and soccer teams - including players, coaches, trainers, and officials:** Report each individual at 40 hours per week for each week in which they have duties.
- **Commission employees - outside (such as, but not limited to, real estate and insurance sales):** You must select one of the following methods to report your commission employees - outside:
 - Actual hours worked; or
 - Assumed hours of eight hours per day for part-time employees or ~~((forty hours per week))~~ one hundred sixty hours per month for full-time employees. All outside commission employees of an employer must be reported by the same method. ~~((You must report either the actual hours worked for each employee or one hundred sixty hours per month.))~~ You cannot report some outside commission employees based on the actual hours they work and others using the eight hours per day for part-time employees or one hundred sixty hours per month for full-time employees method.
- **Drywall - stocking, installation, scrapping, taping, and texturing:** Premiums are based on material

installed/finished rather than the hours it took to install/finish the drywall.

- **Horse racing - excluding jockeys:** Employers in the horse racing industry pay premiums based on a type of license their employees hold rather than the hours the employees work. Premiums are ((paid on a license basis and)) collected by the Washington horse racing commission at the time of licensing.
- **Jockeys:** Report ten hours for each race/mount or for any day in which duties are reported.
- **Race car drivers:** Report ten hours for each race/heat.
- **Salaried employees:** ~~((All salaried employees of an employer must be reported by the same method. You must report either the actual hours worked for each employee or one hundred sixty hours per month. You cannot report some salaried workers based on the actual hours they work and others using the one hundred sixty hours per month method.))~~ You must select one of the following methods to report your salaried employees - outside:
 - Actual hours worked; or
 - Assumed hours of one hundred sixty hours per month.

All salaried employees of an employer must be reported by the same method. You cannot report some salaried employees based on the actual hours they work and others using the one hundred sixty hours per month method. Provided further, as in the case of contract personnel employed by schools and/or school districts, the school or school district shall report actual hours worked for each employee, one hundred sixty hours per month for each employee, or the department may authorize some other method in assuming workers hours for premium calculation purposes.

(3) Can I use assumed work hours for piece workers?

No, if you employ piece workers you must report the actual hours these individuals work for you unless another unit of exposure is required.

Example: If you have employees engaged in drywall work you would report and pay premiums on the basis of the square footage of the material they installed not the hours they worked.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-501 Classification 0101.

0101-00 Land clearing: Highway, street and road construction, N.O.C.

Applies to contractors engaged in clearing right of ways for subsurface construction on a new or existing highway, street, or roadway project that is not covered by another classification (N.O.C.). The subsurface is the roadbed foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is a compressed gravel road, the subsurface or sub base is constructed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed to grade.

Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees which is to be reported separately in the applicable logging classification; and logging road construction which is to be reported separately in classification 6902.

0101-01 Land clearing: Airport landing strips, runways and taxi ways; alleys and parking lots

Applies to contractors primarily engaged in clearing right of ways for subsurface construction on a new or existing airport landing strip, runway, and taxi way. This classification also includes clearing of right of ways for alley and parking lot projects. The subsurface is the foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is compressed gravel, the subsurface or sub base is constructed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed or project site to grade. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; and felling of trees which is to be reported separately in the applicable logging classification.

0101-02 Excavation work, N.O.C.

Applies to contractors engaged in general excavation work for others that is not covered by another classification (N.O.C.). Work contemplated by this classification involves excavating or digging of earth to form the foundation hole such as for a wood-frame or nonwood-frame building and side sewer hookups (street to house) when performed as part of the excavation contract. Activities include, but are not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cut and fill work, backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in clas-

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sification 0210 and felling of trees which is to be reported separately in the applicable logging classification.

0101-03 Grading work, N.O.C.

Applies to contractors engaged in various forms of grading work for others that are not covered by another classification (N.O.C.). Typical equipment used is a grader, but other equipment such as a bulldozer and a front end loader may also be used. Work contemplated by this classification includes, but is not limited to, leveling and grading lands, spreading dirt, sand, gravel and/or ballast to desired contour on farm lands or other tracts of land.

0101-04 Land clearing, N.O.C.

Applies to contractors engaged in general land clearing work that is not covered by another classification (N.O.C.). This classification includes, but is not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth to rearrange the terrain, earth excavation, cut and fill work, backfilling, and slope grooming. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes felling of trees which is to be reported separately in the applicable logging classification.

0101-16 Railroad line: Construction, maintenance and repair, N.O.C.

Applies to contractors engaged in the construction, maintenance and repair of railroad tracks not covered by another classification (N.O.C.), including the dismantling of track and the sale of salvaged track metal and ties. Work contemplated by this classification includes all operations on new or existing main lines, side tracks and spurs to industrial properties. This classification includes, but is not limited to, the laying of rock or ballast, laying of ties and track, installation of crossover frogs and switches, erection of switch stands and switch mechanism, erection of cattle guards, the placing of grade crossing planks, and similar activities related to the laying or relaying of railroad lines and also includes the dismantling of railroad main lines, side tracks and spurs to include track, ties, etc., and the subsequent storage and sale of salvaged material after the railroad line is dismantled.

This classification excludes asphalt surfacing/resurfacing and all concrete construction work which is to be reported separately in the applicable asphalt or concrete construction classification; logging railroad construction which is to be reported separately in classification 6902; and the construction, maintenance, or repair of an elevated railway which is to be reported separately in classification 0508.

0101-17 Retaining wall: Construction or repair when done in connection with road, street and highway construction, N.O.C.

Applies to contractors engaged in the construction or repair of retaining walls in connection with highway, street, or roadway projects that are not covered by another classification (N.O.C.). Retaining walls are often constructed to protect against potential problems such as earth slides or ero-

sion of banks alongside a roadway or overpass. Work contemplated by this classification involves large scale excavation to contour a specific area of earth serving as a retaining wall. Activities include, but are not limited to, excavation, clearing, cut and fill work, backfilling, grading and slope grooming. Fill material used may include dirt, sand, stone or boulder. Equipment used by contractors subject to this classification includes, but is not limited to, scrapers, bulldozers, graders, backhoes and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; concrete construction which is to be reported separately in the applicable concrete construction classification; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees by chain saw which is to be reported separately in classification 5001; logging road construction which is to be reported separately in classification 6902; and tunnels and approaches including lining, cofferdam work, shaft sinking and well digging with caissons which is to be reported separately in classification 0201.

0101-36 Tree care and pruning services, N.O.C.

Applies to specialist contractors engaged in providing a variety of tree care services such as tree topping and tree pruning that are not covered by another classification (N.O.C.). Work contemplated by this classification generally takes place in residential areas, parking lots, business parks, shopping malls, or settings adjacent to nonforestry or timberland roadways. A primary purpose of this work is to remove tree or branch hazards from power lines, structures, or buildings. This classification includes, but is not limited to, incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree care service, spraying or fumigating of trees, debris removal and stump removal when conducted by employees of an employer subject to this classification.

This classification excludes tree care services done in connection with an orchard operation which is to be reported separately in classification 4803 when performed by orchard employees; tree care services done in connection with a nursery operation which is to be reported separately in classification 4805; tree care services done in connection with a public or private forest or timberland which is to be reported separately in classification 5004; ((€)) tree care services done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307; and felling trees which is to be reported separately in classification 5001.

0101-37 Soil remediation

Applies to establishments engaged in various types of remediation of soil contaminated with hazardous or toxic materials. Soil remediation can take place at the site of the contamination, or the contaminated soil may be hauled to another area for remediation. This classification also includes oil spill cleanup on land. Equipment used will

include backhoes and front end loaders, as well as other types of dirt moving equipment.

The methods used for soil remediation ((may)) include, but are not limited to, ((the following)):

- ~~(- Bio remediation~~
- ~~- Encapsulation~~
- ~~- Excavation and hauling to an approved disposal site~~
- ~~- Hot air vapor extraction~~
- ~~- Soil vapor extraction~~
- ~~- In situ vitrification~~
- ~~- Land farming~~
- ~~- Mobile incineration~~
- ~~- Thermal disabsorption~~

- Stabilization)) - Bio-remediation: Contaminated soil is mixed with nutrients, sawdust, and various other additives. Naturally occurring bacteria in the soil break down the pollutants.

- Encapsulation: Contaminated soil is enclosed in some type of protective material to prevent drainage into surrounding soil.

- Excavation and hauling to an approved disposal site.

- Hot air vapor extraction: A burner unit is mounted on a trailer. Contaminated soil is arranged in layers on which an aluminum perforated pipe system is placed at 2' intervals, with a return pipe on the top layer. The soil stack is enclosed in visqueen, then hot air is pumped into the piping system which creates the steam that is recycled through the system and carries the contaminants back through the catalytic burner. Because of the catalytic action there are virtually no contaminants exhausted into the atmosphere.

- Soil vapor extraction: A series of holes are bored in the ground and vacuum pumps are used to suck the trapped gases which are drawn through carbon filters for decontamination.

- In situ vitrification: Graphite electrodes are fed into contaminated soil at a specified rate, where high voltage "melts" the organic and inorganic materials in the soil and forms a solid, glasslike substance.

- Land farming: Contaminated soil is deposited and spread out by a farm type spreader on an area of ground dedicated for this purpose. Chemical or manure fertilizer is added to provide a medium for naturally occurring bacteria to thrive. (This part is similar to bio-remediation.) The soil is turned frequently by tillers or rototillers to assist in the aeration of the soil and in the growth of the bacteria. It may take anywhere from a month to two years to cleanse the soil, depending on the volatility of the contaminants. This method is used particularly with soil that is heavily contaminated with oil.

- Mobile incineration: Contaminated soil is loaded onto a conveyor belt which carries it into the hopper of a mobile unit mounted on a lowboy trailer. The unit is heated to burn off the contaminants in the soil. The mobile unit contains a type of dust-collecting mechanism which filters out gases and other nondesirable elements so only clean air enters the atmosphere as the refreshed soil is produced. There are various methods of mobile incineration, but the general process and the end result are similar.

- Thermal disabsorption: A process similar to mobile incineration.

- Stabilization: Concrete landfill cells are created by mixing cement with refuse or other contaminated soil to stabilize the material and reduce the seepage into the surrounding soil.

This classification excludes oil spill cleanup involving diking or ditching work which is to be reported separately in classification 0201.

0101-39 Pool or pond excavation

Placement of pool or pond liners

Applies to contractors engaged in the excavation of pools or ponds. Work contemplated by this classification involves excavating or digging of earth to form the hole such as for a swimming pool or pond. Work contemplated by this classification includes excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cutting, filling or backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, bulldozers, backhoes and dump trucks. This classification includes the placement of plastic pool and pond liners provided it is not in connection with concrete work.

This classification excludes concrete construction which is to be reported separately in the applicable concrete construction classification.

0101-40 Mowing or chemical spraying of roadway median strips, roadsides, and/or power line right of ways

Applies to contractors engaged in mowing, grooming, picking up litter, and chemical spraying of roadway median strips and edges, roadsides, and power line right of ways. Work contemplated by this classification includes spraying chemicals to control weeds and unwanted vegetation, tall grass, brush, brambles and tree seedlings as part of a roadway, roadside or right of way maintenance contract. Equipment used by contractors subject to this classification includes, but is not limited to, a variety of equipment such as backhoes, tractors, push mowers, brush mowers, weed eaters, as well as hand tools such as machetes, sickles, and pruners.

This classification excludes mowing and/or grooming of roadway median strips, roadsides, and power line right of ways when performed by employees of cities, counties, state agencies, or other municipalities which is to be reported in the classification applicable to the type of municipality performing the work; forest, timber or range land contract work which is to be reported separately in the classification applicable to the work being performed; and the felling and removal of trees by chain saw which is to be reported separately in classification 5001.

Special note: Classification 0301, "landscape construction," and classification 0308, "landscape maintenance," are not to be assigned to mowing and/or grooming of roadway median strips, roadsides, and power line right of ways.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-50601 Classification 0107.

0107-00 Utility line construction: Underground, N.O.C.

Applies to contractors engaged in underground utility line or cable construction that is not covered by another classification (N.O.C.). Work contemplated by this classification includes the installation and maintenance of underground television cable, power, and telephone line including main, extension, and outside service connection lines. Installation of these types of utilities usually occurs at a depth of 3' or less. This classification includes digging narrow trenches, laying pipe or conduit, laying line or cable, and filling or backfilling trenches. In some instances automatic equipment is used which in one operation opens the trench, lays the line and backfills. Equipment used by contractors subject to this classification includes backhoes, mechanical or manual trench diggers, automatic equipment and dump trucks.

This classification excludes land or road clearing and excavation which is to be reported separately in classification 0101; overhead television, power, or telephone lines including poles or towers which are to be reported separately in classification 0509 or the applicable utility company classification; 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); and construction specialty services including the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219.

0107-01 Pipelaying, N.O.C.

Applies to contractors engaged in underground pipelaying or pipeline construction not covered by another classification (N.O.C.). Work contemplated by this classification includes the installation and maintenance of underground gas, oil or water main construction, and other pipelines such as those extending cross country. Installation of these types of pipes usually occurs at a depth of approximately 3'. This classification includes digging narrow trenches, laying pipe, making connections, and filling or backfilling trenches. This classification includes machinery and equipment such as backhoes, mechanical or manual trench diggers, and dump trucks.

This classification excludes land or road clearing and excavation which is to be reported separately in classification 0101; construction of sewer lines and drainage systems, canals, ditches, underground tanks generally occurring at a depth greater than 3' which are to be reported separately in classification 0108; asphalt surfacing/resurfacing which is to be reported separately in classification 0210 or 0212 as applicable; concrete construction which is to be reported separately in the applicable concrete construction classification(s); and construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219.

~~(0107-02 Invisible fence installation~~

~~Applies to specialist contractors engaged in the installation of invisible fences which are usually used to confine animals within a given area. Work contemplated by this classification includes identifying the land area to be fenced to keep animals in, digging a trench 1" wide by 2" deep along the field perimeter (usually the trench is made with a rela-~~

~~tively small trench digger or modified rototiller), placing wire in the trench and burying it. The wire is connected to a transmitter box which plugs into a 110 volt electrical outlet. The intensity of the voltage is set by the transmitter and the animal wears a receiver collar. This classification includes related maintenance and repair at the customer's location.)~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-510 Classification 0301.

0301-04 Lawn type sprinkler systems: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of lawn type sprinkler systems. This type of activity is performed by landscaping contractors, plumbing contractors, and irrigation specialist contractors. Generally, lawn type sprinkler systems are installed at private residences or commercial businesses. The process involves identifying the area of land to be covered to determine the size and amount of pipe and sprinkler heads needed for the job. The installation involves cutting a trench in the ground (12" to 18" deep and wide enough to accommodate the pipe) with a vibrating plow or pipe pulling machine. Next, pipe is laid in the trench, glued, or otherwise joined, heads and canisters are installed, and the timer is hooked up. The system is checked for leaks, needed adjustments are made, and the pipe and heads are buried.

This classification excludes open canal type irrigation systems which are to be reported separately in classification 0108; the installation, service or repair of above or below ground agricultural/irrigation systems which is to be reported separately in classification 0301-06; and maintenance and cleaning of lawn sprinkler system pipes and heads done in connection with a landscape maintenance contract which is to be reported separately in classification 0308.

0301-06 Agricultural sprinkler/irrigation systems, N.O.C.: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of above or below ground agricultural sprinkler and irrigation systems not covered by another classification (N.O.C.). The more common types of systems include below ground, fixed or movable, and wheel or impulse. Generally, these types differ from lawn sprinkler systems in that the size of pipes and pumps installed are much larger to produce the water pressure needed to irrigate large areas of land. Installation of below ground systems involves the use of trenching equipment to dig trenches, which are usually more than two feet deep to lay pipe. The above ground systems are laid out and assembled based on the need of the land area.

This classification excludes open canal type irrigation systems which are to be reported separately in classification 0108, and the installation, service or repair of lawn type sprinkler systems which is to be reported separately in classification 0301-04.

0301-08 Landscape construction operations, N.O.C.

Applies to landscape contractors engaged in new landscape construction or renovation projects not covered by

another classification (N.O.C.). This classification also applies to specialist contractors engaged in the installation of invisible fences which are usually used to confine animals within a given area. Landscape construction work contemplated by this classification includes producing a preliminary drawing of the landscape or renovation project, preparing the ground (which may include tilling and spreading top soils or custom mix soils), installing sprinkler systems, planting trees, plants or shrubs, planting or replanting grass from seed or sod, installing ground cover material or plastic to retard weeds, placement of concrete borders, and the incidental construction of rockery, fences, ponds, paths, walkways, arbors, trellis and gazebos when performed by employees of a landscape contractor as part of a landscape contract. Such activities conducted separately from a landscape contract and not part of the landscape project are to be reported separately in the classification applicable to the work being performed. Equipment used by contractors subject to this classification includes, but is not limited to, tractors with till attachments, small front end loaders, trenchers, mowers, fertilizer spreaders, wheelbarrows, and electric power tools.

Invisible fence construction work contemplated by this classification includes identifying the land area to be fenced, sketching a preliminary drawing, burying the wire in a narrow trench (about 1" wide by 2" to 6" deep) that has been dug along the field perimeter (or just securing the wire onto the ground around the perimeter), and connecting end of wire to a low voltage transmitter box (usually about the size of a hand-held calculator) that plugs into a 110 volt electrical outlet. This classification includes training sessions for the animal and related maintenance and repair at the customer's location. Equipment used to install invisible fences includes, but is not limited to, rakes or other hand tools, and small trench diggers.

This classification excludes all grading, clearing, or contouring of land which is to be reported separately in classification 0101; bulkheads not adjacent to water, or similar structures built of rock, which are to be reported separately in classification 0302; and lawn care maintenance or chemical spraying or fumigating which is to be reported separately in classification 0308.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-521 Classification 0508.

0508-00 Radio, television, cellular or water towers, poles and towers, N.O.C.: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel, or wood((;)) radio, television, cellular or water towers, poles, towers and those towers which are not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the foundation/excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation

of scaffolding, raising structural members by crane and welding or bolting them into place, and the installation, removal, service and/or repair of antennas, dish units and/or other transmitting/receiving apparatus to the structure. This classification also includes the delivery of material and supplies to the job site (~~((and the installation of antennae or other apparatus to a structure covered by this classification))~~) when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow the separate reporting of excavation or foundation work irrespective of who performs the work. This classification includes specialty contractors who install, remove, service or repair antennas, dish units and/or other transmitting/receiving apparatus to a structure covered by this classification.

0508-01 Smokestack: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel or concrete smokestacks. These structures are part of an industrial complex and facilitate the discharge of combustion vapors, gases, or smoke. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, installation of scaffolding, raising segments into place with a crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of any apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; preliminary clearing of land by a contractor who is not also excavating the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation work irrespective of who performs the work.

0508-02 Windmill and silo: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel or wood windmills or silos. Windmills use the force of wind passing around the rotor blades to turn turbines and produce electric power. These may be built individually or in groups known as "wind farms." Additional apparatus and storage batteries are housed in separate buildings nearby. Silos are large cylindrical structures used to store grain or fodder (silage). They are filled through the top by means of a conveyor. Within the structure, augers and pumps can move the grain to blend, aerate, or feed it out the chute. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow the separate reporting of excavation or foundation work irrespective of who performs the work.

0508-03 Oil still or refinery: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of oil stills or refineries. These facilities are basically composed of multi-story storage tanks, chimneys, pipelines, separating apparatus and steam generating systems. They receive unprocessed petroleum (crude oil) and convert it into usable products such as gasoline, kerosene, wax, grease and chemical feed stocks. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation and other concrete, on-site fabrication and assembly of parts, erecting framework, installation of scaffolding, raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus in an oil still or refinery when done by

employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of control or pump houses and other buildings not part of the main processing plant which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation work irrespective of who performs the work and plant maintenance contract work which is to be reported separately in classification 0603.

0508-04 Blast furnace and metal burners: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of blast furnaces and metal burners. These are tall, very heavy gauge, cylindrical steel structures in which heated air and combustible fuels are combined to produce the heat necessary to separate the usable material in metal ores from the waste products. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, installation of a brick lining, raising structural members by crane and welding or bolting into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of additional buildings as part of an ore reduction or metal producing facility which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-08 Elevated railway, tram, lift or similar conveyances: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of elevated rail-

ways, trams, lifts or similar conveyances. An elevated railway can be a full scale railroad or a smaller scale system such as a recreational monorail. For the purposes of this classification, trams are overhead cable cars, and lifts are similar to the typical ski lift. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting frames and supports (metal or concrete), installation of scaffolding, raising structural members by crane and welding or bolting them into place, and installing and securing tracks, cables or pulley systems. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; or the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-09 Exterior tanks, N.O.C.: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of all types of exterior tanks not covered by another classification (N.O.C.). These tanks may be part of water storage and distribution systems, chemical or petroleum processing and storage operations, or other industrial applications. This classification includes the erection or construction of tanks that are elevated on structural piers and those that rest on the ground. These tanks may be constructed singly or in groups known as "tank farms" which are common to the petroleum industry. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, and raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported

separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-11 Crane or derrick: Installation, construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the installation, construction or erection, dismantling, maintenance or repair of nonmobile cranes and derricks for commerce and industrial use. Cranes and derricks can be very similar in that they are both defined as machines for hoisting and moving heavy objects through the use of stationary or movable booms equipped with cables. An object, sometimes weighing many tons, can be secured to the cables and moved into position along the length of a stationary boom or to another location within the reach of a movable boom. A derrick, however, can also be a permanent framework over an opening, such as an oil-drilling operation, to support boring equipment. The cranes included in this classification are those that are permanently installed at a marine port, cargo handling facility or an industrial facility to move supplies, cargo containers, or heavy objects (vertically or horizontally) that are being assembled and must pass through the length of a building to complete the process. Work contemplated by this classification includes, but is not limited to, the placement of forms and reinforcing steel for a foundation (in the case of some structures described above, the additional reinforcing required to support the crane is usually contemplated in the plan for the building's foundation where the crane is being anchored), on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by hoist and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; and delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-12 Water cooling towers or structures - metal or wood: Construction or erection, dismantling, maintenance or repair

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Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of metal or wood water cooling towers or vertical structures. These structures are usually part of an industrial complex in which water is used as a cooling element in a manufacturing process. The water, which absorbs heat from the machinery being cooled, can be circulated and reused after it has been channeled through a cooling tower to be chilled sufficiently. A common design allows the hot water to tumble down numerous open louvers or steps to lower its temperature. These towers are often composed of prefabricated parts which are delivered to the site and then assembled by bolting or welding together, then the necessary motors, pipes, fans and pumps are installed. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding, bolting or otherwise fastening them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of other related buildings at the project site which is to be reported separately in the applicable construction classification.

Special notes: This classification does not allow separate reporting of excavation or foundation irrespective of who performs the work. Construction of a water cooling structure that uses a horizontal rather than tower-like design is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-52102 Classification 0510.

0510-00 Wood frame building: Construction or alterations, N.O.C.

Applies to contractors engaged in wood frame building construction or alterations not covered by another classification (N.O.C.). For the purposes of this classification, wood frame building construction means buildings erected exclusively of wood or wood products. This classification includes all building framing activities done in connection with wood frame building construction including the placement of roof trusses, sheathing roofs, installation of exterior building siding, and the installation of exterior doors and door frames. This classification also includes the installation

of windows, window frames, and skylights when performed by framing workers as part of the framing contract on a wood frame building.

This classification excludes all other phases of wood frame building construction not listed as part of the framing activities above such as, but not limited to, site preparation and excavation (0101); overhead or underground utilities, asphalt work, or concrete work which is to be reported separately in the applicable classification; new landscape work (0301); brick work (0302); stucco work (0303); plumbing work (0306); HVAC work (0307); carpet and tile work (0502); exterior painting (0504); roof work (0507); insulation work (0512); interior finish carpentry - interior doors, cabinets, fixtures or molding (0513); installation of garage doors (0514); installation of sheet metal siding, gutters, and non-structural sheet metal patio covers/carports (0519); interior painting (0521); electrical work (0601) or wallboard installation, taping or texturing which are to be reported separately in the applicable classifications. For a more thorough description of the activities included and excluded from wood frame building construction, review the Construction Industry Guide.

Special note: Classification 0510 also includes wood frame building alterations or remodel work when the activity involves building new additions. The term "new additions" is defined as adding on to an existing wood frame building (upwards or outwards) in which the use of structural supports and main bearing beams is required. This is distinguishable from classification 0516 - building repair or carpentry work that typically does not require the placement of structural supports or main bearing beams. The purpose of classification 0516 is to build or rebuild with nonstructural or bearing beams, or to replace an existing portion (including existing structural and bearing beams) of a wood frame building for appearances or as a result of deterioration to make it appear new again. Care should be exercised as the terminology to build, rebuild, remodel, construct or reconstruct is irrelevant to assignment of classification which should recognize what the project actually involves.

Guidelines:

Constructing a new wood frame building that never existed - 0510

Altering all or part of an existing wood frame building by adding on new additions - 0510

Remodeling all or part of an existing wood frame building *without* adding on new additions - 0516

Installation of wood or vinyl siding on a new or existing wood frame building - 0510

Constructing a new wood garage that never existed - 0510

Altering all or part of an existing wood garage by adding on new additions - 0510

Remodeling all or part of an existing wood garage *without* adding on new additions - 0516

Constructing a new wood carport or wood shed that never existed - 0510

Rebuilding an existing wood carport or wood shed (all or part) with or without new additions - 0516

Construction of a new wood deck by the framing contractor when a new wood house is being built - 0510

Constructing or replacing a wood deck on an existing wood house - 0516

Constructing or replacing a wood deck for any type of nonwood building - 0516

Altering the existing interior of a wood frame building by adding exterior additions - 0510

Remodeling the existing interior of a wood frame building without adding exterior additions - 0516

Constructing, altering, or remodeling the interiors of nonwood frame buildings - 0516

Installation of windows, window frames, and skylights when performed by framing workers as part of the framing contract of a wood frame building - 0510.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-52106 Classification 0514.

0514-00 Garage or overhead door: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of garage or overhead doors made of wood, metal, or aluminum. As part of a new construction project, the installation usually occurs before the building or structure is painted. Garage or overhead door installation can also occur as a replacement to an existing door or as an alteration or addition to a building or structure. The process involves installing door tracks on both sides of the doorway, inserting the door, which usually consists of panels or sections, into the tracks, and attaching panels or sections to one another. This classification also includes the installation of automatic door openers when performed as a part of the garage or overhead door installation contract, and by the same contractor installing the doors.

This classification excludes the installation, service or repair of commercial automatic door openers when it is not performed as a part of the garage or overhead door installation contract (~~(and by the same installation contractor)~~) which is to be reported separately in classification 0603(~~(as is all service or repair for automatic door openers)~~); the installation, service or repair of residential automatic door openers when it is not performed as a part of the garage or overhead door installation contract which is to be reported separately in classification 0607; the installation of exterior glass doors and door frames such as nonautomatic and automatic opening doors at retail establishments or commercial buildings which are to be reported separately in classification 0511; the installation of interior or exterior doors and door frames when performed by a framing contractor as part of framing a wood frame building which is to be reported separately in classification 0510; the installation of interior doors and door frames which is to be reported separately in classification 0513; the installation of wood, fiberglass or metal exterior doors as part of a nonwood frame building when performed by employees of the general contractor which is to be reported separately in classification 0518; and the repair or

replacement of wood, fiberglass or metal doors on an existing building which is to be reported separately in classification 0516.

0514-01 Nonstructural additions to buildings or structures: Installation, removal, alteration, and/or repair

Applies to contractors engaged in the installation, removal, alteration, and/or repair of nonstructural additions to buildings or structures. Nonstructural iron, steel, brass or bronze additions include, but are not limited to, fire escapes, staircases, balconies, railings, window or door lintels, protective window or door gratings, bank cages, decorative elevator entrances or doors, permanent stadium seating, and wall facades and facings. Shutters and similar decorative add-ons may be made of wood, vinyl or plastic. Generally, the process involves bolting, screwing, riveting, or welding these additions to the interior or exterior of buildings or structures. Contractors who operate a shop to prefabricate the additions are to be assigned the classification applicable for the shop manufacturing work being performed. When a contractor's business is assigned a manufacturing classification for shop operations, classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair of equipment.

This classification excludes sheet metal installation such as siding, gutters and downspouts, and nonstructural sheet metal patio covers/carports which are to be reported separately in classification 0519; the installation, repair or dismantling of portable bleachers or stages which is to be reported separately in classification 0603; and the erection of commercial metal carports, service station canopies, and structural iron or steel work as part of a building or structure which is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-527 Classification 0607.

0607-11 Household appliances: Installation, service and/or repair by nonstore service or repair company; dealers of used household appliances

Applies to establishments engaged in the installation, service and/or repair of electrical or gas household appliances and to dealers of used electrical or gas household appliances. Many establishments covered by this classification have small retail store operations where they offer reconditioned or second hand appliances for sale, a parts department, and an area where appliances brought into the shop are repaired. Although this classification deals primarily with service away from the shop, the store, parts department and shop operations are included within the scope of this classification. The term "household appliances" includes, but is not limited to, stoves, ovens, ranges, dishwashers, refrigerators, trash compactors, television sets, residential type garage door openers, washing machines, and clothes dryers. This classification also applies to the installation, service or repair of automated teller machines. Repair services provided by establishments subject to this classification may also include related smaller appliances such as video players, portable

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television sets, stereo systems, microwave and toaster ovens, blenders, coffee makers and mixers. The *servicing* of water softening systems, coffee and juice machines, and beer taps is also included in this classification.

This classification excludes dealers of new household appliances who are to be reported separately in classification 6306; installation, service, and/or repair of commercial appliances such as those used in laundries, bakeries, and restaurants which is to be reported separately in classification 0603; installation, service, and repair of commercial garage doors and openers which is to be reported separately in classification 0603; installation of water softening systems which is to be reported separately in classification 0306; and small table top or counter top appliance stores which are to be reported separately in classification 6406.

Special note: Classification 0607 is distinguishable from classification 6306-02 operations in that appliance stores covered in classification 6306-02 are engaged primarily in the sales of new appliances. Although classification 6306 includes repair of appliances, most repairs are related to warranty work and represent a minor part of the business. By contrast, the repair of appliances in classification 0607 is the primary activity of the business.

0607-16 Television antenna or satellite dish: Installation, removal, service and/or repair

Applies to establishments engaged in the installation, removal, service and/or repair of television antennas or satellite dish receiving units. Operations contemplated by this classification are limited to rooftop installation of television antennas or ground or rooftop-mounted satellite dish reception units. Establishments covered by this classification will generally employ technicians and installers to install systems and trouble shoot reception problems. Equipment is limited primarily to delivery trucks (and), vans, ladders, and small power and/or hand tools.

This classification excludes (~~installation of larger commercial broadcasting or receiving antennas or dish units such as those found in television and radio broadcast stations which is~~) specialty contractors who install, remove, service or repair antennas, dish units, and/or other transmitting/receiving apparatus to a structure covered by classification 0508, who are to be reported separately in classification 0508; and establishments engaged in the sale of new console type and big screen televisions who also sell and install antennas which are to be reported separately in classification 6306.

0607-17A Safes or vaults, private mail boxes, or safe deposit boxes: Installation, removal, service and/or repair

Applies to contractors engaged in the installation, removal, service and/or repair of all types of safes or vaults regardless of size or application, private mail or postal boxes, or safe deposit box units within buildings. Safes and vaults are found in businesses such as, but not limited to, banks, jewelry stores, rare coin and stamp stores, grocery stores, and gasoline service stations, as well as in private residences. Services contemplated by this classification include, but are not limited to, safe opening services.

0607-17B Lock sets and/or dead bolt locks: New installation

Applies to the *new installation* of lock sets and/or dead bolt locks on buildings or structures by contractor or by employees of a locksmith. The term new installation applies to installing a lock set (locking doorknob) or a dead bolt where none previously existed. The process consists of measuring and marking where the unit is to be placed on the door, boring holes into the door to accept the lock set or dead bolt lock, and installing the lock set unit using a power drill and basic hand tools.

This classification excludes the installation of a *replacement* lock set or dead bolt lock unit by employees of a locksmith, and locksmith store operations which are to be reported separately in classification 6309.

0607-18A Window/door blinds, shades, curtains and drapes: Installation

Applies to contractors and employees of store operations who are engaged in the installation of indoor or outdoor window coverings, such as, but not limited to, blinds, shades, screens, exterior roll shutters and draperies or curtains, but does not include awnings. The process consists of marking the location of covering on the frame or opening, securing brackets or hardware, rods and poles, and installing the covering.

This classification excludes the installation of window and door awnings which is to be reported separately in the applicable classification, and the manufacture of coverings which is to be reported in the applicable classification.

Special note: Care should be taken when considering the assignment of a store classification to an establishment engaged in the installation of coverings to verify that a store exists. It is common for establishments subject to this classification to have show rooms to help customers visualize covering products available for sale. These establishments have little or no product available for immediate sale, as most items are special order from the manufacturer. A bona fide window/door covering store will have a large assortment of coverings, as well as related home interior products such as, but not limited to, pillows, small rugs, and accent pieces, readily available for sale to customers.

0607-19 Advertising or merchandise display: Set up or removal within buildings by nonstore employees

Applies to contractors engaged in the set up or removal of advertising or merchandise displays within buildings for retail or wholesale store customers. Operations contemplated by this classification will vary from seasonal panoramas with extensive carpentry, painting, and art work to dressing mannequins to be displayed in store windows. Classification 0607 also includes employees of a manufacturer and manufacturer's representatives who are involved in the setting up of these displays.

This classification excludes employees of store operations engaged in setting up displays who are to be reported separately in the applicable store classification as this is a common store activity.

0607-21 Meat slicer or grinder: Installation, service and/or repair

Applies to contractors and employees of equipment manufacturers engaged in the installation service and/or repair of meat cutting, slicing, or grinding equipment within stores, restaurants, or processing plants. Repair may be performed at the customer's location or in a shop operated by an employer subject to this classification. This classification includes repair shops, field technicians, installers, and warehouse or parts department employees.

Special note: Establishments subject to this classification generally do not have store operations. Equipment is generally ordered from the manufacturer or distributor and shipped to the customer's location where it will be installed. In the event that an establishment subject to this classification has a store operation it is included within classification 0607.

0607-22 Protective bumpers: Installation

Applies to contractors engaged in the installation of protective bumpers on structures such as, but not limited to, store loading docks for freight or cargo. Operations contemplated by this classification are limited to measuring the dock to be fitted with a rubber bumper, finish cutting or otherwise fabricating the rubber pieces to fit the required application, and fastening the dock bumper with the use of hand tools. Dock bumpers are made of rubber from recycled tires or similar pliable materials.

This classification excludes the manufacture of loading dock bumpers which is to be reported separately in the applicable manufacturing classification.

0607-23 Cellular phone systems or audio components: Installation in vehicles, service and repair

Applies to establishments engaged in the installation of cellular phone systems and/or audio components in vehicles. Audio components include, but are not limited to, radios and stereo systems, speakers and amplifiers, alarm systems, television units, antennas, two-way radio systems. This classification applies to installation employees of stores that sell products as well as to auto service centers that specialize in the installation of products covered by this classification.

This classification excludes retail and wholesale store operations which are to be reported separately in the applicable store classification.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-529 Classification 0803.**0803-00 Cities and towns - all other employees**

Applies to employees of cities or towns who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators including transit bus drivers. This classification includes administrative personnel such as engineers, safety inspectors, and biologists, who have field exposure, and also includes store and stock clerks. For purposes of this classification, field exposure is defined as any expo-

sure other than the normal travel to a work assignment, such as an auditor or social worker would encounter.

This classification excludes municipal power districts which are to be reported separately in classification 1301; (~~municipal~~) privately owned and operated bus or transit systems which are to be reported separately in classification ((1404)) 1407; irrigation and waterworks operations which are to be reported separately in classification 1507; law enforcement officers who are to be reported separately in classifications 6905 and 6906, as appropriate; fire fighters who are to be reported separately in classification 6904; volunteers who are to be reported separately in classification 6901; and clerical office and administrative employees who are to be reported separately in classification 5305.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-537 Classification 1102.**1102-02 Interstate trucking**

Applies to establishments engaged in interstate trucking. Interstate trucking is the hauling of goods that either originate out of state or have an out-of-state destination. Duties include driving, mechanical repair, and in some cases loading/unloading vehicles. The loading and unloading may be done with forklifts, pallet jacks, hand trucks, or by hand. The drivers may have an assigned route, or they may be assigned a different destination each trip.

Special notes: Trucking establishments are allowed to have both the trucking classification 1102 and the permanent yard and shop operation classification 5206 provided the conditions in WAC 296-17-675 have been met. Hours cannot be split for a worker who works in both classes. If an employee has any driving duties, all their hours are to be reported in classification 1102. Effective July 1, 1993, trucking establishments are also allowed to have both the trucking classification 1102 and the freight handling classification 2002. However, hours cannot be split for a worker who works in both classes. If an employee has any driving duties, all their hours are to be reported in classification 1102. Establishments subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry and in RCW 51.12.095.

1102-03 Intrastate trucking

Applies to establishments engaged in intrastate trucking. Intrastate trucking is the hauling of goods *only* within the boundaries of a state. In other words, the goods must have both an origin and destination in the same state. Duties include driving, mechanical repair and, in some cases, loading and unloading the vehicles. The loading and unloading may be done with forklifts, pallet jacks, hand trucks, or by hand. The drivers are usually assigned routes or a territory. Businesses in this classification usually have terminals or storage depots where merchandise is stored awaiting transfer.

Special notes: Trucking establishments are allowed to have both the trucking classification 1102 and the permanent

yard and shop operation classification 5206 provided the conditions in WAC 296-17-675 have been met. Hours cannot be split for a worker who works in both classes. If an employee has any driving duties, all their hours are to be reported in classification 1102. Effective July 1, 1993, trucking establishments are also allowed to have both the trucking classification 1102 and the freight handling classification 2002. However, hours cannot be split for a worker who works in both classes. If an employee has any driving duties, *all* their hours are to be reported in classification 1102. Establishments subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry and in RCW 51.12.095.

1102-04 Combined interstate/intrastate trucking

Applies to establishments engaged in a combination of interstate/intrastate trucking activities. Businesses assigned to this classification generally do not produce, manufacture, or legally own the goods they are hauling. Interstate trucking is the hauling of goods which either originate out of state or have an out-of-state destination. Intrastate trucking is the hauling of goods *only* within the boundaries of a state. In other words, the goods have both an origin and destination in the same state. Duties include driving, mechanical repair and, in some cases, loading and unloading the vehicles. The loading and unloading may be done with forklifts, pallet jacks, hand trucks, or by hand. The drivers are usually assigned routes or a territory. Establishments in this classification usually have terminals or storage depots where merchandise is stored awaiting transfer.

Special notes: Trucking establishments are allowed to have both the trucking classification 1102 and the permanent yard and shop operation classification 5206 provided the conditions in WAC 296-17-675 have been met. Hours cannot be split for a worker who works in both classes. If an employee has any driving duties, all their hours are to be reported in classification 1102. Effective July 1, 1993, trucking establishments are also allowed to have both the trucking classification 1102 and the freight handling classification 2002. However, hours cannot be split for a worker who works in both classes. If an employee has any driving duties, *all* their hours are to be reported in classification 1102. Establishments subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry and in RCW 51.12.095.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-53803 Classification 1106.

1106-00 Rental stores, N.O.C.; Truck canopy sales

Applies to establishments engaged in the rental of items, not covered by another classification (N.O.C.), such as hand tools, air compressors, automotive tools, baby equipment, convalescent equipment, exercise equipment, floor care

equipment, pressure washers, party and banquet equipment, light construction tools or equipment such as saws, drills, and sanders, and lawn and garden equipment, as opposed to machinery or larger commercial or industrial equipment. The tools and equipment are generally rented to homeowners for use on their property. Rental stores within this classification rent a variety of tools and equipment unlike specialty rental stores that specialize in one type of product. This classification includes clerical office personnel, sales personnel, as well as the maintenance and repair of rented goods when performed by employees of the rental store. This classification also applies to establishments engaged (~~exclusively~~) in the sale and (~~related~~) installation of truck canopies and related accessories, but who do not sell other types of vehicles or trailers.

This classification excludes establishments engaged in the rental of commercial or industrial equipment and/or machinery such as, but not limited to, bulldozers, tractors, and backhoes which are to be reported separately in classification 6409; establishments engaged in the rental of farm machinery equipment which are to be reported separately in classification 6408; establishments engaged in the rental of vehicles which are to be reported separately in the applicable classification; establishments engaged in the rental of sporting goods which are to be reported separately in classification 6309; establishments engaged in the rental of clothing or costumes which are to be reported separately in classification 6305; and establishments engaged in the rental of furniture which are to be reported separately in classification 6306.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-542 Classification 1401.

1401-01 Taxicab companies

Applies to establishments engaged in furnishing passenger transportation to others. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, loading/unloading passengers' luggage, assisting passengers in and out of the vehicle, incidental "cabulance" services which may be offered in conjunction with the taxi service, and maintenance/repair of the vehicle when performed by employees of an employer subject to this classification. Businesses that operate (~~cabulance~~;) pedicab(;) and horse-drawn carriage services are included in this classification.

This classification excludes: Establishments that operate ambulance services which are to be reported separately in classification 1405(;) ; establishments that operate cabulance and paratransit services exclusively which are to be reported separately in classification 1404; and dispatchers with no other job duties who may be reported separately in classification 4904.

Special note: Establishments that furnish only a dispatch service for taxicab drivers who own or lease their own vehicles may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met. Employees of a taxicab dispatch service who perform maintenance/repair are to be reported separately in classification

3411. See RCW 51.08.180 for the definition of "worker" to aid in determining if drivers are employees. Please also refer to the special note in classification 1404-12.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-544 Classification 1404.

~~(1404-04 Bus companies and transit systems~~

~~Applies to bus companies, transit systems, contract bus driving, and other establishments engaged in public transportation services such as, but not limited to, scenic bus tour services, contract school bus services, shuttle van services, and public transit systems. Work contemplated by this classification includes driving and related loading/unloading duties, inspecting and maintaining vehicles, and all terminal employment except for office personnel. Ticket sellers may be reported separately in classification 4904 provided that they do not handle baggage and that all the conditions of the standard exception general reporting rules have been met.~~

~~This classification excludes limousine companies which are to be reported separately in classification 6301-.)~~

1404-06 Vessels, ferries, tugs, and steamboats, N.O.C.

Applies to employees not covered under federal jurisdiction, or another classification (N.O.C.), who provide services for seaworthy vessels such as ferries, tugs, or steamboats at the docking site or on adjacent land. Vessels may operate seasonal or year-round. Employments include, but are not limited to, dock workers, maintenance workers, traffic control personnel, and night security personnel.

Special note: Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

1404-07 Train rides

Applies to establishments engaged in the operation of passenger excursion train rides for scenic or amusement purposes on an intrastate basis only. Excursion train rides are typically operated from a mountain, lake or similar site. The trains may operate on a seasonal basis in direct relation to the volume of tourists, weather conditions, or dates of local celebration. Employments in this classification include, but are not limited to, drivers/engineers, guides, lecturers, hostesses, and maintenance personnel. Ticket sellers may be reported separately in classification 4904 provided that they do not handle baggage and that the conditions of the standard exception general reporting rules have been met. On-board food service personnel may be reported separately in classification 3905 as long as their duties are limited to food service and they do not facilitate the train ride or train ride operation in any way.

1404-11 Escort and pilot cars

Applies to establishments that provide escort or pilot car services for others. The duties include driving ahead of, or behind, various types of vehicles.

This classification excludes employees of an employer assigned to drive escort or pilot cars in connection with the delivery of equipment, buildings, goods, or similar items which the employer sells or contracts to deliver. Such employment is to be reported separately in the classification applicable to sales or delivery of such items. For example, an escort driver employed by a common carrier transporting a modular home to a customer's site is to be reported separately in classification 1102.

1404-12 Cabulance and paratransit

Applies exclusively to establishments that provide on-demand, nonemergency transportation services to passengers with special needs. Vehicles used are usually vans that are equipped for accessibility to accommodate passengers with mobility limitations including passengers in wheelchairs or gurneys. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, assisting passengers in and out of the vehicle, and maintenance/repair of the vehicle when performed by employees of an employer subject to this classification.

This classification excludes: Cabulance services offered in conjunction with a taxi service which are to be reported separately in classification 1401, cabulance services offered in conjunction with an ambulance service which are to be reported separately in classification 1405, paratransit services offered in conjunction with a municipal bus or transit system which are to be included in classification 0803 or 1501 as appropriate, ambulance services which are to be reported separately in classification 1405, limousine drivers who are to be reported separately in classification 6301, and dispatchers with no other duties who are to be reported separately in classification 4904.

Special note: Care should be exercised in determining what type of cabulance service is being provided. This classification is not to be assigned when provided as an incidental part of a taxi cab service subject to classification 1401. A cabulance service as defined in this rule will need a specialized van or bus to transport passengers as opposed to a passenger automobile that is not equipped to accommodate special mobility needs, and whereby the transportation service has been prearranged.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-54401 Classification 1405.

1405-00 Ambulance services

Applies to establishments engaged in prehospital emergency care and transportation of ill or injured persons to or from medical facilities. The services provided by any one ambulance company will vary to some degree, however, normal operations for ambulance companies include, but are not limited to, the following: Prehospital care, responding to calls where the injury or accident does not require medical treatment other than that provided by Emergency Medical Technicians (para-medics) who work for the ambulance company, standby at events, assisting in providing prehospital care and patient transport services of injured players or spec-

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tators at games, concerts, and fairs, public education/training, teaching CPR, first aid, and related courses to the public, and cabulance service (transporting patients who do not require prehospital care to and from medical facilities).

This classification excludes: Cabulance services offered in conjunction with a taxi service which are to be reported separately in classification 1401; companies engaged exclusively in cabulance and paratransit services which are to be reported separately in classification 1404; and similar emergency services provided by a municipality which are to be reported separately in classification 6904.

Special notes: Special care must be taken in classifying cabulance services which ((are)) may also be included in classifications 1401 or 1404. In order to qualify for classification 1405, a company must be primarily in business as an ambulance company. For premium reporting purposes, ambulance companies are to report all employees on an hourly basis, provided the maximum will not exceed eight hours during any twenty-four hour period. If verifiable records disclosing actual time worked are unavailable, employees are to be reported at eight hours per day for each day they had duties. If records do not disclose hours or days worked by individual employees, an assessment of forty hours per week is to be made for each week in which an employee had duties, or one hundred and sixty hours per month. For *air ambulance services*, flight time is to be reported separately in classification 6803, and ground operations are to be reported separately in classification 1405.

NEW SECTION

WAC 296-17-54403 Classification 1407

1407-00 Bus companies

Applies to establishments engaged in providing transportation services such as, but not limited to, charter and tour bus, contract school bus, shuttle van, and nonmunicipal, scheduled bus systems. Work contemplated by this classification includes operation of the vehicle and related loading/unloading duties, cleaning, maintenance and ordinary repair of all facilities, equipment, and vehicles, all bus terminal employment except for office personnel. Ticket sellers and dispatchers may be reported separately in classification 4904 provided that they do not handle baggage and that all of the conditions of the standard exception general reporting rules have been met.

This classification excludes: Municipal transit and bus service provided by a county or taxing district which is to be reported separately in classification 1501; municipal transit and bus service provided by a city or town which is to be reported separately in classification 0803; taxicab companies which are to be reported separately in classification 1401; cabulance and paratransit companies which are to be reported separately in classification 1404; and drivers employed by a limousine company who are to be reported separately in classification 6301.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-545 Classification 1501.

1501-00 Counties and taxing districts, N.O.C. - all other employees

Applies to employees of counties and taxing districts, not covered by another classification (N.O.C.), who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators including transit bus drivers. This classification includes administrative personnel such as engineers, safety inspectors, and biologists who have field exposure, and internal inventory and supply clerks. For purposes of this classification, field exposure is defined as any exposure other than the normal travel to or from a work assignment.

This classification excludes electric light and power public utility districts which are to be reported separately in classification 1301; privately owned and operated bus or transit systems which are to be reported separately in classification ((1404)) 1407; water distribution or purification system public utility districts which are to be reported separately in classification 1507; irrigation system public utility districts which are to be reported separately in classification 1507; port districts which are to be reported separately in classification 4201; school districts, library districts or museum districts which are to be reported separately in classifications 6103 or 6104; hospital districts which are to be reported separately in classification 6105; fire fighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classification 6905 and 6906, as appropriate; clerical office and administrative employees who are to be reported separately in classification 5306, and volunteers who are to be reported separately in classifications 6901 or 6906, as appropriate.

1501-01 Housing authorities, N.O.C. - all other employees

Applies to employees of housing authorities, not covered by another classification, who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes all functional operations of a housing authority such as inspection, maintenance and repairs, including minor structural repairs, janitorial service, and building and grounds maintenance. Also included in this classification are meter readers, security personnel, other than those with law enforcement powers, administrative personnel such as engineers and safety inspectors who have field exposure, and internal inventory and supply clerks. For purposes of this classification, housing authorities are defined as nonprofit, public and political entities which serve the needs of a specific city, county or Indian tribe. The nature and objectives of some of the projects undertaken by housing authorities include providing decent, safe and sanitary living accommodations for low income persons, or providing group homes or halfway houses to serve developmentally or otherwise disabled persons or juveniles released from correctional facilities. A housing authority has the power to prepare, carry out, lease and operate housing facilities; to provide for the

construction, reconstruction, improvement, alteration or repair of any housing project; to sell or rent dwellings forming part of the project to or for persons of low income; to acquire, lease, rent or sell or otherwise dispose of any commercial space located in buildings or structures containing a housing project; to arrange or contract for the furnishing of the units; and to investigate into the means and methods of improving such conditions where there is a shortage of suitable, safe and sanitary dwelling accommodations for persons of low income.

This classification excludes new construction or major alteration activities which are to be reported separately in the appropriate construction classifications; clerical office and administrative employees who are to be reported separately in classification 5306; security personnel with law enforcement powers who are to be reported separately in classification 6905; and volunteers who are to be reported separately in classifications 6901 or 6906, as appropriate.

1501-08 Native American tribal councils - all other employees

Applies to employees of Native American tribal councils who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes administrative personnel such as engineers, safety inspectors, and biologists who have field exposure, and internal inventory and supply clerks of the tribal council. For purposes of this classification, field exposure is defined as any exposure other than the normal travel to and from a work assignment.

This classification excludes electric light and power public utility districts which are to be reported separately in classification 1301; (~~bus or transit systems which are to be reported separately in classification 1404;~~) water distribution or purification system public utility districts which are to be reported separately in classification 1507; irrigation system public utility districts which are to be reported separately in classification 1507; school districts, library districts or museum districts which are to be reported separately in classifications 6103 or 6104; hospital districts which are to be reported separately in classification 6105; fire fighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classifications 6905 and 6906; new construction or reconstruction activities which are to be reported separately in the appropriate construction classification; clerical office and administrative employees who are to be reported separately in classification 5306.

Special notes: Housing authorities operating under the name of, and for the benefit of, a particular tribe are not exempt from mandatory coverage. These housing authorities are federally funded and are not owned or controlled by a tribe.

Only those tribal operations which are also provided by county governments are subject to classification 1501. The following activities, such as but not limited to, visiting nurses and home health care, grounds keepers, building maintenance, park maintenance, road maintenance, and garbage and sewer works, are considered to be normal operations to be

included in this classification. All other tribal council operations which are not normally performed by a county government shall be assigned the appropriate classification for the activities being performed. The following operations, such as but not limited to, meals on wheels, bingo parlors, casinos, liquor stores, tobacco stores, grocery stores, food banks, gift shops, restaurants, motels/hotels, Head Start programs, fish/shellfish hatcheries, logging, and tree planting/reforestation are outside the scope of classification 1501 and are to be reported separately in the applicable classifications.

1501-09 Military base maintenance, N.O.C.

Applies to establishments, not covered by another classification (N.O.C.), engaged in providing all support operations and services on a military base on a contract basis. Such services include, but are not limited to, data processing, photography, mail delivery (on post and to other military facilities), hotel/motel services, mess halls, recreational facilities, grounds and building maintenance, vehicle maintenance, and may also include the maintenance of such facilities as water works, sewer treatment plants and roads.

This classification excludes new construction or construction repair projects which are to be reported separately in the applicable construction classification for the work being performed; contracts for specific activities on a military base such as, but not limited to, building maintenance, club or mess hall operations, or vehicle maintenance, which are to be reported separately in the applicable classification for the work being performed; firefighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classification 6905; and clerical office and administrative employees who are to be reported separately in classification 5306.

Special note: Classification 1501-09 is to be assigned to an establishment only when *all* support services on a military base are being provided by the contractor.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-546 Classification 1507.

1507-01 Irrigation ditches operation, repair and maintenance

Applies to establishments engaged in providing water for agricultural irrigation through a network of ditches, canals and/or pipelines. Irrigation system operations may be owned by individuals, a private company, cooperatives or a municipality. Water for irrigation can come from a natural above or below ground source or a reservoir and is kept flowing by means of pumping plants. Irrigation water usage is monitored at the "turn-out" which must be manually opened by an employee of the irrigation company and is located between the ditch/pipeline and the user's field. Work contemplated by this classification includes, but is not limited to, digging and maintaining ditches or canals, installing underground pipe, installation or maintenance of control gates and pumps, cleaning of ditches, spraying to control insects, and regular maintenance of vehicles and equipment when done by employees of an employer having operations subject to this

classification. Machinery and equipment includes, but is not limited to, water pumps, ditch digging/pipe laying equipment, control gates, pumps, vehicles, spraying equipment and hand tools. This classification includes the operation of drainage systems by a private company or a municipal special purpose district.

This classification excludes: Contractors engaged in the digging of ditches or canals who are to be reported separately in classification 0108 or 0201 as applicable; contractors engaged in underground pipe laying which is to be reported separately in classification 0107; contractors engaged in the installation of agricultural sprinkler systems which is to be reported separately in classification 0301; contractors engaged in the installation or repair of irrigation/drainage pumps which is to be reported separately in classification 0306; the routine irrigation of individual agricultural acreage with the owner's own system which is to be reported separately in the classification applicable to the establishment; the construction of any new buildings which is to be reported separately in the construction classification applicable to the work being performed; and clerical office and administrative personnel who are to be reported separately as appropriate, classification 5305 for cities and towns, classification 5306 for counties, or classifications 4904 and 6303 for nonmunicipal ownership.

Special note: Many water supply operations in Washington may have "irrigation district" as part of their name because of their original purpose, but they are actually functioning as a waterworks supplying residential users and are to be reported separately in classification 1507-02.

1507-02 Waterworks operations, repair and maintenance

Applies to establishments engaged in the operation of water purification and distribution systems known as waterworks. Water is obtained from natural sources of surface or ground water, piped to filtration plants, filtered, treated with chemicals, then pumped to holding facilities for eventual distribution to the user through underground pipes. Waterworks may be owned by cooperatives, such as homeowners' associations, a private company, or a municipality (as a P.U.D.). Work contemplated by this classification includes, but is not limited to, erection of towers and tanks, underground waterline construction, maintenance of purification and filtration facilities, installation of fire hydrants, operating a laboratory, main-to-house hook-ups and the installation and reading of meters when done by employees of an employer having operations subject to this classification. Machinery and equipment includes, but is not limited to, excavating, pipe laying, erecting and welding equipment, vehicles, machine shop equipment, pumps and gauges, meters and hand tools. This classification includes the operation of sewerage treatment plants by owner or contract.

This classification excludes: Contractors engaged in underground waterline construction, maintenance or repair, including main-to-house hook-ups, who are to be reported separately in classification 0107; plumbing contractors engaged in waterline main-to-house hook-ups as part of an all-inclusive plumbing installation contract which is to be reported separately in classification 0306; the erection of water towers and tanks by a contractor which is to be reported

separately in classification 0508; contractors engaged in industrial plant maintenance who are to be reported separately in classification 0603; the construction of dams which is to be reported separately in classification 0701; the construction of any new buildings which is to be reported separately in the construction classification applicable to the work being performed; and clerical office and administrative personnel who are to be reported separately as appropriate, classification 5305 for cities and towns, classification 5306 for counties, or classifications 4904 and 6303 for nonmunicipal.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-562 Classification 2101.

2101-00 Grain milling; flour mills; feed mills; feed manufacturing

Applies to establishments engaged in milling grain into flour or meal or in the manufacture of dry (powdered, granule or pellet) feed. Operations contemplated by this classification include the receipt of grain (wheat, barley, oats, corn) in bulk or bag which is purchased from others, grinding or milling the grain to either a coarse or a fine powder, adding binder (molasses), adding and mixing ingredients (depending on product being made), and packaging. This classification includes delivery of products in packaged or bulk form to customers.

This classification excludes establishments engaged in the further processing of flour or meal to manufacture food products which are to be reported separately in the applicable food manufacturing classification, and establishments engaged in the manufacture of canned or frozen animal food which are to be reported separately in classification 3902.

2101-01 Hay, grain or feed dealers

Applies to establishments engaged in the sale of grain, feed, and hay to others. Operations contemplated by this classification are limited to the purchase of hay, grain, or feed in bulk from others and the subsequent resale of these items in bulk to others. Establishments subject to this classification may have a small store operation, a substantial storage facility, or they may haul product from location to location all of which are included within the scope of this classification when done by employees of employers subject to this classification.

This classification excludes the sale of hay by farm operations which is to be reported separately in classification 4808, and establishments engaged in the manufacture of animal feed which are to be reported separately in classification 2101-00.

2101-02 Seed processing

Applies to establishments engaged in the processing of agricultural seeds for wholesale or retail sales. These establishments receive produce such as wheat, barley, alfalfa, lentils, vegetables, fruit or flowers from farmers the seed company has contracted with, or in the case of larger seed companies, they may have their own fields for raising the seed crop. Work contemplated by this classification includes, but is not limited to, cleaning, grading, crushing, separating, and pack-

aging of the product (either by hand or by machine). Machinery includes, but is not limited to, screening machines, air gravity separators, clippers, tumbling drums for polishing, and bagging machines. This classification also includes trial plots or lab research facilities used to develop new seed hybrids and improve existing varieties, consultation services provided to the farmers during planting and harvesting seasons, and custom milling work conducted at the farmer's premises. Also included in this classification are establishments engaged exclusively in providing grain or seed drying services.

This classification excludes growing of seeds, other than on a trial plot, which is to be reported separately in the appropriate agricultural classification; merchants engaged in hand packaging seeds that have been processed by others who are to be reported separately in classification 6309-06; grain milling which is to be reported separately in classification 2101-00; hay/grain/feed dealers which are to be reported separately in classification 2101-01; and grain or bean/pea elevators which are to be reported separately in classification 2007.

2101-05 Hop pellet manufacturing

Applies to establishments engaged in the manufacture of hop pellets. Hop pellets are one of several ingredients used by breweries in the manufacture of beer and ale. Operations contemplated by this classification include, but are not limited to, cold storage room operations where bales of hops are kept, bale breaking and grinding of hops into powder, blending of powders and additives, testing of hops, pelletizing, packaging, and shipping. Establishments subject to this classification may own the hops or do custom blending for others.

This classification excludes establishments engaged in the manufacture of hop extract which are to be reported separately in classification 3701.

Special note: Hop pellets are often referred to as a flavoring so care should be taken, when another classification is being considered, to determine the process used.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-57001 Classification 2907.

2907-00 Wood cabinet, countertop, and fixture: Manufacturing, modifying or assembly

Applies to establishments engaged in the manufacture, modification, or assembly of wood cabinets, countertops, and fixtures. Cabinetry work contemplated by this classification includes, but is not limited to, manufacturing custom or modular cabinets, assembling prefabricated modular cabinet components, refacing existing cabinets and replacing hardware, and modifying the dimension or design of modular cabinets. Manufacturing countertops includes fabricating the core or sub top in addition to laying the plastic laminate, polyester overlay or tile when performed in the shop by employees of employers subject to this classification. Finishing (~~(may be)~~) that is subcontracted out to a (~~(prefinish)~~) prefinishing contractor or performed by the general or specialty construction

contractor at the job site (~~(; however,)~~) is to be reported in the classification applicable to the work being performed. Finish work, including staining, lamination, and the attachment of hardware, is included in classification 2907-00 when performed by employees of an employer subject to this classification. Fixture manufacturing includes built-in store, office, restaurant, bank and residential fixtures such as, but not limited to, showcases, display cases, end aisles, display pedestals, shelving, partitions, racks, closet organizers, bookshelves, work stations, credenzas, podiums, wall units, china hutches, entertainment centers, cashier cubicles, check-out counters, and curio cabinets. The wiring of fixtures for electrical fittings, and the cutting and fitting of plastic laminates, glass, mirrors, or metal trim, when performed in the shop, is included as an integral function of the manufacturing process encompassed within this classification. Raw materials include, but are not limited to, dimensional lumber, plywood, veneer, particleboard, plastic laminates, polyester overlays, sheet rock, slot wall dowels, hardware, mirrors, metal trim, electrical hardware, carpet, upholstery fabric, stain, paint, lacquer or glue. Machinery includes, but is not limited to, table, panel, radial arm, cut-off, chop, rip, band, and miter saws, wide belt sanders, edge sanders, hand finish jointers, mortises, tenoners, drill presses, hand drills, boring machines, edge banders, dowel machines, glue spreaders, face framing machines, pneumatic nail, screw and staple guns, air compressors, spray guns, forklifts, pallet jackets, and dust collectors. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Lumber yards, building material dealers, or general construction contractors that maintain a separate woodworking shop for manufacturing, assembling cabinets, and fixtures are subject to this classification for the woodworking operations, in addition to any other basic classification applicable to their business.

This classification excludes the installation of cabinets, countertops, and fixtures which is to be reported separately in classification 0513; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of metal cabinets which is to be reported separately in classification 3404; lumber remanufacturing which is to be reported separately in classification 2903; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

Special note: Establishments primarily engaged in the manufacture of cabinets, countertops and fixtures, may make other wood products such as doors, windows, moldings, and/or furniture as an incidental activity to the main business. The manufacture of these incidental products is included within the scope of classification 2907-00. Furniture is generally moveable and unsecured. Fixtures are usually secured, stationary, permanently built-in objects. Even though some fixtures may be secured to a wall or floor, they are not intended to be relocated, unlike furniture which is frequently and more easily arranged.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-583 Classification 3406.

3406-00 Automotive or truck gas service stations, N.O.C.

Applies to establishments operating full service gasoline or diesel service stations not covered by another classification (N.O.C.) and includes lube and oil change specialists and mobile lube and oil services. Full service includes, but is not limited to, pumping gas for customers, replacing wiper blades, checking and/or filling the fluid levels (oil, transmission, wiper wash and antifreeze), and adding air to the tires. The repairs included in this classification are oil and filter changes, tune-ups, replacement of brakes, front end alignments and the repair or replacement of tires. This classification includes cashiers.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; establishments engaged in automobile or truck repair services and tune up specialists which are to be reported separately in classification 3411; establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409; self-service gas stations which are to be reported separately in classification 3409; and convenience grocery stores or mini-markets with self-service gasoline operations which are to be reported separately in classification 3410.

3406-01 Automobile or truck storage garages

Applies to establishments operating automobile or truck storage garages. Generally, these types of storage garages consist of an enclosed structure and usually with more than one level of parking. Storage garages may provide additional incidental services such as, but not limited to, gasoline, tune-ups, washing and waxing services, as well as cashiers and full time attendants or security personnel.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; establishments providing parking lot services which are to be reported separately in classification 6704; automobile or truck repair services which are to be reported separately in classification 3411; establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409; self-service gas stations which are to be reported separately in classification 3409; and full service gas station services which are to be reported separately in classification 3406-00.

Special note: Storage garages applicable to this classification are distinguishable from parking lots in classification 6704 in that parking lots usually are not an enclosed structure, and they do not provide service to automobiles.

3406-04 Automobile or truck - detailing by contractor; glass tinting

Applies to establishments engaged in providing automobile or truck detailing services and to establishments engaged solely in tinting glass in automobiles. Detailing services involve(=) complete, in-depth cleaning of exteriors and interiors such as, but not limited to, washing, waxing, polishing, buffing, vacuuming or otherwise cleaning the auto bod-

ies, chrome work, tires, hub caps, windows, mirrors, carpets and seats and may also involve tinting glass. This classification includes ~~((the tinting of automobile or truck window glass when performed by employees of the detailing operation, as well as))~~ cashiers.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; tinting of automobile or truck window glass performed by a glass dealer which is to be reported separately in classification 1108; glass tinting or the application of tinted plastic film to glass windows and doors in buildings which are to be reported separately in classification 0511; detailing performed in connection with automobile or truck dealers, service centers or repair garages which are to be reported separately in classification 3411; detailing performed in connection with automobile or truck body and fender repair shops which are to be reported separately in classification 3412; detailing performed in connection with establishments engaged in the service or repair of machinery or equipment, N.O.C. which is to be reported separately in classification 6409; and detailing performed in connection with full service gas stations which are to be reported separately in classification 3406-00.

3406-05 Automobile or truck car washes

Applies to establishments providing automobile or truck washing services. This classification includes the exterior washing, waxing, polishing or buffing, cleaning of chrome and tires, and the interior cleaning of windows, carpets, dash and seats. These services may be performed at a coin operated self-service unit, or at a full service automatic unit where the vehicle is conveyed through the line assisted by attendants. This classification includes cashiers and the sale of accessory items such as, but not limited to, bottled car care products, air fresheners, floor mats, beverages and snack foods.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; washing services performed in connection with automobile or truck dealers, services centers or repair garages which are to be reported separately in classification 3411; washing services performed in connection with automobile or truck body and fender repair shops which are to be reported separately in classification 3412; washing services performed in connection with establishments engaged in the service or repair of machinery or equipment, N.O.C. which are to be reported separately in classification 6409; washing services performed in connection with full service gas stations which are to be reported separately in classification 3406; washing services performed in connection with self-service gasoline operations which are to be reported separately in classification 3409; and washing services performed in connection with convenience stores that have self-service gasoline operations which are to be reported separately in classification 3410.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-58503 Classification 3411.

3411-00 Automobile: Dealers, rental or leasing agencies, including service (~~centers,~~) repair garages; (~~Automobile or~~)

Recreational vehicle: Dealers, rental/leasing agencies, or service/repair garages

Applies to establishments engaged in (~~the sales, servicing and repairing automobiles and trucks which they have sold, leased, or rented~~) selling, renting, or leasing automobiles, including service/repair centers operated by dealers. This classification also applies to establishments engaged in selling, renting, leasing or servicing/repairing recreational vehicles. For purposes of this classification, the term "automobile" includes standard sized passenger cars, pick up trucks, and sport utility vehicles. The term "recreational vehicle" includes motor homes, travel trailers, campers, and also includes sport and utility trailers. Work contemplated by this classification includes, but is not limited to, all phases of automotive mechanical service and repair work, washing, vacuuming, and waxing vehicles, and (~~automobile and truck~~) detailing such as striping, window tinting, vinyl repair, installing molding and electronic accessories when performed by employees of an employer subject to this classification. This classification includes service managers, parts department employees who have shop exposure, towing service for in-shop repairs, lot personnel, and customer courtesy van or car drivers. (~~Car rental or leasing employees who perform similar duties are also assigned to this classification. Recreational vehicle (motor home) dealers are assigned to this classification provided the dealer is not engaged in the sales of modular or mobile homes at the same location. For purposes of this classification the term "recreational vehicles" will also include travel trailers, campers, and canopies when sold by a dealer that also sells motorized recreational vehicles.~~)

This classification excludes: Dealers or service/repair centers for semi-trucks, diesel tractor-trailers, buses, and other heavy equipment or machinery which are to be reported separately in classification 6409; recreational vehicle dealers who also sell factory built housing units such as modular and mobile homes who are to be reported separately in classification 3415; parts department employees who are not exposed to any hazards of the service/repair shop who (~~are to~~) may be reported separately in classification 6309; auto body shop employees or auto body specialty shops who are to be reported separately in classification 3412; (~~and automobile or truck~~) dealers who sell truck canopies and related accessories, but do not sell the other vehicles/trailers included in this classification who are to be reported separately in classification 1106; establishments engaged in welding or cutting repairs and/or hydraulic installation which are to be reported separately in classification 3402; and sales employees who may be reported separately in classification 6301 provided all the conditions of the general reporting rule covering standard exception employees have been met.

Special note: Used (~~car~~) automobile dealers will not normally (~~not~~) have service/repair garages or parts departments(~~They~~) but will (~~however,~~) have lot personnel and detailers. (~~Car~~) Automobile rental and (~~lease~~) leasing agencies will normally have all the operations described above with the exception of parts department employees. New (~~car~~) automobile dealers will routinely have all of the operations described above. (~~Establishments engaged exclusively in truck canopy sales are to be reported separately in classification 1106.~~)

Establishments engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the service/repair shop.

3411-01 Automobile: Service centers, repair shops or garages

Applies to establishments engaged in servicing and repairing automobiles for others. For purposes of this classification, the term "automobile" includes standard sized passenger cars, pick up trucks, and sport utility vehicles. Work contemplated by this classification includes, but is not limited to, all phases of automotive mechanical service such as engine overhauls and rebuilding, resurfacing heads, valve grinding, transmission overhauls or rebuilding, electrical repairs, brake service, engine tune ups, fuel injection service, carburetor repair, and engine diagnostic service when performed by employees of an employer subject to this classification. This classification includes service managers, parts department employees who have shop exposure, incidental sales of reconditioned cars, towing service for in-shop repairs, and customer courtesy van or car drivers. Parts department employees who are not exposed to any hazards of the repair shop may be reported separately in classification 6309.

This classification excludes auto body shop employees who are to be reported separately in classification 3412.

Special note: While most businesses assigned to this classification have an inventory of parts which they use in the service and repair of customer vehicles, some employers have full line auto parts stores. Care needs to be taken when considering assignment of classification 6309 for auto parts sales. Only those businesses that have a full line auto parts store which is physically separated from the repair shop and whose sales of auto parts are primarily for off-premises repair (do it yourself repair) should be considered for classification 6309. *This classification does not apply to auto repair shops that also sell and install tires on customer vehicles. See classification 6405 for auto repair shops that also sell and install tires.* Establishment engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the repair shop.

3411-02 Automobile: Service specialty shops

Applies to establishments engaged in providing specialized (~~automotive~~) automobile repair services such as air conditioning systems, muffler repair, cruise controls and

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electrical systems. For purposes of this classification, the term "automobile" includes standard sized passenger cars, pick up trucks, and sport utility vehicles. Work contemplated by this classification includes, but is not limited to, inspection of vehicle components for wear, diagnostic analysis, and repair of various components such as brakes and cooling systems, after-market installation of components such as cruise control, air conditioning systems, and sun roofs; and specialized repair services such as mufflers and transmissions. This classification includes service managers, part sales, towing service for in-shop repairs, and customer courtesy van or car drivers.

Special note: Businesses assigned to this classification will generally have an inventory of supplies and parts which they use in the service and repair of customer vehicles although some sales of parts and components may occur. *This classification does not apply to any shop that sells and installs tires on customer vehicles. See classification 6405 for auto repair shops that also sell and install tires.* Establishment engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the repair shop.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-597 Classification 3605.

3605-28 Truck: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of complete trucks. Truck manufacturers subject to this classification are the nonpassenger type vehicles such as semi-trucks. These establishments may manufacture the chassis, body and other truck components or they may purchase any of these items from other manufacturers and simply assemble the trucks. Usually they will purchase the axle assemblies, transmissions, electrical and cooling systems, and steering gears from others. The determining factor to assign this classification is that they do the final assembly of the various components to make the truck operational.

This classification excludes auto or passenger vehicle manufacturing including pick-up trucks which is to be reported separately in classification 3402; truck component manufacturing which is to be reported separately in the appropriate manufacturing classification; and semi-truck repair and service centers which are to be reported separately in classification ((3413)) 6409.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-615 Classification 3902.

3902-00 Fruit and vegetable: Cannery and freezer operations

Applies to establishments engaged in fruit and vegetable canning or freezing operations for wholesale customers. Operations contemplated by this classification include the

receipt of fruit and vegetables directly from growers or dealers, preparing produce for canning by removing foreign materials such as leaves or weeds, washing, sterilizing, grading, peeling, slicing, coring, blanching, scalding and pre-cooking, premeasuring, mixing them in a hopper with sugar or other ingredients, and further processing into canned or frozen products. Pea vining, when performed by employees of a cannery, is also included in this classification.

This classification excludes establishments engaged in evaporating, preserving or dehydrating fruits and vegetables which are to be reported separately in classification 3902-01; establishments engaged in manufacturing fruit juice, cider, jam or jelly which are to be reported separately in classification 3902-02; establishments engaged in packing fresh vegetables and fruits which are to be reported separately in classification 2104; and pea vining when done by employees of farm operations or farm labor contractors which is to be reported separately in the applicable farm classification.

3902-01 Fruit and vegetable: Evaporating, preserving or dehydrating

Applies to establishments engaged in evaporating, preserving, or dehydrating fruits and vegetables for wholesale customers. Operations contemplated by this classification include the receipt of fruit and vegetables directly from growers or dealers, washing, peeling, cooking, pressing fruits and vegetables by machine, adding preservatives and congealants, pasteurizing, then dehydrating, drying, or evaporating to remove the moisture which preserves the fruits and vegetables and leaves only the dry, solid portion. Finished products are packaged in cans, plastic bags, or boxes for shipping.

This classification excludes establishments engaged in canning or freezing of fruits and vegetables which are to be reported separately in classification 3902-00; establishments engaged in manufacturing fruit juice, cider, jam or jelly which are to be reported separately in classification 3902-02; establishments engaged in packing fresh vegetables and fruits which are to be reported separately in classification 2104; and farm operations which are to be reported separately in the applicable farm classification.

3902-02 Fruit syrup or juice, cider, jam or jelly: Manufacturing

Applies to establishments engaged in the manufacture of fruit syrup, juice, cider, jam, or jelly. Operations contemplated by this classification include the receipt of fruit directly from growers or dealers, washing, peeling, and cooking the fruit, extracting juice and separating seeds from pulp with fruit presses or separators, adding sugars, congealants and preservatives, pasteurizing, blending juices to produce a variety of flavors, and further processing to produce bottled, canned, or concentrate products.

This classification excludes establishments engaged in canning or freezing of fruits and vegetables which are to be reported separately in classification 3902-00; establishments engaged in evaporating, preserving or dehydrating fruits and vegetables which are to be reported separately in classification 3902-01; and farm operations which are to be reported separately in the applicable farm classification.

3902-11 Chocolate, cocoa, corn products: Manufacturing

Applies to establishments engaged in the manufacture of cocoa or chocolate such as Dutch or sweet chocolate or of corn products such as, but not limited to, tortillas. Operations contemplated by this classification include receipt of corn and cocoa beans from growers or dealers, processing operations, testing, packaging and shipping. Foreign matter is removed from the cocoa beans and they are sorted, divided, cleaned, and roasted in ovens. Shells are cracked, usually by machines, and the beans examined to ensure quality. Depending on the products being manufactured, beans may be pasteurized, ground, further dried, mixed with chocolate liquor, sugar, powdered milk, cocoa butter, or potassium solutions to make into finished products. Depending on the corn product being made, ingredients are pressed, kneaded, cut, shaped or flattened, and baked or cooked.

This classification excludes establishments engaged in the manufacture of crackers, potato chips, ravioli, tamale, and pasta, or chocolate candy and confections which are to be reported separately in classification 3906, and farm operations which are to be reported separately in the applicable farm classification.

3902-12 Baking powder, dextrine, glucose and starch: Manufacturing

Applies to establishments engaged in the manufacture of baking powder, dextrine, glucose and starch. Operations contemplated by this classification include the receipt of vegetables and grains, such as, but not limited to, potatoes, corn, and wheat from growers or dealers, processing operations, testing, storing finished products in storage tanks, packaging into drums or cans, and shipping. Vegetables or grains are cleaned, sorted, and foreign matter removed. They are dumped onto conveyors and transported to grinding machines where they are ground into a starch paste. Water may be added to make liquid starch or starch milk or dryers may remove excess moisture. Starch blends may be made from raw starch suspensions using chemical solutions. Shakers remove bran, gluten or other particles from the starch suspension. Dextrine is made by further mixing the starch with dextrine paste, adding chemicals, cooking and stirring until the starch is converted to dextrine. Baking powder is made by mixing baking soda, starch, and an acid compound such as cream of tartar.

This classification excludes establishments engaged in the manufacture of food sundries not covered by another classification which are to be reported separately in classification 3902-14 and farm operations which are to be reported separately in the applicable farm classification.

3902-13 Nut shelling, egg breaking, coconut shredding and peanut handling

Applies to establishments engaged in nut shelling, egg breaking, coconut shredding, and peanut handling. Nuts are received from suppliers in bulk and placed into machinery which cracks shells and separates broken shells from the nut meat. Another machine sorts whole nut meats from those that are chipped, broken, or contaminated. At each machine, nuts are examined for rejects, and foreign matter is removed with a vacuum hose or by hand. They may be chopped,

sliced, or left whole, then poured from the machines into sacks or containers. The meats of certain nuts, such as almonds, may be ground into meal, then canned for shipment. This classification also includes the grading and polishing of nuts, and shredding of coconuts. Egg breaking machines break eggs and separate the yolk from the white. They are observed for color, quantity, and clarity; inferior yolks or whites are discarded prior to being automatically dropped onto separator trays with individual cups. Eggs may then be mixed with water, pasteurized or dried prior to packaging.

This classification excludes establishments engaged in the manufacture of oils which are to be reported separately in classification 3902-27 and establishments engaged in the manufacture of food sundries which are to be reported separately in classification 3902-14.

3902-14 Food sundries, N.O.C.: Manufacturing or processing

Applies to establishments engaged in the manufacture of a variety of miscellaneous food products not covered by another classification (N.O.C.). Products include, but are not limited to, imitation crab, spices, peanut butter, condiments, salsa, salad dressings, mayonnaise, soups, tofu, instant potatoes, salads and certain ready-to-eat dishes that are usually sold to wholesale distributors. This classification also applies to the grinding and roasting of coffee beans. Operations contemplated by this classification include the receipt of raw ingredients from growers or dealers, processing operations, testing, quality control, laboratory operations, packaging and shipping. Individual processes, which vary depending on the product being manufactured, include, but are not limited to, cleaning, dividing, grinding, mixing, blending with other ingredients, cooking, cooling, dividing again into desired portions, and packaging. The products are packaged in plastic bags, bottles, or cans, usually by machine. Some products require vacuum sealing, pasteurizing, or freezing.

This classification excludes establishments engaged in the manufacture of crackers, potato chips, ravioli, tamale, pasta, cough drops, confectionery, and chewing gum which are to be reported separately in classification 3906 and farm operations which are to be reported separately in the applicable farm classification.

3902-15 Pickles and sauerkraut: Manufacturing

Applies to establishments engaged in the manufacture of pickles and sauerkraut. Operations contemplated by this classification include the receipt of produce from growers or dealers, processing operations, testing, laboratory operations, packaging and shipping. Produce, such as cucumbers and cabbage, is cleaned, cut, chopped and placed in barrels, vats, or tanks of brine (a mixture of salt, sugar, spices, vinegar) until cured. At the end of curing period, product may be packed into glass jars, plastic bags, or cans. This classification also applies to the pickling of fruits or vegetables such as, but not limited to, tomatoes, peppers, and asparagus.

This classification excludes establishments engaged in canning or freezing of fruits and vegetables which are to be reported separately in classification 3902-00; establishments engaged in evaporating, preserving or dehydrating fruits and vegetables which are to be reported separately in classifica-

tion 3902-01; establishments engaged in packing fresh vegetables and fruits which are to be reported separately in classification 2104; and farm operations which are to be reported separately in the applicable farm classification.

3902-17 Pet food: Manufacturing

Applies to establishments engaged in the manufacture of frozen or canned pet foods. Operations contemplated by this classification include the receipt of raw ingredients, processing operations, packaging and shipping. After bones and foreign matter are removed, raw ingredients are cleaned and ground. Depending on the product, various ingredients such as, but not limited to, animal meat and fat, fish by-products, cornmeal, soybean meal, ground wheat, rice, poultry, yeast, whey, salt, acids, chemicals, minerals, vitamins, water, or oil are mixed in large vats either by machine or by hand. Mixture is frozen or baked, dried, and (~~shaped or~~) packed into cans.

This classification excludes establishments engaged in the manufacture of dry pet food using a milling process which is to be reported separately in classification 2101 and farm operations which are to be reported separately in the applicable farm classification.

3902-24 Breakfast food: Manufacturing

Applies to establishments engaged in the manufacture of breakfast foods such as cereals or breakfast bars. Operations contemplated by this classification include the receipt of ingredients, processing operations, quality control, laboratory operations, packaging, and shipping. Flour, meal, or milled grains such as, but not limited to, corn, oats, barley, wheat, and nuts are mixed with other ingredients, formed into a dough, rolled out and extruded into flakes or other shapes. Pressure cylinders may be used to expand or puff whole grains. Cereals may be sifted through screens to check for size, color, and uniformity or otherwise tested for quality, then baked or dried in bulk prior to packaging.

This classification excludes establishments engaged in the manufacture of wholesale bakery goods which are to be reported separately in classification 3906; establishments engaged in milling or grinding operations which are to be reported separately in classification 2101; and farm operations which are to be reported separately in the applicable farm classification.

3902-26 Poultry canning and canneries, N.O.C.

Applies to establishments engaged in canning poultry or canning operations not covered by another classification (N.O.C.). Operations contemplated by this classification include the receipt of poultry or other products, processing operations, quality control, laboratory operations, packaging, and shipping. The process includes, but is not limited to, washing, cutting or chopping, and cooking poultry or other foods items. Preservatives or flavorings may be added before product is sealed in cans or jars.

This classification excludes establishments engaged in canning or freezing fruits or vegetables which are to be reported separately in classification 3902-00 and establishments engaged in canning or dehydrating meat products which are to be reported separately in classification 4301.

3902-27 Vegetable oil or butter substitutes: Manufacturing

Applies to establishments engaged in the manufacture of salad or vegetable oils, shortening, margarine or other butter substitutes. Operations contemplated by this classification include the receipt of seeds or beans from growers or through dealers, processing operations, quality control, laboratory operations, packaging and shipping. To make oils, soybeans, cottonseeds, safflower seeds, or shelled corn is cracked, ground, milled, steam cooked, and pressed to extract the oil. Depending on the product being made, other ingredients such as water, milk, powdered milk or salt may be blended with the oil, then heated, filtered, and filled into cans or bottles. To make shortening or butter substitutes, flavoring, catalytic agents, and chemicals are added to harden the oils; some products are kneaded to spread the coloring uniformly; then they are packaged in cans, plastic containers, or wrapped in plastic or foil. Machinery includes, but is not limited to, grinders, screens, presses, extractors, dryers, and conveyors.

This classification excludes establishments engaged in the manufacture of "real" butter which are to be reported separately in classification 4002 and farm operations which are to be reported separately in the applicable farm classification.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-618 Classification 3905.

3905-00 Restaurants, N.O.C.

Applies to establishments engaged in restaurant operations not covered by another classification (N.O.C.). These establishments are "traditional, family or full service" restaurants that provide sit-down services, or cafeteria or buffet style meals. This classification includes the preparation and service of food and beverages. Establishments in this classification may serve beer and wine; however, they are prohibited from selling spirits or hard liquor(~~, cocktails, and mixed drinks that Class H restaurants sell~~). Typical occupations include, but are not limited to, hostesses, waiters, waitresses, cooks, busboys, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in conjunction with the restaurant.

This classification excludes establishments engaged in operating (~~(Class H)~~) restaurants or lounges that sell spirits or hard liquor(~~, cocktails, and mixed drinks~~) which are to be reported separately in classification 3905-07, and catering services that are not part of the restaurant operation which are to be reported separately in classification 3909.

Special note: Traditional, family or full service restaurants are establishments where wait persons bring customers a menu, take orders, and deliver prepared meals to the customer's table or where customers choose from a variety of food items from a buffet or cafeteria style service. Such establishments will generally use nondisposable eating utensils and plates to serve food as opposed to throw away paper plates and plastic eating utensils. Care should be exercised when dealing with establishments that provide entertainment

such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a restaurant are to be reported separately in classification 6605.

3905-01 Food, drink, and candy vending concessionaires at theatres, parks, tracks, and exhibitions

Applies to establishments engaged in operating food, drink or candy concessions at ball parks, race tracks, theaters and exhibitions. This classification is applicable only to concession operations which are operated independent from the facility or event at which the concession service is being provided. These independent vendors selling food items are not employees of the facility or site where the event or exhibition is taking place. Vendors subject to this classification sell a variety of food, snack and beverage items from booths, mobile push carts, mobile stands, carrying boxes, or trays.

This classification excludes food and beverage operations (concession stands) operated in connection with an event or facility by employees of the event sponsor or facility operator which are to be reported separately in the classification applicable to the event or exhibition; street vendors or route food services which are to be reported separately in classification 1101; vendors of nonfood items which are to be reported separately in the applicable classification; and vending machine service companies that replenish food, snack and beverage products which are to be reported separately in classification 0606.

3905-03 Commissaries and restaurants with construction, erection, logging or mine operations

Applies to commissary or restaurant operations conducted *exclusively* in connection with a construction, erection, logging or mining camp operation. This classification is limited to food preparation services provided at a camp site or at a mess hall used to feed employees of the construction, logging, erection, or mining company. The foods prepared and served are not intended for, or offered to, the general public.

Special note: The purpose of this classification is to provide employees engaged in the food preparation activity with a classification representative of the work being performed, even though such activities may be occurring at or adjacent to the construction, logging, erection or mining site as provided for in the general reporting rule covering general inclusions.

3905-04 Eating establishments, N.O.C. such as public lunch counters in stores

Applies to establishments not covered by another classification (N.O.C.) engaged in operating lunch counters and restaurants within a retail store location. Use of this classification is limited to employees of an employer who also operates the retail store where the food service is located.

3905-06 Taverns

Applies to establishments engaged in the operation of a tavern. A tavern is primarily engaged in the sale of beer and wine for on-premises consumption, and may also provide a variety of foods ranging from peanuts and pretzels to hot food dishes. Typical occupations include, but are not limited to, bartenders, waiters, waitresses, cooks, busboys, dishwashers,

and managerial staff. Beer may also be sold by the keg with the rental of necessary taps and pumps. This classification includes the operation of a "beer garden" at special events such as, but not limited to, fairs or race meets, and the operation of a card room in connection with the tavern.

This classification excludes restaurants with a ((Class H)) license ((that)) to sell spirits or hard liquor which are to be reported separately in classification 3905-07.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a tavern are to be reported separately in classification 6605.

3905-07 ((Class H)) Restaurants selling spirits or hard liquor

Applies to establishments engaged in the operation of a ((Class H)) restaurant (~~(A Class H restaurant is defined as having a legal permit to offer the sales of hard liquor, mixed drinks, and cocktails)~~) having a license to sell spirits or hard liquor, beer and wine in connection with their food preparation and service. This classification includes the preparation and service of food and beverages at sit down restaurants and lounges. Such establishments have extensive cooking facilities and equipment to prepare full meals. Typical occupations covered by this classification include, but are not limited to, bartenders, hostesses, waiters, waitresses, valet parking attendants, cooks, busboys, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in connection with the restaurant.

This classification excludes establishments engaged as a restaurant without a ((Class H)) license to sell spirits or hard liquor which are to be reported separately in classification 3905-00; taverns which are to be reported separately in classification 3905-06; catering services which are not part of a restaurant operation which are to be reported separately in classification 3909; musicians who are to be reported separately in classification 6605; and entertainers such as dancers who are to be reported separately in classification 6620.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a restaurant are to be reported separately in classification 6605.

3905-08 Pizza parlors

Applies to establishments engaged in operating a pizza parlor or restaurant. Establishments subject to this classification specialize in the preparation and sales of pizza (but may also provide other foods) and beverages such as wine, beer, or soft drinks for on-premises consumption. Typical occupations include, but are not limited to, hostesses, waiters, waitresses, cooks, busboys, dishwasher, cashiers, and managerial staff. This classification also includes establishments that deliver pizza to customers, or where customers can pick up

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already prepared pizza at the shop, but where no customer seating is provided.

This classification excludes pizza parlors with a ((Class H)) license to sell spirits or hard liquor which are to be reported separately in classification 3905-07 and U-bake pizza operations which are to be reported separately in classification 6403.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a pizza parlor are to be reported separately in classification 6605.

3905-09 Fast food drive-ins, N.O.C.

Applies to establishments engaged in the operation of fast food drive-ins or restaurants. These establishments serve easily prepared foods quickly and nonalcoholic beverages which can be eaten on the premises or picked up by customers at a counter or a drive through window. Fast food establishments offer a variety of menu items such as, but not limited to, hamburgers, french fries, tacos, sandwiches, fried chicken, hot dogs, fish and chips.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101 and full service restaurants which are to be reported separately in classification 3905-00.

3905-11 Soft drink lounges

Applies to establishments engaged in operating soft drink lounges. These types of establishments may provide entertainment such as dancing for an adult audience or a place where youths under the age of 21 can dance or listen to music. These lounges do not sell alcoholic beverages. This classification includes the preparation and service of light snacks and hors d'oeuvres, such as chips, peanuts, pretzels or finger sandwiches.

This classification excludes entertainers such as exotic dancers who are to be reported separately in classification 6620 and musicians who are to be reported separately in classification 6605.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a lounge are to be reported separately in classification 6605 or 6620 as applicable.

3905-12 Ice cream parlors

Applies to establishments engaged in the operation of an ice cream parlor or frozen yogurt shop. These specialty shops offer a limited menu, usually confined to ice cream and frozen yogurt offered in individual servings, various size containers, and specialty items. Special occasion ice cream cakes may be ordered and picked up at a later date by the customer. These establishments usually provide customer seating.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101.

3905-13 Candy, nut, and popcorn retail stores with on-premises manufacturing

Applies to establishments engaged in operating candy, nut or popcorn stores where some or all the products sold are manufactured on the premises. Establishments in this classification may sell a variety of candies, nuts, or popcorn, or may specialize in one or two products. They may also sell their products in gift wrapped packages.

This classification excludes establishments engaged in selling candy, nuts, or popcorn, *that do not manufacture* any product on the premises, which are to be reported separately in classification 6406, and establishments primarily engaged in the wholesale manufacturing of candy which is to be reported separately in classification 3906.

3905-14 Espresso/coffee stands and carts

Applies to vendors operating espresso or coffee stands or carts. Products sold include, but are not limited to, coffee, espresso, lattes, Italian sodas, soft drinks, pastries and pre-packaged items. These types of vendors *do not prepare food*. This classification is distinguishable from retail coffee, tea or spice stores in that coffee stands or carts in classification 3905 sell only ready-to-serve products; they do not sell packaged coffee, tea or spice items.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-643 Classification 4802.

4802-02 Farms: Berry

Applies to establishments engaged in raising berries of all types. Work contemplated by this classification includes, but is not limited to, preparing soil for new plants, planting, fertilizing, weeding, pruning canes, cutting runners, installing posts and wire supports, tying vines, machine harvesting of berries, and installing or maintaining sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes roadside fruit stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately in classification 6403 provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes fresh fruit packing operations which are to be reported separately in classification 2104; fruit cannery or freezer operations which are to be reported separately in classification 3902; winery operations which are to be reported separately in classification 3702; hand harvesting of berries which is to be reported separately

in classification 4806; and any contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as, but not limited to, weeding, planting, irrigating, or fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4802-03 Farms: Bulb raising

Applies to establishments engaged in raising flowers and plants for bulbs. Work contemplated by this classification may take place in an open field or a greenhouse. Farming activities include, but are not limited to, preparing soil for new plants; planting, fertilizing, weeding, dead heading or cutting flowers, maintaining or installing sprinkler or irrigation systems, and machine digging and harvesting bulbs when performed by employees of an employer subject to this classification. Any subsequent grading, sorting, packing and shipping of bulbs is included within the scope of this classification as are roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes establishments engaged exclusively in the sale of fresh cut flowers and potted plants who are not involved in the cultivation of plants or flowers which are to be reported separately in classification 6404; hand picking of bulbs which is to be reported separately in classification 4806; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as, but not limited to, weeding, planting, irrigating, or fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4802-06 Picking of forest products, N.O.C.

Applies to establishments engaged exclusively in picking forest products that are not covered by another classification (N.O.C.) such as, but not limited to, holly, ferns, cones, cedar boughs, mushrooms, wild flowers, wild berries, moss, and tree bark. Work contemplated by this classification is limited to hand picking operations and is often accomplished through the aid of hand held cutting devices such as pruning shears or saws. Properties from which products are harvested from may be owned or leased. Operations not described above are to be reported separately in the classification applicable to the work being performed.

Special note: The farm labor contractor provision, as described in the general reporting rules, is not applicable to this classification as such establishments are not engaged in a farming operation.

4802-11 Farms: Flower or vegetable seeds

Applies to establishments engaged in raising flowers, flowering plants or vegetable plants for seed. Work contemplated by this classification may take place in an open field or a greenhouse. Farming activities include, but are not limited to, preparing soil for new plants, planting, fertilizing, weeding, machine harvesting seeds, cutting fresh flowers, harvesting incidental fresh vegetables, maintaining or installing sprinkler or irrigation systems, and drying of the seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification as is the incidental sale of fresh cut flowers or vegetables from roadside stands located at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; establishments engaged exclusively in the sale of fresh cut flowers and potted plants who are not involved in the cultivation of plants or flowers which are to be reported separately in classification 6404; hand gathering of seeds where no hand held cutting device is used which is to be reported separately in classification 4806; establishments engaged exclusively in the sale of fresh vegetables but are not involved in the cultivation of plants which are to be reported separately in classification 6403; and any contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies

to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4802-12 Farms: Field vegetable crops - mechanically harvested

Applies to establishments engaged in raising field vegetable crops *which are mechanically harvested*. Work contemplated by this classification includes, but is not limited to, preparing soil for new plants, planting, fertilizing, weeding, pruning, machine harvest of vegetables, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met. Typical crops include the following:

Beans, Green	Parsnips	Squash
Beets, Table	<u>Potatoes</u>	Tomatoes
Carrots	Radishes	Turnips
Corn, Sweet	Rhubarb	
Cucumbers	Rutabagas	

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; and any contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported in the classification applicable to the work being performed.

Special note: This classification differs from classification 4808 "diversified field crops" in that vegetable crops grown subject to classification 4808 generally have a long growing season and are harvested upon reaching maturity at the end of the season. Vegetable crops grown in classification 4802 are generally planted so that harvesting will occur continuously over the season and in smaller quantities. Although corn is technically a grain crop, it is widely accepted as a vegetable crop when harvested for fresh market as opposed to being left in the field to dry and used as feed, flour, or cereal grain. Corn grown subject to classification 4802 is for a fresh market, cannery or frozen food while the corn grown in classification 4808 is for grain, flour and feed.

The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be

reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

**4802-13 Farms: Flowers - field growing
Farms: Florists - cultivating or gardening**

Applies to establishments engaged in raising flowers and flowering plants for sale. Work contemplated by this classification may take place in an open field or a greenhouse. Farming activities include, but are not limited to, preparing soil for new plants, planting, fertilizing, weeding, cutting fresh flowers, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of flowers is included within the scope of this classification as is the incidental collection of flower seed for use in future crops. This classification includes roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes establishments engaged exclusively in the sale of fresh cut flowers and potted plants who are not involved in the cultivation of plants or flowers which are to be reported separately in classification 6404 and any contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808-11 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-649 Classification 4808.

4808-01 Farms: Diversified field crops

Applies to establishments engaged in growing a variety of grain, vegetable, or grass crops during a single season. Work contemplated by this classification includes, but is not limited to, preparing the soil for new crops, planting, fertilizing, weeding, harvesting, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of farm products grown subject to this classification is included within the scope of this classifica-

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tion. This classification includes roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met. Typical crops include the following:

Alfalfa	Garlic	((Potatoes))
Barley	Grain	Rye
Beans, Dry	Grass Seed	Sugar Beets
Clover	Hay	Timothy
Corn	Peas, Dry	Wheat

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; establishments engaged exclusively in the sale of fresh vegetables who are not involved in the cultivation of plants which are to be reported separately in classification 6403; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: This classification differs from classification 4802 "vegetable farm operations" in that vegetable crops grown subject to classification 4808 generally have a long growing season and are harvested upon reaching maturity at the end of the season. Vegetable crops grown in classification 4802 are generally planted so that harvesting will occur continuously over the season and in smaller quantities. See classification 4802-12 for additional information. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-02 Farms: Alfalfa, clover and grass seed

Applies to establishments engaged exclusively in raising alfalfa, clover, and grass crops for seed. Work contemplated by this classification includes, but is not limited to, preparing soil for crops, planting, fertilizing, machine harvesting, maintaining or installing sprinkler or irrigation systems, and drying of seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands operated at or near the farm and farm store operations where a small stock of products not pro-

duced by the operation subject to this classification may also be offered for sale.

This classification excludes establishments engaged in grading, sorting, and packaging seeds; or selling baled alfalfa or clover who are not engaged in growing operations which are to be reported separately in classification 2101; establishments engaged exclusively in grain or seed storage who are not engaged in growing operations which are to be reported separately in classification 2007; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-04 Farms: Hay

Applies to establishments engaged exclusively in raising hay or straw grass for sale, and includes the raising of such crops for seed. Work contemplated by this classification includes, but is not limited to, preparing soil for crops, planting, fertilizing, machine harvesting, maintaining or installing sprinkler or irrigation systems, and drying of seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale.

This classification excludes establishments engaged in grading, sorting, and packaging seeds, or selling baled hay who are not engaged in growing operations which are to be reported separately in classification 2101 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-06 Farms: Cereal grain

Applies to establishments engaged in growing cereal grain crops. Work contemplated by this classification includes, but is not limited to, preparing the soil for new crops, planting, fertilizing, weeding, harvesting, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of farm products grown subject to this classification is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands or operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Typical cereal grain crops include the following:

Barley	Rye
Corn	Wheat

This classification excludes contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special notes: See classification 4802-12 for additional information relative to corn. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-07 Potato sorting and storage

Applies to establishments engaged in storing potatoes in storage warehouses or cellars. Work contemplated by this classification is limited to sorting the good potatoes from damaged ones or from debris such as vines or rocks, piling them into the storage area by size, and storing them until they are taken to processing or packing plants. Sorting may be done either in the field or at a storage warehouse. This classification also includes potato digging and piling when performed by employees of an employer engaged in storing potatoes but who is not engaged in growing potatoes.

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; potato chip manufacturing which is to be reported separately in classification 3906; establishments engaged exclusively in the sale of fresh vegetables who are not involved in the cultivation of plants which are to be reported separately in classification 6403; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

4808-08 Custom hay baling

Applies exclusively to a specialist farm labor contractor engaged in mowing, turning, and baling hay owned by others. This classification also includes the incidental loading of hay onto trucks and stacking of hay in a barn or warehouse when performed by employees of a specialist farm labor contractor engaged in mowing, turning, and baling hay for others.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

4808-10 Farms: Shellfish - mechanical harvesting

Applies to establishments engaged in the propagation of shellfish for sale and includes the subsequent harvest of shellfish by means of mechanical dredging operations. Work contemplated by this classification includes spawning of shellfish, seeding in controlled tanks, placement of shellfish into deep water growing beds, harvesting, and processing. Harvesting, processing, and packing of shellfish by a farm labor contractor is included in this classification provided that the shellfish being harvested were grown by an establishment subject to this classification. This classification includes the sale of shellfish at roadside stands operated at or near the business location and store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Businesses operating multiple retail locations may qualify to have those activities reported separately if all the conditions of the general reporting rule covering the operation of a secondary business have been met.

This classification excludes establishments engaged in the harvesting, processing or packaging of shellfish obtained from natural areas where the husbandry of the resource is not an integral part of the operation which are to be reported separately in classification 3304 and contractors hired by a shellfish grower to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The distinction between establishments assigned to classification 4808 and those which are to be reported separately in classification 4805 is in the harvesting process. Establishments subject to classification 4805 are engaged in hand harvesting activities which includes the use of hand held tools while those assigned to classification 4808 are engaged in mechanical harvesting activities by way of dredging operations. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as seeding of larvae to mother shells and planting shells to natural waters. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in oper-

ating machinery is the same irrespective of the type of farm they are providing service to.

4808-11 Custom farm services by contractor

Applies exclusively to contractors engaged in supplying and operating agricultural machinery and equipment at their customer's locations. Work contemplated by this classification involves preparing fields for crops, planting and cultivating crops, fertilizing, and harvesting operations using machinery and equipment such as, but not limited to, tractors, plows, fertilizer spreaders, combines, reapers, potato diggers, boom loaders and pickers. Contractors subject to this classification are generally not responsible for the overall care of the crops, but are merely hired to provide specified services, which involve the use of machinery and employee equipment operators. This classification also includes seasonal agricultural produce hauling from the field to a processing or storage plant when performed by employees of an employer not engaged in the related farming operations associated with the crop being hauled.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-66003 Classification 5005.

5005-00 Logging and/or tree thinning - mechanized operations

(to be assigned only by classification services staff)

Applies to establishments engaged in mechanized logging or tree thinning operations. For purposes of this classification, mechanized logging is defined as the entire process of felling, removal (skidding), yarding, processing, delimiting, bucking and loading of trees/logs by machine. This classification can ~~((only))~~ be used by a logging contractor only if the entire side is being logged using methods and equipment described in this rule. If any portion of the side is being logged by conventional methods the entire operation must be reported in classification 5001 -Logging, N.O.C. *For example*, an employer that subcontracts to fell trees with a feller/buncher or processor but is not involved in the removal (skidding) of the trees, the processing (delimiting and bucking) of the trees and the loading of trees is excluded from classification 5005 and is to be reported in classification 5001 -Logging, N.O.C. Any employer whose operation includes any manual felling, removal, processing, or loading of trees is excluded from classification 5005 and is to be reported in classification 5001 -Logging, N.O.C. Work contemplated by this classification includes the falling of trees with a machine such as a feller buncher or processor; skidding logs to the landing with use of a grapple skidder or forwarder; delimiting logs with a mechanized delimitter such as a stroke delimitter, processor, CTR or harvester; and loading logs onto log trucks with a mechanical loader or shovel. Equipment used by employers subject to this classification will consist of the following:

Feller/buncher - used to fell trees and place felled trees into stacks (bunches) for removal to the log landing for further processing. The operator of this machine does not leave

the cab of the machine in the performance of duties in the logging operation.

Processor - used to fell trees, delimit them, buck tree to desired log length and stack the bunches for removal to the landing where they will be segregated by general grade and loaded onto log trucks. A processor is sometimes used at the landing to delimit trees and buck them to log length, especially when the trees are felled by a feller/buncher. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Grapple skidder - is used to remove (ground skid) stacks (bunches) of felled trees from the woods to the landing. The industry refers to both the skidder and the bulldozers as a tractor. The two are distinguished from one another in that the skidder is a tire-driven tractor and the bulldozer is a track-driven tractor. A bulldozer equipped with a grapple is an acceptable piece of equipment to be used in the removal of trees. The operator of either the grapple skidder or bulldozer equipped with grapple does not leave the cab of the machine in the performance of duties in the logging operation.

Forwarder - is used to remove logs as cut by a processor from the woods to an awaiting log truck or to be stacked in piles for a future pick up by a log truck. This is a small specialized tractor equipped with a self-loader and a log bunk. The operator of this machine does not leave the machine in the performance of duties in the logging operation.

Harvester - is used at the landing of the logging side to delimit trees and buck trees to desired log length. This machine can also be used to load logs onto log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Loader - is used at the landing to load logs onto log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

This classification excludes log hauling which is to be reported separately in classification 5003 and logging road construction which is to be reported separately in classification 6902.

Special notes: If any portion of the logging contract is performed manually or by hand, the establishment does not qualify for this classification. If any portion of the logging contract is subcontracted out to another business and is performed manually or by hand, then ~~((and))~~ none of the businesses involved in the logging contract will ~~((not))~~ qualify for this classification and are to be reported separately in classification 5001.

All equipment used by employers subject to this classification must meet WISHA guidelines for Roll Over Protection Standards (ROPS) and Falling Object Protection Standards (FOPS).

See classification 5206 (WAC 296-17-675) for permanent shop/yard operations.

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AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-675 Classification 5206.

5206-78 Permanent yard or shop operations; logging or log hauling contractor

Applies to a permanent yard or shop of logging or log hauling contractors. This classification is limited to contractor yards and shops which are maintained exclusively for the storage of materials and maintenance of equipment used in their logging and/or log hauling business. This classification does not contemplate any manufacturing operations. Only employees of a logging or log hauling contractor who are assigned to the shop or yard are to be reported in this classification. This classification is further restricted in that employees reported in classification 5206-78 cannot have any other duties other than those related to the storage of materials and/or the maintenance of equipment during their work shift or work day. Any employee having any other duties during their assigned work shift or day are to be reported separately in the applicable logging or log hauling classification.

Special note: Under no circumstances can this be the only classification assigned to an employer.

5206-79 Permanent yard or shop operations; Construction or erection contractor

Applies to a permanent yard or shop of construction or erection contractors. This classification is limited to contractor yards and shops which are maintained exclusively for the storage of materials and maintenance of equipment used in their construction business. This classification does not contemplate any manufacturing operations. For example, a contractor engaged in cabinet manufacturing and installation is to report the shop and yard operation in classification 2907 and is not entitled to classification 5206. Only employees of a construction or erection contractor who are assigned to the shop or yard are to be reported in this classification. This classification is further restricted in that employees reported in classification 5206-79 cannot have any duties other than those related to the storage of materials and/or the maintenance of equipment during their work shift or work day. Any employee having any other duties during their assigned work shift or day are to be reported separately in the applicable construction classification.

Special note: Under no circumstances can this be the only classification assigned to an employer.

5206-80 Permanent yard or shop operations; interstate and/or intrastate trucking

Applies to a permanent yard or shop of interstate and/or intrastate trucking establishments. This classification is limited to yards and shops which are maintained exclusively for the storage or maintenance of transportation equipment or related equipment used in their trucking operation. This classification does not contemplate any driving duties, or the handling or storage of freight. Only employees of a trucking operation who are assigned to the shop or yard are to be reported in this classification. This classification is further restricted in that employees reported in classification 5206-80 cannot have any other duties other than those related to the

storage or maintenance of equipment during their work shift or work day. Any employee having any other duties during their assigned work shift or day are to be reported separately in the applicable trucking classification.

Special note: Under no circumstances can this be the only classification assigned to an employer. *And, this classification is not to be assigned to any business assigned classification 1101 for delivery services.*

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-678 Classification 5305.

5305-06 Clerical office, administrative employees, and elected officials of cities and towns

Applies to clerical office, administrative employees, and elected officials of cities and towns. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers (~~and must be free from all operative hazards of the work environment~~). Administrative duties may be conducted in or out of the city or town facilities, but are conducted in an atmosphere free from the operative hazards of the work environments (~~associated with operations~~) such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers or similar activities professionals would perform.

See classifications 0803, 1301, (~~1404~~) 1507, 6901, 6904, 6905 and 6906 for other city or town operations.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-679 Classification 5306.

5306-07 Clerical office, administrative employees, and elected officials of counties, public utility districts and taxing districts, N.O.C.

Applies to clerical office, administrative employees, and elected officials of counties, public utility districts and taxing districts, not otherwise classified (N.O.C.). Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers (~~and must be free from all operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works~~). Administrative duties may be conducted in or out of the county, public utility district or taxing district facilities, but are conducted in an atmosphere free from the operative hazards of (~~the~~) work environments such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers,

alcohol and drug abuse programs, senior health and nutrition programs, medical and dental clinics or similar activities professionals would perform.

See classifications 1301, (~~(1404)~~) 1501, 1507, 4201, 6103, 6104, 6901, 6904, 6905, and 6906 for other county, public utility districts and taxing districts operations.

5306-25 Clerical office and administrative employees of Native American tribal councils

Applies to clerical office and administrative employees of Native American tribal councils. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers (~~(and must be free from all operative hazards of the work environment)~~). Administrative duties may be conducted in or out of the tribal council facilities, but are conducted in an atmosphere free from the operative hazards of (~~(the)~~) work environments (~~(associated with operations)~~) such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers, alcohol and drug abuse programs, senior health and nutrition programs, youth services, counselors, courts, medical and dental clinics or similar activities professionals would perform.

See classifications 1501 and 6905 for other Native American tribal council operations.

Special note: Tribal operations unrelated to the business of governing such as liquor and tobacco stores, casinos, logging, fisheries and bingo parlors are to be reported separately in the classification applicable to the operation.

5306-26 Clerical office and administrative employees of local public housing authorities

Applies to clerical office and administrative employees of local public housing authorities. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers (~~(and must be free from all operative hazards of the work environment)~~). Administrative duties may be conducted in or out of the housing authority facilities, but are conducted in an atmosphere free from the operative hazards of (~~(the)~~) work environments (~~(associated with operations)~~) such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers or similar activities professionals would perform.

This classification excludes all other employees including meter readers who are to be reported separately in classification 1501 and volunteers who are to be reported separately in classifications 6901 or 6906 as appropriate.

5306-27 Clerical office and administrative employees of military base maintenance contractors

Applies to clerical office and administrative employees of military base maintenance contractors. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers (~~(and must be free from all operative hazards of the work environment)~~). Administrative duties may be conducted in or out of the military base facilities, but are conducted in an atmosphere free from the operative hazards of (~~(the)~~) work environments (~~(associated with operations)~~) such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers or similar activities professionals would perform.

See classification 1501 for other military base maintenance contractors' operations.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-686 Classification 6109.

6109-00 Physicians, surgeons, and medical clinics, N.O.C.

Applies to establishments of licensed practitioners such as physicians and surgeons, and to medical clinics not covered by another classification (N.O.C.) engaged in the practice of general or specialized medicine and surgery. Physicians diagnose and treat a variety of diseases and injuries, order or execute various tests, analyses, and diagnostic images to provide information on a patient's condition, analyze reports and findings of tests and of examination, diagnose conditions, and administer or prescribe treatments and drugs. Physicians may also inoculate and vaccinate patients to immunize them from communicable diseases, or refer patients to a medical specialist or other practitioners for specialized treatment. They may also make house and emergency calls to attend to patients unable to visit the office. Surgeons examine patients to verify necessity of surgery, review reports of patient's general physical condition and medical history, reactions to medications, estimate possible risk to patient, and determine best operational procedure. Surgeons may specialize in a particular type of surgery. This classification includes licensed ophthalmologists who specialize in the diagnosis and treatment of diseases and injuries of the eyes, and examine patients for symptoms indicative of organic or congenital ocular disorders. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the physician's or surgeon's office or in a medical clinic, such as laboratory or X-ray technicians, and nurses.

This classification excludes psychologists and psychiatrists who are to be reported separately in classification 6109-10; optometrists who are to be reported separately in classification 6109-09; radiology and MRI referral clinics which are to be reported separately in classification 6109-17; orthotic referral clinics which are to be reported separately in classifi-

cation 6109-14; and nutrition, diet, or weight loss clinics which are to be reported separately in classification 6109-12.

6109-01 Dentists and dental clinics

Applies to establishments of licensed dental practitioners and dental clinics engaged in the practice of general or specialized dentistry. Services provided by dental offices or clinics include, but are not limited to, examination of teeth and gums to determine condition, diagnosis of disease, injuries, or malformation, extractions, fillings, root canals, oral surgery, tooth replacement, cleaning, instruction on oral and dental hygiene and preventative care. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the dentist's office such as hygienists, and dental assistants or technicians.

6109-02 Chiropractors, N.O.C.

Applies to establishments of licensed practitioners not covered by another classification (N.O.C.) who are engaged in the practice of chiropractic medicine. Chiropractors diagnose and treat musculoskeletal conditions of the spinal column and extremities to prevent disease and correct abnormalities of the body believed to be caused by interference with the nervous system. They manipulate the spinal column and other extremities to adjust, align, or correct abnormalities caused by neurologic and kinetic articular dysfunction. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the chiropractor's office.

6109-04 Naturopaths, N.O.C.

Applies to establishments of health practitioners not covered by another classification (N.O.C.) who diagnose, treat, and care for patients, using a system of practice that bases treatment of physiological functions and abnormal conditions on natural laws governing the human body, relying on natural remedies such as, but not limited to, acupuncture, sunlight supplemented with diet, and naturopathic corrections and manipulations to treat the sick. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the naturopath's office.

6109-08 Physical therapists, N.O.C.

Applies to establishments of health practitioners not covered by another classification (N.O.C.) who are engaged in the practice of physical therapy, occupational therapy, respiratory therapy, or speech therapy. Therapists treat and rehabilitate people with physical or mental disabilities or disorders, to develop or restore functions, prevent loss of physical capacities, and maintain optimum performance. Includes occupations utilizing means such as exercise, massage, heat, light, water, electricity, and specific therapeutic apparatus, usually as prescribed by a physician; or participation in medically oriented rehabilitative programs, including educational, occupational, and recreational activities. *Physical therapists* plan and administer medically prescribed physical therapy treatment for patients suffering from injuries, or muscle, nerve, joint and bone diseases, to restore function, relieve pain, and prevent disability. *Occupational therapists* plan, organize, and conduct occupational therapy programs to facilitate development and rehabilitation of the mentally,

physically, or emotionally handicapped. *Respiratory therapists* administer respiratory therapy care and life support to patients with deficiencies and abnormalities of the cardiopulmonary system, under the supervision of physicians and by prescription. *Speech therapists* specialize in diagnosis and treatment of speech and language problems, and engage in scientific study of human communication. This classification includes clerical office and sales personnel, as well as other employees engaged in therapy services and also includes travel to health facilities or other locations to administer therapy services.

6109-09 Optometrists, N.O.C.

Applies to establishments of optometrists not covered by another classification (N.O.C.). Optometrists are licensed practitioners, but do not hold a medical degree. An optometrist in general practice examines patients' eyes to determine the nature and degree of vision problems or eye diseases and prescribes corrective lenses or procedures, performs various tests to determine visual acuity and perception and to diagnose diseases and other abnormalities, such as glaucoma and color blindness. An optometrist may specialize in the type of services provided, such as contact lenses, low vision aids, or vision therapy, or in the treatment of specific groups such as children or elderly patients. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the optometrist's office.

This classification excludes optometrists employed by optical goods stores who are to be reported separately in classification 6308, and ophthalmologists who are to be reported separately in classification 6109-00.

6109-10 Psychologists and psychiatrists, N.O.C.

Applies to establishments of licensed practitioners not covered by another classification (N.O.C.) who are engaged in the diagnoses and treatment of patients with mental, emotional, or behavioral disorders. *Psychologists* are licensed practitioners who diagnose or evaluate mental and emotional disorders of individuals and administer programs of treatment. They interview patients in clinics, hospitals, prisons, and other institutions, and study medical and social case histories. *Psychiatrists* are licensed practitioners who diagnose and treat patients with mental, emotional, and behavioral disorders. They organize data obtained from the patient, relatives, and other sources, concerning the patient's family, medical history, and the onset of symptoms, and determine the nature and extent of mental disorder and formulate a treatment program utilizing a variety of psychotherapeutic methods and medications. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the doctor's office.

6109-12 Nutrition, diet, or weight loss clinics, N.O.C.

Applies to establishments engaged as nutrition, diet, or weight loss clinics not covered by another classification (N.O.C.) which provide programs whereby clients may achieve a healthy and permanent weight loss. The programs vary in approaches but most are based on the behavior modification theory, utilizing private counseling or group support meetings and seminars to educate individuals about their eat-

ing habits and proper eating patterns. Some programs may sell vitamin supplements or a line of food products to be used by their clients and may publish newsletters or other forms of literature for the benefit of their clients. This classification includes clerical office and sales personnel.

This classification excludes exercise programs which are to be reported separately in the appropriate classification.

6109-13 Childbirth classes

Applies to establishments providing childbirth education for expectant parents. Topics include, but are not limited to, expectations during pregnancy, breathing and relaxing techniques, and massage therapy. Literature and/or movies may be provided in addition to oral instruction. This classification includes clerical office and sales personnel.

6109-14 Orthotic referral clinics

Applies to establishments operating as clinics to provide care to patients with disabling conditions of the limbs and spine by fitting and preparing orthopedic braces under the direction of and in consultation with physicians. Orthotists examine and evaluate the patient's needs in relation to disease and functional loss, and assist in the design of an orthopedic brace. Orthotist select materials, makes cast measurements, model modifications and layouts. When the brace is finished, they evaluate it on the patient, make adjustments to ensure correct fit, and instruct the patient in the use of the orthopedic brace. This classification also includes clinics of prosthetists who provides care to patients with partial or total absence of a limb by planning fabrication of, writing specifications for, and fitting the prosthesis under the guidance of and in consultation with a physician. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the referral clinics.

This classification excludes the manufacture of orthopedic braces, splints or prostheses which is to be reported separately in the applicable classification.

6109-15 Midwife services

Applies to establishments engaged in the practice of midwifery. Midwives provide care for women undergoing medically uncomplicated pregnancy and low risk labor and delivery. The delivery may take place in a clinic setting or in the expectant mother's home. This classification includes clerical office and sales personnel.

6109-16 Licensed massage therapy services

Applies to establishments of licensed practitioners who are engaged in the practice of massage therapy. Some massage therapists work in conjunction with physicians or sports teams, or at hospitals, rehabilitation facilities or convalescent homes. If a client is referred by a physician, the therapist will review the medical report and in conjunction with the client, will determine the nature of the massage (whether it is for relaxation or to correct or relieve a medical problem) and the modality to be used, such as deep-muscle work, trigger-point therapy, or joint rotation. This classification includes clerical office and sales personnel as well as other employees engaged in licensed massage therapy services.

This classification excludes massage therapists employed by a health club, gymnasium, ~~((and unlicensed~~

~~massage therapists employed by a))~~ sauna, or bath house who are to be reported separately in classification 6204.

6109-17 Radiology and MRI referral clinics

Applies to establishments of licensed practitioners who are engaged in the practice of radiology and/or magnetic resonance imaging. Radiologists diagnose and treat diseases of the human body using X-ray and radioactive substances. They examine the internal structures and functions of the organ systems and make diagnoses after correlating the X-ray findings with other examinations and tests. They administer radiopaque substances by injection, orally, or as enemas, to render internal structures and organs visible on X-ray films or fluoroscopic screens. Radiologists may employ magnetic resonance imaging technologists to operate magnetic resonance imaging equipment which produces cross-sectional images (photographs) of a patient's body for diagnostic purposes. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the clinics, such as nurses or technologists.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-689 Classification 6203.

6203-00 YMCA/YWCA institutions

Applies to establishments engaged in the operation of a Young Men's or Young Women's Christian or Hebrew Associations. These are international community service organizations which generally respond to the needs of their communities. Typical operations include, but are not limited to, providing temporary residential facilities, swimming and exercise facilities, basketball courts, aerobic and fitness classes, child care, youth sports programs, social and educational programs, and day camp operations. Some facilities will provide a food and beverage service. This classification includes clerical office and sales personnel.

This classification excludes overnight camp operations which are to be reported separately in classification 6209.

6203-01 Boys or girls clubs

Applies to establishments engaged in operating boys or girls clubs. These clubs are nonprofit organizations which provide recreation, cultural enrichment, health and physical education, and personal adjustment services for boys and girls from 6 to 18 years of age. These facilities differ from location to location, but many offer gymnasiums, organized sports programs, day camp operations, game rooms, library or computer rooms, classes and various other supervised activities where young people can spend time. Some facilities also have swimming pools and offer meal programs. This classification includes ~~((Girl & Boy Scout councils that provide counseling to local scout troops, and))~~ clerical office and sales personnel.

This classification excludes overnight camp operations which are to be reported separately in classification 6209.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-690 Classification 6204.

6204-00 Baths or saunas, N.O.C.

Applies to establishments engaged in operating baths or saunas not covered by another classification (N.O.C.). These facilities offer a variety of services such as, but not limited to, hot tubs, saunas, steam rooms, Jacuzzis, sun tan beds and body shampoos. Massage therapy services are included in this classification when performed by employees of employers subject to this classification. This classification excludes licensed massage therapists that qualify for classification 6109.

~~((Special note: The distinction between massage therapists covered in this classification and massage therapists covered in classification 6109 is professional licensing.))~~

6204-04 Exercise or health institutes, gymnasiums, health clubs

Applies to establishments engaged in operating exercise or health institutes, gymnasiums, or health clubs. These establishments accommodate a variety of exercise areas including, but not limited to, gymnasiums, swimming pools, racquetball, tennis, squash, and handball courts, jogging tracks, and weight rooms with nautilus equipment. Operations vary from location to location, but most offer facilities and services such as, but not limited to, locker rooms, showers, whirlpools, saunas, sun tanning booths, body toning equipment, aerobic, gymnastic, and martial arts classes, instruction or training in achieving physical fitness goals, nutrition counseling, towel service, child care, massages, pro shops and food and beverage services all of which are included when performed or conducted by employees of employers subject to this classification.

This classification excludes licensed massage therapists that qualify for classification 6109.

~~((Special note: The distinction between massage therapists covered in this classification and massage therapists covered in classification 6109 is professional licensing.))~~

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-694 Classification 6208.

6208-00 Amusement parks; exhibition caves or caverns

Applies to establishments engaged in providing amusement parks to the public or in the operation of cave or caverns for exhibition purposes. Establishments subject to this classification are located on a permanent site and usually offer a variety of activities such as, but not limited to, amusement rides, water slides, miniature golf, and games such as tossing rings, throwing balls, and shooting air rifles. There may be one or more separate arcade areas located within the park. This classification includes rides, ticket sellers, gate attendants, food and beverage operations, care, custody and maintenance of the above facilities and operations similar to a traveling carnival.

This classification excludes set up, tear down and delivery of amusement park rides, games and food booths which are to be reported separately in classification 6207.

6208-01 Ranges: Archery, ball, dart, golf, firearms shooting

Applies to establishments engaged in operating indoor or outdoor archery, ball, dart, golf, and firearms shooting ranges. Golf driving ranges subject to this classification are operated separately from a golf course. If the driving range is operated in conjunction with a golf course, then the entire establishment is to be reported separately in classification 6206. Ball ranges (batting cages) are establishments set up to provide batting practice. Archery ranges are permanent establishments that provide targets for practice. If these operations are conducted in conjunction with an amusement park, then the entire operation is to be reported separately in classification 6208-00. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes miniature golf courses which are to be reported separately in classification 6208-07, and ranges that use air rifles which are to be reported separately in classification 6208-10.

6208-03 Boat rental facilities

Applies to establishments engaged in renting row boats, paddle boats, rubber rafts or similar water craft for recreational purposes when the water is part of a park. This classification includes the operation of bumper boat amusement rides if that is the sole function of the establishment. If the bumper boats are operated as part of an amusement park, the entire establishment is to be reported separately in classification 6208-00. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

6208-04 Fairs

Applies to establishments or community organizations engaged in managing, sponsoring and conducting fairs. These are usually annual events sponsored by a town or community. Many of the exhibitors and concessionaires are independent businesses that rent space at the fair site. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

6208-05 Shows - animal

Applies to establishments engaged in managing, sponsoring and conducting animal shows such as pet or livestock exhibitions. Employments contemplated by this classification include, but are not limited to, ticket sellers, judges, security personnel, and the showing of the animals in the arena when performed by employees of employers subject to this classification. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes all raising or care of animals which are to be reported separately in the applicable classification.

PROPOSED

6208-06 Shows - flower, art

Applies to establishments engaged in managing and conducting art or flower shows. The sponsors are usually responsible for the set up and tear down of the exhibition. The exhibitors and concessionaires are usually independent booth renters. Work contemplated by this classification includes, but is not limited to, coordinating exhibitors, arranging for a facility and utilities, permits or related needs, helping set up/tear down booths, judging, and security personnel. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

6208-07 Miniature golf courses

Applies to establishments engaged in the operation of miniature golf courses. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes miniature golf courses operated in conjunction with an amusement park which are to be reported separately in classification 6208-00.

6208-08 Kiddie rides at permanent locations

Applies to establishments engaged in operating kiddie rides at a permanent location. Ride attendants duties include, but are not limited to, selling tickets, directing patrons getting on and off the rides, keeping order among the patrons waiting to ride, and making sure all belts and safety devices are in the proper place and functioning. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

6208-09 Race tracks

Applies to establishments engaged in the operation of race tracks such as, but not limited to, stock car, go cart, motorcycle, horse, and drag racing tracks. Employments contemplated by this classification include, but are not limited to, selling tickets, booking events, coordinating participants, and security. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes parimutuel clerks at a horse racing track and cashiers with no other duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; and the handling of horses or vehicles which is to be reported separately in the classification applicable to the work being performed.

6208-10 Shooting galleries for air rifles only; Laser tag, war games, paint ball facilities

Applies to establishments engaged in operating shooting galleries for *air rifles only*. If the air rifle shooting gallery is operated in conjunction with an amusement park, the entire operation is to be reported separately in classification 6208-00. This classification also applies to laser tag, war games, and paint ball facilities. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes operations involving any firearms such as, but not limited to, pistol or rifle ranges, which are to be reported separately in classification 6208-01.

6208-11 Carnival operations, N.O.C.

Applies to those employees of an employer engaged in operating carnivals who are not covered by another classification (N.O.C.). These employees are generally employed as ride operators, game attendants, ticket sellers/takers, and traveling clerical workers. This classification includes operations care, custody and maintenance of the above facilities.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; employees engaged in driving and/or set up and tear down of all mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths, and all other temporary structures associated with a traveling carnival who are to be reported separately in classification 6207; employees of carnival operations assigned to work in food booths who are to be reported separately in classification 3905; and employees of carnival operations assigned to work in souvenir or gift shops who may be reported separately in classification 6406 provided they have no other duties.

Special note: Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-675 have been met.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-695 Classification 6209.**6209-03 Dude ranch resorts**

Applies to establishments engaged in operating a dude ranch resort where vacationers experience the western style of life on a ranch. Activities include, but are not limited to, horseback riding, grooming the ranch animals, hay rides, swimming, ranch style meals, and nightly singing round the campfire. Operations include, but are not limited to, grooming and caring for animals, assisting with horseback riding, preparing ranch style meals and performing maintenance work on the ranch. This classification includes food and beverage operations and clerical office and sales personnel physically located at the resort.

This classification excludes cattle ranches which are to be reported separately in classification 7302.

6209-06 Swimming pools - public; Scuba diving instruction in pool

Applies to establishments engaged in the operation and maintenance of public swimming pools. Work contemplated by this classification includes, but is not limited to, testing and replenishing chemicals in the pool, cleaning the pool, providing lifeguards, providing swimming lessons to the public, food and beverage operations, and clerical office and sales personnel physically located at the above facilities.

PROPOSED

This classification includes the rental or sale of pool accessories such as paddle boards, fins and swim wear when performed in connection with a swimming pool facility by employees of employers subject to this classification. This classification also applies to scuba diving instructors providing lessons in a swimming pool even though they may not be employed by the swimming pool establishment.

This classification excludes scuba diving not performed in a swimming pool environment which is to be reported separately in classification 0202 and swimming clubs which are to be reported separately in classification 6205.

6209-09 Campgrounds

Applies to establishments engaged in operating public or private campgrounds. Campgrounds offer a variety of facilities ~~((and activities for))~~ at which families, groups, and individuals ~~((to))~~ can camp overnight in recreational vehicles, cabins, or tents. Typical campgrounds ~~((have))~~ may include a main ~~((office))~~ building for registration and information ~~((Many have))~~, retail stores that sell groceries, souvenirs, camping equipment, fishing gear, and supplies, and/or snack bars, restaurants, game rooms, rental operations for recreational equipment, shower facilities, and laundries ~~((, which are all included in this classification))~~. Campground activities include, but are not limited to, swimming (in a pool or lake), fishing, boating, hiking, archery, arts and crafts, miniature golf, horseback riding, shuffleboard and other games. Typical occupations include, but are not limited to, counselors, cooks, ground and maintenance personnel, nurses, housekeepers, security guards, lifeguards, store clerks and game attendants. This classification includes clerical office and sales personnel physically located at the above facilities.

This classification excludes day camp operations that do not include overnight accommodations which are to be reported separately in the applicable classification and state park campgrounds which are to be reported separately in the applicable state agency classifications.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-712 Classification 6408.

6408-03 Dealers: Farm machinery/implement

Applies to establishments engaged in the sale, lease, and/or rental, of new or used farm machinery and implements. This classification also applies to the service, repair and/or demonstration of those items by the dealer either on their premises or at the customer's site. For purposes of this classification the term farm machinery refers to engine-powered machinery such as, but not limited to, tractors, combines, and swathers, riding mowers, sprayers, pumps, and generators. Implements include, but are not limited to, plows, discs, balers, or rakes which are attached to and/or powered by farm machinery. The variety of merchandise varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. In addition to parts for the machinery or implements, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This

classification includes sales and lot personnel, service managers and employees, parts department employees who have exposure to the service/repair shop or duties related to the sale of farm machinery or implements, towing service for in-shop repairs, delivery of merchandise to the customer, and regional sales and/or service representatives who provide factory service or training to local dealers and other customers. Parts department employees who are not exposed to any hazards of the service/repair shop or have no duties related to the sale of farm machinery or implements may be reported separately in classification 6309.

This classification excludes establishments that repair and/or service farm type tractors, *but who are not involved in the sale of them*, which are to be reported separately in classification 6409; store operations of dairy equipment and supply dealers which are to be reported separately in classification 6407; the installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603; all field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and the manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification 5109.

Special note: Care needs to be taken when considering the assignment of classification 6309 for the sale of parts. Most businesses assigned to classification 6408-03 have an inventory of parts or accessories which they use in the service or repair of farm machinery or implements, or maintain as a convenience to their customers. Only those businesses that maintain a complete line of replacement parts that is physically separated from the service/repair shop should be considered for classification 6309.

AMENDATORY SECTION (Amending WSR 99-18-068, filed 8/31/99, effective 10/1/99)

WAC 296-17-713 Classification 6409.

6409-00 Dealers: Machinery/equipment, N.O.C.;

Service/repair garages: Machinery/equipment, N.O.C.

Applies to establishments engaged in the sale, lease, rental, service, and/or repair of new or used machinery and equipment not covered by another classification (N.O.C.). For purposes of this classification the terms machinery or equipment includes, but are not limited to, semi trucks, diesel tractors, buses, construction equipment, concrete barriers and other flagging equipment used in construction projects, logging equipment, transportation equipment, freight hauling equipment, well drilling equipment, power generators, and industrial or manufacturing machinery. Operations of dealers include, but are not limited to, the sale, lease, rental, demonstration, service, or repair of their equipment, either on their premises or at the customer's site, and delivery to customer. The variety of merchandise carried by a machinery and equipment dealer varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. Operations of service centers include diagnostic services, all phases of mechanical service such as, but not limited to, tuning, overhauling and/or rebuilding engines,

motors, or transmissions, resurfacing heads, repairing carburetors or fuel injection systems and grinding valves or brakes on equipment or machinery owned by others. In addition to parts for the machinery and equipment, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes sales and lot personnel, service managers and employees, parts department employees who have exposure to the service/repair shop or duties related to the sale of machinery/equipment, towing service for in-shop repairs, and regional sales and/or service representatives who provide factory service or training to local dealers and other customers. Parts department employees who are not exposed to any hazards of the service/repair shop or have no duties related to the sale of machinery/equipment may be reported separately in classification 6309. This classification also includes the rental and installation of temporary fences.

This classification excludes farm machinery and equipment dealers who are to be reported separately in classification 6408; (~~installation of industrial plant equipment which is to be reported separately in classification 0603;~~) store operations of dairy equipment and supply dealers which is to be reported separately in classification 6407; the installation of industrial plant equipment which is to be reported separately in classification 0603; the installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603; all field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and the manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification 5109.

Special note: Care needs to be taken when considering the assignment of classification 6309 for the sale of parts. Most businesses assigned to classification 6409-00 have an inventory of parts or accessories which they use in the service or repair of machinery or equipment, or maintain as a convenience to their customers. Only those businesses that maintain a complete line of replacement parts that is physically separated from the service/repair shop should be considered for classification 6309.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-729 Classification 6607.

6607-00 Card rooms; bingo parlors or casinos

Applies to establishments engaged in operating card rooms, bingo parlors, or casinos. To qualify for this classification, card rooms must be run as a separate operation when located in a tavern or ((Class H)) restaurant that has a license to sell spirits or hard liquor. If the food and beverage service is provided by the tavern or restaurant for the convenience of the card room operation, then the waiters/waitresses are to be reported separately in the appropriate tavern or restaurant classification. This classification includes employments such as, but not limited to, dealers, security floor managers, janitorial and maintenance staff, and food and beverage operations. Bingo parlors and casinos are usually operated by Native American tribal organizations or by nonprofit organizations

to raise funds for charity. This classification applies to any workers these organizations employ to operate bingo or casino games. Typical employments include, but are not limited to, game attendants and helpers, money collectors, callers, card dealers, janitorial and maintenance staff, and food and beverage operations.

Special note: Coverage for Native American tribes conducting a bingo operation is subject to jurisdictional policy.

6607-01 Billiard or pool halls

Applies to establishments engaged in operating billiard or pool halls. This classification *could* apply to the operation of a billiard or pool hall in connection with another enterprise, such as a bowling alley or skating rink, but *only* if it is conducted as a separate and distinct operation. This classification includes, but is not limited to, counter personnel who collect money for the rental of billiard and pool equipment, rackers, food and beverage operations, and janitorial and maintenance staff.

This classification excludes clerical office and outside sales personnel who may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met; billiard or pool tables that are provided as part of a bowling center, tavern, or restaurant operation which are to be reported separately in the applicable classification.

6607-02 Recreational, social or community centers, N.O.C.

Applies to establishments engaged in operating recreational, social or community centers not covered by another classification (N.O.C.) such as, but not limited to, senior centers, community centers for minors, and adult social establishments. These organizations may target a particular age or cultural group. Organizations may provide educational workshops, social interaction, drug prevention programs, crafts and limited physical recreational activities. This classification includes food or beverage operations provided by the center. Organizations in classification 6607 do not require membership fees as opposed to clubs in classification 6205 that charge a fee for membership.

This classification excludes YMCA's and boy/girls clubs which are to be reported separately in classification 6203; health clubs and gymnasiums which are to be reported separately in classification 6204; clubs, N.O.C. such as fraternal organizations which are to be reported separately in classification 6205, and municipal community centers which are to be reported separately in the applicable classification.

6607-03 Indoor playgrounds

Applies to establishments that provide indoor entertainment centers for children. Generally these operations include a playground area consisting of interconnecting tubes, ladders, slides, ball bins, roller slides, and water and/or air beds. The equipment is typically made of plastic, rubber, and/or plexi-glass. Video games may also be available on the premises but generally they are maintained by the game vendor. Typical duties of the employees include, but are not limited to, selling tickets, supervising the playground area, facilitating parties, snack bar operations and light cleaning such as

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dusting the tubes, vacuuming and cleaning the snack area. The more involved janitorial duties are usually contracted out to a private janitorial firm. Included in this classification is child day care service whereby parents can leave children at the playground for a specific period of time. This service usually places limitations on the time a child may be left at the center.

This classification excludes child day care services not part of an indoor playground operations which are to be reported separately in classifications 6103 and 6104; amusement parks, permanently located kiddie rides, and establishments which provide adult or family sports entertainment, which may include batting cages and miniature golf, which are to be reported separately in classification 6208; and establishments engaged in providing gymnastic training to children which are to be reported separately in classification 6204.

Special note: Normally establishments in this classification do not employ workers who are engaged exclusively in clerical office or sales. However, separate classifications could be assigned provided all the conditions of the general reporting rules covering standard exception employees have been met.

6607-04 Indoor simulated golfing

Applies to establishments engaged in providing computer simulated indoor golf facilities to the public. The operation consists of separate cubicles which house a computer simulated screen and a play area. Customers select a particular course from a list of available courses which are generally exact replicas of famous courses throughout the world. The player hits a golf ball against a canvas screen inside the cubicle; a computer measures the speed and direction of the ball and simulates the shot so the player can view the results on the screen. Facilities may provide a small putting area, a snack area with limited seating, and/or the sale of golf shirts and memorabilia. Typical duties of the workers include monitoring facilities, setting up computers and collecting the admission price, selling memorabilia, food and beverage operations, and light janitorial work.

This classification excludes miniature golf courses and driving ranges which are reported separately in classification 6208.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-740 Classification 6709.

6709-00 Sheltered workshops

Applies to persons who are disabled, and to developmentally disabled persons who are enrolled as employees of sheltered workshops. Classification 6709-00 applies regardless of the type of work performed. This classification also applies to *all* staff who operate sheltered workshops, even if the sheltered workshop also operates a work activity center, and to *all* staff who operate work activity centers.

This classification excludes persons who are most severely disabled, and ((~~te~~)) developmentally disabled per-

sons enrolled in work activity centers who are to be reported separately in classification 7309.

Special note: Sheltered workshops may also operate a work activity center at the same location or at a separate site.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-748 Classification 6903.

6903-((00))03 Aerial spraying, seeding, crop dusting, or fire fighting

Applies to the flying crew of establishments engaged in aerial spraying, seeding, crop dusting, and fire fighting, which involves the low altitude release of agricultural chemicals, seeds, water, or fire retardant compound.

This classification excludes aircraft ground crew operations which are to be reported separately in classification 6804.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-749 Classification 6904.

6904-00 Salaried fire fighters of cities or towns

Applies to salaried fire fighters of cities and towns. Fire fighters respond to fire alarms and other emergencies, control and extinguish fires, protect lives and property, and maintain fire fighting equipment, administer first aid and artificial respiration to injured persons and those overcome by fire and smoke. They may inspect buildings for fire hazards and compliance with fire prevention ordinances and may issue citations to building owners listing the fire regulation violations to be corrected. This classification includes paramedics employed by fire departments.

See classifications 0803, 1301, ((1404, 1501,)) 1507, 6901, 6905, and 6906 for other city or town operations.

Special note: State Fund workers' compensation is not provided to volunteer firemen covered by chapter 41.24 RCW and emergency services workers covered by chapter 38.52 RCW.

6904-01 Salaried fire fighters of counties and taxing districts

Applies to salaried fire fighters of counties and taxing districts. Fire fighters respond to fire alarms and other emergencies, control and extinguish fires, protect lives and property, and maintain fire fighting equipment, administer first aid and artificial respiration to injured persons and those overcome by fire and smoke. They may inspect buildings for fire hazards and compliance with fire prevention ordinances and may issue citations to building owners listing the fire regulation violations to be corrected. This classification includes paramedics employed by fire departments.

See classifications 1301, ((1404,)) 1501, 1507, 6901, 6905, and 6906 for other ((city or town)) county and taxing district operations.

Special note: State Fund workers' compensation is not provided to volunteer firemen covered by chapter 41.24

RCW and emergency services workers covered by chapter 38.52 RCW.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-751 Classification 6906.

6906-00 Volunteer law enforcement officers of cities and towns - medical aid only

Applies to medical aid coverage for volunteer law enforcement officers of cities and towns for whom the cities or towns have elected coverage. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes salaried law enforcement officers and volunteer law enforcement officers for whom the cities or towns have elected full coverage who are to be reported separately in classification 6905.

See classifications 0803, 1301, (~~1404~~) 1507, 5305, 6901, 6904, and 6905 for other city or town operations.

Special note: This coverage is optional for volunteer law enforcement officers. To elect coverage for volunteer law enforcement officers, the city or town must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included.

6906-01 Volunteer law enforcement officers of counties, taxing districts and Native American tribal councils - medical aid only

Applies to medical aid coverage for volunteer law enforcement officers of counties, taxing districts and Native American tribal councils for whom the counties, taxing districts or Native American tribal councils have elected coverage. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes salaried law enforcement officers and volunteer law enforcement officers for whom the counties, taxing districts or Native American tribal councils have elected full coverage, who are to be reported separately in classification 6905. See classifications 1301, (~~1404~~) 1501, 1507, 5306, 6901, 6904, and 6905 for other county or taxing district operations.

Special note: This coverage is optional for volunteer law enforcement officers. To elect coverage for volunteer law enforcement officers, the counties, taxing districts or Native American tribal councils must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If cover-

age is provided, all law enforcement officers must be included.

6906-02 Volunteer law enforcement officers of state agencies - medical aid only

Applies to medical aid coverage for volunteer law enforcement officers of state agencies for whom the state agencies have elected coverage. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes salaried law enforcement officers and volunteer law enforcement officers for whom the state agencies have elected full coverage who are to be reported separately in classification 7103.

See classifications 4902, 4906, 5307, 7103, and 7201 for other state government operations.

Special note: This coverage is optional for volunteer law enforcement officers. To elect coverage for volunteer law enforcement officers, the state agencies must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-779 Classification 7309.

7309-00 Work activity centers

Applies only to the most severely disabled persons, and to developmentally disabled persons whose handicaps are so severe as to make their productivity inconsequential, and who are included on the center's certificate for special minimum wage issued by the U.S. Department of Labor.

This classification excludes *all* staff who operate work activity centers and *all* staff who operate sheltered workshops, even if the sheltered workshop also operates a work activity center, who are to be reported separately in classification 6709, and (~~to~~) disabled persons(~~;~~) and (~~to~~) developmentally disabled persons enrolled in sheltered workshops who are to be reported separately in classification 6709.

Special note: Work activity centers differ from sheltered workshops in the severity of the impairments of the participants.

While the workers' compensation rates for classifications 7309 and 6709 are identical, the premiums for classification 7309 are calculated on a piece rate basis to reflect the limited productivity of the workers covered by this classification.

AMENDATORY SECTION (Amending WSR 99-24-055, filed 11/29/99, effective 12/31/99)

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience

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period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{\text{Ap} + \text{WAe} + (1-\text{W}) \text{Ee} + \text{B}}{\text{E} + \text{B}}$$

The components Ap, WAe, and (1-W) Ee are values which shall be charged against an employer's experience record. The component, E, shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

"Ap" signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of ((\$10,072)) \$10,504 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{26,260}{\text{Total loss} + 15,756} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than \$10,504 the full value of the claim shall be considered a primary loss.

"Ae" signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

"W" signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol "WAe" in the experience modification formula. W values are set forth in Table II.

"E" signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

"Ee" signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by "(1-W) Ee" in the experience

modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

AMENDATORY SECTION (Amending WSR 99-24-055, filed 11/29/99, effective 12/31/99)

WAC 296-17-885 Table III.

**Expected Loss Rates and D-Ratios
for Indicated Fiscal Year
Expected Loss Rates in Dollars Per Worker Hour**

Class	1996	1997	1998	D-Ratio
0101	1.1939	1.1467	0.9438	0.408
0103	1.5073	1.4525	1.2134	0.443
0104	0.8558	0.8231	0.6820	0.423
0105	1.0556	1.0246	0.8809	0.506
0106	1.1939	1.1467	0.9438	0.408
0107	0.9855	0.9500	0.7957	0.450
0108	0.8558	0.8231	0.6820	0.423
0112	0.5559	0.5373	0.4537	0.465
0201	2.3887	2.2871	1.8550	0.373
0202	2.3887	2.2871	1.8550	0.373
0210	0.8052	0.7756	0.6483	0.447
0212	0.7489	0.7197	0.5932	0.410
0214	0.9580	0.9248	0.7798	0.467
0217	0.9966	0.9621	0.8101	0.461
0219	0.9043	0.8716	0.7283	0.442
0301	0.5087	0.4954	0.4311	0.533
0302	1.6845	1.6105	1.3022	0.371
0303	1.6352	1.5683	1.2844	0.398
0306	0.8583	0.8259	0.6871	0.435
0307	0.6389	0.6189	0.5289	0.495
0308	0.4671	0.4563	0.4023	0.566
0403	1.3011	1.2588	1.0637	0.462
0502	1.2196	1.1728	0.9719	0.425
0504	1.2033	1.1569	0.9522	0.402
0506	3.5412	3.3986	2.7796	0.389
0507	2.7558	2.6539	2.2051	0.426
0508	2.5763	2.4610	1.9760	0.351
0509	1.5473	1.4834	1.2109	0.389
0510	1.2436	1.2000	1.0069	0.451
0511	1.1017	1.0649	0.9024	0.477
0512	1.1159	1.0777	0.9087	0.464
0513	0.6194	0.5992	0.5103	0.490
0514	1.0931	1.0603	0.9082	0.495

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Class	1996	1997	1998	D-Ratio	Class	1996	1997	1998	D-Ratio
0515	2.8938	2.7752	2.2699	0.394	2002	0.5359	0.5235	0.4607	0.557
0516	1.2436	1.2000	1.0069	0.451	2004	0.5662	0.5548	0.4956	0.596
0517	1.4134	1.3687	1.1641	0.480	2005	0.2808	0.2749	0.2435	0.568
0518	1.3861	1.3306	1.0937	0.407	2007	0.3961	0.3844	0.3297	0.498
0519	1.5467	1.4937	1.2555	0.452	2008	0.2345	0.2280	0.1973	0.518
0520	1.3443	1.2905	1.0632	0.414	2009	0.2808	0.2749	0.2435	0.568
0521	1.0583	1.0176	0.8392	0.409	2101	0.5838	0.5661	0.4825	0.481
0601	0.4792	0.4653	0.4019	0.522	2102	0.3754	0.3666	0.3223	0.554
0602	0.3884	0.3782	0.3312	0.556	2104	0.2307	0.2263	0.2022	0.589
0603	0.7383	0.7097	0.5875	0.423	2105	0.5375	0.5234	0.4574	0.547
0604	0.9155	0.8881	0.7591	0.488	2106	0.2889	0.2816	0.2453	0.529
0606	0.2857	0.2797	0.2490	0.585	2201	0.2091	0.2034	0.1761	0.520
0607	0.3179	0.3085	0.2656	0.509	2202	0.4541	0.4435	0.3916	0.570
0608	0.2370	0.2306	0.1995	0.519	2203	0.2977	0.2921	0.2620	0.604
0701	1.6925	1.6123	1.2870	0.347	2204	0.2091	0.2034	0.1761	0.520
0803	0.3311	0.3227	0.2828	0.553	2401	0.3217	0.3152	0.2805	0.583
0901	1.3861	1.3306	1.0937	0.407	2903	0.5305	0.5191	0.4608	0.579
1002	0.7360	0.7151	0.6168	0.513	2904	0.6295	0.6120	0.5271	0.504
1003	0.7275	0.7070	0.6090	0.506	2905	0.4022	0.3950	0.3561	0.619
1004	0.4302	0.4160	0.3520	0.467	2906	0.2930	0.2855	0.2496	0.547
1005	5.3289	5.0987	4.1192	0.363	2907	0.4327	0.4220	0.3693	0.544
1007	0.2921	0.2832	0.2428	0.505	2908	0.8003	0.7776	0.6709	0.514
1101	0.4690	0.4578	0.4022	0.556	2909	0.3354	0.3275	0.2880	0.555
1102	1.0844	1.0456	0.8743	0.442	3101	0.6005	0.5798	0.4867	0.449
1103	0.6474	0.6271	0.5336	0.481	3102	0.1970	0.1924	0.1697	0.565
1104	0.3599	0.3529	0.3156	0.595	3103	0.6360	0.6135	0.5107	0.423
1105	0.7016	0.6806	0.5821	0.490	3104	0.4637	0.4486	0.3800	0.473
1106	0.2817	0.2752	0.2410	0.539	3105	0.6444	0.6306	0.5618	0.592
1108	0.4023	0.3927	0.3448	0.554	3303	0.2307	0.2254	0.1985	0.559
1109	0.7378	0.7190	0.6256	0.529	3304	0.4602	0.4497	0.3957	0.555
1301	0.3955	0.3849	0.3349	0.535	3309	0.3272	0.3200	0.2833	0.570
1303	0.1462	0.1426	0.1255	0.562	3401	0.3449	0.3348	0.2875	0.502
1304	0.0200	0.0195	0.0170	0.533	3402	0.3492	0.3406	0.2988	0.553
1305	0.3291	0.3200	0.2756	0.503	3403	0.1657	0.1606	0.1367	0.478
1401	0.4823	0.4692	0.4058	0.515	3404	0.3659	0.3575	0.3156	0.567
1404	0.4292	0.4177	0.3635	0.535	3405	0.2018	0.1972	0.1746	0.576
1405	0.3231	0.3142	0.2715	0.512	3406	0.2045	0.1997	0.1757	0.556
<u>1407</u>	<u>0.4292</u>	<u>0.4177</u>	<u>0.3635</u>	<u>0.535</u>	3407	0.3332	0.3249	0.2855	0.563
1501	0.3614	0.3519	0.3071	0.544	3408	0.1031	0.1008	0.0891	0.572
1507	0.3683	0.3588	0.3135	0.547	3409	0.0914	0.0897	0.0805	0.606
1701	0.6051	0.5872	0.5042	0.504	3410	0.1808	0.1773	0.1580	0.582
1702	1.4905	1.4290	1.1665	0.388	3411	0.3449	0.3348	0.2875	0.502
1703	0.3453	0.3297	0.2621	0.318	3412	0.3695	0.3586	0.3077	0.501
1704	0.6051	0.5872	0.5042	0.504	3413	0.4159	0.4056	0.3555	0.552
1801	0.6960	0.6701	0.5543	0.413	3414	0.4155	0.4042	0.3501	0.523
1802	0.6108	0.5932	0.5106	0.508	3415	0.4924	0.4787	0.4131	0.513

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Class	1996	1997	1998	D-Ratio	Class	1996	1997	1998	D-Ratio
3501	0.7484	0.7243	0.6132	0.466	4808	0.3688	0.3581	0.3076	0.500
3503	0.2360	0.2322	0.2095	0.609	4809	0.2292	0.2245	0.2004	0.590
3506	0.8404	0.8091	0.6771	0.454	4810	0.1170	0.1144	0.1005	0.542
3509	0.3243	0.3185	0.2872	0.620	4811	0.1931	0.1893	0.1688	0.587
3510	0.3273	0.3200	0.2831	0.571	4812	0.2737	0.2672	0.2348	0.557
3511	0.5048	0.4917	0.4277	0.530	4813	0.1417	0.1382	0.1203	0.527
3512	0.3206	0.3148	0.2831	0.609	4900	0.3581	0.3467	0.2946	0.479
3513	0.3679	0.3588	0.3136	0.539	4901	0.0514	0.0500	0.0433	0.524
3602	0.0966	0.0949	0.0853	0.609	4902	0.0654	0.0639	0.0564	0.571
3603	0.4154	0.4056	0.3565	0.554	4903	0.0542	0.0529	0.0466	0.564
3604	0.9761	0.9536	0.8408	0.564	4904	0.0237	0.0232	0.0206	0.580
3605	0.3937	0.3836	0.3352	0.545	4905	0.2640	0.2592	0.2317	0.588
3701	0.1970	0.1924	0.1697	0.565	4906	0.0683	0.0668	0.0591	0.575
3702	0.3398	0.3326	0.2959	0.588	4907	0.0494	0.0481	0.0420	0.536
3708	0.4023	0.3911	0.3370	0.508	4908	0.1087	0.1081	0.1003	0.662
3802	0.1240	0.1221	0.1108	0.628	4909	0.0471	0.0466	0.0423	0.614
3808	0.3326	0.3232	0.2790	0.513	4910	0.3214	0.3137	0.2750	0.546
3901	0.1368	0.1345	0.1213	0.609	5001	3.9217	3.7561	3.0558	0.383
3902	0.3080	0.3011	0.2654	0.561	5002	0.4225	0.4118	0.3609	0.553
3903	1.0013	0.9759	0.8466	0.516	5003	1.2004	1.1526	0.9479	0.407
3905	0.1368	0.1345	0.1213	0.609	5004	1.0217	0.9900	0.8407	0.471
3906	0.3495	0.3411	0.2999	0.556	5005	0.7502	0.7217	0.5987	0.426
3909	0.1498	0.1471	0.1319	0.601	5006	1.2771	1.2277	1.0139	0.415
4002	0.7897	0.7681	0.6696	0.548	5101	0.7103	0.6964	0.6238	0.604
4101	0.2092	0.2046	0.1810	0.574	5103	0.6357	0.6236	0.5576	0.594
4103	0.2325	0.2294	0.2103	0.659	5106	0.6357	0.6236	0.5576	0.594
4107	0.1134	0.1108	0.0976	0.560	5108	0.5471	0.5353	0.4749	0.578
4108	0.1358	0.1321	0.1143	0.516	5109	0.5455	0.5284	0.4505	0.487
4109	0.1949	0.1905	0.1680	0.563	5201	0.2641	0.2570	0.2235	0.532
4201	0.3979	0.3861	0.3339	0.530	5204	0.6886	0.6681	0.5724	0.496
4301	0.6281	0.6127	0.5344	0.533	5206	0.3581	0.3467	0.2946	0.479
4302	0.4574	0.4448	0.3861	0.532	5207	0.1363	0.1344	0.1224	0.637
4304	0.5898	0.5753	0.5029	0.542	5208	0.6472	0.6300	0.5478	0.531
4305	0.7930	0.7701	0.6665	0.527	5209	0.5947	0.5785	0.5018	0.527
4401	0.3548	0.3444	0.2935	0.474	5301	0.0269	0.0262	0.0234	0.583
4402	0.5804	0.5661	0.4957	0.546	5305	0.0440	0.0433	0.0395	0.645
4404	0.3185	0.3095	0.2660	0.496	5306	0.0390	0.0382	0.0339	0.581
4501	0.1260	0.1231	0.1089	0.567	5307	0.3023	0.2945	0.2574	0.548
4502	0.0383	0.0374	0.0328	0.548	6103	0.0631	0.0622	0.0562	0.619
4504	0.0807	0.0794	0.0719	0.623	6104	0.2404	0.2359	0.2116	0.604
4601	0.5307	0.5166	0.4478	0.520	6105	0.1609	0.1568	0.1367	0.535
4802	0.1816	0.1770	0.1539	0.527	6107	0.0934	0.0916	0.0818	0.583
4803	0.1700	0.1667	0.1485	0.584	6108	0.3407	0.3349	0.3016	0.610
4804	0.4457	0.4358	0.3852	0.567	6109	0.0579	0.0565	0.0496	0.553
4805	0.2406	0.2350	0.2062	0.547	6110	0.3303	0.3223	0.2822	0.545
4806	0.0454	0.0442	0.0386	0.527	6201	0.2625	0.2543	0.2168	0.487

Class	1996	1997	1998	D-Ratio	Class	1996	1997	1998	D-Ratio
6202	0.5379	0.5227	0.4475	0.486	6707	1.3625	1.3380	1.2018	0.603
6203	0.0671	0.0664	0.0611	0.657	6708	5.8152	5.6516	4.7942	0.448
6204	0.1304	0.1279	0.1146	0.597	6709	0.1660	0.1637	0.1495	0.642
6205	0.1840	0.1802	0.1601	0.581	6801	0.2373	0.2317	0.2047	0.577
6206	0.1618	0.1588	0.1423	0.604	6802	0.3478	0.3415	0.3066	0.603
6207	1.1898	1.1689	1.0440	0.580	6803	0.6579	0.6298	0.5092	0.363
6208	0.2305	0.2258	0.1989	0.543	6804	0.1812	0.1775	0.1587	0.597
6209	0.2066	0.2027	0.1809	0.584	6809	4.3146	4.2483	3.8343	0.607
6301	0.1144	0.1104	0.0923	0.440	6901	0.0447	0.0453	0.0440	0.756
6302	0.1388	0.1354	0.1177	0.524	6902	0.6917	0.6640	0.5445	0.399
6303	0.0584	0.0569	0.0496	0.533	6903	4.5443	4.3263	3.4170	0.311
6304	0.1783	0.1918	0.0615	0.638	6904	0.2089	0.2046	0.1838	0.620
6305	0.0673	0.0684	0.1766	0.605	6905	0.2474	0.2419	0.2151	0.591
6306	0.2022	0.1981	0.1766	0.590	6906	0.1124	0.1130	0.1072	0.689
6308	0.0447	0.0438	0.1135	0.578	6907	0.8930	0.8704	0.7620	0.551
6309	0.1130	0.1278	0.1992	0.575	6908	0.4197	0.4100	0.3626	0.576
6402	0.2177	0.2216	0.1284	0.613	6909	0.0864	0.0847	0.0756	0.595
6403	0.1288	0.1441	0.1388	0.581	7100	0.0252	0.0245	0.0210	0.488
6404	0.1499	0.1545	0.3948	0.604	7101	0.0252	0.0245	0.0210	0.488
6405	0.4670	0.4545	0.3948	0.528	7102	3.3121	3.2662	2.9421	0.590
6406	0.0575	0.0604	0.1663	0.621	7103	0.2809	0.2729	0.2359	0.519
6407	0.1915	0.1875	0.1663	0.575	7104	0.0211	0.0208	0.0186	0.597
6408	0.2601	0.2549	0.2282	0.603	7105	0.0208	0.0205	0.0186	0.636
6409	0.4159	0.4056	0.3555	0.552	7106	0.1295	0.1268	0.1125	0.576
6410	0.1641	0.1597	0.1383	0.515	7107	0.2177	0.2137	0.1918	0.603
6501	0.0948	0.0934	0.0851	0.652	7108	0.1858	0.1831	0.1667	0.632
6502	0.0232	0.0226	0.0199	0.553	7109	0.1289	0.1268	0.1146	0.616
6503	0.0578	0.0562	0.0484	0.516	7110	0.2860	0.2772	0.2367	0.489
6504	0.3187	0.3141	0.2847	0.621	7111	0.3433	0.3352	0.2947	0.556
6505	0.0843	0.0825	0.0730	0.557	7112	0.4935	0.4824	0.4267	0.573
6506	0.0691	0.0715	0.2024	0.558	7113	0.4771	0.4662	0.4123	0.572
6508	0.2377	0.2324	0.2046	0.554	7114	0.5884	0.5814	0.5353	0.665
6509	0.2345	0.2294	0.2024	0.558	7115	0.4282	0.4201	0.3774	0.610
6510	0.2727	0.2653	0.2289	0.505	7116	0.4116	0.4020	0.3532	0.552
6511	0.2832	0.2768	0.2431	0.546	7117	0.8533	0.8384	0.7568	0.622
6601	0.1519	0.1491	0.1334	0.594	7118	1.1243	1.0992	0.9749	0.580
6602	0.3542	0.3462	0.3054	0.562	7119	1.5635	1.5281	1.3547	0.582
6603	0.2953	0.2883	0.2529	0.549	7120	4.2819	4.1663	3.6016	0.512
6604	0.0524	0.0511	0.0443	0.509	7121	4.2481	4.1311	3.5690	0.513
6605	0.2578	0.2556	0.2380	0.688	7201	0.8874	0.8617	0.7461	0.530
6607	0.1427	0.1398	0.1247	0.586	7202	0.0335	0.0325	0.0278	0.490
6608	0.3068	0.2964	0.2502	0.464	7203	0.1041	0.1021	0.0908	0.571
6620	1.6084	1.5726	1.4009	0.597	7204	0.0000	0.0000	0.0000	0.500
6704	0.0979	0.0960	0.0856	0.591	7301	0.4611	0.4466	0.3794	0.474
6705	0.6298	0.6207	0.5653	0.637	7302	0.5830	0.5687	0.4971	0.540
6706	0.3234	0.3173	0.2828	0.579	7307	0.4690	0.4592	0.4067	0.569

PROPOSED

Class	1996	1997	1998	D-Ratio
7308	0.2079	0.2050	0.1866	0.629
7309	0.1660	0.1637	0.1495	0.642

Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed

Class	1996	1997	1998	D-Ratio
0522	0.0177	0.0170	0.0140	0.408
0523	0.0117	0.0113	0.0093	0.413
0524	0.0128	0.0122	0.0102	0.445
0525	0.0080	0.0077	0.0064	0.426
0526	0.0074	0.0071	0.0058	0.402
0527	0.0005	0.0005	0.0004	0.373
0528	0.0018	0.0018	0.0015	0.413
0529	0.0012	0.0011	0.0010	0.408
0530	0.0179	0.0172	0.0141	0.396
0531	0.0103	0.0099	0.0081	0.408
0532	0.0009	0.0009	0.0006	0.410
0533	0.0028	0.0027	0.0022	0.398
0534	0.0018	0.0018	0.0015	0.413
7900	0.0140	0.0133	0.0109	0.394
7901	0.0075	0.0071	0.0058	0.414

0301	0.5386	0.2638
0302	2.2052	0.5609
0303	2.0698	0.5970
0306	1.0694	0.3290
0307	0.7365	0.2889
0308	0.4889	0.2486
0403	1.4257	0.6283
0502	1.5158	0.4691
0504	1.4086	0.5132
0506	4.2577	1.4303
0507	3.2528	1.1692
0508	3.2905	0.9007
0509	1.9403	0.5744
0510	1.4622	0.5360
0511	1.3130	0.4677
0512	1.3244	0.4755
0513	0.7452	0.2605
0514	1.1920	0.5367
0516	1.4622	0.5360
0517	1.5787	0.6686
0518	1.7400	0.5167
0519	1.7700	0.6973
0521	1.2547	0.4422
0601	0.5556	0.2174
0602	0.4468	0.1808
0603	0.9189	0.2823
0604	0.9710	0.4662
0606	0.2812	0.1638
0607	0.3519	0.1535
0608	0.2497	0.1231
0701	2.3470	0.4721
0803	0.3611	0.1662
0901	1.7400	0.5167
1002	0.8033	0.3641
1003	0.7624	0.3790
1004	0.4858	0.1988
1005	6.6700	1.9655
1007	0.3400	0.1308
1101	0.4888	0.2500
1102	1.2820	0.4622
1103	0.7271	0.3044
1104	0.3456	0.2127
1105	0.7534	0.3523
1106	0.2639	0.1679
1108	0.4156	0.2164
1109	0.7450	0.4047
1301	0.4355	0.1955

AMENDATORY SECTION (Amending WSR 99-24-055, filed 11/29/99, effective 12/31/99)

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, 2000

Class	Accident Fund	Medical Aid Fund
0101	1.4810	0.4577
0103	1.8262	0.6143
0104	1.0473	0.3386
0105	1.1778	0.5060
0107	1.2067	0.3948
0108	1.0473	0.3386
0112	0.6448	0.2465
0201	2.9857	0.8855
0202	2.9857	0.8855
0210	0.9985	0.3136
0212	0.9109	0.2982
0214	1.1713	0.3871
0217	1.1911	0.4198
0219	1.0819	0.3771

PROPOSED

1303	0.1571	0.0750	3404	0.3761	0.1989
1304	0.0201	0.0110	3405	0.2110	0.1076
1305	0.3350	0.1775	3406	0.2045	0.1140
1401	0.4982	0.2566	3407	0.3728	0.1622
1404	0.4682	0.2141	3408	0.1053	0.0566
1405	0.3274	0.1749	3409	0.0885	0.0537
<u>1407</u>	<u>0.4682</u>	<u>0.2141</u>	3410	0.1620	0.1136
1501	0.3981	0.1785	3411	0.3758	0.1700
1507	0.4046	0.1830	3412	0.4089	0.1784
1701	0.6762	0.2890	3414	0.4443	0.2116
1702	1.8518	0.5635	3415	0.5281	0.2497
1703	0.4091	0.1393	3501	0.8237	0.3608
1704	0.6762	0.2890	3503	0.2027	0.1552
1801	0.7950	0.3095	3506	1.0885	0.2990
1802	0.6686	0.3011	3509	0.3232	0.1857
2002	0.5340	0.3009	3510	0.3309	0.1816
2004	0.5687	0.3193	3511	0.5212	0.2697
2007	0.4276	0.1980	3512	0.3033	0.1928
2008	0.2457	0.1223	3513	0.3650	0.2059
2009	0.2635	0.1682	3602	0.0918	0.0579
2101	0.6212	0.2961	3603	0.4186	0.2302
2102	0.3743	0.2102	3604	0.9976	0.5332
2104	0.2116	0.1422	3605	0.4214	0.2020
2105	0.5992	0.2613	3701	0.2030	0.1068
2106	0.2858	0.1620	3702	0.3490	0.1860
2201	0.2216	0.1079	3708	0.4216	0.2095
2202	0.4816	0.2378	3802	0.1108	0.0793
2203	0.2920	0.1725	3808	0.3565	0.1684
2204	0.2216	0.1079	3901	0.1183	0.0891
2401	0.3079	0.1902	3902	0.3053	0.1743
2903	0.5289	0.2997	3903	0.9482	0.5856
2904	0.6471	0.3356	3905	0.1183	0.0891
2905	0.4016	0.2299	3906	0.3595	0.1892
2906	0.3143	0.1497	3909	0.1376	0.0924
2907	0.4442	0.2338	4002	0.9376	0.3490
2908	0.8738	0.3957	4101	0.2163	0.1133
2909	0.3347	0.1877	4103	0.2180	0.1434
3101	0.6838	0.2725	4107	0.1152	0.0622
3102	0.2030	0.1068	4108	0.1400	0.0722
3103	0.6897	0.3074	4109	0.1969	0.1081
3104	0.5334	0.2092	4201	0.4860	0.1659
3105	0.6753	0.3453	4301	0.6183	0.3550
3303	0.2316	0.1282	4302	0.5121	0.2198
3304	0.4488	0.2646	4304	0.6042	0.3201
3309	0.3224	0.1870	4305	0.9220	0.3592
3402	0.3658	0.1845	4401	0.3513	0.1956
3403	0.1772	0.0830	4402	0.5945	0.3142

PROPOSED

4404	0.3177	0.1750	5307	0.3314	0.1505
4501	0.1220	0.0731	6103	0.0547	0.0412
4502	0.0382	0.0214	6104	0.2342	0.1404
4504	0.0735	0.0505	6105	0.1654	0.0865
4601	0.5386	0.2885	6107	0.0797	0.0609
4802	0.1821	0.1003	6108	0.3101	0.2127
4803	0.1588	0.1028	6109	0.0596	0.0313
4804	0.4376	0.2549	6110	0.3336	0.1821
4805	0.2333	0.1386	6201	0.2958	0.1227
4806	0.0433	0.0264	6202	0.5296	0.2996
4808	0.3935	0.1873	6203	0.0543	0.0466
4809	0.2231	0.1332	6204	0.1214	0.0793
4810	0.1017	0.0746	6205	0.1820	0.1050
4811	0.1813	0.1162	6206	0.1589	0.0935
4812	0.2852	0.1460	6207	0.9702	0.8076
4813	0.1369	0.0816	6208	0.1820	0.1583
4900	0.4065	0.1652	6209	0.1844	0.1302
4901	0.0554	0.0259	6301	0.1303	0.0516
4902	0.0695	0.0342	6302	0.1337	0.0800
4903	0.0575	0.0282	6303	0.0584	0.0323
4904	0.0228	0.0138	6304	0.1693	0.1273
4905	0.2364	0.1665	6305	0.0623	0.0441
4906	0.0708	0.0369	6306	0.2000	0.1154
4907	0.0493	0.0275	6308	0.0443	0.0254
4908	0.0625	0.0912	6309	0.1223	0.0785
4909	0.0291	0.0379	6402	0.2307	0.1256
4910	0.3193	0.1804	6403	0.1312	0.0927
5001	4.9973	1.4029	6404	0.1445	0.0972
5002	0.4594	0.2129	6405	0.4945	0.2414
5003	1.4897	0.4589	6406	0.0558	0.0385
5004	1.0828	0.5182	6407	0.1836	0.1125
5005	0.9198	0.2971	6408	0.2677	0.1429
5006	1.5668	0.5027	6409	0.4427	0.2154
5101	0.7194	0.3975	6410	0.1609	0.0922
5103	0.6000	0.3818	6501	0.0962	0.0539
5106	0.6000	0.3818	6502	0.0227	0.0133
5108	0.5495	0.3058	6503	0.0660	0.0267
5109	0.6137	0.2556	6504	0.2662	0.2143
5201	0.2842	0.1337	6505	0.0719	0.0547
5204	0.7497	0.3395	6506	0.0676	0.0442
5206	0.4065	0.1652	6509	0.2173	0.1419
5207	0.1185	0.0891	6510	0.2701	0.1518
5208	0.6897	0.3322	6511	0.2628	0.1707
5209	0.6450	0.2979	6601	0.1411	0.0927
5301	0.0265	0.0153	6602	0.3517	0.2001
5305	0.0423	0.0264	6603	0.2948	0.1646
5306	0.0385	0.0223	6604	0.0471	0.0321

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6605	0.2050	0.1830	7118	1.1730	0.6017
6607	0.1360	0.0847	7119	1.6938	0.8014
6608	0.3576	0.1349	7120	4.3145	2.3371
6614	702.0000*	637.0000*	7121	4.4322	2.2277
6615	256.0000*	233.0000*	7201	1.0542	0.3890
6616	217.0000*	197.0000*	7202	0.0352	0.0173
6617	78.0000*	71.0000*	7203	0.0871	0.0689
6618	78.0000*	71.0000*	7204	0.0000	0.0000
6620	1.7802	0.8015	7301	0.5007	0.2264
6704	0.0947	0.0572	7302	0.5828	0.3244
6705	0.5606	0.4042	7307	0.4416	0.2803
6706	0.2828	0.2070	7308	0.1698	0.1426
6707	1.2593	0.8374	7309	0.1444	0.1087
6708	4.7253	3.8209			
6709	0.1444	0.1087			
6801	0.2634	0.1169			
6802	0.3198	0.2141			
6803	0.7992	0.2560			
6804	0.1818	0.1020			
6809	3.4753	2.9677			
6901	0.0000	0.0509			
6902	0.8522	0.2676			
6903	5.7734	1.5612			
6904	0.2367	0.1021			
6905	0.2683	0.1267			
6906	0.0000	0.1267			
6907	0.9736	0.4491			
6908	0.4520	0.2161			
6909	0.0853	0.0495			
7100	0.0245	0.0142			
7101	0.0245	0.0142			
7102	2.1935	2.5663			
7103	0.3105	0.1370			
7104	0.0191	0.0133			
7105	0.0191	0.0129			
7106	0.1261	0.0748			
7107	0.2070	0.1303			
7108	0.1596	0.1226			
7109	0.1137	0.0828			
7110	0.3177	0.1368			
7111	0.3513	0.1871			
7112	0.5100	0.2670			
7113	0.4915	0.2584			
7114	0.5173	0.3846			
7115	0.4267	0.2441			
7116	0.4110	0.2306			
7117	0.8468	0.4927			

* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

WSR 00-07-139
PROPOSED RULES
GAMBLING COMMISSION
 [Filed March 22, 2000, 11:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-21-043 with a published date of November 3, 1999.

Title of Rule: WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements.

Purpose: To allow Class F and house-banked licensees to conduct a card tournament for a fee without obtaining a card tournament license, and housekeeping.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Title of Rule above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654 ext. 374; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Sherri Winslow, Lacey, (360) 438-7654 ext. 301.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Title of Rule and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995 apply to this rule adoption.

Hearing Location: LaConner Country Inn, 107 South Second Street, LaConner, WA 98257, (360) 466-3103, on May 12, 2000, at 1:30 p.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Shirley Corbett by May 1, 2000, TDD (360) 438-7638 or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, WA 98504-2400, fax (360) 438-8652 by May 1, 2000.

Date of Intended Adoption: May 12, 2000.

March 22, 2000
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 250, filed 3/16/94, effective 4/16/94)

WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements. (1) A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission. Card room licensees with a Class A, B, ~~(E, F)~~ E, F or house-banked license may conduct a card tournament for a fee without obtaining a card tournament license: Provided, That ~~(Class B)~~ licensees are limited to only those card games authorized under their ~~(licensing)~~ license class. Card room licensees with a Class D or R license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter. The licensee shall notify the commission ten days in advance of any card tournament where the single or multiple buy-in exceeds fifty dollars. A card tournament shall not exceed ten consecutive calendar days.

(2) The fee for a player to enter a card tournament for prizes shall not exceed fifty dollars, including all separate fees which might be paid by a player for various phases, events of the tournament, food and drink offerings, and promotional material. The fee to enter a tournament and a description of all goods and services to be provided as a part of the tournament must be fully disclosed to each entrant prior to their paying such fee. Such disclosure must be posted conspicuously on the premises at the time payment is received and remain posted until the tournament is complete. This same information must be included in all advertisements for said tournament. Operators may offer "free roll" or customer appreciation tournaments: Provided, That the pretournament play requirements do not exceed the fifty-dollar entry fee limitation. Entrants in such tournaments must initially be provided with the same number of chips or points and the same opportunity for re-buys. All prizes awarded for free roll or customer appreciation tournaments may be deducted as prizes for determining adjusted net gambling receipts for compliance with WAC 230-12-075.

(3) All fees paid to enter a tournament shall be reported as gross gambling receipts: Provided, That if an operator prepares and provides food and drink items to all tournament entrants on the licensed premises as a part of their entry fee, the fair market value of the food and drink provided, not to exceed twenty-five dollars or fifty percent of the entry fee, which ever is greater, shall be treated as sales of food and drink for on premises consumption and not included as gross gambling receipts. Such sales, must be properly supported by

records: Provided further, That if an operator provides items promoting the tournament or licensed business, such as hats, t-shirts, etc., to all participants as a part of their entry fee, the actual cost of such items, supported by invoices and other such records, shall be deducted as prizes in determining adjusted net gambling receipts for compliance with WAC 230-12-075.

(4) In addition to the entry fee, a minimum buy-in of chips may be required. The total buy-in per player shall not exceed two hundred dollars per tournament and may be either a single or multiple buy-in during the course of the tournament. A record of the buy-ins for each participant will be maintained by the licensee in a format provided by the commission. All buy-ins of chips are not gross gambling receipts and shall be returned to the participants in the form of prizes. Prizes from buy-ins are not deductible for commercial stimulation purposes.

(5) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in subsection (2) of this section. The licensee's actual cost for prizes awarded to the players may be deducted as prizes for determining adjusted net gambling receipts generated by the entry fees.

(6) The licensee shall adopt tournament rules to facilitate the operation of card tournaments: Provided, That all tournament rules for tournaments where the single or multiple buy-in exceeds fifty dollars must be submitted to the commission for approval. All tournament rules must be posted where all tournament participants can see and read the rules.

(7) The licensee shall maintain a record of all such fees collected and the number of participant for each tournament conducted. This information shall be entered in a format approved by the commission. The total gross gambling receipts for the tournament shall be entered on the card room daily control sheet for the time and date the tournament begins and the record of participants shall be attached and maintained with that daily control sheet.

(8) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant: Provided, That the name and address of each participant receiving promotional items as set forth in subsection (3) of this section shall not be required on the prize record. The record shall be attached to the daily control sheet used on the date the majority of the prizes are awarded.

WSR 00-06-014
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Management Services Administration)
 [Filed February 22, 2000, 1:10 p.m.]

Date of Adoption: February 22, 2000.

Purpose: The purpose of the proposed rules is to incorporate LIST policies regarding examination, fees, and code of professional conduct. The proposed rules will also bring the Department of Social and Health Services into compliance with a federal court decision regarding certification and qualification criteria for interpreters and translators providing services to the department. By establishing clear regulations, the proposed rules will ensure equal access and due process requirements for the department's limited English proficient clients.

Statutory Authority for Adoption: RCW 2.43.010, 74.04.025, and 74.08.090.

Adopted under notice filed as WSR 99-23-081 on November 16, 1999.

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 32, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 32, 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 32, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 22, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

Chapter 388-03 WAC

RULES AND REGULATIONS FOR THE CERTIFICATION OF DSHS SPOKEN LANGUAGE INTERPRETERS AND TRANSLATORS

PURPOSE AND SCOPE

NEW SECTION

WAC 388-03-010 What is the purpose of these rules?

These rules:

(1) Establish the qualifications for department certified and qualified interpreters and translators; and

(2) Establish the requirements and procedures for administering and evaluating the department's interpreter and translator examinations.

NEW SECTION

WAC 388-03-020 What is the scope of these rules?

These rules apply to any person who:

(1) Seeks employment with the department as a bilingual employee;

(2) Wishes to provide services to the department as an interpreter or translator; or

(3) Provides department services to limited English proficient (LEP) clients.

DEFINITIONS

NEW SECTION

WAC 388-03-030 What definitions are important to understanding these rules? The following definitions are important to this chapter:

"Authorized interpreter or translator" means a person who has been certified by a certification agency recognized by the department.

"Certified bilingual employee" means a department employee who is certified, as bilingual, by passing a department fluency examination or a department recognized professional association and is required to use their bilingual skills in their work.

"Certified interpreter for spoken languages" means a person who has passed any of the following fluency examinations:

(1) Department's social services interpreter or medical interpreter certification examination;

(2) State of Washington office of the administrator for the courts interpreter certification examination;

(3) Federal courts interpreter certification examination.

"Certified translator for spoken languages" means a person who has passed any of the following fluency examinations:

(1) Department's translator certification examination;

(2) American Translators Association (ATA) accreditation examination.

"Code of professional conduct for interpreters and translators" means department standards that must be met by all interpreters and translators when they provide language services to department programs and clients. Any violation of this code may disqualify an interpreter or translator from providing services to the department.

"Department" means the department of social and health services (DSHS).

"Examination manual" means the language interpreter services and translations section's professional language certification examination manual. To obtain a copy of this manual, telephone or write the LIST office at:

Department of Social and Health Services
 Language Interpreter Services and Translations
 P.O. Box 45820

Olympia, WA 98504-5820

(360) 664-6037

Or visit the LIST website at: http://asd.dshs.wa.gov/html/oar_list.htm.

"**Interpretation**" means the oral or manual transfer of a message from one language to another language.

"**Language interpreter services and translations**" or "**LIST**" means the section within the department that is responsible for administering and enforcing these rules and providing the services contained in this rule.

"**Limited English proficient (LEP) client**" means a person applying for or receiving department services, either directly or indirectly, who, because of a non-English speaking cultural background, cannot readily speak or understand the English language.

"**Qualified interpreter for spoken languages**" means a person:

(1) Who has passed a department bilingual fluency screening test in a language other than a department certified language; or

(2) Is authorized by the department pursuant to WAC 388-03-114 to interpret a language based on certification obtained from another state or country which is comparable to the certification process used by the department for its certified languages.

"**Source language**" means the language from which an interpretation and/or translation is rendered.

"**Target language**" means the language into which an interpretation and/or translation is rendered.

"**Translation**" means the written transfer of a message from one language to another.

CODE OF PROFESSIONAL CONDUCT

NEW SECTION

WAC 388-03-050 What is the department's "code of professional conduct for language interpreters and translators"? The "code of conduct" is the professional standard established by the department for all interpreters/translators providing language services to department programs and clients. Any violation of this code may disqualify an interpreter or translator from providing those services. Specifically, the code addresses:

(1) **Accuracy.** Interpreters/translators must always express the source language message in a thorough and faithful manner. They must:

(a) Omit or add nothing;

(b) Give consideration to linguistic variations in both the source and target languages; and

(c) Conserve the tone and spirit of the source language.

(2) **Cultural sensitivity-courtesy.** Interpreters/translators must be culturally knowledgeable, sensitive, and respectful of the individual(s) they serve.

(3) **Confidentiality.** Interpreters/translators must not divulge any information obtained through their assignments, including, but not limited to, information from documents or other written materials.

(4) **Disclosure.** Interpreters/translators must not publicly discuss, report, or offer an opinion on current or past assignments, even when the information related to the assignment is not legally considered confidential.

(5) **Proficiency.** Interpreters/translators must pass the department's required bilingual fluency certification examinations or screening tests in order to meet the department's minimum proficiency standard.

(6) **Compensation.** Interpreters/translators must:

(a) Not accept additional money, consideration, or favors for services reimbursed by the department through language services providers;

(b) Not use the department's time, facilities, equipment or supplies for private gain or other advantage; and

(c) Not use or attempt to use their position to secure privileges or exemptions.

(7) **Nondiscrimination.** Interpreters/translators must:

(a) Always be neutral, impartial and unbiased;

(b) Not discriminate on the basis of gender, disability, race, color, national origin, age, creed, religion, marital status, or sexual orientation; and

(c) Refuse or withdraw from an assignment, without threat or retaliation, if they are unable to perform the required service in an ethical manner.

(8) **Self-evaluation.** Interpreters/translators must accurately and completely represent their certification, training, and experience.

(9) **Impartiality-conflict of interest.** Interpreters/translators must disclose to the department any real or perceived conflicts of interest that would affect their professional objectivity. Note: Providing interpreting or translating services to family members or friends may violate the family member or friend's right to confidentiality and/or may be a real or perceived conflict of interest.

(10) **Professional Demeanor.** Interpreters/translators must be punctual, prepared, and dressed appropriately.

(11) **Scope of practice.** Interpreters/translators must not:

(a) Counsel, refer, give advice, or express personal opinions to their interpreting/translating clients;

(b) Engage in activities with clients that are not directly related to providing interpreting and/or translating services;

(c) Have unsupervised contact with clients; and

(d) Have direct telephone contact with clients unless requested by DSHS staff.

(12) **Reporting obstacles to practice.** Interpreters/translators must always assess their ability to perform a specific interpreting/translating assignment. If they have any reservations about their ability to competently perform an assignment, they must immediately notify their clients and/or employer and offer to withdraw without threat or retaliation. They may remain on the assignment until more appropriate interpreters/translators can be retained.

(13) **Ethical violations.** Interpreters/translators must immediately withdraw from assignments that they perceive are a violation of this code. Any violation of this code may disqualify them from providing services to the department.

(14) **Professional development.** Interpreters/translators must continually develop their skills and knowledge through:

- (a) Formal professional training;
- (b) On-going continuing education; and
- (c) Regular and frequent interaction with colleagues and specialists in related fields.

LIST RESPONSIBILITIES FOR CERTIFYING SPOKEN LANGUAGE INTERPRETERS AND TRANSLATORS

NEW SECTION

WAC 388-03-060 What is the responsibility of the language interpreter services and translations (LIST) section in certifying spoken language interpreters and translators? Language interpreter services and translations (LIST) is the section within DSHS responsible for:

(1) Establishing and publishing systems, methods, and procedures for certifying, screening and/or evaluating the interpretation and/or translation skills of bilingual employees, interpreters and translators who work with department clients, employees, and service providers;

(2) Ensuring that certified or qualified bilingual employees and language service contractors are aware of DSHS's code of professional conduct for interpreters and translators.

CERTIFICATION/QUALIFICATION OF INTERPRETERS AND TRANSLATORS

NEW SECTION

WAC 388-03-110 What certification/qualification requirements apply to interpreters and translators? (1) To be department certified, any department staff member serving in a bilingual capacity or any contracted interpreter/translator providing bilingual services to department clients must pass a bilingual fluency test. No bilingual duties will be assigned to any staff and no contract will be granted to any contractor without proper certification. Once certified:

- (a) Department employees in positions requiring bilingual skills are eligible for assignment pay;
- (b) Applicants for bilingual positions with the department qualify for those positions if they have also passed the applicable department of personnel employment examination; and
- (c) Individuals not employed by the department who wish to interpret and/or translate for department clients can be retained by contracted interpreting agencies.

(2) Interpreters can be certified or qualified as:

- (a) Social services interpreters by the department; and/or
- (b) Legal interpreters by the office of the administrator for the courts; and/or
- (c) Medical interpreters by the department.

(3) Translators can be certified by the department or by the American Translators Association (ATA).

(4) When certified and/or qualified, interpreters and translators providing services to department programs and

clients must comply with the department's code of professional conduct for interpreters and translators.

(5) Any violation of the code of professional conduct may disqualify an interpreter or translator from providing services to the department, regardless of whether their contract is directly with the department or indirectly through a language agency serving department clients.

NEW SECTION

WAC 388-03-112 When do I become a certified or qualified interpreter or translator? (1) For certified languages, you are considered certified once you pass the required tests.

(2) The effective dates of your certifications are the dates shown on your score report letters.

(3) If necessary, you can use your score report letters to verify your certification status.

(4) Your certificates will be mailed to you within a month from the date you pass all examination requirements. It is your responsibility to:

(a) Inform the LIST section of any change of name and address;

(b) Check the accuracy of the information presented on your certificate; and

(c) Contact the LIST section if your certificate is not received within the normal time period.

(5) For screening languages, you are considered qualified once you pass both the written and oral tests. Instead of a certificate, an authorization letter will be issued to qualified interpreters who pass the required screening tests.

NEW SECTION

WAC 388-03-114 Can I become a department certified interpreter or translator without taking a department examination? There are three ways that you may gain department recognition as an interpreter or translator without taking the department's certification examinations.

(1) If you hold either a state of Washington office of the administrator for the courts interpreter certificate or a federal court interpreter certificate, the department will recognize you as a certified social services interpreter without requiring you to take its examination. However, you must formally submit a written request for recognition and attach a photocopy of your official certificate.

(2) If the American Translators Association (ATA) accredits you as a certified translator, the department will recognize you as a certified translator without requiring you to take its examination. However, you must formally submit a written request for recognition and attach a photocopy of your official certificate.

(3) If you hold either an interpreter or translator certification from another state or U.S. territory or another country that is comparable to DSHS certification and based upon similar requirements, LIST may recognize your certification. In your request for DSHS recognition, you must submit a photocopy of your official certificate and a copy of the official test manual containing evaluation criteria and passing bench-

mark. Your request should be submitted to LIST. LIST will decide all requests on a case-by-case basis.

NEW SECTION

WAC 388-03-115 Who determines if my request is "sufficiently documented"? The department determines if your request is sufficiently documented. It may request further proof of your qualification. In all cases, the department's decision regarding the sufficiency of your documentation is final.

NEW SECTION

WAC 388-03-116 What if the certification documents requested by the language interpreter services and translations section are in a foreign language? (1) All documents submitted to LIST in a foreign language must be accompanied by an accurate translation in English.

(2) Each translated document must bear the affidavit of the translator, sworn to before a notary public, certifying that the:

(a) Translator is competent in both the language of the document and the English language; and

(b) Translation is a true and complete translation of the foreign language original.

(3) Applicants must pay all costs related to translating any documents relevant to their request for department certification.

NEW SECTION

WAC 388-03-117 What happens to my request for department recognition as an interpreter or translator? When LIST receives your written request for recognition and the required documentation of your qualification, it will:

(1) Process your request as expeditiously as possible; and

(2) Give you written notification of its decision; and

(3) File your request and enter your name, if your request is approved, into its electronic database of authorized interpreters and translators.

NEW SECTION

WAC 388-03-118 Does the department maintain lists of certified/qualified interpreters and translators? (1) To enable contracted language agencies and department programs to locate and contact certified and/or qualified interpreters and translators, the department maintains lists of certified interpreters, certified translators, and qualified interpreters.

(2) These lists are published and distributed to department contracted language agencies, local department offices, LEP cluster coordinators and regional LEP coordinators.

(3) Any interpreter or translator who considers some information on the list to be confidential, such as mailing addresses and telephone numbers, can have that information removed by writing the Language Interpreter Services and

Translations section at: P.O. Box 45820, Olympia, WA 98504-5820.

(4) These lists are updated quarterly to include newly certified and qualified interpreters/translators.

EXAMINATIONS-ELIGIBILITY AND REGISTRATION

NEW SECTION

WAC 388-03-120 Who can take the department's interpreter/translator certification and screening examinations? (1) You are eligible to take any DSHS interpreter/translator certification or screening examination if you are:

(a) Currently employed by DSHS in a bilingual position; or

(b) Applying for DSHS positions with bilingual requirements; or

(c) Currently working with DSHS programs through contracted language agencies; or

(d) Wishing to work with DSHS programs through contracted language agencies.

(2) There are no education and experience requirements for taking an examination. If you fit into one of the above listed categories, you are eligible to take an examination. However, you must remember that all written and oral tests administered by the department assess language proficiency at a professional interpreter/translator level.

(3) Screening tests will not be substituted for any certified language tests.

NEW SECTION

WAC 388-03-122 What type of test is given by the department to certify and qualify interpreters and translators? (1) Certification examinations evaluate bilingual proficiency and interpreting/translation skills by comparing your proficiency and skill to minimum competency standards.

(2) Minimum competency standards are determined by the nature of the work involved and by experienced practicing court interpreters/translators, social services interpreters/translators, bilingual professionals, and language specialists.

(3) Five different types of tests are used to evaluate the bilingual proficiency and interpreting/translation skills of the following categories of people:

(a) Department employees and new recruits with bilingual assignments (employee test);

(b) Contracted interpreters providing oral interpretation services to department social service programs (social services interpreter test);

(c) Contracted translators providing written translation services to department social service programs (translator test);

(d) Medical interpreters providing interpretation services to department clients in medical settings (medical interpreter test); and

(e) Licensed agency personnel whose agency is providing contracted services to the department (licensed agency personnel test or LAP test).

(4) For a list of the specific types of examinations and languages tested (and other important testing information), see the most recent edition of the "professional language certification examination manual" published by the language interpreter services and translations section.

(5) Examinations for interpreters include written and oral components. Interpreters must pass the written test before they take the oral test.

(6) Examinations for DSHS bilingual employees usually include written and oral components and these can be taken on the same day.

(7) Examinations for translators include only a written translation component.

NEW SECTION

WAC 388-03-123 What is a screening test? (1) A screening test is a test administered by the department to candidates who wish to become "qualified interpreters." Qualified interpreters, also referred to as noncertificated language interpreters, are individuals who speak a language other than the department's seven certificated languages, which are Cambodian, Chinese (either Cantonese or Mandarin), Korean, Laotian, Russian, Spanish and Vietnamese.

(2) The scope of a screening test is narrower than the scope of a certificated language examination. Screening tests assess a candidate's English and target language skills but the broader, more comprehensive type of assessment used in a certificated language examination is not possible because of limited department resources.

(3) Screening tests are only available for social services interpreters and medical interpreters.

NEW SECTION

WAC 388-03-124 How do I register for a certification or screening examination if I am a department employee or an applicant for a bilingual position with the department? Normally, you can register over the telephone by calling the LIST section at (360) 664-6038. In the Yakima area, you should contact the DSHS Region 2 Personnel Office at:

104 North 3rd Avenue
Yakima, WA 98902
(509) 575-2008

NEW SECTION

WAC 388-03-125 How do I register for a certification or screening examination if I am not a department employee or an applicant for a bilingual position with the department? To register for a certification or screening examination you must follow these steps:

(1) Call the LIST office and request a copy of the examination manual, an examination application form and a schedule of upcoming test dates.

(2) Complete and return the examination application form with the required examination fee.

(3) Wait to receive your examination confirmation letter and pretest package from LIST. If you have not received your letter and package within fifteen working days after you mailed your application and payment, it is your responsibility to contact the LIST office. It is also your responsibility to inform LIST if your name, mailing address or telephone number changes.

(4) If you are only registering for the oral test or registering to retake a test, you do not need to call the LIST office. Simply complete the application form enclosed with your test score report letter and return it to LIST with the appropriate fee. A confirmation letter will be mailed to you when LIST receives your application and payment.

(5) Walk-in registration at a test site is not allowed under any circumstances.

(6) Telephone registration is allowed only for department employees and applicants for department bilingual positions.

NEW SECTION

WAC 388-03-126 What does my pretest package contain? Your pretest package contains directions to the testing site and a study guide that includes sample test questions, sample oral exercises, a list of important terminology and a copy of the department's code of professional conduct.

EXAMINATION-FEES

NEW SECTION

WAC 388-03-130 What examination fees must I pay? The following examination fees apply to all languages tested by LIST:

Testing for certificated languages:

Social services interpreter test	
Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt
Simultaneous test (retake only)	\$25.00 per attempt
Medical interpreter test	
Written test	\$30.00 per attempt
Oral test	\$45.00 per attempt
Translator test	
Written test	\$50.00 per attempt

Screening for noncertificated languages:

Social services or medical	
Written screening	\$30.00 per attempt
Oral screening	\$45.00 per attempt, per language

PERMANENT

NEW SECTION

WAC 388-03-132 How do I pay my examination fees? (1) You may pay your examination fees with a personal check, certified check, cashier check or money order made out to the "department of social and health services." Do not send cash. LIST will not be responsible for lost cash payments sent through the mail.

(2) If your check or money order is for the wrong amount, LIST will return your payment and your application. You will have to resubmit your application with a correctly prepared check or money order.

(3) If your bank returns your personal check to LIST because of insufficient funds, LIST will not send you a score report letter until your check clears the bank.

NEW SECTION

WAC 388-03-133 Are my examination fees refundable? (1) All examination fees are nonrefundable except:

(a) If you die before taking the examination, your examination fees are refundable to your estate; or

(b) If you officially move out of Washington state before taking the examination, your examination fees can be refunded to you.

(2) If you fail to attend your confirmed test session(s) because of an emergency, your test session(s) may be rescheduled but your test fee will not be refunded. A rescheduling due to an emergency will be done only once and only if the emergency is properly documented. Examples of proper documentation would be official police reports or signed physician statements.

EXAMINATIONS-SCHEDULINGNEW SECTION

WAC 388-03-135 What requirements apply to the scheduling of interpreter and translator certification and screening examinations? (1) LIST schedules all department interpreter and translator examinations. Normally, testing for all languages is conducted once a month, statewide, from February through November. No testing is offered in December and January due to potential hazardous driving conditions. (See the examination manual for details.)

(2) If you require special arrangements for taking your test due to a disability, you should indicate this special need during your initial contact with LIST.

(3) LIST testing is currently offered at six statewide locations. (See the examination manual for details.) Testing site locations can change because of scheduling factors and varying demand for testing services. To stay informed, you should regularly consult LIST's master test schedule. Also, carefully read your test confirmation letter because it contains specific information on test date, test time, and test location.

(4) You must attend the test session(s) indicated in your registration confirmation letters. Except in bona fide emergency situations (see WAC 388-03-133(2)), you will not be allowed to reschedule your examination if you fail to attend

your assigned test session(s). If you miss your scheduled examination for reasons other than an emergency, you may schedule another examination by reapplying to take the test and paying the appropriate testing fee.

(5) All requests for a change in testing schedule must be made within ten calendar days from the date your confirmation letter is sent; otherwise LIST considers your test appointment "confirmed" and your examination fees will not be refunded.

**EXAMINATIONS-ADMINISTRATION
AND SCORING**NEW SECTION

WAC 388-03-138 What procedural requirements apply to administering certification and screening examinations? (1) The department has a "no-comment, no-return" examination policy. Once an examination is given, it becomes the property of the department and it will not be released to anyone, including test candidates.

(2) The department will not discuss specific examination content, including specific test questions or answers, with test candidates or any other party. Candidates can receive general critiques of their test performance if they submit a written request.

(3) Passing scores for the different examinations are established by the department based on bilingual fluency required by law, testing technicalities and the language needs of the department. Test scores will only be reported to candidates in writing. No score information will be released over the telephone to anyone.

(4) All interpreter and translator candidates must follow the test instructions. A failure to follow the instructions may result in an invalid test. Invalid tests will not be scored and, therefore, no test results will be reported to the candidate.

(5) If a candidate arrives late for the written test but decides to go ahead and take it, they will take the test during the remaining time allowed. The lost time resulting from their late arrival will not be made up.

(6) If a candidate arrives late for an oral test, they may lose their assigned time slot. A lost time slot resulting from a late arrival will not be made up.

(7) Tests will not be rescheduled because a candidate arrives late at a testing site except in the case of a bona fide emergency. If you are too late to take the test for some reason other than an emergency, you may schedule another examination by reapplying for the test and paying the appropriate fee.

NEW SECTION

WAC 388-03-140 What if a test candidate is suspected of cheating? If a test administrator suspects cheating during an examination with reasonable evidence, the accused candidate may be declared ineligible for all interpreter and translator certification/qualification tests administered by the department.

NEW SECTION

WAC 388-03-150 How does the department score my bilingual examinations? (1) Depending on the nature of the test or test section, the department uses either an objective or a holistic scoring method to evaluate your examination.

(2) Please consult the examination manual for the evaluation indicators used by the department for each test or sub-test.

NEW SECTION

WAC 388-03-152 When does the department mail my test scores? Score report letters will be sent to candidates when they finish either portion (written or oral) of the test:

(1) For a written test, your scores should be available within two to four weeks from the date you took the examination.

(2) For oral tests, you should receive your scores within four to six weeks from the date you took the examination.

(3) If you wish your test scores mailed to a specific organization or individual, you must personally notify the department in writing and provide the name and mailing address of the organization or individual to whom your score should be sent.

(4) If you do not receive your score report letters within the suggested time periods, you should contact LIST at (360) 664-6037.

NEW SECTION

WAC 388-03-154 Can I appeal my test scores? You have two months, from the date your test score letter is sent, to appeal your test score. Note:

(1) Your appeal must be submitted to the department in writing.

(2) Your appeal will not be honored if it is filed beyond the two-month appeal period.

(3) You will not be allowed to reschedule an examination while your score is being appealed.

NEW SECTION

WAC 388-03-156 How many times can I retake a failed test? You can retake a failed examination until you pass it. However, if you fail a test three times, you must wait six months before taking it a fourth time and wait six months between each subsequent attempt. Each time you retake the test you must pay an examination fee.

DECERTIFICATION/DISQUALIFICATION OF INTERPRETERS AND TRANSLATORS

NEW SECTION

WAC 388-03-170 Can the department deny or revoke my certification or qualification status? The department may deny or revoke either your certification or qualification status if it is proven that you committed one or both of the following acts:

(1) You have not been truthful when dealing with the department; or

(2) You have violated the department's code of professional conduct.

NEW SECTION

WAC 388-03-172 What procedures must the department follow if it denies or revokes my certification or qualification? If it is alleged that you have not been truthful when dealing with the department or that you have violated the department's code of professional conduct, the department, before denying or revoking your certification or qualification, must:

(1) Immediately investigate the allegations made against you; and

(2) Within sixty days of receiving the allegation, determine if you committed the alleged violations; and

(3) Within five days of reaching its decision, give you written notification of the decision. The department's notification must be delivered to you by certified mail.

NEW SECTION

WAC 388-03-174 Can I appeal the department's decision to deny or revoke my certification or qualification? If the department denies or revokes your certification or qualification, you have the right to appeal its decision by using the adjudicative proceeding process in chapter 34.05 RCW and chapter 388-08 WAC. However, the department encourages you to first try to resolve your dispute through a less formal process like mediation.

NEW SECTION

WAC 388-03-176 How do I request an adjudicative hearing? To request an adjudicative hearing, you must:

(1) File a written application with the department's board of appeals within twenty-one days of receiving the department's decision to deny or revoke your certification or qualification.

(2) Your written application must include:

(a) A copy of the department's decision that you are contesting; and

(b) A specific statement of the issue(s) and the law involved; and

(c) Your reasons for contesting the department's decision.

(3) Your written application must be delivered to the board of appeals in person, electronically by fax or by certified mail.

(4) Once the board of appeals receives your written application, an adjudicative hearing will be scheduled.

(5) The adjudicative hearing will be governed by the provisions of chapter 34.05 RCW, Administrative Procedure Act.

WSR 00-06-040
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed February 28, 2000, 2:42 p.m.]

Date of Adoption: February 28, 2000.

Purpose: The purpose of this revision is to update and clarify rules for family home day care providers to ensure safe, healthy, quality care to the children of Washington state, per RCW 74.15.030.

Citation of Existing Rules Affected by this Order: Amending WAC 388-155-010, 388-155-020, 388-155-070, 388-155-098, 388-155-100, 388-155-110, 388-155-120, 388-155-130, 388-155-140, 388-155-150, 388-155-165, 388-155-170, 388-155-180, 388-155-200, 388-155-220, 388-155-230, 388-155-240, 388-155-250, 388-155-270, 388-155-280, 388-155-290, 388-155-295, 388-155-310, 388-155-320, 388-155-340, 388-155-350, 388-155-360, 388-155-390, 388-155-400, 388-155-410, 388-155-430, 388-155-440, 388-155-450, 388-155-460, 388-155-470, 388-155-490, 388-155-500 and 388-155-600; and repealing WAC 388-155-210 and 388-155-260.

Statutory Authority for Adoption: RCW 74.15.030.

Adopted under notice filed as WSR 99-24-028 on November 23, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-155-010(2), definitions corrected—HIS should be Indian Health Service. WAC 388-155-410, change to "the licensee must, in consultation with the parent, establish a plan to provide social service resources and training designed to meet the social and cultural needs of such children." WAC 388-155-270, add "placing infants on their backs each time for sleep."

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 38, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 38, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

February 28, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-155-010 Definitions. As used and defined under this chapter:

"American Indian child" means any unmarried person under the age of eighteen who is:

(1) A member of or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut or other Alaska Native and a member of an Alaskan native regional Corporation or Alaska Native Village;

(2) Determined or eligible to be found to be Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood, or by the Indian health service;

(3) Considered to be Indian by a federally recognized or nonfederally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"Assistant" means a child care giver (~~or child care givers~~) employed by the licensee to supervise a child served at the home.

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Child" means a person seventeen years of age and under.

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by a person under circumstances indicating the child's health, welfare, and safety is harmed.

"Department" means the state department of social and health services.

"Department of health" means the state department of health.

"Family abode" means "a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation."

"Family child care home" means a facility in the family residence of the licensee providing regularly scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods less than twenty-four hours unless care in excess of twenty-four hours is necessary due to the nature of the parent's work.

"Family child day care home" means the same as "family child care home" and "a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home."

"Family residence" means the same as "family abode."

"Home" means the same as "family child care home."

"License" means a permit issued by the department authorizing by law the licensee to operate a family child care home and certifying the licensee meets minimum requirements under licensure.

"Licensee" means the person, organization, or legal entity responsible for operating the home.

"Premises" means the buildings where the home is located and the adjoining grounds over which the licensee has control.

"Provider" means the same as "licensee."

~~("Under two years of age" means a child twenty-three months of age or younger.)~~

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

AMENDATORY SECTION (Amending WSR 96-20-095, filed 10/1/96, effective 11/1/96)

WAC 388-155-020 Scope of licensing. (1) The person operating a family child care home shall be subject to licensing by authority under chapter 74.15 RCW, unless exempted by RCW 74.15.020(4).

(2) The person operating a family child care home and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person claiming an exemption ~~((shall))~~ **must** provide the department proof of entitlement to the exemption on the department's request.

(3)(a) RCW 74.15.020 (4)(c)(i) exempts from licensing persons who care for a neighbor's or friend's child or children, with or without compensation, where:

(i) Care is provided for less than twenty-four hours; and

(ii) Such activity is not conducted on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to advertising such care.

(b) For purposes of this section:

(i) "**Advertising**" means attempting to solicit child care clients, either directly or indirectly, through written, or electronic means;

(ii) "**Engaging in business**" shall exclude those persons providing child care for only one family of children or who can demonstrate that their gross earnings from child care will not exceed ~~(((\$1,000))~~ **one thousand dollars** in any one calendar year;

(iii) "**Friend**" means someone with whom the care provider had a personal relationship prior to the time care was sought, offered, or provided;

(iv) "**Neighbor**" means a person with whom the care provider has relationship by virtue to living in close proximity to the person;

(v) "**Ongoing**" means that care is provided for a number of consecutive weeks or months or there is no specific time frame for ending child care;

(vi) "**Regularly scheduled**" means that the child comes at usually planned times and/or days and/or the provider makes her/himself available to provide care at fixed or planned intervals.

(4) The department shall not license the home legally exempt from licensing. However, at the applicant's request, the department shall investigate and may certify the home as meeting licensing and other pertinent requirements. In such cases, the department's requirements and procedures for licensure shall apply equally to certification.

(5) The department may certify a family day care home for payment without further investigation if the home is:

(a) Licensed by an Indian tribe; or

(b) Certified by the Federal Department of Defense.

The home must be licensed or certified in accordance with national or state standards or standards approved by the department and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.

(6) The person or organization desiring to serve state-paid children ~~((shall))~~ **must**:

(a) Be licensed or certified;

(b) Follow billing policies and procedures in *Child ~~((Day))~~ Care Subsidies, A Booklet for Providers*, DSHS 22-877(X); and

(c) Bill the department at the person's or organization's customary rate or the DSHS rate, whichever is less.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-070 Application and reapplication for licensure—Orientation, training and investigation. (1) The person, organization, or legal entity applying for a license or relicensure under this chapter and responsible for operating the home ~~((shall))~~ **must**:

(a) Attend orientation and training programs provided, arranged, or approved by the department;

(b) Comply with application procedures the department prescribes; and

(c) Submit to the department:

(i) A completed department-supplied application for family child care home license, including required attachments, ninety or more days before the:

(A) Beginning of licensed care;

(B) Expiration of a current license;

(C) Relocation of a home; or

(D) Change of licensed capacity category.

(ii) A completed criminal history and background inquiry form for each applicant, assistant, volunteer, or member of the household sixteen years of age or older having unsupervised or regular access to the child in care; ~~((and))~~

(iii) Fingerprint cards if residing in Washington state for less than three years; and

(iv) The annual licensing fee.

(2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure ~~((shall))~~ **must** submit to the department:

(a) A department-supplied employment and education resume of the applicant and assistant including a transcript or its equivalent documenting early childhood education class completion, where appropriate; and

(b) Three references for the applicant.

(3) The applicant for a license under this chapter shall be eighteen years of age or older.

(4) The department may, at any time, require additional information from the applicant, licensee, assistant, volunteer, member of their household and other person having access to the child in care as the department deems necessary, including, but not limited to:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and
- (e) Medical evaluations.

(5) The department may perform investigations of the applicant, licensee, assistant, volunteer, member of their household, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.

AMENDATORY SECTION (Amending WSR 96-20-095, filed 10/1/96, effective 11/1/96)

WAC 388-155-098 Probationary license. (1) The department ~~((shall))~~ must base the decision as to whether a probationary license will be issued upon the following factors:

- (a) Willful or negligent noncompliance by the licensee,
- (b) History of noncompliance,
- (c) Extent of deviation from the requirements,
- (d) Evidence of a good faith effort to comply,
- (e) Any other factors relevant to the unique situation.

(2) Where the negligent or willful violation of the licensing requirements does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue, a probationary license may be issued as well as civil penalties or other sanctions. Such situations may include:

- (a) Substantiation that a child (or children) was abused or neglected while in the care of the ~~((center))~~ home,
- (b) Disapproved fire safety or sanitation report,
- (c) Use of unauthorized space for child care,
- (d) Inadequate supervision of children,
- (e) Understaffing for the number of children in care,
- (f) Noncompliance with requirements addressing:
 - (i) Children's health,
 - (ii) Proper nutrition,
 - (iii) Discipline,
 - (iv) Emergency medical plan,
 - (v) Sanitation and personal hygiene practices.

(3) Licensee ~~((required to))~~ must notify parents when a probationary license~~((d))~~ is issued:

(a) The licensee ~~((shall))~~ must notify the parents or guardians of all children in care that it is in probationary status within five working days of receiving notification he or she has been issued a probationary license;

(b) The notification ~~((shall))~~ must be in writing and ~~((shall))~~ must be approved by the department prior to being sent;

(c) The licensee ~~((shall))~~ must provide documentation to the department that parents or guardians of all children in care have been notified within ten working days of receiving notification that he or she has been issued a probationary license;

(d) The department may issue a probationary license for up to six months, and at the discretion of the department it may be extended for an additional six months.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-100 Activities and routines. (1) The provider ~~((shall))~~ must offer activities and routines designed to meet the developmental, cultural, and individual needs of the child served. The provider ~~((shall))~~ must ensure that the activities and routines ~~((contain a range of learning experiences for))~~ allow the child to:

(a) Gain self-esteem, self-awareness, self-control, and decision-making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety; and

(d) Experiment, ~~((create, and))~~ explore, and play.

(2) The provider ~~((shall implement a schedule of daily activities, establishing familiar routines and contributing to learning experiences))~~ must establish familiar routines for meals, rest, and play, with allowances for a variety of special events.

(3) The provider ~~((shall))~~ must ensure the home's activities offer variety and options, including a balance between:

(a) Child-initiated and provider-initiated activities;

(b) Free play and organized events;

(c) Individual and group activities; ~~((and))~~

(d) Quiet and active experiences; and

(e) Interactive and passive activities.

(4) The provider ~~((shall))~~ must ensure the home's daily routine affords the child opportunities for small and large muscle activities and outdoor play.

(5) The child may remain in care ~~((only))~~ no more than ten hours ~~((or less))~~ per day except as necessitated by the parent's working hours and ~~((travel))~~ commute time. ~~((from and to the home)).~~

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-110 Learning and play materials. The provider ~~((shall furnish the child))~~ must ensure the child access to a variety of easily accessible, developmentally appropriate learning and play materials of sufficient quantity to implement the home's daily activities. The provider ~~((shall))~~ must ensure material is culturally relevant and promotes:

(1) Social development;

(2) Intellectual ability;

(3) Language development and communication;

(4) Self-help skills;

(5) Sensory stimulation;

(6) Large and small muscle development; and

(7) Creative expression.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-120 Provider-child interactions. (1) The provider ~~((shall))~~ assistant must furnish the child a nur-

turing, respectful, supportive, and responsive environment through frequent interactions with the child:

(a) Supporting the child in developing an understanding of self and others by assisting the child to share ideas, experiences, and feelings;

(b) Providing age-appropriate opportunities for intellectual growth and development of the child's social and language skills, including encouraging the child to ask questions;

(c) Helping the child solve problems;

(d) Fostering creativity and independence in routine activities, including showing tolerance for mistakes; and

(e) Treating ~~((equally))~~ children in care equally regardless of race, religion, ~~((and handicapping condition))~~ abilities, and family structure.

(2) The provider ~~((shall))~~ must:

(a) Furnish the child a pleasant and educational environment at meal and snack times; and

(b) Provide good models for nutrition habits and social behavior by:

(i) Eating with children, when feasible; and

(ii) Encouraging conversation among children.

(3) The provider ~~((shall))~~ must ensure the child is supervised by continuous visual or auditory contact.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-130 Behavior management and discipline. (1) The licensee ~~((shall))~~ must guide the child's behavior based on an understanding of the individual child's needs and stage of development. The licensee ~~((shall))~~ must promote the child's developmentally appropriate social behavior, self-control, and respect for the rights of others.

(2) The licensee ~~((shall))~~ must ensure behavior management and discipline practices are fair, reasonable, consistent, and related to the child's behavior. The licensee ~~((shall))~~ must not administer cruel, unusual, hazardous, frightening, or humiliating discipline.

(3) The licensee ~~((shall))~~ must be responsible for implementing the behavior management and discipline practices of the home. The child in care ~~((shall))~~ must not determine or administer behavior management or discipline.

(4) The licensee ~~((shall))~~ must prohibit and prevent:

(a) Corporal punishment by any person on the premises, including hitting, biting, jerking, shaking, spanking, slapping, striking, or kicking the child, or other means of inflicting physical pain or causing bodily harm;

(b) The use of a physical restraint method injurious to the child;

(c) The use of a mechanical restraint ~~((for disciplinary purposes)),~~ locked time-out room, ~~((or))~~ closet, highchair, carseat, or infant seat for disciplinary purposes; ~~((or))~~

(d) The withholding of food as a punishment.

(5) In emergency situations, the licensee competent to use de-escalation and restraint methods may use limited physical restraint when:

(a) Protecting a person on the premises from physical injury;

(b) Obtaining possession of a weapon or other dangerous object; or

(c) Protecting property from serious damage.

(6) The licensee ~~((shall))~~ must document any incident involving the use of physical restraint.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91)

WAC 388-155-140 Rest periods. (1) The provider ~~((shall))~~ must offer a supervised rest period to the child:

(a) Five years of age and under remaining in care more than six hours; or

(b) Showing a need for rest.

(2) The provider ~~((shall))~~ must plan quiet activities for the child not needing rest.

(3) The provider ~~((shall))~~ must allow the child twenty-~~((nine))~~ four months of age and under to follow an individual sleep schedule.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-150 Evening and nighttime care. (1) For the home regularly offering child care during evening and nighttime hours, the licensee ~~((shall))~~ must:

(a) Adapt the activities, routines, and equipment to meet the physical and emotional needs of the child away from home at night.

~~((2)) The licensee shall maintain the same capacity requirements in effect during daytime care. At all times, including sleeping hours, the child shall be within continuous visual or auditory range of the licensee or assistant))~~

These must include:

(i) Arrangements made for bathing as needed;

(ii) Individual bedding appropriate for overnight sleeping;

(iii) Appropriate night wear and individual toiletry items for each child;

(iv) Separate dressing and sleeping areas for boys and girls ages six years and older and demonstrating a need for privacy.

(b) The licensee must maintain staff-child ratios during sleeping hours.

(c) The licensee must have a plan approved by the licensor to ensure the physical safety and emotional well-being of children during sleeping hours.

~~((3))~~ (2) The licensee ~~((shall))~~ must arrange child grouping so the sleeping child remains asleep during the arrival or departure of another child.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-165 Transportation. When the licensee provides transportation for the child in care:

(1) The licensee ~~((shall))~~ must ensure the motor vehicle is maintained in a safe operating condition;

(2) The licensee ~~((shall))~~ must ensure the motor vehicle is equipped with appropriate safety devices and individual

seat belts or safety seats for each child to use when the vehicle is in motion ~~((An individual safety seat is required for the child eleven months of age and younger))~~ according to Washington state patrol recommendations;

(3) The licensee ~~((shall))~~ must ensure the number of passengers does not exceed the seating capacity of the motor vehicle;

(4) The licensee or driver ~~((shall))~~ must carry motor vehicle liability and medical insurance. The driver ~~((shall))~~ must have a current Washington driver's license, valid for the classification of motor vehicle operated;

(5) The licensee or assistant supervising the child in the motor vehicle ~~((shall))~~ must have current first aid and cardiopulmonary resuscitation training; ~~((and))~~

(6) The licensee, assistant, or driver ~~((shall))~~ must not leave the child unattended in the motor vehicle ~~((:));~~

(7) The licensee ~~((shall))~~ must ensure the assistant is present in the motor vehicle when capacity guidelines require an assistant; and

(8) The licensee must keep a first aid kit, health history, and emergency medical consent for each child in the vehicle while transporting children.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-170 Parent communication. (1) The licensee ~~((shall))~~ must:

(a) Explain to the parent and to any assistants the provider's policies ~~((and)),~~ procedures, and health care practices;

(b) Orient the parent and assistants to the home and activities, and to location of items required to be posted;

(c) Advise the parent of the child's progress and issues relating to the child's care and individual practices concerning a child's special needs; and

(d) Encourage parent participation in the home's activities.

(2) The licensee ~~((shall))~~ must give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Typical meals and snacks served, including guidelines on food brought from the child's home;

(e) Permission for free access by the child's parent to all home areas used by the child;

(f) Child abuse reporting requirements;

(g) Behavior management and discipline;

(h) Nondiscrimination statement;

(i) Religious activities, if any;

(j) Transportation and field trip arrangements;

(k) Typical staffing plan when provider is absent;

(l) Health care practices, including but not limited to information about the home's general health practices concerning:

(i) Injury prevention;

(ii) Medication management;

(iii) First aid, including medical emergencies;

~~((+))~~ (iv) Practices concerning an ill child;

~~((m) Medication management; and (n))~~ (v) Communicable disease prevention, management, and reporting;

(vi) Handwashing practices.

(m) If licensed for the care of the young child ~~((:));~~

(i) ~~((Diapering))~~ Proper infant sleep position and bedding to prevent Sudden Infant Death Syndrome (SIDS);

(ii) Diapering

(iii) Toilet training; and

~~((+++))~~ (iv) Feeding.

(n) Disaster response plan; and

(o) Practices regarding nighttime care including staffing, if applicable.

AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-155-180 Staffing—Qualifications. (1) General qualifications. The licensee, assistant, volunteer, and other person associated with the operation of the home who has access to the child in care ~~((shall))~~ must:

(a) Be of good character;

(b) Have the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural emotional, mental, physical, and social needs of the child in care; and

(c) Not have committed or been convicted of child abuse or any crime involving physical harm to another person.

(2) The licensee ~~((shall))~~ must:

(a) Be eighteen years of age or older;

(b) Be the primary child care provider during the majority of child care business hours;

(c) Ensure compliance with minimum licensing requirements under this chapter; and

(d) Have completed one of the following prior to or within the first six months of initial licensure except as provided in (e) of this subsection:

(i) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training and registry system (STARS); or

(ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education or child development; or

(iii) Associate of arts or AAS or higher college degree in early childhood education, child development, school age care, elementary education or special education.

(e) Licensees already licensed on the effective date of this rule must complete the training required in WAC 388-150-180 (2)(d) prior to or within twelve months after the effective date of this rule.

(3) The assistant ~~((shall))~~ must be:

(a) Fourteen years of age or older; or

(b) Eighteen years of age or older if assigned sole responsibility for the child in care; and

(c) Competent to exercise appropriate judgements.

PERMANENT

AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-155-200 Development and training. (1)

The licensee ((~~shall~~)) must have an orientation system making the new employee and volunteer aware of policies and practices. The licensee ((~~shall~~)) must provide the new employee or volunteer an orientation including, but not limited to:

- (a) Minimum licensing rules required under this chapter;
- (b) Goals and philosophy of the home;
- (c) Daily activities and routines;
- (d) Child guidance and behavior management methods;
- (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (f) Special health and developmental needs of the individual child;
- (g) The health care ((~~plan~~)) practices;
- (h) Fire prevention and safety procedures; ((~~and~~))
- (i) ((~~Personnel policies, when applicable~~)) Duties of assistants and/or volunteer; and
- (j) Location of items required to be posted.

(2) The licensee ((~~shall~~)) must:

(a) Obtain basic, standard first aid, and cardiopulmonary resuscitation (CPR) training, approved by the department of health. CPR training ((~~shall~~)) must include methods appropriate for child age groups in care;

(b) Ensure that first aid and CPR training is current; and

(c) Annually, beginning one year after licensure, complete ten clock hours or one college quarter credit of training. Training must be approved by the Washington state training and registry system (STARS). For those already licensed on the effective date of this rule, this requirement for annual training shall begin one year after the effective date of this rule.

(3) The licensee ((~~shall~~)) must ensure the assistant eighteen years of age or older obtains basic, standard first aid, and CPR training approved by the department of health if the assistant will be solely responsible for the child in care.

(4) The licensee and assistant ((~~shall~~)) must obtain appropriate education and training on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(5) The licensee ((~~shall~~)) must encourage the assistant to participate in training opportunities to promote ongoing education and enhance practice skills.

(6) The licensee ((~~shall~~)) must conduct periodic meetings for planning and coordination purposes when applicable.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-220 Health supervision and infectious disease prevention. (1) ((~~Child~~)) The licensee ((~~shall~~)) must

encourage the parent to arrange a physical examination for the child who has not had regular health care or a physical examination within one year before enrollment.

(2) The licensee ((~~shall~~)) must encourage the parent to obtain health care for the child when necessary. The licensee

((~~shall~~)) must not be responsible for providing or paying for the child's health care.

(3) Before or on the child's first day of attendance, the parent ((~~shall~~)) must present a certificate of immunization status form prescribed by the department of health proving the child's full immunization for:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis (whooping cough);
- (d) Poliomyelitis;
- (e) Measles (rubeola);
- (f) Rubella (German measles);
- (g) Mumps; ((~~and~~))
- (h) Haemophilus Influenzae Type B (HIB);
- (i) Hepatitis B; and
- (j) Other diseases prescribed by the department of health.

(4) The licensee may accept the child without all required immunizations on a conditional basis if immunizations are:

- (a) Initiated before or on enrollment; and
- (b) Completed as rapidly as medically possible.

(5) The licensee may exempt the immunization requirement for the child if the parent or guardian:

- (a) Signs a statement expressing a religious, philosophical, or personal objection; or
- (b) Furnishes a physician's statement of a valid medical reason for the exemption.

(6) ((~~Procedures~~)) The licensee ((~~shall daily~~)) must observe the child daily for signs of illness. The licensee ((~~shall~~)) must care for or discharge home the ill child based on the home's policies concerning an ill child.

(a) When the child has a severe illness or is injured, tired, or upset, the licensee ((~~shall~~)) must separate the child from other children and attend the child continuously until:

- (i) The licensee secures appropriate health care for the child; or
- (ii) The licensee makes an arrangement to return the child to the parent; or
- (iii) The child is able to rejoin the group.

(b) The licensee ((~~shall~~)) must provide a quiet, separate care room or area allowing the child requiring separate care an opportunity to rest.

(c) The licensee ((~~shall~~)) must sanitize equipment used by the child, if the licensee suspects the child has a communicable disease.

(d) The licensee may use the separate care room or area for other purposes when not needed for separation of the child.

(7) The licensee ((~~shall~~)) must wash, or assist the child to wash hands according to the home's handwashing procedures.

(8) The licensee ((~~shall~~)) must clean and disinfect toys, equipment, furnishings, and facilities according to the home's cleaning and disinfecting policies.

(9) The licensee ((~~shall~~)) must have appropriate extra clothing available for the child who wets or soils clothes.

(10) The licensee ((~~shall~~)) must ensure the child does not share personal hygiene or grooming items.

(11) Each licensee, assistant, volunteer, and adult member of the household having regular contact with the child in

care ((shall)) must have a tuberculin (TB) skin test, by the Mantoux method, upon employment or initial licensure, unless against medical advice.

(a) The person whose TB skin test is positive (ten millimeters or more (~~(induration) shall~~) size) must have a chest x-ray with results indicating the person does not have active TB, within thirty days following the skin test.

(b) The licensee ((shall)) must not require the person to obtain routine periodic TB retesting or x-ray (biennial or otherwise) after entry testing unless directed to obtain retesting by the person's health care provider or the local health department.

(12) The licensee ((shall)) must not permit the person with a reportable communicable disease to be on duty in the home or have contact with the child in care unless approved by a health care provider.

(13) The licensee and assistant ((shall)) must wash hands according to the home's handwashing practices.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-230 Medication management. (1) The home may have a policy of not giving medication to the child in care, unless a child has a medically recognized special need requiring medication.

(2) If the home's health care ((plan)) practices include((s)) giving medication to the child in care, the licensee:

(a) ((shall)) Must give medications, prescription and nonprescription, only on the written approval of a parent, or of a person((-) or agency having authority by court order to approve medical care;

(b) ((shall)) Must give prescription medications:
 (i) Only as specified on the prescription label; or
 (ii) As authorized by a physician or other person legally authorized to prescribe medication.

(c) ((shall)) Must give the following classifications of nonprescription medications, with written parent authorization, including a start date and ending date, not to exceed one month, only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication:

- (i) Antihistamines;
- (ii) Nonaspirin fever reducers/pain relievers;
- (iii) Nonnarcotic cough suppressants;
- (iv) Decongestants;
- (v) Anti-itching ointments or lotions, intended specifically to relieve itching;
- (vi) Diaper ointments and powders, intended specifically for use in the diaper area of the child; and
- (vii) Sun screen.

(d) ((shall give other nonprescription medication:

~~(i) Not included in the categories listed in subsection (2)(e) of this section; or~~

~~(ii) Taken differently than indicated on the manufacturer's label; or~~

~~(iii) Lacking labeled instructions, only when disbursement of the nonprescription medication is as required under subsection (2) (d) (i) and (ii);~~

~~(A) Authorized, in writing, by a physician; or
 (B) Based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication)) Must have written instructions from a physician for nonprescription medications if:~~

~~(A) A specific dosage is not given on the label for the age and weight of the child in care;~~

~~(B) It is not listed in subsection (2)(c);~~

~~(C) It lacks labeled instructions; or~~

~~(D) It is taken differently than indicated on the manufacturer's label.~~

The written instructions must include dosage and description of the child's symptoms warranting the medication.

(e) ((shall)) Must accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

- (i) The child's first and last names;
- (ii) The date the prescription was filled; or
- (iii) The medication's expiration date; and
- (iv) Legible instructions for administration, such as manufacturer's instructions or prescription label.

(f) ((shall)) Must keep medication, refrigerated or nonrefrigerated, in an orderly fashion, inaccessible to the child;

~~(g) Must keep class II narcotics in locked storage.~~

~~(h) (shall) Must~~ store external medication in a compartment separate from internal medication;

~~((h) shall) (i) Must~~ keep a record of medication disbursed;

~~((i) shall) (j) Must~~ return medications no longer being taken to the parent or other responsible party, or ((shall)) must dispose of (~~(medications no longer being taken)) them;~~ ((and))

~~((j)) (k) May~~ at the licensee's option, permit self-administration of medication by a child in care if the:

- (i) Child is physically and mentally capable of properly taking medication without assistance;
- (ii) Licensee includes in the child's file a parental or physician's written statement of the child's capacity to take medication without assistance; and
- (iii) Licensee ensures the child's medications and other medical supplies are stored so the medications and medical supplies are inaccessible to another child in care.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-240 Nutrition. (1) The licensee ((shall)) must provide food meeting the nutritional needs of the child in care, taking into consideration the:

- (a) Number of children in care;
- (b) Child's age and developmental level;
- (c) Child's cultural background;
- (d) Child's (~~(handicapping condition)) special need;~~ and
- (e) Hours of care on the premises.

(2) The licensee ((shall)) Must provide only pasteurized milk or a pasteurized milk product.

(3) The licensee ((shall)) Must provide only whole milk to the child twenty-three months of age or under except with the written permission of the child's parent.

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(4) The licensee may serve the child twenty-four months of age or older powdered Grade A milk mixed in the home provided the licensee completes the dry milk mixture, service, and storage in a safe and sanitary manner, using water from an approved source.

(5) The licensee may provide the child nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with written permission of the child's health care provider. The licensee ~~((shall))~~ must obtain from the parent or child's health care provider a written list of foods the child cannot consume.

(6) The licensee ~~((shall))~~ must use the following meal pattern to provide food to the child in care in age-appropriate servings:

(a) Providing the child in care for ten or less hours:

(i) Two or more snacks and one meal; or

(ii) Two meals and one snack.

(b) Providing the child in care for ten or more hours~~((;~~ ~~((+))~~ two or more meals and two snacks~~((; or~~

~~((; or~~ ~~((+))~~ one meal and three snacks);

(c) Providing the child arriving after school a snack;

(d) Providing the child with food at not less than two-hour intervals, and not more than three and one-half hours apart; and

(e) Allowing the occasional serving of party foods not meeting nutritional requirements.

(7) The licensee shall provide the child in care food which complies with the meal pattern of the United States Department of Agriculture Child and Adult Care Food Program, with the addition of:

(a) A minimum of one serving of Vitamin C fruit, vegetable, or juice, provided daily; and

(b) Servings of food high in Vitamin A, provided three or more times weekly.

(8) The licensee ~~((shall))~~ must provide:

(a) Dinner to the child in evening care when the child did not receive dinner at home before arriving;

(b) A bedtime snack to the child in nighttime care; and

(c) Breakfast to the child in nighttime care if the child remains at the home after the child's usual breakfast time.

(9) The licensee ~~((shall))~~ must monitor foods brought from the child's home for consumption by the child, all children, or a group of children in care ensuring safe storage and nutritional adequacy.

(10) For the home permitting sack lunches, the licensee ~~((shall))~~ must have ~~((available))~~ food supplies available to supplement food deficient in meeting nutrition requirements brought from the child's home and to nourish the child arriving without food.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-250 Kitchen and food service. (1) The licensee ~~((shall))~~ must provide and maintain equipment for the proper storage, preparation, and service of food.

(2) The licensee ~~((shall))~~ must make potentially hazardous appliances and sharp or pointed utensils inaccessible to the child when the child is not under direct supervision.

(3) The child may participate in food preparation as an educational activity.

(4) The licensee ~~((shall))~~ must install and maintain kitchen equipment and clean reusable utensils in a safe and sanitary manner by:

(a) Washing and sanitizing reusable utensils in a dishwasher or through use of a manual dishwashing procedure; ~~((and))~~

(b) Using only single-use or clean cloths, used solely for wiping food service, preparation, and eating surfaces; and

(c) Using an approved sanitizer, such as bleach and water, in the kitchen.

(5) The licensee must provide the child individual drinking cups, glasses, or disposable single-use cups.

(6) The licensee must provide the child durable eating utensils appropriate in size and shape for the child in care.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-270 Care of young children. (1) Diapering and toileting. The licensee ~~((shall))~~ must ensure:

(a) The diaper-changing area is:

(i) Separate from food preparation areas; and

(ii) Easily accessible to a handwashing sink other than a sink used for food preparation;

(iii) Sanitized between use for different children; or

(iv) Protected by a disposable covering discarded after each use.

(b) The diaper-changing area is impervious to moisture and washable.

(2) The licensee ~~((shall))~~ must:

(a) Use a nonabsorbent pad large enough for the child's upper body and buttocks;

(b) Use reusable diapers, a commercial diaper service, or disposable diapers;

~~((b))~~ (c) Place soiled diapers without rinsing into a separate, cleanable, covered container provided with a waterproof liner before transporting to a laundry, parent, or acceptable disposal;

~~((c))~~ (d) Remove soiled diapers from the home daily or more often unless the licensee uses a commercial diaper service;

~~((d))~~ (e) Use disposable towels or clean, reusable towels laundered between use for different children for cleaning the child; and

~~((e))~~ (f) Wash hands after diapering the child or helping the child with toileting.

(3) The licensee ~~((shall))~~ must:

(a) Consult with the child's parent regarding initiating toilet training;

(b) Locate potty chairs on washable, ~~((impervious))~~ non-absorbent surfaces in appropriate toileting area when in use; and

(c) Sanitize toilet training equipment after each use.

(4) Feeding. The licensee and the infant's parent ~~((shall))~~ must agree on a schedule for feedings:

(a) The licensee or parent may provide the child's bottle feeding in the following manner:

(i) A filled bottle brought from home;

(ii) Whole milk or formula in ready-to-feed strength; or
 (iii) Formula requiring no preparation other than dilution with water, mixed on the premises, following manufacturer's directions.

(b) The licensee ~~((shall))~~ must prepare the child's bottle and nipple in a sanitary manner in an area separate from the diapering area.

(c) The licensee ~~((shall))~~ must sanitize the child's bottle and nipple between uses.

(d) The licensee ~~((shall))~~ must label the bottle with the child's name and date prepared, if more than one bottle-fed child is in care.

(e) The licensee ~~((shall))~~ must refrigerate a filled bottle if the child does not consume the contents immediately and discard the bottle's contents if the child does not consume the contents within twelve hours.

(f) To ensure safety and promote nurturing, the licensee and assistant ~~((shall))~~ must:

(i) Hold the child in a semi-sitting position for feeding, if the child is unable to sit in a high chair, unless such is against medical advice;

(ii) Interact with the child;

(iii) Not prop a bottle;

(iv) Not give a bottle to the reclining child; and

(v) Take the bottle from the child when the child finishes feeding.

(g) The licensee ~~((shall))~~ must provide semi-solid food for the child, upon consultation with the parent, as recommended by the child's health care provider.

(5) Sleeping equipment. The licensee ~~((shall))~~ must furnish the child a single-level crib, infant bed, bassinet, or play pen for napping until such time the parent and licensee agree the child can safely use a mat, cot, or other approved sleep equipment.

(6) The licensee ~~((shall))~~ must ensure the young child has a sturdy crib, infant bed, bassinet, or play pen:

(a) Made of wood, metal, or plastic with secure latching devices; and

(b) Constructed with two and three-eighths inches or less space between vertical slats when the crib is used for a child six months of age or younger; and

(c) ~~((Additionally supplied with crib bumpers or another effective method preventing the child's body from slipping between the slats))~~ The licensee must follow the recommendations of the American Academy of Pediatrics (1-800-CRIB), placing infants on their backs each time for sleep. The provider may use a different sleep position if the parent requests it in writing.

(7) The licensee ~~((shall))~~ must ensure the child's crib mattress, infant bed, bassinet, or play pen mattress is:

(a) Snug fitting, preventing the infant from being caught between the mattress and crib side rails; and

(b) Waterproof ~~((and)),~~ easily sanitized, and in good repair.

(8) Activities and equipment. The licensee ~~((shall))~~ must provide the young child a daily opportunity for:

(a) Large and small muscle development;

(b) Crawling and exploring;

(c) Sensory stimulation;

(d) Social interaction;

(e) Development of communication; and

(f) Learning self-help skills.

(9) The licensee ~~((shall))~~ must provide ~~((the young child))~~ safe, noningestible, suitable toys and equipment for the young child's mental and physical development.

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

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-280 General safety, maintenance, and site. (1) The licensee ~~((shall))~~ must operate the home on an environmentally safe site.

(2) The licensee ~~((shall))~~ must maintain the indoor and outdoor premises in a safe and sanitary condition, free of hazards, and in good repair. The licensee ~~((shall))~~ must ensure furniture and equipment are safe, stable, durable, and free of sharp, loose, or pointed parts.

(3) The licensee ~~((shall))~~ must:

(a) Install handrails or safety devices at child height adjacent to steps, stairways, and ramps;

(b) Maintain a flashlight or other emergency lighting device in working condition;

(c) Ensure there is no flaking or deteriorating lead-based paint on interior and exterior surfaces, equipment, and toys accessible to the child;

(d) Finish rough or untreated wood surfaces; and

(e) Maintain one or more telephones in working order.

(4) The licensee ~~((shall))~~ must supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring or routinely cleaned floor covering.

(5) The licensee ~~((shall))~~ must equip child-accessible electrical outlets with nonremovable safety devices or covers preventing electrical injury.

(6) The licensee ~~((shall))~~ must ensure staff can gain rapid access in an emergency to a bathroom or other room occupied by the child.

(7) The licensee ~~((shall))~~ must keep the premises free from rodents, fleas, cockroaches, and other insects and pests, using the least toxic method available, and notifying children's parents in advance of chemical usage.

(8) The licensee ~~((shall))~~ must use an appropriate method for drawing clean mop water and disposing waste water.

(9) ~~((The licensee shall ensure a firearm or another weapon is kept in locked storage accessible only to an authorized person))~~ Firearms, ammunition, and other weapons must be kept in secure, locked storage, at all times when not in use. They must be accessible only to authorized persons. Secure locked storage means a locked storage container, gun cabinet, gun safe, or other storage area made of strong, unbreakable material. If the cabinet has a glass or other breakable front, then the guns need to be secured with a cable or chain placed through the trigger guards securing the guns in the storage unit.

(10) The licensee ~~((shall))~~ must ensure a person with current first aid and infant-child CPR training is on the premises at all times.

(11) The licensee ~~((shall))~~ must store separate from food products and make inaccessible to ((the child cleaning supplies, toxic substances, paint, poisons, aerosol containers, and items bearing warning labels)) children cleaning supplies, toxic substances, paint, poisons, aerosol containers, and items bearing warning labels indicating a product is hazardous, if a person is exposed to, or consumes the product.

(12) The licensee ~~((shall))~~ must label a container filled from a stock supply to identify contents.

(13) The licensee must ensure that any animal or pet on the premises has not demonstrated aggressive behavior. If a pet or animal has demonstrated aggressive behavior, it must be inaccessible to children in care at all times.

(14) The use of wheeled baby walkers is prohibited.

(15) The use of trampolines, including rebounders, is prohibited

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-290 Water supply, sewage, and liquid wastes. (1) The licensee ~~((shall))~~ must obtain ((approval of a private)) water ((supply by the local health authority or department)) from:

(a) A public water supply that is regulated by Washington state department of health drinking water operations or the local health authority, as appropriate;

(b) An individual water supply operated and maintained in a manner acceptable to the local health authority; or

(c) Commercially bottled water in cases where (a) or (b) of this subsection are unsatisfactory.

(2) The licensee ~~((shall))~~ must ensure sewage and liquid wastes are discharged into:

(a) A public sewer system; or

(b) An independent sewage system ((approved)) maintained so as not to create a public health nuisance as determined by the local health authority ((or department)).

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-295 Water safety. (1) The licensee ~~((shall))~~ must maintain the following water safety precautions when the child uses an on-premises swimming pool or wading pool. The licensee ((shall)) must ensure:

(a) The on-premises pool is inaccessible to the child when not in use; and

(b) ~~((During the child's use of a wading pool or swimming pool,))~~ An adult with current CPR training supervises the child at all times.

(2) The licensee ~~((shall))~~ must ensure a certified life-guard is present during the child's use of an off-premises swimming pool.

(3) The licensee ~~((shall daily))~~ must empty and clean a portable wading pool daily, when in use.

(4) ~~((The licensee shall not permit the))~~ An adequate, department-approved cover or barrier, installed at the manufacturer's specification must be in place to prevent the child ((to use or)) access ((a)) at all times to heated tubs, ((spa;)) whirlpools, spas, tanks, or similar equipment.

(5) A five foot high fence with gates, locked when not in use, is required to prevent access to water hazards, such as swimming pools, lakes, streams, or natural or artificial pools.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-310 First-aid supplies. (1) The licensee ~~((shall))~~ must maintain first-aid supplies on the premises conforming with the home's first-aid policies and procedures.

(2) The home's first-aid supplies ~~((shall))~~ must include unexpired syrup of ipecac which may be administered only on the advice of a ((physician or)) poison control center.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-320 Outdoor play area. (1) The licensee ~~((shall))~~ must provide a safe and securely-fenced or department-approved, enclosed outdoor play area:

(a) Adjoining directly the indoor premises; or

(b) Reachable by a safe route and method; and

(c) Promoting the child's active play, physical development, and coordination; and

(d) Protecting the ((play-area)) child from unsupervised exit ((by the child, and)) with an enclosure at least forty-eight inches high; and

(e) Preventing child access to roadways and other dangers.

(2) The licensee ~~((shall))~~ must ensure the home's activity schedule affords the child sufficient daily time to participate actively in outdoor play.

(3) The licensee ~~((shall))~~ must provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities. The licensee ((shall)) must arrange, design, construct, and maintain equipment and ground cover to prevent the child's injury. The licensee's quantity of outdoor play equipment ((shall)) must offer the child a range of outdoor play options.

(4) Preschool children and younger must be in visual and auditory range when outside.

(5) School-age children must be in auditory range when outside.

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 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-340 Toilets, handwashing sinks, and bathing facilities. (1) The licensee ~~((shall))~~ must provide a minimum of one indoor flush-type toilet and one adjacent handwash sink.

(2) The licensee ~~((shall))~~ must supply the child warm running water for handwashing at a temperature range no less than eighty-five degrees Fahrenheit and no more than one hundred and twenty degrees Fahrenheit.

(3) The licensee ~~((shall))~~ must provide toileting privacy for the child of opposite sex six years of age and older and for other children demonstrating a need for privacy.

(4) The licensee ~~((shall))~~ must provide toilets and hand-washing sinks of appropriate height and size for the child in care or furnish safe, easily cleanable platforms impervious to moisture so the child can reach the toilet and handwashing sink.

(5) The licensee ~~((shall))~~ must ensure a room used for toileting is ventilated.

(6) When a home serves the child not toilet-trained, the licensee ~~((shall))~~ must provide developmentally appropriate equipment for the toileting and toilet training of the young child. The licensee ~~((shall))~~ must sanitize the equipment after each child's use.

(7) The licensee ~~((shall))~~ must provide the child with soap and individual cloth or paper towels for washing and drying the child's hand and face.

(8) If the home is equipped with a bathing facility, the licensee ~~((shall))~~ must:

(a) Ensure the young child is supervised while using the bathing facility; and

(b) Equip the bathing facility with a conveniently located grab bar or other safety device such as a nonskid pad ~~((or~~

~~((e) Make the bathing facility inaccessible to the child)).~~

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-350 Laundry. (1) ~~((The licensee shall maintain access to laundry washing and drying facilities, which may include using on-premises or off-site equipment.~~

~~((2) When washing and drying occurs on-site, the licensee shall locate equipment in an area inaccessible to the child, or make the equipment inaccessible to the child.~~

~~((3))~~ The licensee ~~((shall))~~ must use an effective method through temperature or chemical measures for adequately sanitizing the child's laundry contaminated with urine, feces, lice, scabies, or other infectious material.

~~((4))~~ (2) The licensee ~~((shall))~~ must store the child's soiled laundry separately from clean laundry.

(3) Hazardous laundry supplies and soiled items must be inaccessible to children.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-360 Nap and sleep equipment. (1) The licensee ~~((shall))~~ must provide a clean, separate, firm mat, cot, bed, mattress, play pen, or crib for each child five years of age and under remaining in care for six or more hours and for the child requiring a nap or rest period.

(2) The licensee ~~((shall))~~ must ensure the child's mat or cot is of sufficient length, width, and thickness to provide adequate comfort for the child to nap. The licensee must ensure the cot surface is of a material which can be cleaned with a detergent solution, disinfected, and allowed to air dry. The licensee may use a washable sleeping bag meeting the mat requirements for the toilet-trained child.

~~((3) ((The licensee shall ensure the child's cot is of sufficient length and width and constructed to provide adequate comfort for the child to nap. The licensee shall ensure the cot surface is of a material which can be cleaned with a detergent solution, disinfected, and allowed to air dry.~~

~~((4))~~ The licensee ~~((shall))~~ must clean the child's nap equipment as needed and between use by different children.

~~((5))~~ (4) The licensee ~~((shall))~~ must separate the child's nap equipment when in use to facilitate child comfort and health and staff access.

~~((6))~~ (5) The licensee ~~((shall))~~ must ensure the child's bedding:

(a) Consists of a clean sheet or blanket to cover the sleeping surface and a clean, suitable cover for the child;

(b) Is laundered weekly or more often and between use by different children; and

(c) Is stored separately from bedding used by another child.

~~((7))~~ (6) The licensee ~~((shall))~~ must not use the upper bunk of a double deck bed for a preschool age or younger child.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-390 Discrimination prohibited. The licensee ~~((shall))~~ must comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services, to prohibit discrimination because of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability or use of a trained guide dog or service animal by a disabled person.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-400 Religious activities. (1) Consistent with state and federal laws, the licensee ~~((shall))~~ must respect and facilitate the rights of the child in care to observe the tenets of the child's faith.

(2) The licensee ~~((shall))~~ must not punish or discourage the child for exercising these rights.

~~((3) If the home conducts religious activities, the licensee shall maintain a written description of the home's religious policies and practices affecting the child in care.))~~

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-410 ((Special)) Additional requirements regarding American Indian children. When one or more American Indian child receives care at the home, the licensee ~~((shall develop))~~ must in consultation with the parent, establish a plan to provide social service resources and training designed to meet the ~~((special))~~ social and cultural needs of such children ~~((through coordination)).~~ The licensee may coordinate with tribal, Indian Health Service, Bureau of

Indian Affairs social service staff, and appropriate urban Indian and Alaskan native consultants.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-430 Prohibited substances. (1) During operating hours or when the child is in care, the licensee, assistant, and volunteers on the premises in child care areas, or caring for the child off-site ((~~shall~~)) must not be under the influence of or consume an:

- (a) Alcoholic beverage; or
- (b) Illegal drug.

(2) The licensee ((~~shall~~)) must prohibit smoking in:

- (a) All areas of the home used by the child during hours of operation when the child is in care; and
- (b) A motor vehicle when the licensee or assistant transports a child.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-440 Limitations to persons on premises. (1) During home operating hours or while the child is in care, the only persons having regular or unsupervised access to the child in care are:

- (a) The child's parent,
- (b) The licensee,
- (c) An employee,
- (d) The licensee's family member,
- (e) A volunteer, or ((~~an authorized~~))
- (f) A governmental agency representative ((~~of a governmental agency shall have unsupervised or regular access to the child in care~~)) having specific, verifiable authority for the access.

(2) The licensee ((~~shall~~)) must allow the parent of the child in care unsupervised access only to ((~~the parent's~~)) his or her own child.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-450 Child records and information. The licensee ((~~shall~~)) must maintain ((~~on the premises~~)) organized confidential records and information on the premises concerning each child in care. The licensee ((~~shall~~)) must ensure the child's record contains, at a minimum:

(1) Registration data:

- (a) Name, birthdate, dates of enrollment and termination((~~, and other identifying information~~)); and
- (b) Name, address, and home and business telephone number of the parent and other person to be contacted in case of emergency.

(2) Authorizations:

- (a) Name, address, and telephone number of the person authorized to remove from the home the child under care;
- (b) Written parental consent for transportation provided by the home, including field trips and swimming, when the child participates in these activities. A parent-signed blanket consent form may authorize the child's off-site travel; and

(c) Written parental consent, or court order, for providing medical care and emergency surgery, except for such care authorized by law.

(3) Medical and health data:

- (a) A health history, obtained when the licensee enrolls the child for care. The history includes:
 - (i) The date of the child's last physical examination;
 - (ii) Allergies;
 - (iii) Special health problems and other pertinent health information;
 - (iv) Immunization history as required under WAC 388-155-220;
 - (v) Name, address, and telephone number of the child's health care provider or facility; and
 - (vi) Special developmental problems.
- (b) Date and kind of illness and injury occurring on the premises, including the treatment given by the licensee; and
- (c) Medication given indicating dosage, date, time, and name of the dispensing person.

AMENDATORY SECTION (Amending Order 3745, filed 6/22/94, effective 7/23/94)

WAC 388-155-460 Home records. The licensee ((~~shall~~)) must maintain the following documentation on the premises:

- (1) The attendance records, completed daily, including arrival and departure times;
- (2) A copy of the report sent to the licensor about the illness or injury to the child in care requiring medical treatment or hospitalization;
- (3) The twelve-month record indicating the date and time the licensee conducted the required monthly fire evacuation drills;
- (4) The twelve-month record indicating the date the licensee tested the battery-powered smoke detector monthly; and
- (5) Attendance records and invoices for state-paid children for at least five years.

AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-155-470 Personnel records. (1) Each assistant and volunteer having unsupervised or regular access to the child in care ((~~shall~~)) must complete and submit to the licensee by the date of hire:

- (a) An application for employment on a department-prescribed form, or its equivalent; and
- (b) A criminal history and background inquiry form.
 - (i) The licensee ((~~shall~~)) must submit this form to the department for the employee and volunteer, within seven calendar days of the assistant's or volunteer's first day of employment, permitting a criminal and background history check.
 - (ii) The department ((~~shall~~)) must discuss the result of the criminal history and background inquiry information with the licensee, when applicable.

(2) The licensee, assistant, and volunteer ((~~shall~~)) must have on file at the home:

- (a) An employment application, including work and education history;
- (b) Documentation of criminal history and background inquiry form submission;
- (c) A record of the tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;
- (d) Documentation of HIV/AIDS education and training;
- (e) Documentation of current first aid and CPR training, when applicable; and
- (f) Documentation of basic and annual training required under WAC 388-155-180 (2)(d) and 388-155-200 (2)(c), when applicable.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-490 Reporting of circumstantial changes. A family child care home license is valid only for the person and address named on the license. The licensee ~~((shall))~~ **must** promptly report to the licensor major changes in premises, activities and routines, the assistant, or members of the household affecting the home's capacity classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

- (1) Home's address, location, or phone number;
- (2) Maximum number and age ranges of children the licensee wishes to serve as compared to current license specifications;
- (3) Number and qualifications of the home's staff that may affect competencies to implement the specified activities and routines, including the death, retirement, or incapacity of a licensee;
- (4) Name by which the home is commonly known;
- (5) Occurrence of a fire, major structural change, or damage to the premises from any cause; ~~((and))~~
- (6) Plans for major remodeling of the home, including planned use of space not previously department-approved; and
- (7) Report of a person moving in or out of the household.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

WAC 388-155-500 Posting requirements. The licensee ~~((shall))~~ **must** post the following items, clearly visible to the parents and the assistant:

- (1) The home's child care license issued under this chapter;
- (2) Evacuation plans and procedures; ~~((and))~~
- (3) Emergency telephone numbers; and
- (4) A department-issued final notice of penalty.

AMENDATORY SECTION (Amending Order 9373, filed 4/26/96, effective 5/27/96)

WAC 388-155-600 Occupancy restrictions. (1) Any home used for child day care purposes for fewer than thirteen children is considered to be a Group R, Division 3 occupancy

per the state building code. Family child day care homes must meet the minimum construction and fire and safety requirements for one and two family dwellings.

If a portion of the home is used for purposes other than a dwelling, such as a garage, automotive repair shop, cabinet and/or furniture making or refinishing or similar use, a fire wall is required between the dwelling and the other use.

(2) Only one exit door from a family child day care home need be of the pivoted or side hinged swinging type. Approved sliding doors may be used for other exits.

(3) In family child day care home, each floor level used for family child day care purposes ~~((shall))~~ **must** be provided with two exits, usually located at opposite ends of the building or floor.

(4) Basements located more than four feet below grade level ~~((shall))~~ **must** not be used for family child day care purposes unless one of the following conditions exists:

(a) Two exit stairways from the basement open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the basement level and the other exit is an interior stairway with a self-closing door installed at the top or bottom leading to the floor above; or

(c) One of the two required exits is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court and the other may be an approved interior or exterior stairway; or

(d) A residential sprinkler system is provided throughout the entire home in accordance with standards of the National Fire Protection Association.

(5) The family child care home licensee ~~((shall))~~ **must** ensure that any floor located more than four feet above grade level is not occupied by children for family child day care purposes except for the use of toilet facilities while under supervision of a staff person.

Family child day care may be allowed on the second story if one of the following conditions exists:

(a) There are two exit stairways from the second story which open directly to the exterior of the building without entering the first floor; or

(b) There is an exit which discharges directly to the exterior from the second story level, and a second interior stairway with a self-closing door installed at the top or bottom of the interior stair leading to the floor below; or

(c) A residential sprinkler system is provided throughout the entire building in accordance with standards of the National Fire Protection Association.

(6) The maximum travel distance from any point in the home to an exterior exit door ~~((shall))~~ **must** not exceed one hundred fifty feet.

(7) Every room used for child care (except bathrooms) ~~((shall))~~ **must** have:

(a) At least one operable window or door approved for emergency escape or rescue which ~~((shall))~~ **must** open directly into a public street, public alley, yard or exit court. The units ~~((shall))~~ **must** be operable from the inside to provide a full clear opening without the use of separate tools.

~~((AH))~~ The net clear openable area of an escape or rescue ~~((windows shall have))~~ window must be a minimum ~~((net~~

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~~clear openable area~~) of 5.7 square feet. The ~~((minimum))~~ net clear openable height dimension ~~((shall))~~ must be a minimum of twenty-four inches. The ~~((minimum))~~ net clear openable width dimension ~~((shall))~~ must be a minimum of twenty inches. ~~((When windows are provided as a means of))~~ An escape or rescue~~((, they shall))~~ window must have a finished sill height of not more than forty-four inches above the floor; or

- (b) Doors leading to two separate exit ways; or
- (c) A door leading directly to the exterior of the building.
- (8) A stationary platform may be used under a window to attain the forty-four inches above the floor.

(9) Exit doors ~~((shall))~~ must be easy to open to the full open position.

(10) Exit doors and windows ~~((shall))~~ must be able to be opened from the inside without having to use a key. Use of night latches, dead bolts, security chains, manually operated edge or surface mounted flush bolts and surface bolts ~~((are))~~ is prohibited during child care hours.

The locking arrangement on outside exit doors ~~((shall))~~ must be such that they will automatically unlock when the doorknob is turned from the inside.

(11) The licensee ~~((shall))~~ must ensure that obstructions are not placed in corridors, aisles, doorways, doors, stairways or ramps.

(12) ~~((No))~~ Space which is accessible only by ladder, folding stairs or trap doors, ~~((shall))~~ must not be used for family child day care purposes.

(13) Every bathroom door lock ~~((shall))~~ must be designed to permit the opening of the locked door from the outside in an emergency. The opening device ~~((shall))~~ must be readily accessible to the staff.

(14) Every closet door latch ~~((shall))~~ must be such that children can open the door from inside the closet.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-155-210 Health care plan.
- WAC 388-155-260 Drinking and eating equipment.

WSR 00-07-003
PERMANENT RULES
OFFICE OF THE
STATE TREASURER
 [Filed March 2, 2000, 2:05 p.m.]

Date of Adoption: March 2, 2000.

Purpose: To align rule with RCW 43.250.060 and to provide added clarity on the rule that requires reimbursement for the administration and recovery of costs associated with the operation of the local government investment pool.

Citation of Existing Rules Affected by this Order: Amending WAC 210-01-120.

Statutory Authority for Adoption: Chapter 43.250 RCW.

Other Authority: RCW 43.250.090.

Adopted under notice filed as WSR 00-03-040 on January 13, 2000.

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.

March 2, 2000

Douglas D. Extine
 Deputy Treasurer

AMENDATORY SECTION (Amending WSR 96-18-029, filed 8/28/96)

WAC 210-01-120 Administrative ~~((fees))~~ deductions. As authorized in RCW 43.250.060, the ~~((The))~~ state treasurer will ~~((charge a fee))~~ require reimbursement for the administration and recovery of costs associated with the operation of the local government investment pool. ~~((This fee will be set in a manner that will allow the state treasurer to recover costs associated with the pool. The fee))~~ The deduction for the amount to reimburse the office of the state treasurer will be based on the average daily balance of the funds deposited in the pool. Each participant will ~~((pay a proportionate share of the pool's expenses))~~ reimburse based upon its share of the total pool's assets. The ~~((fee))~~ deduction will be expressed as a percentage of the average daily funds on deposit in the pool for a specified period. ~~((This fee will be charged against))~~ This reimbursement will be deducted from each participants earnings prior to the credit of those earnings. The administrative ~~((fee))~~ deduction will be adjusted to reflect actual experience.

WSR 00-07-018

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed March 3, 2000, 10:18 a.m.]

Date of Adoption: October 29, 1999.

Purpose: To qualify the right of students to question and confront witnesses by recognizing exceptions thereto.

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Citation of Existing Rules Affected by this Order: Amending WAC 180-40-270 (2)(c), 180-40-285 (2)(c), 180-40-305 (2)(c), and 180-40-315 (2)(a)(ii).

Statutory Authority for Adoption: RCW 28A.305.160.

Adopted under notice filed as WSR 99-19-003 on September 2, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, 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.

March 2, 2000

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

WAC 180-40-270 Long-term suspension—Prehearing and hearing process. (1) If a request for a hearing is received pursuant to WAC 180-40-265 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form or corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

WAC 180-40-285 Expulsion—Prehearing and hearing process. (1) If a request for a hearing is received pursuant to WAC 180-40-280 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the expulsion or lesser form of corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

WAC 180-40-305 Emergency expulsion—Prehearing and hearing process. (1) If a request for a hearing within the required ten school business days is received pursuant to WAC 180-40-300, the school district shall immediately schedule and give notice of a hearing to commence as soon as reasonably possible and in no case later than the third school business day after receipt of the request for hearing.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and

whether or not the emergency expulsion shall be continued or a lesser form of corrective action or punishment is to be imposed.

(7) An emergency expulsion may be continued following the hearing on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance.

AMENDATORY SECTION (Amending WSR 96-15-098, filed 7/22/96, effective 8/22/96)

WAC 180-40-315 Appeals—Hearing before school board or disciplinary appeal council—Procedures. (1) If a notice of appeal to the school board of directors or school district disciplinary appeal council is received pursuant to WAC 180-40-310(2) within the required three school business days, the board or council shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board or council deems reasonable. The board or council shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board or council and render its decision within fifteen school business days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors or school district disciplinary appeal council elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(ii) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(A) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(B) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.

- (iii) Present his or her explanation of the alleged misconduct, and
- (iv) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,
- (b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and
- (c) Either a tape-recorded or verbatim record of the hearing shall be made.

WSR 00-07-038
PERMANENT RULES
HORSE RACING COMMISSION

[Filed March 6, 2000, 10:24 a.m.]

Date of Adoption: March 1, 2000.

Purpose: Bring into conformance with nationally accepted model rules.

Citation of Existing Rules Affected by this Order: Amending WAC 260-34-030, 260-34-080, 260-34-090, and 260-34-100.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-03-088 on January 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: Clarifying language.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, 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.

March 3, 2000

Bruce Batson
Executive Secretary

AMENDATORY SECTION (Amending Order 89-02, filed 6/9/89)

WAC 260-34-030 Testing. The board of stewards of the horse racing commission or the commission, acting through the executive secretary, may require any licensee, employee of any racing association, or employee of the horse racing commission, or applicant, who is, or may be, responsible for

the conduct of, or officiating of, a race, or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet, or on grounds licensed by the horse racing commission, to provide blood and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

~~((1) As part of a physical examination described in WAC 260-32-160, as close as practicable prior to the testee's participation in his/her first race meeting of a calendar year.))~~

~~((2))~~ (1) When the board of stewards finds that there is reasonable suspicion to believe that the proposed testee has used any controlled substance unless such controlled substance was obtained directly and used pursuant to a valid medical prescription from a duly licensed physician or dentist acting in the course of his or her professional practice or, alcohol in excess of the limits prescribed in this chapter.

~~((3))~~ (2) At the discretion of the stewards when the proposed testee has a documented history of an unexplained positive test which indicates illegal drug usage or when the proposed testee has a documented history of violating chapter 69.41, 69.45 or 69.50 RCW, WAC 260-34-020 or similar drug-related violation.

AMENDATORY SECTION (Amending Order 89-02, filed 6/9/89)

WAC 260-34-080 Testing procedure. (1) When the drug testing is required as described in WAC 260-34-030~~((+))~~, the following procedure will be used:

(a) The licensee, employee, or applicant will report as instructed by the board of stewards to a drug testing facility approved by the commission. When on site urinalysis is available the board of stewards may direct the licensee, employee or applicant to submit to drug testing done by a commission security inspector. This testing will be done in accordance with procedures which have been approved by the commission. ~~((to the specified physician where a member of the medical staff designated by the physician will supervise the sample being given.))~~ A qualified member of the drug testing facility will supervise the sample being given. When on site urinalysis is available the commission security inspector or their designee will supervise the sample being given. The supervision need not include actual observance of the delivery of the sample but the sample shall be taken under such circumstances that the integrity of the sample is maintained without unnecessarily interfering with the individual rights of the person tested, including the right to be free from unnecessary embarrassment. Intentional contamination of the sample by any person tested which is likely to prevent appropriate analysis of the sample shall be grounds for the suspension or revocation of the person tested.

(b) The urine sample will be at least 75 ml in volume. The urine sample will be divided into two parts of at least 25 ml and 50 ml in the presence of the person tested. If the licensee, employee, or applicant is unable to provide 75 ml of urine, the licensee, employee, or applicant may waive in writing the division of the sample and preservation of an untested portion of the sample as provided in (c) of this subsection and subsection (4) of this section. If the person tested is unable to

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provide a sufficiently large sample, either 75 ml or 50 ml with a waiver, the person shall not be suspended, but shall not participate in racing until such time as he or she is able to provide sufficient urine and completes the test. All portions of the sample shall be placed in containers and sealed with double identification tags in the presence of the person being tested.

(c) The 25 ml (or more) container will be preserved pursuant to subsection (3) of this section by the medical facility obtaining the sample. Both licensee, employee, or applicant and member of the medical staff, chief of security, or designated representative of the horse racing commission will sign the tag to attest to the sealing and labeling of the sample.

(d) The 50 ml (or more) container will be prepared for transportation as follows: One portion of the container's tag bearing a printed identification number shall remain with the sealed container. The other portion of such tag bearing the same printed identification number, shall be detached in the presence of the person tested and a member of the medical staff, the chief of security or designated representative of the horse racing commission. The licensee, employee, or applicant will initial or sign the designated portion of the tag to attest witnessing such action. The member of the medical staff, the chief of security or designated representative of the horse racing commission will also sign the detached portion of the tag to attest witnessing such action. The sample will then be handled in a manner consistent with an evidentiary chain of custody throughout the transportation and laboratory testing process. The sample and the tag identifying the sample which is to be provided to the laboratory for analysis shall not identify the person by name, but only by number assigned and recorded by the members of the medical staff, chief of security, or designated representative of the horse racing commission.

(2) When the testing is to be done as a result of reasonable suspicion or the result of mandatory testing being conducted after a positive test, the same procedure for handling the specimens shall be utilized as in subsection (1) of this section, but the sample may be taken at the track and witnessed by the chief of security or designated representative of the horse racing commission. The witness must be of the same sex as the person being tested. After the sample is taken, divided and sealed, the chief of security or designated representative of the horse racing commission will be responsible for the evidentiary chain of custody and transportation of one portion of the sample to the laboratory and storage of the other portion pursuant to subsection (3) of this section. The chief of security of the horse racing commission will maintain a checklist of procedures to implement these steps; the checklist will be marked as the steps are carried out and it will be maintained as part of security records.

(3) Each portion of the sample supplied by the person tested will be preserved by the ~~((member of the medical staff.))~~ approved laboratory, chief of security, representative of the horse racing commission, or laboratory for ~~((thirty))~~ three days unless there is a positive test result. If there is a positive test result, the samples will be preserved for a period of one year or until released by the executive secretary of the horse racing commission after all hearings and appeals have been terminated. The samples will be preserved in a secured

location by refrigeration or freezing for the first ~~((thirty))~~ three days and thereafter by freezing.

(4) Either or both portions of the sample may be retested at the request of the licensee, employee, or applicant at either the laboratory used by the horse racing commission or a ~~((separate equally or better))~~ qualified ~~((and reputable))~~ laboratory designated by the licensee, employee, or applicant and approved by the horse racing commission. If the untested sample is transported for testing, transportation will be performed, at the direction of the board of stewards, by the chief of security or designated representative of the horse racing commission using an evidentiary chain of custody. None of the originally untested 25 ml portion is required to be saved after testing for retesting. The licensee, employee, or applicant is responsible for all costs of transporting and testing or retesting a sample at his or her request.

AMENDATORY SECTION (Amending Order 89-02, filed 6/9/89)

WAC 260-34-090 A positive test. A drug test shall be positive when the presence of a controlled substance is confirmed by two independent tests performed on the same sample supplied by a licensee, employee, or applicant. The tests used will be the E.M.I.T. screen test, followed by a gas chromatography/mass spectrometry confirmatory test, or other tests which the scientific community recognizes are equally or more accurate and reliable. If marijuana or its derivatives, salts, isomers, or salts of isomers are detected in a drug test, such a result will not be reported positive unless found at levels of at least one hundred nanograms per milliliter.

A positive drug test shall be reported by the laboratory to the presiding steward at the track. On receiving written notice from the laboratory that a specimen has been found positive for a controlled substance, the presiding steward shall initiate the following procedure:

(1) Written notice shall be given to the licensee, employee or applicant, setting a hearing by the board of stewards in accordance with WAC 260-24-440 within the next two racing days or seven calendar days, whichever is less, after service of the notice. The hearing may be held within a shorter or longer period of time if the licensee, employee, or applicant named and the board of stewards agree. Service shall be to the licensee, employee, or applicant personally, by leaving the notice at the person's residence with someone of reasonable age and discretion residing therein, or by mail to the person's last known address. If by mail, service shall be deemed completed on the third day after mailing.

(2) The hearing shall be conducted before the board of stewards pursuant to WAC 260-24-440. At the hearing, the licensee, employee, or applicant shall be provided an opportunity to explain the positive test.

(3) The board of stewards' hearing shall be closed and the facts therein will be kept confidential unless for use with respect to any ~~((subsequent contested hearing))~~ stewards ruling, ~~((or))~~ order by the horse racing commission or judicial hearing with regard to such facts. Closure of the hearing and confidentiality of the proceedings may be waived by the licensee, employee, or applicant. The board may issue a public

ruling which complies with the confidentiality requirements of this section and WAC 260-34-100.

(4) Lacking a satisfactory explanation and documentation or upon the licensee, employee, or applicant agreeing with the test results, the board of stewards shall suspend the licensee, employee, or applicant until:

(a) A negative test can be submitted by that licensee, employee, or applicant and the results reviewed by the board of stewards; and

(b) The licensee, employee, or applicant is referred to an approved agency for a drug evaluation interview and completes the evaluation.

(i) If the evaluation concludes that the licensee, employee, or applicant is not addicted or habituated, and if the board of stewards determines that the licensee's, employee's, or applicant's condition is not detrimental to the best interests of racing, the licensee, employee, or applicant shall be allowed to participate in racing provided he or she agrees that further testing may be done as described in WAC 260-34-030(~~(3)~~).

(ii) If such drug evaluation concludes that the licensee, employee, or applicant is addicted or habituated, or the board of stewards determines that the licensee's, employee's, or applicant's condition is detrimental to the best interests of racing, the licensee, employee, or applicant shall not be allowed to participate in racing until such time as he or she can produce a negative test result and show official documentation that he or she has successfully completed a certified drug rehabilitation program approved by the board of stewards, in consultation with the executive secretary of the horse racing commission. The licensee, employee, or applicant must agree to further testing as described in WAC 260-34-030(~~(3)~~).

(5) For a second positive drug test in the calendar year, the licensee, employee, or applicant shall be suspended for the balance of the calendar year or one hundred twenty days, whichever is greater, and the person is required to complete a certified drug rehabilitation program approved by the board of stewards in consultation with the executive secretary of the horse racing commission before applying for a reinstatement of license. The licensee, employee, or applicant must agree to further testing as described in WAC 260-34-030(~~(3)~~).

(6) When any licensee, employee, or applicant has a history of more than two violations of WAC 260-34-020 or positive drug tests, the horse racing commission may, pursuant to a hearing conducted under chapter 260-08 WAC, declare such person detrimental to the best interests of racing and revoke that person's license or application. Reapplication shall not be permitted for such period of months or years as the commission determines is necessary to ensure the person's freedom from use of controlled substances and not until meeting the requirements of subsection (5) of this section.

AMENDATORY SECTION (Amending Order 89-02, filed 6/9/89)

WAC 260-34-100 Confidentiality of test results. The executive secretary of the horse racing commission shall maintain all test results and records, both negative and positive, confidential. He or she shall document the process

which will ensure the confidentiality of the handling of such results. Information contained in the test results shall remain confidential at all times except for use with respect to any (~~contested hearing~~) **stewards ruling**, (~~or~~) order by the horse racing commission or judicial hearing with regard to such an order. Access to the reports of any test results shall be limited to the executive secretary, the board of stewards, the chief of security of the commission at the track, the physician or member of the medical staff obtaining and preserving samples, the laboratory and the person being tested, except in the instance of a contested commission hearing. The information obtained as a result of a test being required under the rules of the horse racing commission shall be considered privileged and shall be used for administrative purposes only and, further, shall be exempt from use as evidence in any criminal prosecution involving the violation of offenses listed in chapter 69.50 RCW.

WSR 00-07-039

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 6, 2000, 10:27 a.m.]

Date of Adoption: March 1, 2000.

Purpose: Update and review rule to bring into conformance with nationally accepted model rules.

Citation of Existing Rules Affected by this Order: Amending WAC 260-40-100 Performance records.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-03-089 on January 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: Clarifying language.

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 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.

March 3, 2000

Bruce Batson

Executive Secretary

AMENDATORY SECTION (Amending WSR 95-18-016, filed 8/24/95)

WAC 260-40-100 Performance records. It is the intent of the commission that the public be provided with all relevant information regarding a horse's recent racing and workout record; Therefore: (1) ~~((A horse which during the past calendar year, has started in a race which is not reported in the daily racing form and/or equibase shall not be entered at a Washington track unless and until the owner or trainer shall have furnished to the racing secretary, at entry time, performance records as hereinafter designated. Such performance records shall show where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time:))~~ The owner/and or trainer of any horse which has started at a track not reported in the daily racing form or equibase since its last start at a recognized track, must furnish the racing secretary prior to the entry of such horse to any race in this state, performance records of said horse's races during the past year, or their last two starts, including published races, showing date, distance, finishing position and time. If such records are not provided, the horse will be ineligible to start.

(2) ~~((In a maiden race, a horse which at any time, has started in a race which is not reported in the daily racing form and/or equibase shall not be entered at a Washington track unless and until the owner or trainer shall have furnished to the racing secretary at entry time, complete performance records as hereinafter designated. Such performance records shall show where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time:))~~ For thoroughbreds, a horse which wins a race at a Class C track within the state, shall not be penalized for such winnings in races run at any other meeting other than a Class C track. The maiden classification will be lost by winning a race at any track whose results are published in the daily racing form or equibase. A horse which wins a race at a track with results not reported in the daily racing form or equibase, outside this state, shall not be penalized for such winnings except at Class C tracks. For other breeds, all wins, including the maiden wins, shall be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the arabian jockey club, the American quarter horse association, the appaloosa horse club, or other breed registry as authorized by the commission.

(3) Performance records for races which are not reported in the daily racing form and/or equibase shall be published in the official program of the racing association or posted and announced no later than the time that wagering opens for that day's racing. No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the commission.

(4) ~~((For thoroughbreds, all races at Class C racing association meets in the state of Washington shall not be counted in considering eligibility of horses running at Class A and Class B racing association meets. However, the maiden allowance shall be lost by the winning of any race at a track whose complete official results are carried by the daily racing form and/or equibase. For all other breeds, all wins, including maiden wins, shall be counted in considering eligibility at all~~

~~racing association meets in the state of Washington if the win is recognized by the arabian jockey club, the American quarter horse association, the appaloosa horse club, or other breed performance registry as authorized by the commission:))~~ All wins shall be considered in eligibility requirements of horses running at Class C racing association meets.

~~(5) ((All wins shall be considered in eligibility requirements of horses running at Class C racing association meets:))~~ The commission shall designate, before each race meeting, the minimum workout requirements for said race meeting to ensure the integrity of the industry to the wagering public.

WSR 00-07-040**PERMANENT RULES****HORSE RACING COMMISSION**

[Filed March 6, 2000, 10:30 a.m.]

Date of Adoption: March 1, 2000.

Purpose: Adding new sections regarding policies and procedures at satellite locations.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-03-090 on January 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: Clarifying language.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 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.

March 3, 2000

Bruce Batson

Executive Secretary

by Patty Sorby

NEW SECTION**WAC 260-75-020 Satellite locations applications.**

Each application for a satellite location from a racing association shall be submitted on the satellite application form provided by the commission. The application form must be completed in every respect, containing all the information and attachments requested. The application includes an association satellite application, satellite location application and a satellite location application—personal history statement.

(1) The association satellite application is to be completed by the sponsoring association.

(2) The satellite location application is to be completed by the proposed satellite location. The application shall be signed under oath by an individual attesting that the information set forth in the application and any accompanying materials is true, accurate and complete. The following person(s) shall sign the application:

(a) The highest ranking officer/official of a charitable, nonprofit or profit seeking corporation;

(b) The principal owner of a sole proprietorship;

(c) All partners of a partnership or general partner of a limited partnership; and

(d) The executive secretary may also require the following persons to sign the application:

(i) The chairman of the board of directors or trustees;

(ii) The person in charge of financial records; and/or

(iii) Persons with a substantial interest in the applicant business or charitable/nonprofit organization.

(3) The satellite location application—personal history statement is to be completed by each individual owner and spouse or each officer of a charitable, nonprofit or profit seeking corporation and any stockholder having 10% or more corporate stock.

(4) The commission will consider only those applications that have been fully completed. The following reasons will cause an application to be incomplete:

(a) Failure to provide all information requested on the application form and/or attachments;

(b) Failure to provide supplemental information requested during the application investigation.

(5) The commission may disclose to the public or discuss at a public meeting all information set forth in the application and all supplemental information submitted subject to the exemptions in chapter 42.17 RCW and other applicable laws including, but not limited to, chapter 10.97 RCW: Provided, That consistent with chapter 10.97 RCW, the commission may disclose conviction data of an applicant or licensee.

(6) In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

(a) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization;

(b) A copy of a nonprofit or charitable applicant's Internal Revenue Service tax exemption letter if one has been obtained;

(c) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the satellite activity will be conducted, if such premises are leased or rented.

(7) Before each race meet, on a form approved by the commission, the association shall submit a renewal application for each satellite location.

(8) An association shall inform the commission immediately if any changes are made to the original application.

NEW SECTION

WAC 260-75-030 Satellite location policies and procedures. (1) Each association shall develop internal control policies and procedures for its satellite locations. These procedures shall include controls for satellite location assets including maintaining a log of daily cash balances. The policies and procedures shall be filed with the commission.

(2) Each satellite location shall have a location manager designated by the host racing association. All location managers and mutuel clerks shall be licensed by the commission. The host association shall not activate any terminal for any person that is not currently licensed or approved by the commission.

(3) All satellite locations shall be periodically reviewed by the commission to ensure that the internal control policies and procedures are followed. This may include a review of the log of cash balances, including conducting a physical count of the cash balance by a commission official.

WSR 00-07-041

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 6, 2000, 10:32 a.m.]

Date of Adoption: March 1, 2000.

Purpose: Update rule to allow use of new technology.

Citation of Existing Rules Affected by this Order:
Amending WAC 260-52-060 Camera and photographs.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-03-091 on January 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: Clarifying language.

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 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.

March 3, 2000

Bruce Batson

Executive Secretary

by Patty Sorby

AMENDATORY SECTION (Amending WSR Rule 203, filed 1/30/67)

WAC 260-52-060 Camera and photographs. (1) On all tracks proper cameras shall be installed as an aid to the stewards, placing and patrol judges, however, in all cases, the cameras are merely an aid and the decisions of the (~~judges~~) stewards are to be final. The photograph or video image of each finish shall be posted in at least one conspicuous place as promptly as possible after each race where a photo finish occurs.

(2) The association shall keep on file for the duration of the meeting each plate or film or tape of each race for reference or reproduction upon request of the commission.

**WSR 00-07-042
PERMANENT RULES
HORSE RACING COMMISSION**

[Filed March 6, 2000, 10:34 a.m.]

Date of Adoption: March 1, 2000.

Purpose: Amended third offense penalty and fine regarding medication violations on permitted medications.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-700 Penalties relating to permitted medication.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-03-092 on January 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: Clarifying language.

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 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.

March 3, 2000

Bruce Batson

Executive Secretary

by Patty Sorby

AMENDATORY SECTION (Amending WSR 96-10-001, filed 4/17/96, effective 5/18/96)

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) For a second offense within a 365 day period, \$750;

(c) For a third offense within a 365 day period, a fine of ~~\$(750)~~ 1,000 with a (~~sixty-day suspension~~) 15 to 60 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.

**WSR 00-07-043
PERMANENT RULES
HORSE RACING COMMISSION**

[Filed March 6, 2000, 10:37 a.m.]

Date of Adoption: March 1, 2000.

Purpose: Amend rule to disallow appeals on steward's judgment calls regarding disqualifications during the running of a race.

Citation of Existing Rules Affected by this Order: Amending WAC 260-88-010 Appeal to the commission.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 00-03-093 on January 19, 2000.

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 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.

March 3, 2000

Bruce Batson

Executive Secretary

by Patty Sorby

AMENDATORY SECTION (Amending WSR 92-17-002, filed 8/5/92)

WAC 260-88-010 Appeal to the commission. (((+)))

Any person against whom a ruling is made by the stewards may appeal the ruling to the commission. However, a decision concerning the disqualification or non-disqualification of a horse due to a foul or riding infraction during the running of a race is final and may not be appealed to the commission.

(1) ~~Such [an] appeal~~ Appeals must be ~~(made in writing at the)~~ filed with an office of the commission within ~~twenty (five)~~ days of the date of the stewards' ruling.

~~((3))~~ The appeal shall be signed by the person making it and must set [forth] [for the] alleged errors in the stewards' ruling.

(2) The appeal must include: the name, address, telephone number and the signature of the person making the appeal and a statement of the basis of the appeal.

~~((4))~~ (3) The appeal shall be accompanied by an appearance deposit in the amount of \$100.00. At the time and place scheduled for the hearing before the commission, and at such time as the appellant appears for the hearing, the deposit shall be refunded. Should the appellant fail to appear for the hearing without a showing of good cause, the deposit shall be forfeited.

(4) The commission will conduct an adjudication according to the provisions of Chapter 34.05 RCW Administrative Procedure Act and Chapter 260-08 WAC Practice and Procedure.

(5) On notification by the commission that an appeal has been filed, the stewards shall forward to the commission the record of the proceeding on which the appeal is based.

~~((5))~~ (6) Any person bringing an appeal will be heard in person or by counsel. A person bringing an appeal may submit his or her case entirely in writing, provided this is specified at the time of the filing of the appeal with the commission and this procedure is given written approval by the commission.

~~((6))~~ (7) All communications to the commission with respect to an appeal must be in writing, and all papers filed with the commission shall be the property of the commission.

~~((7))~~ (8) An appeal from a decision of a racing official to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction. Upon a showing of good cause, the commission may stay the effect of any ruling of the stewards pending commission review of the ruling. The granting of such a stay shall carry no presumption as to the validity of the stewards' ruling. The commission may lift such a stay pending appeal if appropriate.

WSR 00-07-045

**PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed March 6, 2000, 3:24 p.m.]

Date of Adoption: March 6, 2000.

Purpose: To repeal WAC 440-44-058 which has been replaced by WAC 388-76-555 License fee; and to repeal WAC 388-90-010 since it no longer applies to any programs in Aging and Adult Services Administration.

Citation of Existing Rules Affected by this Order: Repealing WAC 440-44-028 and 388-90-010.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under preproposal statement of inquiry filed as WSR 99-21-093 on October 20, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

March 6, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-90-010 Skilled nursing facility care in state school for retarded persons—Minimum requirements for licensure or approval of institution.

WAC 440-44-028 Adult family home license fees.

WSR 00-07-050

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed March 8, 2000, 8:54 a.m.]

Date of Adoption: February 1, 2000.

Purpose: Denturist fees and renewal cycle. To accurately state the renewal cycle for denturists.

Citation of Existing Rules Affected by this Order: Amending WAC 246-812-990.

Statutory Authority for Adoption: RCW 43.70.250.

Other Authority: Chapter 18.30 RCW.

Adopted under notice filed as WSR 99-18-081 on August 31, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 6, 2000

M. C. Selecky
Secretary

WSR 00-07-053

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 8, 2000, 2:16 p.m.]

Date of Adoption: March 8, 2000.

Purpose: Implementation of the requirements of HB 2201, chapter 270 of the 1999 legislative session.

Statutory Authority for Adoption: RCW 46.16.160.

Other Authority: RCW 88.38.100.

Adopted under notice filed as WSR 99-18-061 on August 30, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 8, 2000

Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

WAC 246-812-990 Denturist fees and renewal cycle.

(1) Licenses must be renewed every other year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application	\$ 1,000.00
Examination	1,500.00
Reexamination, written	500.00
Reexamination, practical	500.00
License renewal	2,750.00
Late renewal penalty	300.00
Expired license reissuance	300.00
Inactive license renewal	1,500.00
Expired inactive license reissuance	300.00
Duplicate license	15.00
Certification of license	25.00
Multiple location licenses	50.00

NEW SECTION

WAC 308-97-011 Definitions. Motor carrier is a person or business who owns, leases or operates a vehicle which carries freight and/or passengers and either:

(1) The vehicle has a gross vehicle weight or combined gross vehicle weight greater than twenty-six thousand pounds;

(2) Is a trailer with a gross vehicle weight rating of greater than ten thousand pounds; or

(3) Carries sixteen or more passengers, including the driver.

WSR 00-07-066

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 97-39—Filed March 13, 2000, 9:51 a.m.]

Date of Adoption: March 10, 2000.

Purpose: To amend chapter 173-425 WAC to achieve consistency with and provide for implementation of the outdoor burning provisions of chapter 70.94 RCW (except any that pertain to agriculture or silvicultural burning), and also to change the title from "Open Burning" to "Outdoor Burning."

PERMANENT

Citation of Existing Rules Affected by this Order: Repealing WAC 173-425-090, 173-425-100 and 173-425-110; and amending WAC 173-425-010 through 173-425-080.

Statutory Authority for Adoption: RCW 70.94.700 and [70.94.755].

Other Authority: Governor's Executive Order 97-02.

Adopted under notice filed as WSR 99-19-034 on September 9, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 173-425-010, second paragraph:

The limited burning policy requires ~~the department~~ ecology and other agencies to: ... etc.

WAC 173-425-030(4):

(4) "~~Department~~ **Ecology**" means the Washington state department of ecology.

Note: In ecology's second proposed rule dated September 1, 1999, and in the adopted rule, the code reviser shows this deletion of the word "Department" under WAC 173-425-030(1) instead of under (4) where the word "Department" was originally proposed. Also, the phrase "Washington state" was added for consistency with the definition of "Ecology" in chapter 173-400 WAC, Ecology's "General Regulations for Air Pollution Sources."

WAC 173-425-030(7):

(7) "**Impaired air quality**" means a first or second stage impaired air quality condition declared by ~~the department~~ ecology or a local air authority in accordance with WAC 173-433-140.

WAC 173-425-030(16):

(16) "**Outdoor burning**" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purposes of this rule, "outdoor burning" means all types of outdoor burning except agricultural burning and silvicultural burning. (RCW 70.94. 743(2).)

Note: Ecology added the underlined sentence at its own initiative to make it clear that the rule does not apply to agricultural and silvicultural burning, even though agricultural and silvicultural burning fit the definition of "outdoor burning" provided in the first sentence, which comes from RCW 70.94.743(2).

WAC 173-425-030(24):

(24) "**Storm or flood debris burning**" means ~~the outdoor burning fires consisting~~ of natural vegetation deposited on lands from by storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the city, county, or state government and burned on such lands by the property owner or his or her designee. (RCW 70.94.743 [70.94.743] (1)(c).)

Note: Ecology made these changes in response to an informal comment from Jim Nolan of the Puget Sound Clean Air Agency, who pointed out that the "conditions and restrictions" on storm and flood debris burning referred to in the last sentence of RCW 70.94.743 (1)(c) were not being fully implemented under the proposed rule. This change was negotiated with the members of ecology's Outdoor Burning

Advisory Committee and the state's air pollution control officers, and it is not considered substantive.

WAC 173-425-040(1), second sentence:

These areas are limited to all ~~current~~ nonattainment areas and former nonattainment areas for carbon monoxide, particulate matter (PM10 and PM2.5), sulfur dioxide, nitrogen dioxide, and lead.

Note: Ecology made this change to make it clear that (in addition to any former nonattainment areas) the nonattainment area prohibition will apply to all existing and future nonattainment areas that may be designated for the specified pollutants (as intended by ecology's Outdoor Burning Advisory Committee), not just any that happen to exist at the time of rule adoption. Ecology also consulted with the members of the Outdoor Burning Advisory Committee and the state's air pollution control officers about this change, and many agreed it would be an appropriate clarification because the word "current" could be misconstrued.

WAC 173-425-040(1), third sentence:

However, ~~the department~~ ecology may, in cooperation with any local air authority having jurisdiction, authorize the omission of parts of a nonattainment area... etc.

WAC 173-425-040(5), second paragraph:

By December 31, 2000, and at least every third year after that, Each each local air authority, and the department ecology in cooperation with counties in those areas outside the jurisdictional boundaries of a local air authority, must for each type of burning listed in this subsection (except other outdoor burning of organic refuse) determine by December 31, 2000, and at least every third year after that, whether any areas within their jurisdiction where a type of burning listed in this subsection is allowed (except outdoor burning of organic refuse) have a reasonable alternative to burning exists in each area within their jurisdiction where that type of burning is allowed. (Whether a reasonable alternative exists Determinations for other outdoor burning of organic refuse must be determined made on a permit-by-permit basis by applying the criteria in (a) through and (e) of this subsection.) A reasonable alternative exists in for any area if where the answers to all three both of the following questions below are "Yes" for the specified type of burning in that area: Provided, That parts of an area may be excluded for the purpose of defining practical boundaries for the area.

WAC 173-425-040 (5)(a), and the original (b):

(a) Available and reasonably economical. Is the area served by:

(i) A county or municipally-sponsored service for recycling (i.e. composting) of the organic refuse (e.g. natural vegetation); or

(ii) Are any other alternative methods for disposing of the organic refuse (e.g. natural vegetation such as a public or private chipping or chipper rental service, an energy recovery or incineration facility, or a solid waste drop box, transfer station, or landfill) available for use within the area, including, but not limited to, recycling (e.g. chipping and/or composting), energy recovery or incineration, or landfill disposal that is located within a reasonable distance and will accept the type and volume of organic refuse at a cost that is less than or equivalent to the median of all county tipping fees in the state for disposal of municipal solid waste?

Yes No

(b) Reasonably economical. Is a municipally-sponsored recycling program for disposal of the organic refuse available within fifteen miles, or is any other alternative method for disposal of the organic refuse available within fifteen miles at a cost that is less than or equal to the median of all county tipping fees in the state for disposal of solid waste?

Note: Except for the added word "municipal," ecology made all of these changes for the following reasons after negotiating them with the members of ecology's Outdoor Burning Advisory Committee and all of the state's air pollution control officers: Ecology changed the phrase "municipally-sponsored recycling service for pick-up and composting" to "municipally-sponsored service for recycling (i.e. composting)" because recycling is the generic alternative while composting is the specific type being considered, and some municipally-sponsored composting services involve chipping on-site; ecology changed "Any other alternative methods for disposal" to "Any other method for disposing" because a single method for disposing of organic refuse can trigger a prohibition and "disposing" is the word used in RCW 70.94.745(6); ecology added the phrase "is located within a reasonable distance and" to make it clear that local air authorities will have the discretion to determine whether an alternative is within a reasonable distance for any potential users, even though ecology believes that this discretion already existed because local air authorities are being given the discretion to define the service area of any alternative. Ecology also added the word "municipal" in WAC 173-425-040 (5)(a)(ii) at its own initiative to make it clear that the county tipping fees referred to are the basic county tipping fees for disposal of municipal solid waste, not any tipping fees they may have for other types of waste, such as yard waste at a county composting facility.

WAC 173-425-040 (5)(b), the original (c):

eb) Less harmful to the environment. Is any available and reasonably economical alternative method for disposing of the organic refuse less harmful to the environment than outdoor burning according to the following hierarchy?

- Less Harmful
 - ↓
 - More Harmful
- Waste Reduction
 - Recycling
 - Energy Recovery or Incineration
 - Landfill Disposal
 - Outdoor Burning

WAC 173-425-050 (1)(b):

(b) The department Ecology or a local air authority may allow the limited burning of prohibited materials for other fire fighting instruction fires, including those that are exempt from permits under WAC 173-425-060 (2)(f), and other outdoor burning necessary to protect public health and safety. (RCW 70.94.650(7).)

WAC 173-425-050 (3)(a)(i) and (ii):

(i) The department Ecology has declared an air pollution episode; (RCW 70.94.775(2) and 70.94.780).

(ii) The department Ecology or a local air authority has declared impaired air quality; or (RCW 70.94.775(2) and 70.94.780).

WAC 173-425-050(5):

(5) Burning in outdoor containers. Outdoor containers (such as burn barrels and other incinerators not regulated under WAC 173-400-070(1)) used for outdoor burning, must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch, and they may only be used in compliance with this chapter.

Note: Ecology made this change at its own initiative to make it clear that this provision does not apply to incinerators regulated under WAC 173-400-070(1).

WAC 173-425-060 (1)(a): (a) The department Ecology or local air authorities may consult with fire protection authorities, conservation districts, or counties to determine if any of these agencies are capable and willing to serve as the permitting agency and/or enforcing agency for particular types of burning in an area of the state. The department Ecology or local air authorities may enter into agreements with any capable agencies to identify the permitting agencies and enforcing agencies for each type of burning and determine the type of permit appropriate for each area where a permit is required. (RCW 70.94.654.)

WAC 173-425-060 (2)(j):

(j) Other outdoor burning (if specifically authorized by the local air authority or department ecology). (RCW 70.94.765.)

WAC 173-425-060(4), first sentence:

(4) Permit decisions. Permitting agencies must approve with conditions, or deny all outdoor burning permits as needed to achieve compliance with this chapter.

Note: Ecology deleted the word "all" in this context in response to an unofficial comment on the proposed rule from Eric Skelton, Director of the Spokane County Air Pollution Control Authority, who pointed out that the word was superfluous.

WAC 173-425-060 (5)(a), first sentence:

(a) A general permit for residential burning is hereby adopted for use in any area where the department ecology (or a local air authority that has adopted this general permit by reference) and any designated enforcing agencies have agreed that a general permit is appropriate for residential burning, and have notified the public where the permit applies.

WAC 173-425-060(6), second and third sentences:

Except for enforcing WAC 173-425-050 (3)(a)(iii), local air authorities and ~~the department ecology~~ may also perform these activities. Local air authorities or ~~the department ecology~~ will also be responsible for enforcing any requirements that apply to burning that is prohibited or exempt from permits in areas under their jurisdiction, unless another agency agrees to be responsible.

WAC 173-425-070 first sentence:

Any person who proposes to engage in outdoor burning may apply to ~~the department ecology~~ or a local air authority for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants from the proposed burning.

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 8, Repealed 3.

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.

March 10, 2000

Tom Fitzsimmons

Director

Chapter 173-425 WAC

~~((OPEN))~~ OUTDOOR BURNING

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-010 Purpose. ~~((This chapter promulgated under chapter 70.94 RCW, the Washington Clean Air Act, authorizes the department of ecology to implement the provisions of that act. This rule establishes controls for open burning in the state in order to:~~

~~(1) Reduce open burning to the greatest extent practical by eliminating it in:~~

~~(a) Areas that exceed ambient air quality standards for PM-10 and/or carbon monoxide; and~~

~~(b) Urban growth areas or cities with a population of 10,000 or more by December 31, 2000;~~

~~(2) For areas where open burning is allowed, establish a limited burning program, including procedures by which open burning may be conducted;~~

~~(3) Encourage the development and use of alternate methods of debris disposal.)~~ The purpose of this rule is to establish a program to implement the limited burning policy authorized by sections 743 through 765 of the Washington

Clean Air Act (chapter 70.94 RCW) and other provisions of the act that pertain to outdoor burning (except any outdoor burning listed in WAC 173-425-020(1)). Statutory authority for particular provisions of the rule is shown in parentheses throughout the rule.

The limited burning policy requires ecology and other agencies to:

(1) Reduce outdoor burning to the greatest extent practical, especially by prohibiting it in certain circumstances: (RCW 70.94.743(1))

(2) Establish a permit program for limited burning, one that requires permits for most types of outdoor burning; and (RCW 70.94.745)

(3) Foster and encourage development of reasonable alternatives to burning. (RCW 70.94.745(6))

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-020 Applicability. ~~((1) No outdoor burning shall occur during a declared period of impaired air quality.~~

~~(2) Except as described in subsection (1) of this section and WAC 173-425-050, this chapter applies to all forms of outdoor burning in the state except:~~

~~(a) Silvicultural burning (governed by chapter 332-24 WAC);~~

~~(b) Agricultural burning (governed by chapter 173-430 WAC);~~

~~(c) Recreational fires as defined in WAC 173-425-030(12);~~

~~(d) Ceremonial fires as defined in WAC 173-425-030(2);~~

~~(e) Burning to improve and maintain fire dependent ecosystems (pursuant to chapter 332-24 WAC);~~

~~(3) A local air authority, fire protection authority, county, or conservation district may enforce its own controls that are stricter than those set forth in this chapter.)~~ (1) This chapter applies to all outdoor burning in the state except:

(a) Agricultural burning (which is governed by chapter 173-430 WAC);

(b) Silvicultural burning (which is governed by chapter 332-24 WAC, the Washington state smoke management plan, and various laws including chapter 70.94 RCW); and

(c) Any outdoor burning on lands within the exterior boundaries of Indian reservations (unless provided for by intergovernmental agreement).

(2) Specifically, this chapter applies to:

(a) Residential burning. (RCW 70.94.745)

(b) Land clearing burning. (RCW 70.94.745)

(c) Storm or flood debris burning. (RCW 70.94.743)

(d) Tumbleweed burning. (RCW 70.94.745)

(e) Weed abatement fires. (RCW 70.94.650)

(f) Fire fighting instruction fires. (RCW 70.94.650)

(g) Rare and endangered plant regeneration fires. (RCW 70.94.651)

(h) Indian ceremonial fires. (RCW 70.94.651)

(i) Recreational fires. (RCW 70.94.765)

(j) Other outdoor burning. (RCW 70.94.765)

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-030 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter shall have the following meanings:

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

~~(2) “Ceremonial fire” means a fire associated with a Native American ceremony or ritual.~~

~~(3) “Department”)~~ **“(Agricultural burning” means outdoor burning regulated under chapter 173-430 WAC, including, but not limited to, any incidental agricultural burning or agricultural burning for pest or disease control.**

~~(2) “Air pollution episode” means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in chapter 173-435 WAC.~~

~~(3) “Construction/demolition debris” means all material resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.~~

~~(4) “Ecology” means the Washington state department of ecology.~~

~~((4) “Episode” means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in chapter 173-435 WAC.~~

~~(5) “Impaired air quality” means a condition declared by the department or a local air authority in accordance with the following criteria:~~

~~(a) Meteorological conditions are conducive to an accumulation of air contamination concurrent with:~~

~~(i) Particulate that is ten-micron and smaller in diameter (PM-10) at or above an ambient level of seventy-five micrograms per cubic meter measured on a twenty-four-hour average; or~~

~~(ii) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average.~~

~~(b) Air quality that threatens to exceed other limits established by the department or a local air authority.~~

~~(6)) (5) “Fire fighting instruction fires” means fires for instruction in methods of fire fighting, including, but not limited to, training to fight structural fires, aircraft crash rescue fires, and forest fires.~~

~~(6) “Firewood” means bare untreated wood used as fuel in a solid fuel burning device, Indian ceremonial fire, or recreational fire.~~

~~(7) “Impaired air quality” means a first or second stage impaired air quality condition declared by ecology or a local air authority in accordance with WAC 173-433-140.~~

~~(8) “Indian ceremonial fires” means fires necessary for Native American ceremonies (i.e., conducted by and for Native Americans) if part of a religious ritual.~~

~~(9) “Land clearing burning” means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear the land surface so it can be developed, used for a different purpose, or left unused). (RCW 70.94.750(2))~~

~~(10) “Local air authority” means an air pollution control authority activated ((pursuant to)) under chapter 70.94 RCW that has jurisdiction over the subject source.~~

~~((7) “Nonattainment area” means a clearly delineated geographic area which has been designated by the Environmental Protection Agency and promulgated as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants, which includes carbon monoxide, fine particulate matter (PM-10), sulfur dioxide, ozone, and nitrogen dioxide.~~

~~(8) “Nuisance” means an emission of smoke or other emissions from any open fire that unreasonably interferes with the use and enjoyment of the property deposited on.~~

~~(9) “Open burning” means all forms of outdoor burning except those listed as exempt in WAC 173-425-020.~~

~~(10)) (11) “Natural vegetation” means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.~~

~~(12) “Nonattainment area” means a clearly delineated geographic area which has been designated by the Environmental Protection Agency because it does not meet (or it contributes to ambient air quality in a nearby area that does not meet) a national ambient air quality standard or standards for one or more of the criteria pollutants, which include carbon monoxide, particulate matter (PM-10 and PM2.5), sulfur dioxide, nitrogen dioxide, lead, and ozone.~~

~~(13) “Nonurban areas” means unincorporated areas within a county that are not designated as an urban growth area. (RCW 70.94.745(8))~~

~~(14) “Nuisance” means an emission of smoke or any other air contaminant that unreasonably interferes with the use and enjoyment of the property upon which it is deposited. (RCW 70.94.030(2))~~

~~(15) “Other outdoor burning” means any type of outdoor burning not specified in WAC 173-425-020 (1) or (2)(a) through (i), including, but not limited to, any outdoor burning necessary to protect public health and safety. (RCW 70.94.650(7) and 70.94.765)~~

~~(16) “Outdoor burning” means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purposes of this rule, “outdoor burning” means all types of outdoor burning except agricultural burning and silvicultural burning. (RCW 70.94.743(2))~~

~~((11) “Reasonable alternatives” means disposal alternatives to open burning that cost less than eight dollars fifty cents per cubic yard. After July 1993, this amount shall be adjusted periodically by department policy.~~

~~(12) “Recreational fire” means barbecues and campfires, using charcoal, natural gas, propane, or natural wood which occur in designated areas or on private property. Fires used~~

for debris disposal purposes are not considered recreational fires.

(13) "Silvicultural burning" means burning on any land the department of natural resources protects per RCW 70.94.030(13), 70.94.660, 70.94.690, and pursuant to chapter 76.04 RCW.

(14) "Urban growth area" means an area defined by RCW 36.70A.030-; (17) "Permitting agency" means the agency responsible for issuing permits (including adopting a general permit) for, and/or enforcing all requirements of this chapter that apply to, a particular type of burning in a given area (unless another agency agrees to be responsible for certain enforcement activities in accordance with WAC 173-425-060 (1)(a) and (6)).

(18) "Pollutants emitted by outdoor burning" means carbon monoxide, carbon dioxide, particulate matter, sulfur dioxide, nitrogen oxides, lead, and various volatile organic compounds and toxic substances.

(19) "Rare and endangered plant regeneration fires" means fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in chapter 79.70 RCW.

(20) "Reasonable alternative" means a method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning.

(21) "Recreational fire" means cooking fires, campfires, and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal purposes are not considered recreational fires.

(22) "Residential burning" means the outdoor burning of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee. (RCW 70.94.750(1))

(23) "Silvicultural burning" means outdoor burning relating to the following activities for the protection of life or property and/or the public health, safety, and welfare:

(a) Abating a forest fire hazard;

(b) Prevention of a forest fire hazard;

(c) Instruction of public officials in methods of forest fire fighting;

(d) Any silvicultural operation to improve the forest lands of the state; and

(e) 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. (RCW 70.94.660(1))

(24) "Storm or flood debris burning" means fires consisting of natural vegetation deposited on lands by storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the city, county, or state government and burned on such lands by the property owner or his or her designee. (RCW 70.94.743 (1)(c))

(25) "Tumbleweed burning" means outdoor burning to dispose of dry plants (typically Russian Thistle and Tumbleweed Mustard plants) that have been broken off, and rolled about, by the wind.

(26) "Urban growth area" means land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030.

(27) "Weed abatement fires" means any outdoor burning to dispose of weeds that is not regulated under chapter 173-430 WAC, which applies to agricultural burning.

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-040 (~~(Prohibited materials.)~~) Areas where certain types of outdoor burning are prohibited. ((1) Except as provided in WAC 173-425-020(2), the following materials shall not be burned in any outdoor fire: Garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke, or odors.

(2) Prohibited materials may be burned in certain circumstances:

(a) ~~Diseased animals and infested material.~~ When ordered by a duly authorized health officer and authorized by the department or local air authority, diseased animals and other infested material may be burned, as required, to keep the infestation from spreading.

(b) ~~Dangerous material.~~ When ordered by a fire protection authority and when authorized by the department or local air authority, fires to dispose of materials presenting a danger to life, property, or public welfare may be burned, if no approved practical alternate method of disposal is available.)

(1) Nonattainment areas. Residential burning and land clearing burning may not be allowed in any areas of the state that exceed federal or state ambient air quality standards for pollutants emitted by outdoor burning. These areas are limited to all nonattainment areas and former nonattainment areas for carbon monoxide, particulate matter (PM-10 and PM2.5), sulfur dioxide, nitrogen dioxide, and lead. However, ecology may, in cooperation with any local air authority having jurisdiction, authorize the omission of parts of a nonattainment area if ambient air quality standards for the pollutants that caused the area to be designated nonattainment have not been exceeded in those parts, and outdoor burning in those parts has not contributed, and is not expected to contribute, significantly to exceedances of the standards in the nonattainment area. (RCW 70.94.743 (1)(a))

(2) Urban growth areas. Residential burning and land clearing burning may not be allowed in any urban growth areas after December 31, 2000, except as follows: Residential burning and land clearing burning may be allowed in the following types of urban growth areas until December 31, 2006: (RCW 70.94.743 (1)(b))

(a) Urban growth areas for incorporated cities having a population of less than five thousand people that are neither

within nor contiguous with any area identified in subsection (1) of this section; and

(b) Urban growth areas that do not include an incorporated city.

(3) Cities over 10,000. Residential burning and land clearing burning may not be allowed in any cities having a population greater than ten thousand people after December 31, 2000. Cities having this population must be identified by using the most current population estimates available for each city. (RCW 70.94.743 (1)(b))

(4) High density areas. Land clearing burning may not be allowed in any area having a general population density of one thousand or more persons per square mile after December 31, 2000, if the area is contiguous with any area where land clearing burning has already been, or must be, prohibited by that date under subsection (1), (2), or (3) of this section, and it may not be allowed in any other areas having this density after December 31, 2006. All areas having this density must be identified by using the most current population data available for each census block group and dividing by the land area of the block group in square miles. (RCW 70.94.750(2))

(5) Areas with a reasonable alternative to burning. Residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires, and other outdoor burning of organic refuse may not be allowed in any area of the state (including any areas or parts of areas identified in subsections (1) through (4) of this section) when a reasonable alternative to burning is found to exist in the area for that type of burning. (RCW 70.94.745(6))

By December 31, 2000, and at least every third year after that, each local air authority, and ecology in cooperation with counties, must determine whether any areas within their jurisdiction where a type of burning listed in this subsection is allowed (except other outdoor burning of organic refuse) have a reasonable alternative to burning. Determinations for other outdoor burning of organic refuse must be made on a permit-by-permit basis by applying the criteria in (a) and (b) of this subsection. A reasonable alternative exists for any area where the answers to both of the following questions are "Yes" for the specified type of burning: Provided, That parts of an area may be excluded for the purpose of defining practical boundaries for the area.

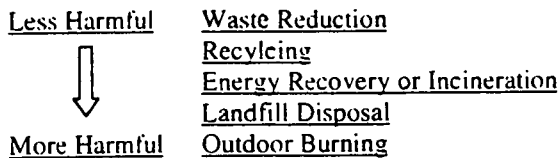
Yes No

(a) Available and reasonably economical. Is the area served by:

(i) A county or municipally-sponsored service for recycling (i.e. composting) of the organic refuse (e.g. natural vegetation); or

(ii) Any other method for disposing of the organic refuse (such as a public or private chipping or chipper rental service, an energy recovery or incineration facility, or a solid waste drop box, transfer station, or landfill) that is located within a reasonable distance and will accept the type and volume of organic refuse at a cost that is less than or equivalent to the median of all county tipping fees in the state for disposal of municipal solid waste?

(b) Less harmful to the environment. Is any available and reasonably economical alternative method for disposing of the organic refuse less harmful to the environment than outdoor burning according to the following hierarchy?:



the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.670 shall be extinguished by withholding new fuel and allowing the fire to burn down.

(3) Smoke visible from all types of outdoor burning, except silvicultural burning, after a time period of three hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful outdoor burning.

(4) For department of natural resource silvicultural burning, smoke visible from outdoor burning after a time period of ten hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful outdoor burning.) No person may cause or allow an outdoor fire in an area where the type of burning involved is prohibited under WAC 173-425-040, or where it requires a permit under WAC 173-425-060(2), unless a permit has been issued and is in effect. In addition, the following general requirements apply to all outdoor burning regulated by this chapter, including any outdoor burning allowed without a permit under WAC 173-425-060(2), unless a specific exception is stated in this section:

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

~~WAC 173-425-050 ((Curtailment during episodes or impaired air quality.)) Other prohibitions/requirements that apply to all outdoor burning. ((1) No outdoor fire shall be ignited:~~

~~(a) Whenever the department declares an air pollution episode for the geographical area pursuant to chapter 173-435 WAC; or~~

~~(b) Whenever the department or a local air authority declares impaired air quality for the geographical area.~~

~~(2) A person responsible for an outdoor fire at the time an episode or impaired air quality is declared shall extinguish that fire. Outdoor burning conducted under the auspices of~~

PERMANENT

(1) Prohibited materials. The following materials may not be burned in any outdoor fire: Garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned, except that: (RCW 70.94.775(1) and Attorney General Opinion 1993 #17)

(a) Fire fighting instruction fires for aircraft crash rescue training fires approved and conducted in compliance with RCW 70.94.650(5) may contain uncontaminated petroleum products. (RCW 70.94.650(6))

(b) Ecology or a local air authority may allow the limited burning of prohibited materials for other fire fighting instruction fires, including those that are exempt from permits under WAC 173-425-060 (2)(f), and other outdoor burning necessary to protect public health and safety. (RCW 70.94.650(7))

(2) Hauled material. No outdoor fire may contain material (other than firewood) that has been hauled from an area where outdoor burning of the material is prohibited under WAC 173-425-040. Any outdoor burning of material hauled from areas where outdoor burning of the material is allowed requires an appropriate permit under WAC 173-425-060(2), and any use of property for this purpose on an on-going basis, must be limited to the types of burning listed in WAC 173-351-200 (5)(b) (criteria for municipal solid waste landfills) and approved in accordance with other laws, including chapter 173-304 WAC (Minimum functional standards for solid waste handling) and chapter 173-400 WAC (General regulations for air pollution sources). (RCW 70.94.745(6))

(3) Curtailments.

(a) No outdoor fire may be ignited in a geographical area where:

(i) Ecology has declared an air pollution episode; (RCW 70.94.775(2) and 70.94.780)

(ii) Ecology or a local air authority has declared impaired air quality; or (RCW 70.94.775(2) and 70.94.780)

(iii) The appropriate fire protection authority has declared a fire danger burn ban, unless that authority grants an exception.

(b) The person responsible for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions for each day.

(c) The person responsible for an outdoor fire must extinguish the fire when an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared. In this regard:

(i) Smoke visible from all types of outdoor burning, except land clearing burning, after a time period of three hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.

(ii) Smoke visible from land clearing burning after a time period of eight hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger

burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.

(4) Unlawful outdoor burning: It is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance. (RCW 70.94.040, 70.94.650(1), and 70.94.780)

(a) Any person affected by outdoor burning may file a complaint with the permitting agency or other designated enforcing agency.

(b) Any agency responding to an outdoor burning complaint should attempt to determine if the burning on any particular property is unlawful. This may include, but is not limited to, considering whether the burning has caused an emission of smoke or any other air contaminant in sufficient quantity to be unlawful.

(c) Any person responsible for such unlawful outdoor burning must immediately extinguish the fire.

(5) Burning in outdoor containers. Outdoor containers (such as burn barrels and other incinerators not regulated under WAC 173-400-070(1)) used for outdoor burning, must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch, and they may only be used in compliance with this chapter.

(6) Other general requirements:

(a) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it.

(b) No fires are to be within fifty feet of structures.

(c) Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-060 ((Open burning program for the state.)) Outdoor burning permit program/requirements.
~~((1) General requirements:~~

~~(a) All burning requires a permit as covered in WAC 173-425-070.~~

~~(b) Permits shall not be issued, and thus open burning is not allowed, in areas where reasonable alternatives are available. Within ninety days of the effective date, the department shall develop uniform procedures for determining costs of alternatives to open burning.~~

~~(c) A fire protection authority may declare a fire hazard in areas where burning is banned and in areas where burning is allowed. If open burning is determined the most appropriate manner to abate the fire hazard, the request must be reviewed and permitted by the local air authority. Permits issued under this section shall provide that:~~

~~(i) Prohibited material shall not be burned in any fire;~~

~~(ii) No open burning shall be done during a declared period of impaired air quality;~~

~~(iii) No reasonable alternative is available.~~

~~(d) No open burning shall be allowed in areas that exceed federal or state ambient air quality standards. Such areas shall be defined as carbon monoxide and/or PM-10 nonattainment area, unless otherwise determined pursuant to subsection (2)(a) of this section.~~

~~(2) Additional requirements for nonattainment areas:~~

~~(a) Phase-out approach. A local air authority may petition the department to use a phase-out approach in portions of a federally designated nonattainment area for carbon monoxide and/or PM-10. The phase-out approach will focus on how to achieve the Washington Clean Air Act goals and eliminate burning in areas that exceed the standards. The department will review and determine if the petition should be approved. The department may partially approve petitions or approve petitions with conditions based on consideration of the following factors:~~

~~(i) Population and population density.~~

~~(ii) The ability of the air quality in the region to support open burning based upon geographical and meteorological conditions.~~

~~(iii) The presence of a permitting program.~~

~~(iv) The extent to which reasonable alternatives to open burning are being developed through solid waste management plans and the schedule for the availability of such reasonable alternatives.~~

~~(v) Other factors deemed appropriate by the local air authorities.~~

~~(b) Petition evaluation. The petition to use a phase-out approach is due to the department no later than one month after the effective date of this rule. A ban is not effective in areas identified in the petition until after the department makes a ruling on the petition. Upon receiving the petition, the department shall review and make a determination within thirty days. For all federally designated nonattainment areas, open burning shall be banned by the applicable attainment date.~~

~~(e) Permits. The department or local air authority may issue permits in banned areas for the following activities:~~

~~(i) Fire fighting instruction. Local air authorities or the department may issue permits for fire training fires, pursuant to guidelines and rules of the department of ecology.~~

~~(ii) Specific forms. The department or the local air authorities may permit, with conditions, fires set that are part of a defined research project, weed abatement, and smoke training as part of a military training exercise.~~

~~(d) Responding to open burning calls. Each affected county shall identify a fire marshal or other appropriate county official for field response and to document open burning complaints or violations using appropriate field notices. In areas where the county has no jurisdiction, the department or the local air authorities will negotiate with the appropriate local agency on field response.~~

~~(3) Additional requirements for urban growth areas and cities with a population of ten thousand or more:~~

~~(a) Open burning will be banned when reasonable alternatives are available, no later than the end of the year 2,000.~~

~~(b) Until open burning is banned, it is allowed subject to the permitting provisions of this chapter.~~

~~(e) When open burning is banned, the provisions in subsection (2) of this section apply.)~~ **(1) Permit program.**

(a) Ecology or local air authorities may consult with fire protection authorities, conservation districts, or counties to determine if any of these agencies are capable and willing to serve as the permitting agency and/or enforcing agency for particular types of burning in an area of the state. Ecology or local air authorities may enter into agreements with any capable agencies to identify the permitting agencies and enforcing agencies for each type of burning and determine the type of permit appropriate for each area where a permit is required. (RCW 70.94.654)

(b) Permitting agencies may use, as appropriate, a verbal, electronic, written, or general permit established by rule, for any type of burning that requires a permit: Provided, That a written permit should be used, where feasible, for land clearing burning, storm or flood debris burning in areas where residential burning and land clearing burning are prohibited under WAC 173-425-040 (1), (2), or (3), and other outdoor burning (except any other outdoor burning necessary to protect public health and safety). (RCW 70.94.745(4))

(c) The rule for a general permit must establish periods of time when any burning under the permit must occur. General permits must also include all appropriate conditions for burning as stated in subsection (4) of this section.

(2) Types of burning that require a permit. Except as otherwise stated, a permit is required for the following types of outdoor burning in all areas of the state under the jurisdiction of this chapter:

(a) Residential burning (except in the nonurban areas of any county with an unincorporated population of less than fifty thousand; (RCW 70.94.745(2))

(b) Land clearing burning; (RCW 70.94.745(2))

(c) Storm or flood debris burning; (RCW 70.94.743(1)(c))

(d) Tumbleweed burning (except in counties with a population of less than two hundred fifty thousand); (RCW 70.94.745(5))

(e) Weed abatement fires; (RCW 70.94.650(1)(a))

(f) Fire fighting instruction fires for training to fight structural fires in urban growth areas and cities with a population over ten thousand, and all other fire fighting instruction fires, except fire fighting instruction fires for training to fight structural fires as provided in RCW 52.12.150, aircraft crash rescue fires as provided in RCW 70.94.650(5), and forest fires; (RCW 70.94.650(1)(b))

(g) Rare and endangered plant regeneration fires; (RCW 70.94.651(1))

(h) Indian ceremonial fires (except on lands within the exterior boundaries of Indian reservations unless provided for by intergovernmental agreement); (RCW 70.94.651(2))

(i) Recreational fires with a total fuel area that is greater than three feet in diameter and/or two feet in height (except in the nonurban areas of counties with an unincorporated population of less than fifty thousand; and (RCW 70.94.765)

(j) Other outdoor burning (if specifically authorized by the local air authority or ecology). (RCW 70.94.765)

(3) Fees. Permitting agencies may charge a fee for any permit issued under the authority of this chapter: Provided,

That a fee must be charged for all permits issued for weed abatement fires and fire fighting instruction fires. All fees must be set by rule and must not exceed the level necessary to recover the costs of administering and enforcing the permit program. (RCW 70.94.650(2) and 70.94.780)

(4) Permit decisions. Permitting agencies must approve with conditions, or deny outdoor burning permits as needed to achieve compliance with this chapter. All permits must include conditions to satisfy the requirements in WAC 173-425-050, and they may require other conditions, such as restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. Permitting agencies may also include conditions to comply with other laws pertaining to outdoor burning. (RCW 70.94.745, 70.94.750, and 70.94.780)

(5) Establishment of a general permit and requirements for residential burning.

(a) A general permit for residential burning is hereby adopted for use in any area where ecology (or a local air authority that has adopted this general permit by reference) and any designated enforcing agencies have agreed that a general permit is appropriate for residential burning, and have notified the public where the permit applies. All burning under this permit must comply with the conditions in (c) of this subsection, and it must be restricted to the first and second weekends (Saturday and Sunday) in April and the third and fourth weekends in October, unless alternative days are substituted by the enforcing agency and adequate notice of the substitution is provided to the public. Alternative days may only be substituted if conditions on the prescribed days are unsuitable due to such things as poor air quality, high fire danger, unfavorable meteorology, likely interference with a major community event, or difficulties for enforcement. (RCW 70.94.745(4))

(b) Local air authorities may also adopt a general permit for residential burning that prescribes a different set of days, not to exceed eight days per year, when any burning under the permit must occur: Provided, That the public must be given adequate notice regarding where and when the permit will apply. (RCW 70.94.745(4))

(c) The following conditions apply to all residential burning allowed without a permit under WAC 173-425-060 (2)(a) or allowed under a general, verbal, or electronic permit:

(i) The person responsible for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions for each day.

(ii) A fire may not be ignited, and must be extinguished, if an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared for the area.

(iii) The fire must not include garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned.

(iv) The fire must not include materials hauled from another property.

(v) If any emission from the fire is detrimental to the health, safety, or welfare of any person, if it causes damage to property or business, or if it causes a nuisance, the fire must be extinguished immediately.

(vi) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it.

(vii) No fires are to be within fifty feet of structures.

(viii) Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.

(ix) Any burn pile must not be larger than four feet by four feet by three feet.

(x) Only one pile at a time may be burned, and each pile must be extinguished before lighting another.

(xi) If an outdoor container is used for burning, it must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch.

(xii) No fire is permitted within five hundred feet of forest slash.

Persons not able to meet these requirements or the requirements in WAC 173-425-050 must apply for and receive a written permit before burning. Failure to comply with all requirements of this subsection voids any applicable permit, and the person responsible for burning may be subject to enforcement action under subsection (6) of this section.

(6) Field response and enforcement. Any agency that issues permits, or adopts a general permit for any type of burning in an area, is responsible for field response to outdoor burning complaints and enforcement of all permit conditions and requirements of this chapter related to that type of burning in the area, unless another agency has agreed under WAC 173-425-060 (1)(a) to be responsible for certain field response or enforcement activities. Except for enforcing WAC 173-425-050 (3)(a)(iii), local air authorities and ecology may also perform these activities. Local air authorities or ecology will also be responsible for enforcing any requirements that apply to burning that is prohibited or exempt from permits in areas under their jurisdiction, unless another agency agrees to be responsible.

Permitting agencies and enforcing agencies may require that corrective action be taken, and may assess penalties to the extent allowed under their general and specific authorities if they discover noncompliance with this chapter. A fire protection authority called to respond to, control, or extinguish an illegal or out-of-control fire may charge, and recover from the person responsible for the fire, the costs of its response and control action.

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-070 ((Open burning permit requirements.)) Variances. (((1)-Permit program. For areas where

burning is allowed, the department, local air authorities, fire protection authorities, conservation districts, or counties may issue permits. Those issuing permits are responsible for field response to open burning complaints. Within ninety days of the effective date, the department shall develop minimum standards for a field response program, which addresses training, staffing, funding, and any other elements deemed appropriate by the department.

(2) Permit program development and assistance.

(a) The department shall provide assistance for implementing a permitting program, including minimum standards which address training, staffing, funding, and any other elements deemed appropriate by the department.

(b) The department shall develop a model permit program and provide guidance on starting and implementing permit programs.

(c) In selecting a permit program, the options range from the minimum—a general rule burn, as described in subsection (5) of this section—to a written permit. A permit program must be in place eight months after the department issues guidelines. If at that time no agreement is reached, the area becomes a no-burn area and falls under the restrictions of WAC 173-425-060(2). The department will conduct a joint public hearing with the conservation districts, local air authorities, counties, and fire districts. The purpose of the hearing is to inform the public that no agreement has been reached.

(d) The department or the local air authorities shall coordinate with the agencies listed in subsection (1) of this section to determine the type of permitting program appropriate for the area.

(3) Fees. The department or the local air authority may charge a fee to cover the administrative cost of a permit program. Fire districts, counties, and conservation districts issuing open burning permits may collect a fee to cover administrative costs. (RCW 70.94.780)

(4) Additional restrictions. The local air authorities and the department may restrict conditions for burning under this section. Burning conditions may include, but are not limited to, restricting burning in sensitive areas per chapter 173-440 WAC, restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather conditions.

(5) General rule burn permits. For areas of the state where burning is allowed, agencies listed in subsection (1) of this section may use a general permit by rule. This section provides a minimum (general rule burn) permit. Persons not able to meet all of the requirements of (a) through (i) of this subsection must apply for and receive a written permit. General rule burn permits under this section may be used for the following number of days per year: 1992-1995—twenty-one days/year; 1995-1998—fourteen days/year; 1998-2000—seven days/year; after 2000—seven days/year. Failure to comply with all the requirements of (a) through (i) of this subsection voids the general rule burn permit and the person burning is subject to the penalty provisions of WAC 173-425-100. A person burning under this section must follow these requirements and any additional restrictions, including those established by cities, counties, or fire protection authorities:

(a) The fire must not include prohibited materials listed in WAC 173-425-040, except what paper is necessary to start the fire.

(b) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

(c) No fires are to be within fifty feet of structures.

(d) The pile must not be larger than four feet by four feet by three feet.

(e) Only one pile at a time may be burned, and each pile must be extinguished before lighting another.

(f) No outdoor fire is permitted in or within five hundred feet of forest slash without a written burning permit.

(g) Either the designated permitting authority must be called to confirm burning conditions for each day or current information on burning conditions must be obtained from another designated source.

(h) If the fire creates a nuisance, it must be extinguished.

(i) Permission from a landowner, or owner's designated representative, must be obtained before starting an open fire.) Any person who proposes to engage in outdoor burning may apply to ecology or a local air authority for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants from the proposed burning. All variance applications must be reviewed, and approved or disapproved, in accordance with RCW 70.94.181. (RCW 70.94.181)

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-080 ((Violations.)) Severability. ((+)) The local air authority or department may issue a notice of violation to the person responsible for the fire under any of the following:

(a) Conditions of a permit issued under this chapter are violated;

(b) Any open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and has not been obtained;

(c) Prohibited materials are burned in an open fire;

(d) Any open fire is ignited when a condition of impaired air quality or air pollution episode stage is declared;

(e) Any ignited open fire that is not extinguished when a condition of impaired air quality or air pollution episode is declared;

(f) The fire causes emissions detrimental to health;

(g) The fire causes emissions that unreasonably interfere with property use and enjoyment.

(2) A fire protection authority called to respond to, control, or extinguish an illegal or out-of-control fire may charge and recover from the person responsible for the fire the costs of its response and control action.) The provisions of this regulation are severable. If any provision is held invalid, the application of that provision to other circumstances and the remainder of the regulation will not be affected.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 173-425-090	Local air authority may issue variance.
WAC 173-425-100	Penalties.
WAC 173-425-110	Severability.

WSR 00-07-067
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed March 13, 2000, 12:13 p.m.]

Date of Adoption: March 9, 2000.

Purpose: To delete Regulation II, Section 3.07 since there are no longer any petroleum solvent dry cleaning systems in our jurisdiction that use more than 15,000 gallons annually. To clarify the list of chemicals in Regulation III, Appendix A and their EPA hazardous air pollutant (HAP) list designations.

Citation of Existing Rules Affected by this Order: Repealing Regulation II, Section 3.07; and amending Regulation III, Section 2.01 and Appendix A.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 00-03-082 on January 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: Deleted the reference to Section 3.07 of Regulation II that was mentioned in Section 2.01 of Regulation III.

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.

March 10, 2000

David S. Kircher

Manager - Engineering

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 00-08 issue of the Register.

WSR 00-07-069
PERMANENT RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed March 13, 2000, 4:38 p.m.]

Date of Adoption: March 13, 2000.

Purpose: The purpose of the model regulation is to provide a better method of ensuring adequate and realistic reserves for life insurance policies. The regulation will provide a level playing between life insurers and between for domestic companies and companies domiciled elsewhere. The better reserving practices will increase company solvency and consumer confidence.

Statutory Authority for Adoption: RCW 48.02.060 and 48.74.030.

Other Authority: RCW 48.74.040, 48.74.070, and 48.74.080.

Adopted under notice filed as WSR 00-04-090 on February 2, 2000.

Changes Other than Editing from Proposed to Adopted Version: Editing changes only. A few typos were corrected and three language clarification changes were made.

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 9, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 9, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, 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.

March 13, 2000

D. J. Patin

Deputy Commissioner

NEW SECTION

WAC 284-74-300 Purpose. (1) The purpose of this regulation, WAC 284-74-300 through 284-74-380 is to provide:

(a) Tables of select mortality factors and rules for their use;

(b) Rules concerning a minimum standard for the valuation of plans with nonlevel premiums or benefits; and

(c) Rules concerning a minimum standard for the valuation of plans with secondary guarantees.

(2) The method for calculating reserves defined in this regulation will constitute the commissioner's reserve valuation method for policies to which this regulation is applicable.

NEW SECTION

WAC 284-74-310 Authority. This regulation is issued under the authority of RCW 48.02.060(3), 48.12.030(3), 48.74.040(1), 48.74.080 and 48.74.030 (1)(a)(iii).

NEW SECTION

WAC 284-74-320 Applicability. This regulation shall apply to all life insurance policies, with or without nonforfeiture values, issued on or after the operative date of this regulation, subject to the following exceptions and conditions.

(1)(a) This regulation shall not apply to any individual life insurance policy issued on or after the operative date of this regulation if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before the operative date of this regulation, that guarantees the premium rates of the new policy. This regulation also shall not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.

(b) This regulation shall not apply to any universal life insurance policy that meets all the following requirements:

(i) The secondary guarantee period, if any, is five years or less;

(ii) The specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the 1980 CSO valuation tables as defined in WAC 284-74-330(6) and the applicable valuation interest rate; and

(iii) The initial surrender charge is not less than one hundred percent of the first year annualized specified premium for the secondary guarantee period.

(c) This regulation shall not apply to any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

(d) This regulation shall not apply to any variable universal life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

(e) This regulation shall not apply to a group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

(2)(a) Calculation of the minimum valuation standard for policies with gross premiums subject to a nonlevel guaranteed maximum or with benefits subject to a nonlevel guaranteed minimum (other than universal life policies), or both, shall be in accordance with the provisions of WAC 284-74-350.

(b) Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies, that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period, shall be in accordance with the provisions of WAC 284-74-360.

NEW SECTION

WAC 284-74-330 Definitions. For purposes of this regulation:

(1) "Basic reserves" means reserves calculated in accordance with RCW 48.74.040(1).

(2) "Contract segmentation method" means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception, for the first segment) to the end of the latest policy year as determined below. All calculations are made using the 1980 CSO valuation tables, as defined in subsection (6) of this section (or any other valuation mortality table adopted by the National Association of Insurance Commissioners (NAIC) after the operative date of this regulation and promulgated by regulation by the commissioner for this purpose), and, if elected for the plan, the optional minimum mortality standard for deficiency reserves stipulated in WAC 284-74-340(2).

The length of a particular contract segment shall be set equal to the minimum of the value t for which G_t is greater than R_t (if G_t never exceeds R_t , the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where G_t and R_t are defined as follows:

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$$

where:

- x = original issue age;
- k = the number of years from the date of issue to the beginning of the segment;
- t = 1, 2, ...; t is reset to 1 at the beginning of each segment;

$GP_{x+k+t-1}$ = Guaranteed maximum gross premium per thousand of face amount for year t of the segment, ignoring policy fees only if level for the premium paying period of the policy.

$$R_t = \frac{q_{x+k+t}}{q_{x+k+t-1}}$$

However, R_t may be increased or decreased by one percent in any policy year, at the company's option, but R_t shall not be less than one;

where: x , k and t are as defined above, and

$q_{x+k+t-1}$ = valuation mortality rate for deficiency reserves in policy year $k+t$ but using the mortality of WAC 284-74-340 (2)(b) if WAC 284-74-340 (2)(c) is elected for deficiency reserves.

PERMANENT

However, if GP_{x+k+1} is greater than 0 and GP_{x+k+1} is equal to 0, G_i shall be deemed to be 1000. If GP_{x+k+1} and GP_{x+k+1} are both equal to 0, G_i shall be deemed to be 0.

(3) "Deficiency reserves" means the excess, if greater than zero, of

(a) Minimum reserves calculated in accordance with RCW 48.74.070 over

(b) Basic reserves.

(4) "Guaranteed maximum gross premiums" means the premiums guaranteed and determined at issue that the actual gross premiums under a policy of life insurance cannot exceed.

(5) "Maximum valuation interest rates" means the interest rates defined in RCW 48.74.030(3) that are to be used in determining the minimum standard for the valuation of life insurance policies.

(6) "1980 CSO valuation tables" means the commissioners 1980 standard ordinary mortality table (1980 CSO table) without ten-year select mortality factors, incorporated into the 1980 amendments to the NAIC model standard valuation law, and variations of the 1980 CSO table approved by the NAIC, such as the smoker and nonsmoker versions approved in December 1983.

(7) "Scheduled gross premium" means the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, scheduled gross premium means the smallest specified premium described in WAC 284-74-360 (1)(c), if any, or else the minimum premium described in WAC 284-74-360 (1)(d).

(8)(a) "Segmented reserves" means reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed maximum gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

(i) The present value of the death benefits within the segment, plus

(ii) The present value of any unusual guaranteed cash value (see WAC 284-74-350(4)) occurring at the end of the segment, less

(iii) Any unusual guaranteed cash value occurring at the start of the segment, plus

(iv) For the first segment only, the excess of the item (A) over item (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for in the first segment after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

(B) A net one year term premium for the benefits provided for in the first policy year.

(b) The length of each segment is determined by the contract segmentation method, as defined in this section.

(c) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.

(d) For both basic reserves and deficiency reserves computed by the segmented method, present values shall include future benefits and net premiums in the current segment and in all subsequent segments.

(9) "Tabular cost of insurance" means the net single premium at the beginning of a policy year for one-year term insurance in the amount of the guaranteed death benefit in that policy year.

(10) "Ten-year select mortality factors" means the select factors adopted with the 1980 amendments to the NAIC standard valuation law.

(11)(a) "Unitary reserves" means the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

(i) Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy; and

(ii) Modified net premiums are a uniform percentage of the respective guaranteed maximum gross premiums, where the uniform percentage is such that, at issue, the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of item (A) over item (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

(B) A net one year term premium for the benefits provided for in the first policy year.

(b) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

(12) "Universal life insurance policy" means any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

NEW SECTION

WAC 284-74-340 General calculation requirements for basic reserves and premium deficiency reserves. (1) At the election of the company for any one or more specified plans of life insurance, the minimum valuation standard of

mortality under RCW 48.74.030(1) for basic reserves may be calculated using the 1980 CSO mortality table with select mortality factors (or any other valuation mortality table adopted by the NAIC after the operative date of this regulation and promulgated by regulation by the commissioner for this purpose). If select mortality factors are elected, they may be:

- (a) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC standard valuation law;
- (b) The select mortality factors in WAC 284-74-380; or
- (c) Any other table of select mortality factors adopted by the NAIC after the operative date of this regulation and promulgated by regulation by the commissioner for the purpose of calculating basic reserves.

(2) Deficiency reserves, if any, are calculated under RCW 48.74.070 for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using the minimum valuation standards of mortality under RCW 48.74.030(1) and rate of interest under RCW 48.74.030(3), and replacing the net premium by the actual gross premium in each contract year the actual gross premium is less than the corresponding net premium. The actual gross premiums shall be the maximum gross premiums guaranteed on the valuation date.

The quantity A and the corresponding net premiums used in the determination of quantity A shall be based upon the minimum valuation standard of mortality under subsection (1) of this section for basic reserves: Provided, That at the election of the company for any one or more specified plans of life insurance, the quantity A and the corresponding net premiums used in the determination of the quantity A may be based upon the 1980 CSO mortality table with select mortality factors (or any other valuation mortality table adopted by the NAIC after the operative date of this regulation and promulgated by regulation by the commissioner). If select mortality factors are elected, they may be:

- (a) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC standard valuation law;
- (b) The select mortality factors in WAC 284-74-380;
- (c) Subject to the conditions in subsection (3) of this section, X percent of the select mortality factors in WAC 284-74-380; or
- (d) Any other table of select mortality factors adopted by the NAIC after the operative date of this regulation and promulgated by regulation by the commissioner for the purpose of calculating deficiency reserves.

(3) If X percent of the select mortality factors in WAC 284-74-380 is elected under subsection (2)(c) of this section, then that election is subject to the following conditions:

- (a) X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience;
- (b) X shall not be less than twenty percent;
- (c) X shall not decrease in any successive policy years;
- (d) Using the valuation interest rate for basic reserves, subparagraph (i) is greater than or equal to subparagraph (ii);

(i) The actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;

(ii) The actuarial present value of future death benefits, calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

(e) The mortality rates resulting from the application of X are at least as great as anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first five years after the valuation date;

(f) The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of this subsection (3);

(g) The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of this subsection (3); and

(h) The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums.

(i) If X is less than one hundred percent at any duration for any policy, the following requirements shall be met:

(i) The appointed actuary shall annually prepare an actuarial opinion and memorandum in conformance with the requirements of WAC 284-07-380 through 284-07-400; and

(ii) The appointed actuary shall annually opine for all policies subject to this regulation as to whether the mortality rates resulting from the application of X meet the requirements of this subsection (3). This opinion shall be included with or attached to the company's annual statement, and shall disclose the lowest X factor used for any policy on the valuation date. This opinion shall be supported by an actuarial report, subject to appropriate actuarial standards of practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.

(4) This subsection applies to both basic reserves and deficiency reserves. Any set of select mortality factors may be used only for the first segment. However, if the first segment is less than ten years, the appropriate ten-year select mortality factors incorporated into the 1980 amendments to the NAIC standard valuation law may be used thereafter through the tenth policy year from the date of issue.

(5) In determining basic reserves or deficiency reserves, guaranteed maximum gross premiums without policy fees may be used where the calculation involves the guaranteed maximum gross premium but only if the policy fee is specified in the policy and is a level dollar amount for the entire premium paying period of the policy. In determining deficiency reserves, policy fees may be included in guaranteed maximum gross premiums, even if not included in the actual calculation of basic reserves.

(6) Reserves for policies under which the insurer has changed its guarantees after issue with respect to gross premiums, benefits, charges, or credits, with the new guarantees

effective for more than one year after the date of the change, shall be the greatest of the following:

- (a) Reserves calculated ignoring the change;
- (b) Reserves assuming the guarantee was made at issue; and
- (c) Reserves assuming that the policy was issued on the date of the guarantee.

(7) The commissioner may require that the company document the extent of the adequacy of reserves for specified blocks, including, but not limited to, policies issued prior to the operative date of this regulation. This documentation may include a demonstration of the extent to which aggregation with other nonspecified blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to and consistent with the requirements of WAC 284-07-380 and 284-07-400.

NEW SECTION

WAC 284-74-350 Calculation of minimum valuation standard for policies with nonlevel guaranteed maximum gross premiums or nonlevel guaranteed minimum benefits (other than universal life policies). (1) Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy shall use the same valuation mortality table and select mortality factors. At the option of the insurer, in calculating segmented reserves and net premiums, either of the adjustments described in (a) or (b) of this subsection may be made:

(a) Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(b) Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(2)(a) The deficiency reserve at any duration shall be calculated:

(i) On a unitary basis if the corresponding basic reserve determined by subsection (1) of this section is unitary;

(ii) On a segmented basis if the corresponding basic reserve determined by subsection (1) of this section is segmented; or

(iii) On the segmented basis if the corresponding basic reserve determined by subsection (1) of this section is equal to both the segmented reserve and the unitary reserve.

(b) This subsection shall apply to any policy for which the guaranteed maximum gross premium or actual gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of mortality (specified in WAC 284-074-340(2)) and rate of interest.

(c) Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in WAC 284-74-340(2).

(d) For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.

(3) Basic reserves may not be less than the tabular cost of insurance for the balance of the policy year, if mean reserves are used. Basic reserves may not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if midterminal reserves are used. The tabular cost of insurance shall use the same valuation mortality table and interest rates as those used for the calculation of the segmented reserves. However, if select mortality factors are used, they shall be the ten-year select mortality factors incorporated into the 1980 amendments to the NAIC standard valuation law. In no case may total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination) be less than the amount that the policy owner would receive (including the cash surrender value of the supplemental benefits, if any, referred to above), exclusive of any deduction for policy loans, upon termination of the policy.

(4)(a) For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an n year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where n is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.

(b) The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an n year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium, where:

(i) n is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:

(A) The date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or

(B) The mandatory expiration date of the policy; and

(ii) The net premium for a given year during the n year period is equal to the product of the net to gross ratio and the respective gross premium; and

(iii) The net to gross ratio is equal to item (A) divided by item (B) as follows:

(A) The present value, at the beginning of the n year period, of death benefits payable during the n year period plus the present value, at the beginning of the n year period, of the next unusual guaranteed cash surrender value, if any, minus the amount of the last unusual guaranteed cash surren-

der value, if any, scheduled at the beginning of the n year period.

(B) The present value, at the beginning of the n year period, of the scheduled gross premiums payable during the n year period.

(c) For purposes of this subsection, a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:

(i) One hundred ten percent of the scheduled gross premium for that year;

(ii) One hundred ten percent of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and

(iii) Five percent of the first policy year surrender charge, if any.

(5) At the option of the company, the following approach for reserves on yearly renewal term reinsurance may be used:

(a) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(b) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in subsection (3) of this section.

(c) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective guaranteed maximum gross premium.

(d) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with (c) of this subsection.

(e) For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO mortality table with or without ten-year select mortality factors, or any other table adopted after the operative date of this regulation by the NAIC and promulgated by regulation by the commissioner for this purpose.

(f) A reinsurance agreement shall be considered yearly renewable term reinsurance for purposes of this subsection if only the mortality risk is reinsured.

(g) If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.

(6) At the option of the company, the following approach for reserves for attained-age-based yearly renewable term life insurance policies may be used:

(a) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(b) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in subsection (3) of this section.

(c) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective guaranteed maximum gross premium.

(d) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with (c) of this subsection.

(e) For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without ten-year select mortality factors, or any other table adopted after the operative date of this regulation by the NAIC and promulgated by regulation by the commissioner for this purpose.

(f) A policy shall be considered an attained-age-based yearly renewable term life insurance policy for purposes of this subsection if:

(i) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and

(ii) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance and attained age.

(g) For policies that become attained-age-based yearly renewable term policies after an initial period of coverage, the approach of this subsection may be used after the initial period if:

(i) The initial period is constant for all insureds of the same sex, risk class and plan of insurance; or

(ii) The initial period runs to a common attained age for all insureds of the same sex, risk class and plan of insurance; and

(iii) After the initial period of coverage, the policy meets the conditions of (f) of this subsection.

(h) If this election is made, this approach shall be applied in determining reserves for all attained-age-based yearly renewable term life insurance policies issued on or after the operative date of this regulation.

(7) Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:

(a) The policy consists of a series of n-year periods, including the first period and all renewal periods, where n is the same for each period, except that for the final renewal period, n may be truncated or extended to reach the expiry age: Provided, That this final renewal period is less than ten years and less than twice the size of the earlier n-year periods, and for each period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;

(b) The guaranteed maximum gross premiums in all n-year periods are not less than the corresponding net premiums based upon the 1980 CSO mortality table with or without the ten-year select mortality factors; and

(c) There are no cash surrender values in any policy year.

(8) Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:

(a) At issue, the insured is age twenty-four or younger;

(b) Until the insured reaches the end of the juvenile period, which shall occur at or before age twenty-five, the gross premiums and death benefits are level, and there are no cash surrender values; and

(c) After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

NEW SECTION

WAC 284-74-360 Calculation of minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policy owner to keep a policy in force over a secondary guarantee period. (1)(a) Policies with a secondary guarantee include:

(i) A policy with a guarantee that the policy will remain in force at the original schedule of benefits over a specified period of time, subject only to the payment of specified premiums;

(ii) A policy in which the minimum premium at any duration is less than the corresponding one year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO mortality tables with or without ten-year select mortality factors, or any other table adopted after the operative date of this regulation by the NAIC and promulgated by regulation by the commissioner for this purpose; or

(iii) A policy with any combination of (a)(i) and (ii) of this subsection.

(b) A secondary guarantee period is the period for which the policy is guaranteed to remain in force subject only to a secondary guarantee. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees. Secondary guarantees that are unilaterally changed by the insurer after issue shall be considered to have been made at issue. Reserves described in subsections (2) and (3) of this section shall be recalculated from issue to reflect these changes.

(c) Specified premiums mean the premiums specified by the insurer, the payment of which guarantees that the policy will remain in force at the original schedule of benefits, but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

(d) For purposes of this section, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year. The minimum premium calculation shall use the policy cost factors (including mortality charges, loads and expense charges) and the interest crediting rate, which are all guaranteed at issue.

(e) The one-year valuation premium means the net one-year premium based upon the original schedule of benefits for a given policy year. The one-year valuation premiums for

all policy years are calculated at issue. The select mortality factors defined in WAC 284-74-340 (2)(b), (c) and (d) may not be used to calculate the one-year valuation premiums.

(f) The one-year valuation premium should reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

(2) Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums, that keep the policy in force and the segments will be determined according to the contract segmentation method as defined in WAC 284-74-330(2).

(3) Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in WAC 284-74-350(2) with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

(4) The minimum reserves during the secondary guarantee period are the greater of:

(a) The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or

(b) The minimum reserves required by other statutory provisions, rules or regulations governing universal life plans.

NEW SECTION

WAC 284-74-370 Operative date. On or after the effective date of this regulation, the company to whose policies this regulation applies may elect January 1, 2000, as its operative date. If the company makes no such election, this regulation shall become operative on its effective date.

NEW SECTION

WAC 284-74-380 Select mortality factors. This section contains the tables of select mortality factors to which WAC 284-74-340 (1)(b), (2)(b) and (c) refer. The factors in this section are percentages to be applied to the 1980 CSO valuation tables.

The six tables of select mortality factors contained herein include:

- (1) Male composite;
- (2) Male nonsmoker;
- (3) Male smoker;
- (4) Female composite;
- (5) Female nonsmoker; and
- (6) Female smoker.

The same factors apply to both age last birthday and age nearest birthday mortality tables.

(1) The select mortality factors for male composite are as shown in the table below:

Male Composite - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	96	98	98	99	99	100	100	90	92	92	92	92	93	93	96	97	98	98	99	100
19	83	84	84	87	87	87	79	79	79	81	81	82	82	82	85	88	91	94	97	100
20	69	71	71	74	74	69	69	67	69	70	71	71	71	71	74	79	84	90	95	100
21	66	68	69	71	66	66	67	66	67	70	70	70	70	71	71	77	83	88	94	100
22	65	66	66	63	63	64	64	64	65	68	68	68	68	69	71	77	83	88	94	100
23	62	63	59	60	62	62	63	63	64	65	65	67	67	69	70	76	82	88	94	100
24	60	56	56	59	59	60	61	61	61	64	64	64	66	67	70	76	82	88	94	100
25	52	53	55	56	58	58	60	60	60	63	62	63	64	67	69	75	81	88	94	100
26	51	52	55	56	58	58	57	61	61	62	63	64	66	69	66	73	80	86	93	100
27	51	52	55	57	58	60	61	61	60	63	63	64	67	66	67	74	80	87	93	100
28	49	51	56	58	60	60	61	62	62	63	64	66	65	66	68	74	81	87	94	100
29	49	51	56	58	60	61	62	62	62	64	64	62	66	67	70	76	82	88	94	100
30	49	50	56	58	60	60	62	63	63	64	62	63	67	68	71	77	83	88	94	100
31	47	50	56	58	60	62	63	64	64	62	63	66	68	70	72	78	83	89	94	100
32	46	49	56	59	60	62	63	66	62	63	66	67	70	72	73	78	84	89	95	100
33	43	49	56	59	62	63	64	62	65	66	67	70	72	73	75	80	85	90	95	100
34	42	47	56	60	62	63	61	63	66	67	70	71	73	75	76	81	86	90	95	100
35	40	47	56	60	63	61	62	65	67	68	71	73	74	76	76	81	86	90	95	100
36	38	42	56	60	59	61	63	65	67	68	70	72	74	76	77	82	86	91	95	100
37	38	45	56	57	61	62	63	65	67	68	70	72	74	76	76	81	86	90	95	100
38	37	44	53	58	61	62	65	66	67	69	69	73	75	76	77	82	86	91	95	100
39	37	41	53	58	62	63	65	65	66	68	69	72	74	76	76	81	86	90	95	100
40	34	40	53	58	62	63	65	65	66	68	68	71	75	76	77	82	86	91	95	100

Male Composite - Select Mortality Factors

Issue

Duration

Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
41	34	41	53	58	62	63	65	64	64	66	68	70	74	76	77	82	86	91	95	100
42	34	43	53	58	61	62	63	63	63	64	66	69	72	75	77	82	86	91	95	100
43	34	43	54	59	60	61	63	62	62	64	66	67	72	74	77	82	86	91	95	100
44	34	44	54	58	59	60	61	60	61	62	64	67	71	74	77	82	86	91	95	100
45	34	45	53	58	59	60	60	60	59	60	63	66	71	74	77	82	86	91	95	100
46	31	43	52	56	57	58	59	59	59	60	63	67	71	74	75	80	85	90	95	100
47	32	42	50	53	55	56	57	58	59	60	65	68	71	74	75	80	85	90	95	100
48	32	41	47	52	54	56	57	57	57	61	65	68	72	73	74	79	84	90	95	100
49	30	40	46	49	52	54	55	56	57	61	66	69	72	73	74	79	84	90	95	100
50	30	38	44	47	51	53	54	56	57	61	66	71	72	73	75	80	85	90	95	100
51	28	37	42	46	49	53	54	56	57	61	66	71	72	73	75	80	85	90	95	100
52	28	35	41	45	49	51	54	56	57	61	66	71	72	74	75	80	85	90	100	100
53	27	35	39	44	48	51	53	55	57	61	67	71	74	75	76	81	86	100	100	100
54	27	33	38	44	48	50	53	55	57	61	67	72	74	75	76	81	100	100	100	100
55	25	32	37	43	47	50	53	55	57	61	68	72	74	75	78	100	100	100	100	100
56	25	32	37	43	47	49	51	54	56	61	67	70	73	74	100	100	100	100	100	100
57	24	31	38	43	47	49	51	54	56	59	66	69	72	100	100	100	100	100	100	100
58	24	31	38	43	48	48	50	53	56	59	64	67	100	100	100	100	100	100	100	100
59	23	30	39	43	48	48	51	53	55	58	63	100	100	100	100	100	100	100	100	100
60	23	30	39	43	48	47	50	52	53	57	100	100	100	100	100	100	100	100	100	100
61	23	30	39	43	49	49	50	52	53	75	100	100	100	100	100	100	100	100	100	100
62	23	30	39	44	49	49	51	52	75	75	100	100	100	100	100	100	100	100	100	100
63	22	30	39	45	50	50	52	75	75	75	100	100	100	100	100	100	100	100	100	100
64	22	30	39	45	50	51	75	75	75	75	100	100	100	100	100	100	100	100	100	100
65	22	30	39	45	50	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
66	22	30	39	45	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
67	22	30	39	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
68	23	32	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
69	23	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100

Male Composite - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
71	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[51]

Permanent

PERMANENT

(2) The select mortality factors for male nonsmoker are as shown in the table below:

Male Nonsmoker - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	93	95	96	98	99	100	100	90	92	92	92	92	95	95	96	97	98	98	99	100
19	80	81	83	86	87	87	79	79	79	81	81	82	83	83	86	89	92	94	97	100
20	65	68	69	72	74	69	69	67	69	70	71	71	72	72	75	80	85	90	95	100
21	63	66	68	71	66	66	67	66	67	70	70	70	71	71	73	78	84	89	95	100
22	62	65	66	62	63	64	64	64	67	68	68	68	70	70	73	78	84	89	95	100
23	60	62	58	60	62	62	63	63	64	67	68	68	67	69	71	77	83	88	94	100
24	59	55	56	58	59	60	61	61	63	65	67	66	66	69	71	77	83	88	94	100
25	52	53	55	56	58	58	60	60	61	64	64	64	64	67	70	76	82	88	94	100
26	51	53	55	56	58	60	61	61	61	63	64	64	66	69	67	74	80	87	93	100
27	51	52	55	58	60	60	61	61	62	63	64	66	67	66	67	74	80	87	93	100
28	49	52	57	58	60	61	63	62	62	64	66	66	63	66	68	74	81	87	94	100
29	49	51	57	60	61	61	62	62	63	64	66	63	65	67	68	74	81	87	94	100
30	49	51	57	60	61	62	63	63	63	64	62	63	66	68	70	76	82	88	94	100
31	47	50	57	60	60	62	63	64	64	62	63	65	67	70	71	77	83	88	94	100
32	46	50	57	60	62	63	64	64	62	63	65	66	68	71	72	78	83	89	94	100
33	45	49	56	60	62	63	64	62	63	65	66	68	71	73	74	79	84	90	95	100
34	43	48	56	62	63	64	62	62	65	66	67	70	72	74	74	79	84	90	95	100
35	41	47	56	62	63	61	62	63	66	67	68	70	72	74	75	80	85	90	95	100
36	40	47	56	62	59	61	62	63	66	67	68	70	72	74	75	80	85	90	95	100
37	38	45	56	58	59	61	62	63	66	67	67	69	71	73	74	79	84	90	95	100
38	38	45	53	58	61	62	63	65	65	67	68	70	72	74	73	78	84	89	95	100
39	37	41	53	58	61	62	63	64	65	67	68	70	71	73	73	78	84	89	95	100
40	34	41	53	58	61	62	63	64	64	66	67	69	71	73	72	78	83	89	94	100

Male Nonsmoker - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
41	34	41	53	58	61	61	62	62	63	65	65	67	69	71	71	77	83	88	94	100
42	34	43	53	58	60	61	62	61	61	63	64	66	67	69	71	77	83	88	94	100
43	32	43	53	58	60	61	60	60	60	60	62	64	66	68	69	75	81	88	94	100
44	32	44	52	57	59	60	60	59	59	58	60	62	65	67	69	75	81	88	94	100
45	32	44	52	57	59	60	59	57	57	57	59	61	63	66	68	74	81	87	94	100
46	32	42	50	54	56	57	57	56	55	56	59	61	63	65	67	74	80	87	93	100
47	30	40	48	52	54	55	55	54	54	55	59	61	62	63	66	73	80	86	93	100
48	30	40	46	49	51	52	53	53	54	55	57	61	62	63	63	70	78	85	93	100
49	29	39	43	48	50	51	50	51	53	54	57	61	61	62	62	70	77	85	92	100
50	29	37	42	45	47	48	49	50	51	54	57	61	61	61	61	69	77	84	92	100
51	27	35	40	43	45	47	48	50	51	53	57	60	61	61	62	70	77	85	92	100
52	27	34	39	42	44	45	48	49	50	53	56	60	60	62	62	70	77	85	100	100
53	25	31	37	41	44	45	47	49	50	51	56	59	61	61	62	70	77	100	100	100
54	25	30	36	39	43	44	47	48	49	51	55	59	59	61	62	70	100	100	100	100
55	24	29	35	38	42	43	45	48	49	50	56	58	59	61	62	100	100	100	100	100
56	23	29	35	38	42	42	44	47	48	50	55	57	58	59	100	100	100	100	100	100
57	23	28	35	38	42	42	43	45	47	49	53	55	56	100	100	100	100	100	100	100
58	22	28	33	37	41	41	43	45	45	47	51	53	100	100	100	100	100	100	100	100
59	22	26	33	37	41	41	42	44	44	46	50	100	100	100	100	100	100	100	100	100
60	20	26	33	37	41	40	41	42	42	45	100	100	100	100	100	100	100	100	100	100
61	20	26	33	37	41	40	41	42	42	75	100	100	100	100	100	100	100	100	100	100
62	19	25	32	38	40	40	41	42	75	75	100	100	100	100	100	100	100	100	100	100
63	19	25	33	36	40	40	41	75	75	75	100	100	100	100	100	100	100	100	100	100
64	18	24	32	36	39	40	75	75	75	75	100	100	100	100	100	100	100	100	100	100
65	18	24	32	36	39	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
66	18	24	32	36	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
67	18	24	32	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
68	18	24	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
69	18	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100

Male Nonsmoker - Select Mortality Factors

Issue

Duration

Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
71	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

(3) The select mortality factors for male smoker are as shown in the table below:

Male Smoker - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
19	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
20	98	100	100	100	100	100	100	99	99	99	100	99	99	99	100	100	100	100	100	100
21	95	98	99	100	95	96	96	95	96	97	97	96	96	96	96	97	98	98	99	100
22	92	95	96	90	90	93	93	92	93	95	95	93	93	92	93	94	96	97	99	100
23	90	92	85	88	88	89	89	89	90	90	90	90	89	90	92	94	95	97	98	100
24	87	81	82	85	84	86	88	86	86	88	88	86	86	88	89	91	93	96	98	100
25	77	78	79	82	81	83	83	82	83	85	84	84	84	85	86	89	92	94	97	100
26	75	77	79	82	82	83	83	82	83	84	84	84	84	85	81	85	89	92	96	100
27	73	75	78	82	82	83	83	82	82	82	82	84	84	80	81	85	89	92	96	100
28	71	73	79	82	81	82	83	81	81	82	82	82	80	80	81	85	89	92	96	100
29	69	72	78	81	81	82	82	81	81	81	81	77	80	80	81	85	89	92	96	100
30	68	71	78	81	81	81	82	81	81	81	76	77	80	80	81	85	89	92	96	100
31	65	70	77	81	79	81	82	81	81	76	77	79	81	81	83	86	90	93	97	100
32	63	67	77	78	79	81	81	81	76	77	77	80	83	83	85	88	91	94	97	100
33	60	65	74	78	79	79	81	76	77	77	79	80	83	85	85	88	91	94	97	100
34	57	62	74	77	79	79	75	76	77	79	79	81	83	85	87	90	92	95	97	100
35	53	60	73	77	79	75	75	76	77	79	80	82	84	86	88	90	93	95	98	100
36	52	59	71	75	74	75	75	76	77	79	79	81	83	85	87	90	92	95	97	100
37	49	58	70	71	74	74	75	76	77	78	79	81	84	86	86	89	92	94	97	100
38	48	55	66	70	72	74	74	75	76	78	79	81	83	85	87	90	92	95	97	100
39	45	50	65	70	72	72	74	74	75	77	79	81	84	86	86	89	92	94	97	100
40	41	49	63	68	71	72	73	74	74	76	78	80	83	85	86	89	92	94	97	100

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Permanent

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Male Smoker - Select Mortality Factors

Issue	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
41	40	49	63	68	71	72	72	72	73	75	76	78	81	84	85	88	91	94	97	100
42	40	49	62	68	70	71	71	71	71	73	75	76	81	83	85	88	91	94	97	100
43	39	50	62	67	69	69	70	70	70	71	73	76	79	83	85	88	91	94	97	100
44	39	50	60	66	68	69	68	69	69	69	71	74	79	81	85	88	91	94	97	100
45	37	50	60	66	68	68	68	67	67	67	69	73	78	81	85	88	91	94	97	100
46	37	48	58	63	65	67	66	66	66	67	71	74	78	81	84	87	90	94	97	100
47	36	47	55	61	63	64	64	64	65	67	71	75	79	81	84	87	90	94	97	100
48	35	46	53	58	60	62	63	63	65	67	72	75	79	81	83	86	90	93	97	100
49	34	45	51	56	58	59	61	62	63	67	72	77	80	81	83	86	90	93	97	100
50	34	43	49	53	55	57	60	61	63	67	73	78	80	81	81	85	89	92	96	100
51	32	42	47	52	55	57	60	61	63	67	73	78	80	83	84	87	90	94	97	100
52	32	40	46	50	54	56	60	61	63	67	73	78	81	84	85	88	91	94	100	100
53	30	37	44	49	54	56	59	61	65	67	74	79	83	85	87	90	92	100	100	100
54	30	36	43	48	53	55	59	61	65	67	74	80	84	85	89	91	100	100	100	100
55	29	35	42	47	53	55	59	61	65	67	75	80	84	86	90	100	100	100	100	100
56	28	35	42	47	53	55	57	60	63	68	74	79	83	85	100	100	100	100	100	100
57	28	35	42	47	53	54	57	60	64	67	74	78	81	100	100	100	100	100	100	100
58	26	33	43	48	54	54	56	59	63	67	73	78	100	100	100	100	100	100	100	100
59	26	33	43	48	54	53	57	59	63	66	73	100	100	100	100	100	100	100	100	100
60	25	33	43	48	54	53	56	58	62	66	100	100	100	100	100	100	100	100	100	100
61	25	33	43	49	55	55	57	59	63	75	100	100	100	100	100	100	100	100	100	100
62	25	33	43	50	56	56	58	61	75	75	100	100	100	100	100	100	100	100	100	100
63	24	33	45	51	56	56	59	75	75	75	100	100	100	100	100	100	100	100	100	100
64	24	34	45	51	57	57	75	75	75	75	100	100	100	100	100	100	100	100	100	100
65	24	34	45	52	57	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
66	24	35	45	53	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
67	25	35	45	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
68	25	36	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
69	27	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100

Male Smoker - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
71	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	70	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[57]



(4) The select mortality factors for female composite are as shown in the table below:

Female Composite - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	99	100	100	100	100	100	100	100	93	95	96	97	97	100	100	100	100	100	100	100
18	83	83	84	84	84	84	86	78	78	79	82	84	85	88	88	90	93	95	98	100
19	65	66	68	68	68	68	63	63	64	66	69	71	72	74	75	80	85	90	95	100
20	48	50	51	51	51	47	48	48	49	51	56	57	58	61	63	70	78	85	93	100
21	47	48	50	51	47	47	48	49	51	53	57	60	61	64	64	71	78	86	93	100
22	44	47	48	45	47	47	48	49	53	54	60	61	63	64	66	73	80	86	93	100
23	42	45	44	45	47	47	49	51	53	54	61	64	64	67	69	75	81	88	94	100
24	39	40	42	44	47	47	50	51	54	56	64	64	66	69	70	76	82	88	94	100
25	34	38	41	44	47	47	50	53	56	57	64	67	69	71	73	78	84	89	95	100
26	34	38	41	45	49	49	51	56	58	59	66	69	70	73	70	76	82	88	94	100
27	34	38	41	47	50	51	54	57	59	60	69	70	73	70	71	77	83	88	94	100
28	34	37	43	47	53	53	56	59	62	63	70	73	70	72	74	79	84	90	95	100
29	34	38	43	49	54	56	58	60	63	64	73	70	72	74	75	80	85	90	95	100
30	35	38	43	50	56	56	59	63	66	67	70	71	74	75	76	81	86	90	95	100
31	35	38	43	51	56	58	60	64	67	65	71	72	74	75	76	81	86	90	95	100
32	35	39	45	51	56	59	63	66	65	66	72	72	75	76	76	81	86	90	95	100
33	36	39	44	52	58	62	64	65	66	67	72	74	75	76	76	81	86	90	95	100
34	36	40	45	52	58	63	63	66	67	68	74	74	76	76	76	81	86	90	95	100
35	36	40	45	53	59	61	65	67	68	70	75	74	75	76	75	80	85	90	95	100
36	36	40	45	53	55	62	65	67	68	70	74	74	74	75	75	80	85	90	95	100
37	36	41	47	52	57	62	65	67	68	69	72	72	73	75	74	79	84	90	95	100
38	34	41	44	52	57	63	66	68	69	70	72	71	72	74	75	80	85	90	95	100
39	34	40	45	53	58	63	66	68	69	69	70	70	70	73	74	79	84	90	95	100
40	32	40	45	53	58	65	65	67	68	69	70	69	70	73	73	78	84	89	95	100

Female Composite - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
41	32	40	45	53	57	63	64	67	68	68	69	69	69	73	74	79	84	90	95	100
42	32	40	45	52	56	61	63	65	66	68	69	68	70	74	75	80	85	90	95	100
43	31	39	45	51	55	59	61	65	65	66	68	69	69	74	77	82	86	91	95	100
44	31	39	45	50	54	58	61	63	64	66	67	68	71	75	78	82	87	91	96	100
45	31	38	44	49	53	56	59	62	63	65	67	68	71	77	79	83	87	92	96	100
46	29	37	43	48	51	54	59	62	63	65	67	69	71	77	78	82	87	91	96	100
47	28	35	41	46	49	54	57	61	62	66	68	69	71	77	77	82	86	91	95	100
48	28	35	41	44	49	52	57	61	63	66	68	71	72	75	77	82	86	91	95	100
49	26	34	39	43	47	52	55	61	63	67	69	71	72	75	75	80	85	90	95	100
50	25	32	38	41	46	50	55	61	63	67	69	72	72	75	74	79	84	90	95	100
51	25	32	38	41	45	50	55	61	63	66	68	69	71	74	74	79	84	90	95	100
52	23	30	36	41	45	51	56	61	62	65	66	68	68	73	73	78	84	89	100	100
53	23	30	36	41	47	51	56	61	62	63	65	66	68	72	72	78	83	100	100	100
54	22	29	35	41	47	53	57	61	61	62	62	66	66	69	70	76	100	100	100	100
55	22	29	35	41	47	53	57	61	61	61	62	63	64	68	69	100	100	100	100	100
56	22	29	35	41	45	51	56	59	60	61	62	63	64	67	100	100	100	100	100	100
57	22	29	35	41	45	50	54	56	58	59	61	62	63	100	100	100	100	100	100	100
58	22	30	36	41	44	49	53	56	57	57	61	62	100	100	100	100	100	100	100	100
59	22	30	36	41	44	48	51	53	55	56	59	100	100	100	100	100	100	100	100	100
60	22	30	36	41	43	47	50	51	53	55	100	100	100	100	100	100	100	100	100	100
61	22	29	35	39	42	46	49	50	52	80	100	100	100	100	100	100	100	100	100	100
62	20	28	33	39	41	45	47	49	80	80	100	100	100	100	100	100	100	100	100	100
63	20	28	33	38	41	44	46	80	80	80	100	100	100	100	100	100	100	100	100	100
64	19	27	32	36	40	42	80	80	80	80	100	100	100	100	100	100	100	100	100	100
65	19	25	30	35	39	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
66	19	25	30	35	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
67	19	25	30	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
68	19	25	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
69	19	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100

Female Composite - Select Mortality Factors

Issue

Duration

Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

(5) The select mortality factors for female nonsmoker are as shown in the table below:

Female Nonsmoker - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	96	98	98	98	98	99	99	99	92	92	93	95	95	97	99	99	99	100	100	100
18	78	80	80	80	80	81	81	74	75	75	78	79	82	83	85	88	91	94	97	100
19	60	62	63	63	63	65	59	59	60	60	64	67	67	70	72	78	83	89	94	100
20	42	44	45	45	45	42	42	42	45	45	50	51	53	56	58	66	75	83	92	100
21	41	42	44	45	41	42	42	44	47	47	51	53	54	57	59	67	75	84	92	100
22	39	41	44	41	41	42	44	45	49	49	54	56	57	58	60	68	76	84	92	100
23	38	41	38	40	41	42	44	46	49	50	56	57	58	60	62	70	77	85	92	100
24	36	36	38	40	41	42	46	47	50	51	58	59	60	62	63	70	78	85	93	100
25	32	34	37	40	41	43	46	49	51	53	59	60	62	63	64	71	78	86	93	100
26	32	34	37	41	43	45	47	50	53	53	60	62	63	64	62	70	77	85	92	100
27	32	34	38	43	46	47	49	51	53	55	62	63	64	62	62	70	77	85	92	100
28	30	34	39	43	47	49	51	53	56	58	63	63	61	62	63	70	78	85	93	100
29	30	35	40	45	50	51	52	55	58	59	64	61	62	63	63	70	78	85	93	100
30	31	35	40	46	51	52	53	56	59	60	62	62	63	65	65	72	79	86	93	100
31	31	35	40	46	51	53	55	58	60	58	62	62	63	65	65	72	79	86	93	100
32	32	35	40	45	51	53	56	59	57	58	62	63	63	65	64	71	78	86	93	100
33	32	36	41	47	52	55	58	55	58	59	63	63	65	65	65	72	79	86	93	100
34	33	36	41	47	52	55	55	57	58	59	63	65	64	65	64	71	78	86	93	100
35	33	36	41	47	52	53	57	58	59	61	63	64	64	64	64	71	78	86	93	100
36	33	36	41	47	49	53	57	58	59	61	63	64	63	64	63	70	78	85	93	100
37	32	36	41	44	49	53	57	58	59	60	62	62	61	62	63	70	78	85	93	100
38	32	37	39	45	50	54	57	58	60	60	61	61	61	62	61	69	77	84	92	100
39	30	35	39	45	50	54	57	58	60	59	60	60	59	60	61	69	77	84	92	100
40	28	35	39	45	50	54	56	57	59	59	60	59	59	59	60	68	76	84	92	100

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Female Nonsmoker - Select Mortality Factors

Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
41	28	35	39	45	49	52	55	55	58	57	58	59	58	59	60	68	76	84	92	100
42	27	35	39	44	49	52	54	55	56	57	57	57	58	60	61	69	77	84	92	100
43	27	34	39	44	47	50	53	53	55	55	56	57	56	60	61	69	77	84	92	100
44	26	34	38	42	47	50	52	53	54	55	55	55	56	61	62	70	77	85	92	100
45	26	33	38	42	45	48	51	51	52	53	54	55	56	61	62	70	77	85	92	100
46	24	32	37	40	43	47	49	51	52	53	54	55	56	60	61	69	77	84	92	100
47	24	30	35	39	42	45	47	49	51	53	54	55	56	59	60	68	76	84	92	100
48	23	30	35	37	40	44	47	49	50	53	54	55	55	59	57	66	74	83	91	100
49	23	29	33	35	39	42	45	48	50	53	54	55	55	57	56	65	74	82	91	100
50	21	27	32	34	37	41	44	48	50	53	54	55	55	56	55	64	73	82	91	100
51	21	26	30	34	37	41	44	48	49	51	53	53	54	55	55	64	73	82	91	100
52	20	25	30	33	37	41	44	47	48	50	50	51	51	55	53	62	72	81	100	100
53	19	24	29	32	37	41	43	47	48	48	49	49	51	52	52	62	71	100	100	100
54	18	24	29	32	37	41	43	45	47	47	47	49	49	51	51	61	100	100	100	100
55	18	23	28	32	37	41	43	45	45	45	46	46	47	50	50	100	100	100	100	100
56	18	23	28	32	36	39	42	44	44	45	46	46	46	49	100	100	100	100	100	100
57	18	23	28	31	35	38	41	42	44	44	45	45	46	100	100	100	100	100	100	100
58	17	23	26	31	35	36	38	41	41	42	45	45	100	100	100	100	100	100	100	100
59	17	23	26	30	33	35	38	39	40	41	44	100	100	100	100	100	100	100	100	100
60	17	23	26	30	32	34	36	38	39	40	100	100	100	100	100	100	100	100	100	100
61	17	22	25	29	32	33	35	36	38	80	100	100	100	100	100	100	100	100	100	100
62	16	22	25	28	30	32	34	35	80	80	100	100	100	100	100	100	100	100	100	100
63	16	20	24	28	30	32	34	80	80	80	100	100	100	100	100	100	100	100	100	100
64	14	21	24	27	29	30	80	80	80	80	100	100	100	100	100	100	100	100	100	100
65	15	19	23	25	28	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
66	15	19	23	25	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
67	15	19	22	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
68	13	18	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
69	13	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100

Female Nonsmoker - Select Mortality Factors

Duration

Issue

Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

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(6) The select mortality factors for female smoker are as shown in the table below:

Female Smoker - Select Mortality Factors

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	99	100	100	100	100	100	100	95	96	97	100	100	100	100	100	100	100	100	100	100
19	87	89	92	92	92	92	84	84	86	86	92	93	95	96	99	99	99	100	100	100
20	74	77	80	80	80	73	73	73	75	77	83	83	86	88	90	92	94	96	98	100
21	71	74	78	78	71	71	73	74	77	79	85	86	88	89	90	92	94	96	98	100
22	68	71	75	70	71	71	73	74	78	79	88	90	89	89	92	94	95	97	98	100
23	65	69	67	70	70	70	73	77	79	81	89	90	90	92	92	94	95	97	98	100
24	62	60	64	69	70	70	74	77	79	81	92	90	92	93	93	94	96	97	99	100
25	53	58	63	67	69	70	74	78	81	82	92	93	93	95	95	96	97	98	99	100
26	53	58	63	69	71	72	75	79	82	82	93	93	95	96	90	92	94	96	98	100
27	52	56	63	70	74	74	78	81	82	84	93	95	95	90	90	92	94	96	98	100
28	52	56	64	71	75	77	79	82	85	86	95	95	90	92	92	94	95	97	98	100
29	51	56	64	71	78	78	81	84	86	88	95	90	90	92	92	94	95	97	98	100
30	51	56	64	72	79	79	82	85	88	89	90	90	92	93	93	94	96	97	99	100
31	51	56	64	72	78	81	84	84	88	84	90	90	92	93	93	94	96	97	99	100
32	51	56	64	71	78	81	85	86	84	85	90	90	92	94	93	94	96	97	99	100
33	51	57	62	71	78	82	85	83	84	85	90	92	93	93	93	94	96	97	99	100
34	51	56	62	71	78	82	81	83	85	86	90	92	92	94	93	94	96	97	99	100
35	51	56	62	71	78	79	83	84	85	86	90	91	91	93	93	94	96	97	99	100
36	49	56	62	71	74	79	83	84	85	86	90	90	91	93	92	94	95	97	98	100
37	48	55	62	67	74	79	83	84	85	86	89	90	89	92	91	93	95	96	98	100
38	47	55	57	66	72	77	81	84	86	86	87	88	88	90	91	93	95	96	98	100
39	45	50	57	66	72	77	81	83	85	86	86	87	86	89	90	92	94	96	98	100
40	41	50	57	66	72	77	81	83	84	85	86	86	86	86	89	89	91	93	96	100

Female Smoker - Select Mortality Factors

Issue

Duration

Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
41	40	50	57	65	71	76	79	81	83	84	85	86	85	89	90	92	94	96	98	100
42	40	49	57	65	69	74	77	80	82	83	84	85	86	90	92	94	95	97	98	100
43	39	49	55	63	69	73	76	78	80	82	83	84	85	92	93	94	96	97	99	100
44	39	48	55	62	67	71	75	78	80	80	82	84	86	93	96	97	98	98	99	100
45	37	47	55	61	65	70	73	76	78	80	81	84	86	94	97	98	98	99	99	100
46	36	46	53	59	63	68	71	75	77	79	83	85	86	93	96	97	98	98	99	100
47	34	44	51	57	62	66	70	75	77	80	83	85	86	93	94	95	96	98	99	100
48	34	44	50	54	60	64	69	74	77	80	84	86	87	92	92	94	95	97	98	100
49	33	42	48	53	58	63	68	74	77	81	84	86	87	92	91	93	95	96	98	100
50	31	41	46	51	57	61	67	74	77	81	85	87	87	91	90	92	94	96	98	100
51	30	39	45	51	56	61	67	74	75	80	83	85	85	90	90	92	94	96	98	100
52	29	38	45	50	56	62	68	74	75	79	81	83	84	90	90	92	94	96	100	100
53	28	37	43	49	57	62	68	73	74	77	79	81	83	89	89	91	93	100	100	100
54	28	36	43	49	57	63	69	73	74	75	78	80	81	87	89	91	100	100	100	100
55	26	35	42	49	57	63	69	73	73	74	76	78	79	86	87	100	100	100	100	100
56	26	35	42	49	56	62	67	71	72	74	76	78	79	85	100	100	100	100	100	100
57	26	35	42	49	55	61	66	69	72	73	76	78	79	100	100	100	100	100	100	100
58	28	36	43	49	55	59	63	68	69	72	76	78	100	100	100	100	100	100	100	100
59	28	36	43	49	54	57	63	67	68	70	76	100	100	100	100	100	100	100	100	100
60	28	36	43	49	53	57	61	64	67	69	100	100	100	100	100	100	100	100	100	100
61	26	35	42	48	52	56	59	63	66	80	100	100	100	100	100	100	100	100	100	100
62	26	33	41	47	51	55	58	62	80	80	100	100	100	100	100	100	100	100	100	100
63	25	33	41	46	51	55	57	80	80	80	100	100	100	100	100	100	100	100	100	100
64	25	33	40	45	50	53	80	80	80	80	100	100	100	100	100	100	100	100	100	100
65	24	32	39	44	49	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
66	24	32	39	44	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
67	24	32	39	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
68	24	32	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
69	24	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100

[65]

Permanent

PERMANENT

Female Smoker - Select Mortality Factors

Issue	Duration																			
Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

WSR 00-07-077
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Assistance Programs)

[Filed March 14, 2000, 3:21 p.m., effective May 1, 2000]

Date of Adoption: March 14, 2000.

Purpose: This rule is no longer necessary because all benefits are based on prospective budgeting.

Citation of Existing Rules Affected by this Order:
Repealing WAC 388-418-0012.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 00-03-062 on January 18, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: May 1, 2000.

March 14, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-418-0012 Prospective eligibility for
food assistance.

WSR 00-07-085
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed March 15, 2000, 2:03 p.m.]

Date of Adoption: February 15, 2000.

Purpose: Adopts chapter 246-246 WAC, Requirements for radiological criteria for license termination. The purpose of this rule is to bring radiation protection regulations into conformance with the U.S. Nuclear Regulatory Commission rules on radiological criteria for license termination. For clarity, the radiological criteria for license termination is being consolidated into a new chapter.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-221-270, 246-232-060, and 246-235-075.

Statutory Authority for Adoption: RCW 70.98.050.

Adopted under notice filed as WSR 99-22-086 on November 2, 1999.

Changes Other than Editing from Proposed to Adopted Version: The changes correct cross references to methods for financial assurance and previous burials of radioactive material at a site in order to conform with the federal rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 7, Amended 3, 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 7, Amended 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 14, 2000

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 94-01-073, filed 12/9/93, effective 1/9/94)

WAC 246-221-270 Vacating premises and release of equipment. (1) Each specific licensee shall notify the department in writing of intent to vacate. ~~((no less than))~~ at least 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of licensed activities~~((, notify the department in writing of intent to vacate))~~.

(2) Each licensee shall permanently decontaminate the premise, before vacating any premise or transferring the premise, ~~((shall permanently decontaminate such premise below or equal to))~~ in accordance with the standards specified in ~~((WAC 246-232-140))~~ chapter 246-246 WAC. A survey by the licensee shall be made after ~~((such))~~ the decontamination and the department and the landlord or subsequent tenant or transferee shall be provided with a copy of ~~((such))~~ the survey no later than the date of vacating or relinquishing possession or control of the premise.

(3) No machinery, instruments, laboratory equipment or any other property used in contact with, or close proximity to radioactive material at a licensed premise shall be assigned, sold, leased, or transferred to an unlicensed person unless ~~((such))~~ the property has been decontaminated ~~((to))~~ and meets the standards specified in WAC 246-232-140. A survey shall be made after ~~((such))~~ the decontamination and the

department and subsequent owner or transferee shall be provided with a copy of ~~((such))~~ the survey report.

AMENDATORY SECTION (Amending WSR 99-15-105, filed 7/21/99, effective 8/21/99)

WAC 246-232-060 Termination of licenses and decommissioning of sites and separate buildings or outdoor areas. (1) Each specific licensee shall immediately notify the department in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license and request termination of the license. This notification and request for termination of the license must include the reports and information specified in subsection (3)(c) and (d) of this section. The licensee is subject to the provisions of subsections (3) and (4) of this section, as applicable.

(2) No less than thirty days before the expiration date specified in a specific license, the licensee shall either:

(a) Submit an application for license renewal under WAC 246-235-050; or

(b) Notify the department in writing if the licensee decides not to renew the license.

(3) If a specific licensee does not submit an application for license renewal under WAC 246-235-050, the licensee shall on or before the expiration date specified in the license:

(a) Terminate use of radioactive material;

(b) Properly dispose of radioactive material;

(c) Submit a completed departmental form "Certificate of disposition of radioactive material" or equivalent; and

(d) Submit a radiation survey report to confirm the absence of radioactive materials or establish the levels of radioactive contamination, unless the department determines a radiation survey report is not necessary.

(i) If no radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted under this paragraph and subsection (3)(c) and (d) of this section is adequate, the department will notify the licensee in writing that the license is terminated.

(ii) If detectable levels of radioactive contamination attributable to activities conducted under the license are found, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination until the licensee meets the criteria established in chapter 246-246 WAC and the department notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of subsection (4) of this section. In addition to the information submitted under subsection (3)(c) and (d) of this section, the licensee shall submit a plan for decontamination, if necessary.

(4) Each specific licensee who possesses residual radioactive material under subsection (3)(d)(ii) of this section, following the expiration of the facility and/or equipment date specified in the license, shall:

(a) Be limited to actions, involving radioactive material related to decontamination and preparation for release (~~for~~

~~unrestricted use~~) in accordance with chapter 246-246 WAC; and

(b) Continue to control entry to restricted areas until ~~((they))~~;

(i) Such areas are suitable for release (~~for unrestricted use~~) in accordance with chapter 246-246 WAC;

(ii) Contaminated equipment complies with guidance contained in WAC 246-232-140, Schedule D; and

(iii) The department notifies the licensee in writing that the license is terminated. (~~The guidance contained in WAC 246-232-140, Schedule D, shall be used in making this determination.~~)

(5) Each general licensee licensed under the provisions of WAC 246-233-020(8), shall immediately notify the department in writing when the licensee decides to discontinue all activities involving radioactive materials authorized under the general license. Such notification shall include a description of how the generally licensed material was disposed and the results of facility surveys, if applicable, to confirm the absence of radioactive materials.

(6) Within sixty days of the occurrence of any of the following, each specific licensee shall provide notification to the department in writing of such occurrence, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the site, building, or outdoor area is suitable for release in accordance with ~~((department requirements))~~ chapter 246-246 WAC, or submit within twelve months of notification a decommissioning plan, if required by subsection (10)(a) of this section, and begin decommissioning upon approval of that plan if:

(a) The license has expired or has been revoked by the department; or

(b) The licensee has decided to permanently cease principal activities, as defined in this section, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the site, building, or outdoor area is unsuitable for release in accordance with ~~((department requirements))~~ chapter 246-246 WAC; or

(c) No principal activities under the license have been conducted for a period of twenty-four months; or

(d) No principal activities have been conducted for a period of twenty-four months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with ~~((department requirements))~~ chapter 246-246 WAC.

(7) As used in this section, principal activities means activities authorized by the license which are essential to achieving the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

(8) Coincident with the notification required by subsection (6) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to WAC 246-235-075 or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pur-

suant to subsection (10)(d)(v) of this section. Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the department.

(9) The department may grant a request to extend the time periods established in subsection (6) of this section if the department determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than thirty days before notification pursuant to subsection (6) of this section. The schedule for decommissioning set forth in subsection (6) of this section may not commence until the department has made a determination on the request.

(10)(a) A decommissioning plan must be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the department and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:

(i) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;

(ii) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;

(iii) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or

(iv) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

(b) The department may approve an alternate schedule for submittal of a decommissioning plan required pursuant to subsection (6) of this section if the department determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.

(c) Procedures such as those listed in (a) of this subsection with potential health and safety impacts may not be carried out prior to approval of the decommissioning plan.

(d) The proposed decommissioning plan for the site or separate building or outdoor area must include:

(i) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

(ii) A description of planned decommissioning activities;

(iii) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

(iv) A description of the planned final radiation survey;

(v) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning;

(vi) A description of the physical security plan and material control and accounting plan provisions in place during decommissioning;

(vii) For decommissioning plans calling for completion of decommissioning later than twenty-four months after plan approval, the plan shall include a justification for the delay based on the criteria in subsection (12) of this section.

(e) The proposed decommissioning plan will be approved by the department if the information therein demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be adequately protected.

(11)(a) Except as provided in subsection (12) of this section, licensees shall complete decommissioning of the site or separate building or outdoor area as soon as practicable but no later than twenty-four months following the initiation of decommissioning.

(b) Except as provided in subsection (12) of this section, when decommissioning involves the entire site, the licensee shall request license termination as soon as practicable but no later than twenty-four months following the initiation of decommissioning.

(12) The department may approve a request for an alternative schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the department determines that the alternative is warranted by consideration of the following:

(a) Whether it is technically feasible to complete decommissioning within the allotted twenty-four-month period;

(b) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted twenty-four-month period;

(c) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

(d) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and

(e) Other site-specific factors which the department may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, ground water treatment activities, monitored natural ground water restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

(13) As the final step in decommissioning, the licensee shall:

(a) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed certificate of disposition of radioactive material or equivalent information; and

(b) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey, unless the licensee demonstrates in some other manner that the premises are suitable for release in ((some other manner)) accordance with the criteria for decommissioning in chapter 246-246 WAC. The licensee shall, as appropriate:

(i) Report levels of gamma radiation in units of millisieverts (microroentgen) per hour at one meter from surfaces, and report levels of radioactivity, including alpha and beta, in units of megabecquerels (disintegrations per minute or microcuries) per one hundred square centimeters—remov-

able and fixed—for surfaces, megabecquerels (microcuries) per milliliter for water, and becquerels (picocuries) per gram for solids such as soils or concrete; and

(ii) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(14) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the department determines that:

(a) Radioactive material has been properly disposed;

(b) Reasonable effort has been made to eliminate residual radioactive contamination, if present; and

(c)(i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with ~~((department requirements))~~ the criteria for decommissioning in chapter 246-246 WAC; or

(ii) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with ~~((department requirements))~~ the criteria for decommissioning in chapter 246-246 WAC; and

(d) Records required by subsections (16) and (18) of this section have been received.

(15) Specific licenses for uranium and thorium milling are exempt from subsections (6)(d), (9) and (10) of this section with respect to reclamation of tailings impoundments and/or waste disposal areas.

(16) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than one hundred twenty days, in an unsealed form, shall forward the following records to the department:

(a) Records of disposal required by WAC 246-221-230 (8)(a); and

(b) Records of results required by WAC 246-221-230 (7)(h).

(17) If licensed activities are transferred or assigned in accordance with WAC 246-232-050(2), each licensee authorized to possess radioactive material, with a half-life greater than one hundred twenty days, in an unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(a) Records of disposal required by WAC 246-221-230 (8)(a); and

(b) Records of results required by WAC 246-221-230 (7)(h).

(18) Prior to license termination, each licensee shall forward the records required by WAC 246-235-075(6) to the department.

AMENDATORY SECTION (Amending WSR 99-15-105, filed 7/21/99, effective 8/21/99)

WAC 246-235-075 Financial assurance and record-keeping for decommissioning. (1) Each applicant for one of the following licenses shall submit a decommissioning funding plan as described in this section:

(a) A specific license authorizing receipt of radioactive waste for the purpose of volume reduction, repackaging or interim storage.

(b) Receipt of contaminated articles, scrap material, equipment, or clothing to be decontaminated at the licensee's facility.

(c) A specific license authorizing the possession and use of radioactive material of half-life greater than one hundred twenty days and in quantities for unsealed material exceeding 10^3 times and for sealed forms exceeding 10^{10} times the applicable quantities set forth in WAC 246-221-300 Appendix B (for a combination of isotopes the unity rule applies. A decommissioning funding plan will be required if R is greater than 1, where R is defined as the sum of the ratios of the quantity for sealed and unsealed forms of each isotope compared to the applicable value derived from WAC 246-221-300).

(d) A specific license authorizing possession and use of source material in readily dispersible form and in quantities greater than 10 millicuries.

(2) Each decommissioning funding plan shall contain:

(a) A cost estimate for decommissioning facilities impacted by the activities authorized in the specific license.

(b) A description of the method of assuring funds for decommissioning.

(c) A schedule for adjusting cost estimates and associated funding levels periodically over the life of the facility or facilities.

(d) A description of methods and general procedures for performing facility decontamination, maintaining security, and performing a final radiation survey.

(e) A commitment to clean up accidental spills promptly and to begin decommissioning of the facility or facilities within twelve months of ceasing operation involving radioactive material.

(3) Each cost estimate for decommissioning shall include:

(a) A description of the facility and areas within the facility likely to require decommissioning as a result of routine operation.

(b) Anticipated labor, equipment and material costs.

(c) Anticipated waste volume.

(d) Anticipated packaging, transportation and waste disposal costs.

(e) An assessment of costs associated with an accident involving licensed material.

(4) Each applicant shall submit a certification that financial assurance for decommissioning shall be provided by one or more of the following methods:

(a) Prepayment. Prepayment is the deposit of sufficient funds to pay decommissioning costs. Funds shall be deposited prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.

(b) A surety method, insurance, or other guarantee method. These methods guarantee that decommissioning costs will be paid should the licensee default. A surety method may be in the form of a surety bond, letter of credit, or line of credit. Any surety method or insurance used to provide financial assurance for decommissioning must contain the following conditions:

(i) The surety method or insurance shall be open-ended or, if written for a specified term, such as five years, shall be renewed automatically unless ninety days or more prior to the renewal date, the issuer notifies the department, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance shall also ~~((provide))~~ **require** that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the department within thirty days after receipt of notification of cancellation.

(ii) The surety method or insurance shall be payable to a trust established for decommissioning costs. The trustee and trust shall be acceptable to the department. Acceptable trustees include an appropriate state or federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(iii) The surety method or insurance must remain in effect until the department has terminated the license.

(c) An external sinking fund in which deposits are made at least annually, coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control. The total amount of funds in the external sinking fund shall be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions shall be as stated in subsection (4)(b) of this section.

(d) Statement of intent. In the case of state or local government licensees, a statement of intent containing a cost estimate for decommissioning and indicating that funds for decommissioning will be obtained when necessary.

(e) Other methods of financial assurance as approved by the department. The department may approve other financial mechanisms submitted by the applicant or licensee ~~((provided))~~ **if** the alternate method meets, at a minimum, the requirements of 10 C.F.R. 30.35 and associated U.S. Nuclear Regulatory Commission guidance.

(5)(a) The department shall review each decommissioning funding plan prior to license issuance and prior to license renewal.

(b) The applicant or licensee shall incorporate department comments into its cost estimate and shall revise its financial surety accordingly.

(c) Applicants shall obtain the appropriate financial assurance as approved by the department prior to receipt of licensed material. The department may issue a new license if the applicant agrees to comply with the decommissioning funding plan as approved. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of this section shall be submitted to the department before receipt of licensed material.

(d) Holders of licenses issued on or before the effective date of this rule shall submit a decommissioning funding plan to the department by April 1, 1993. Licensees shall implement the financial assurance requirements within thirty days of receiving department approval of the decommissioning funding plan. Licensees shall submit copies of the financial surety within thirty days of securing the surety and annually thereafter.

(6) Each person licensed under this chapter shall keep records of information important to the safe and effective decommissioning of the facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with WAC 246-232-050(2), licensees shall transfer all records described in this subsection to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated by the department. If records of relevant information are kept for other purposes, reference to these records and their locations may be used. Information the department considers important to decommissioning consists of:

(a) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records shall include any known information on identification of involved nuclides, quantities, forms, and concentrations.

(b) As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.

(c) Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leak) or depleted uranium used only for shielding or as penetrators in unused munitions, or radioactive materials having only half-lives of less than sixty-five days, a list contained in a single document and updated every two years, of the following:

(i) All areas designated and formerly designated as restricted areas as defined under WAC 246-220-010;

(ii) All areas outside of restricted areas that require documentation under (a) of this subsection;

(iii) All areas outside of restricted areas where current and previous wastes have been buried as documented under WAC 246-221-230 (8)(a); and

(iv) All areas outside of restricted areas which contain material such that, if the license expired, the licensee would be required to either decontaminate the area to ~~((unrestricted release levels))~~ **meet the criteria for decommissioning in chapter 246-246 WAC** or apply for approval for disposal under WAC 246-221-180. Records of the cost estimate per-

formed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.

Chapter 246-246 WAC

RADIOLOGICAL CRITERIA FOR LICENSE TERMINATION

NEW SECTION

WAC 246-246-001 General provisions and scope. (1)

The criteria in this chapter apply to the decommissioning of all facilities licensed or registered under these regulations. For low-level waste disposal facilities (chapter 246-250 WAC), the criteria apply only to ancillary surface facilities that support radioactive waste disposal activities. The criteria do not apply to uranium and thorium recovery facilities already subject to chapter 246-252 WAC or to uranium solution extraction facilities.

(2) The criteria in this chapter do not apply to sites which:

(a) Have been decommissioned following department approved procedures prior to the effective date of this rule; and

(b) Have previously submitted and received department approval on a license termination plan (LTP) or decommissioning plan.

(3) After a site has been decommissioned and the license terminated in accordance with the criteria in this chapter, the department will require additional cleanup only if, based on new information, it determines that the criteria of this chapter were not met and residual radioactivity remaining at the site could result in significant threat to public health and safety.

(4) When calculating total effective dose equivalent (TEDE) to the average member of the critical group the licensee shall determine the peak annual TEDE dose expected within the first one thousand years after decommissioning.

NEW SECTION

WAC 246-246-010 Definitions. As used in this chapter, the following definitions apply:

(1) "Critical group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

(2) "Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits:

(a) Release of the property for unrestricted use and termination of the license; or

(b) Release of the property under restricted conditions and termination of the license.

(3) "Distinguishable from background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

(4) "Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of chapter 246-221 WAC.

NEW SECTION

WAC 246-246-020 Radiological criteria for unrestricted use. The department will determine a site is acceptable for unrestricted use if:

(1) The residual radioactivity that is distinguishable from background radiation results in a TEDE to an average member of the critical group that does not exceed 0.25 mSv (25 mrem) per year, including that from ground water sources of drinking water; and

(2) The residual radioactivity has been reduced to levels that are as low as reasonably achievable (ALARA). Determination of the levels which are ALARA must take into account consideration of any detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.

NEW SECTION

WAC 246-246-030 Criteria for license termination under restricted conditions. A site is acceptable for license termination under restricted conditions if:

(1) The licensee can demonstrate that further reductions in residual radioactivity necessary to comply with the provisions of WAC 246-246-020 would result in net public or environmental harm or were not being made because the residual levels associated with restricted conditions are ALARA. Determination of the levels which are ALARA must take into account consideration of any detriments, such as traffic accidents, expected to potentially result from decontamination and waste disposal;

(2) The licensee has made provisions for legally enforceable institutional controls that provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group will not exceed 0.25 mSv (25 mrem) per year;

(3) The licensee has provided sufficient financial assurance to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site. Acceptable financial assurance mechanisms are those described in WAC 246-235-075 (4)(a), (b), and (d) and, when a governmental entity is assuming custody and ownership of a site, an arrangement that is deemed acceptable by such governmental entity;

(4) The licensee has submitted a decommissioning plan or license termination plan (LTP) to the department indicating the licensee's intent to decommission in accordance with WAC 246-232-060(6), and specifying that the licensee

intends to decommission by restricting use of the site. The licensee shall document in the LTP or decommissioning plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and incorporated, as appropriate, following analysis of that advice;

(a) Licensees proposing to decommission by restricting use of the site shall seek advice from the affected parties regarding the following matters concerning the proposed decommissioning:

(i) Whether provisions for institutional controls proposed by the licensee:

(A) Will provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group will not exceed 0.25 mSv (25 mrem) TEDE per year;

(B) Will be enforceable; and

(C) Will not impose undue burdens on the local community or other affected parties;

(ii) Whether the licensee has provided sufficient financial assurance to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site;

(b) In seeking advice on the issues identified in WAC 246-246-030 (4)(a), the licensee shall provide for:

(i) Participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;

(ii) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(iii) A publicly available summary of the results of all discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement among the participants on the issues; and

(5) Residual radioactivity at the site has been reduced so that if the institutional controls were no longer in effect, there is reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group is as low as reasonably achievable and would not exceed either:

(a) 1 mSv (100 mrem) per year; or

(b) 5 mSv (500 mrem) per year provided the licensee:

(i) Demonstrates that further reductions in residual radioactivity necessary to comply with the 1 mSv/y (100 mrem/y) value of (a) of this subsection are not technically achievable, would be prohibitively expensive, or would result in net public or environmental harm;

(ii) Makes provisions for durable institutional controls;

(iii) Provides sufficient financial assurance to enable a responsible government entity or independent third party, including a governmental custodian of a site, both to carry out periodic rechecks of the site no less frequently than every five years to assure that the institutional controls remain in place as necessary to meet the criteria of WAC 246-246-030(2) and to assume and carry out responsibilities for any necessary control and maintenance of those controls. Acceptable financial assurance mechanisms are those in WAC 246-235-075 (4)(a), (b), and (d).

NEW SECTION

WAC 246-246-040 Alternate criteria for license termination. (1) The department may terminate a license using alternate criteria greater than the dose criterion of WAC 246-246-020, 246-246-030(2), and 246-246-030 (4)(a)(i)(A), if the licensee:

(a) Provides assurance that public health and safety would continue to be protected, and that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than the 1 mSv/y (100 mrem/y) limit of WAC 246-221-060, by submitting an analysis of possible sources of exposure;

(b) Has employed to the extent practical restrictions on site use according to the provisions of WAC 246-246-030 in minimizing exposures at the site; and

(c) Reduces doses to ALARA levels, taking into consideration any detriments such as traffic accidents expected to potentially result from decontamination and waste disposal;

(d) Has submitted a decommissioning plan or license termination plan (LTP) to the department indicating the licensee's intent to decommission in accordance with WAC 246-232-060(6), and specifying that the licensee proposes to decommission by use of alternate criteria. The licensee shall document in the decommissioning plan or LTP how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and addressed, as appropriate, following analysis of that advice. In seeking advice, the licensee shall provide:

(i) Participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;

(ii) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(iii) A publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement among the participants on the issues;

(2) The use of alternate criteria to terminate a license requires the approval of the department after consideration of the department staff's recommendations that will address any comments provided by the environmental protection agency and any public comments submitted pursuant to WAC 246-246-050.

NEW SECTION

WAC 246-246-050 Public notification and public participation. Upon the receipt of an LTP or decommissioning plan from the licensee, or a proposal by the licensee for release of a site under WAC 246-246-030 or 246-246-040, or whenever the department deems such notice to be in the public interest, the department shall:

(1) Notify and solicit comments from:

(a) Local and other applicable state agencies in the vicinity of the site and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and

(b) The environmental protection agency for cases where the licensee proposes to release a site pursuant to WAC 246-246-040.

(2) Publish a notice in the Washington State Register and in a forum, such as local newspapers, letters to state or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site, and solicit comments from affected parties.

NEW SECTION

WAC 246-246-060 Minimization of contamination.

Applicants for licenses, other than renewals, after the effective date of this rule, shall describe in the application how facility design and procedures for operation will minimize, to the extent practicable, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practicable, the generation of radioactive waste.

WSR 00-07-086

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed March 15, 2000, 2:07 p.m.]

Date of Adoption: March 1, 2000.

Purpose: This rule allows implementation of the 1997 legislation exemption somatic educators from the massage law.

Statutory Authority for Adoption: Chapter 18.108 RCW.

Adopted under notice filed as WSR 00-01-185 on December 22, 1999.

Changes Other than Editing from Proposed to Adopted Version: Subsection (4) language was changed for clarification, such as changing "WAC requirements" to "compliance with this rule."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 7, 2000

M. C. Selecky

Secretary

NEW SECTION

WAC 246-830-485 Somatic education training program exemption. (1) The secretary will consider approval for exemption from this chapter any individual who has completed a somatic education program that has a professional organization with a permanent administrative location that oversees the practice of somatic education training and that has the following:

- (a) Standards of practice;
- (b) A training accreditation process;
- (c) An instructor certification process;
- (d) A practitioner certification process;
- (e) A code of ethics or code of professional conduct.

(2) An authorized representative shall submit a request for approval of a program on forms provided by the secretary.

(3) The secretary or designee will evaluate the training program and grant approval or denial. If denied, applicants will be given the opportunity to appeal through the brief adjudicative hearing process as authorized in chapter 246-10 WAC.

(4) The secretary may request from an approved training program, and the program shall provide, updated information every three years to ensure the program's compliance with this rule. Approval may be withdrawn if the program fails to maintain the requirements of this rule. Where a determination has been made that the program no longer meets the requirements of this rule and a decision is made to withdraw approval, an approved program may appeal through the brief adjudicative proceeding as authorized in chapter 246-10 WAC.

WSR 00-07-091

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed March 15, 2000, 3:32 p.m.]

Date of Adoption: February 22, 2000.

Purpose: The Liquor Control Board is currently undergoing a review of all of its rule to make them clear and usable, per Governor Locke's Executive Order 97-02. Proposed chapter 314-02 WAC would replace other WACs and policies that outline the requirements for retail liquor licenses, such as restaurants, taverns, and grocery stores.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.010, 66.24.120.

Adopted under notice filed as WSR 99-23-105 on November 17, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 314-02-010(3) Definitions. The definition of a "dedicated dining area" in subsection (3) was changed in order to remove the reference to dance floors and counters with alcohol service. These issues will be covered in future rule making.

WAC 314-02-015 (1)(b)(c) What is a spirits, beer, and wine restaurant license? Technical changes were made to the description of the privileges allowed for this license by law.

The previous text contained technical errors. Also a relevant statute is cited in the corrected version.

WAC 314-02-020(2) What are the fee categories for a spirits, beer, and wine restaurant license? The definition of a dedicated dining area cited in another proposed rule (WAC 314-02-010(3)) was added to this rule for clarity.

WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant? Two changes were made to this section: 1) For clarity, a separate rule was created to outline the floor space requirements for a spirits, beer, and wine restaurant and for a beer and/or wine restaurant. 2) The following language regarding the placement of barriers was removed from subsection (1), "... in such a way as to reasonably prevent authorized persons from entering the areas." The current board policy requiring barriers to be at least 42" in height will remain in effect pending future rule making.

WAC 314-02-030 Can a spirits, beer, and wine restaurant exclude persons under twenty-one years of age from the premises? Two changes were made to this section: 1) For clarity, a separate rule was created to outline the floor space requirements for a spirits, beer, and wine restaurant and for a beer and/or wine restaurant. 2) For clarity, language was added to explain how an existing licensee who allows persons under 21 years of age on their premises can apply to the board to exclude such persons.

WAC 314-02-035 What are the food requirements for a spirits, beer, and wine restaurant license? Subsection(1) of this proposed rule was removed, which stated the premises must serve the complete meals outlined by law. The current rule regarding complete meals, WAC 314-16-190(1), will remain in effect pending future rule making.

WAC 314-02-045 What is a beer and/or wine restaurant license? Technical changes were made to the description of the privileges allowed for this license by law. The previous text contained technical errors.

WAC 314-02-050 What are the floor space requirements to obtain and maintain a beer and/or wine restaurant? Two changes were made to this section: 1) For clarity, a separate rule was created to outline the floor space requirements for a spirits, beer, and wine restaurant and for a beer and/or wine restaurant; 2) The following language regarding the requirements for barriers was removed from subsection (1), "... in such a way as to reasonably prevent authorized persons from entering the areas." The current board policy requiring barriers to be at least 42" in height will remain in effect pending future rule making.

WAC 314-02-055 Can a beer and/or wine restaurant exclude persons under twenty-one years of age from the dining area? For clarity, a separate rule was created to outline the floor space requirements for a spirits, beer, and wine restaurant and for a beer and/or wine restaurant.

WAC 314-02-065 What is a snack bar license? Technical changes were made to the description of the privileges allowed for this license by law. The previous text contained technical errors.

WAC 314-02-070 What is a tavern license? Technical changes were made to the description of the privileges allowed for this license by law. The previous text contained technical errors.

WAC 314-02-105 What is a beer and/or wine specialty store license? Language regarding the requirements for a beer and/or wine specialty store license to sample product on the premises was moved to the correct location. The previous version of the proposed rules implied that the requirements to sample product where the same requirements to hold the basic privileges of the license.

WAC 314-02-125(3) What types of activities on a licensed premises require notice to the board? Language was added to subsection(3) to clarify the definition of a "contest with patron participation."

WAC 314-02-130(2) What types of changes to a licensed premises require board approval? Language was changed in subsection(2) to clarify that licensees need to receive prior approval for any alteration that affects the premises' customer service area (as opposed to any alteration that affects the total size of the premises).

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 24, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 24, 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 24, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 13, 2000

Eugene Prince

Chair

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 00-08 issue of the Register.

WSR 00-07-096
PERMANENT RULES
NORTHWEST AIR
POLLUTION AUTHORITY

[Filed March 16, 2000, 3:02 p.m.]

Date of Adoption: March 9, 2000.

Purpose: To amend sections of the NWAPA Regulation to clarify requirements for sources emitting odorous compounds and for portable temporary sources. Require small, new, or modified NSPS or NESHAP sources to complete new source review.

Citation of Existing Rules Affected by this Order: Amendatory sections: 300.2 Requires new or modified air pollution sources that trigger New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP) to undergo new source review

even when emissions are less than the pollutant thresholds listed in this section.

301.8 Clarify requirements for portable temporary sources. Shorten intent to operate notification from thirty to fifteen days. Equipment placed on site for emergency purposes can notify after the fact.

530 Excludes odorous emissions from this general nuisance provision. Control of odorous emissions and their subsequent nuisance impacts are specifically addressed in section 535.

535 Clarify requirements for the control of odorous emissions and their nuisance impacts.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 00-04-049 on January 28, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 14, 2000

James B. Randles

Director

AMENDATORY SECTION

SECTION 300 - NEW SOURCE REVIEW

300.1 It shall be unlawful for any person to cause or allow the construction, installation, establishment, or modification of an air contaminant source or emission unit, except those sources that are excluded in Section 300.((2))~~3~~, unless a "Notice of Construction and Application for Approval" has been filed with and approved by the Authority.

300.2 Notwithstanding any other subsection of this section, a notice of construction application must be filed and an order of approval issued by the Authority prior to establishment of any of the following new sources:

(a) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards) (except Part AAA, Wood stoves);

(b) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (except for asbestos demolition and renovation projects subject to 40 CFR 61.145);

(c) Any project that qualifies as a new source within the meaning of 40 CFR 63.2.

300.((2))~~3~~ Except when part of a new major source or major modification in a nonattainment area, the following air contaminant sources do not need to submit a "Notice of Construction and Application for Approval" approved by the Authority prior to construction, installation, establishment, or modification:

300.((3))~~4~~ Each "Notice of Construction and Application for Approval" shall be submitted on forms provided by the Authority and shall be accompanied by a set of plans that fully describes the proposed source, the means for prevention or control of the emissions of air contaminants, the appropriate fee as required by Section 324.2, and any additional information required by the Board or Control Officer to demonstrate that the proposed source will meet the requirements of Section 301.

300.((4))~~5~~ A "Notice of Construction and Application for Approval" is incomplete until the Authority has received a fee as shown in Section 324.2.

300.((5))~~6~~ Within 30 days of receipt of a "Notice of Construction and Application for Approval", the Authority shall notify the applicant in writing if any additional information is necessary to complete the application.

300.((6))~~7~~ The Authority shall provide public notice prior to approval or denial of a Notice of Construction if a new or modified source will result in a significant emissions increase. The public notice shall provide for a thirty-day period to receive written comments. No final decision will be made on any "Notice of Construction and Application for Approval" until the comment period has ended and all comments have been considered.

300.((7))~~8~~ The applicant, any interested governmental entity, any group, or any person may request a public hearing within the 30-day public notice period published as provided above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The Authority may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time and place as the Authority deems reasonable. The Authority shall provide at least 30 days prior notice of any hearing.

300.((8))~~9~~ Control technology determinations issued pursuant to Title 40 Code of Federal Regulations part 63 subpart B shall be administered in accordance with procedures specified therein.

300.((9))~~10~~ A completed State Environmental Policy Act Guidelines "Environmental Checklist" shall be submitted on forms provided by the Authority in accordance with Chapter 197-10-365 WAC and Section 312 of this regulation, as part of the required "Notice of Construction and Application for Approval".

PASSED: November 12, 1998 Amended: November 12, 1999, March 9, 2000

AMENDATORY SECTION**SECTION 301 - ORDER OF APPROVAL - ORDER TO PREVENT CONSTRUCTION**

~~((301.8 Portable Sources. For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing that the owner(s) or operator(s) notifies the Authority of intent to operate at the new location at least 30 days prior to starting the operation, and supplies sufficient information to enable the Authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with the scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (90 days or less) and the Authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.))~~

301.8 Portable Sources. For portable sources not exempted under 300.3, which locate temporarily at particular sites within the Authority's jurisdiction, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing:

a) The owner(s) or operator(s) notifies the Authority of the intent to operate within the jurisdiction of the Authority at least 15 days prior to starting operation. Advanced notification may be waived by the Control Officer. Notification can be made after-the-fact for equipment utilized for emergency purposes, and

b) The owner(s) or operator(s) supplies sufficient information to enable the Authority to determine that the operation will comply with all applicable air pollution rules and regulations, and

c) The operation will not cause a violation of ambient air quality standards, and,

d) If the operation is in a nonattainment area, it shall not interfere with the scheduled attainment of ambient standards.

e) Permission to operate shall not exceed 90 days in any calendar year and the Authority may set specific conditions for operating during that time period.

f) All asphalt and soil desorption plants shall have a valid Order of Approval to Construct from an air quality permitting organization in the State of Washington.

g) Portable sources shall comply with all applicable air pollution rules and regulations.

h) Based on source type and emission quantity portable sources may be subject to new source review at the discretion of the Control Officer.

PASSED: November 12, 1998

Amended: March 9, 2000

AMENDATORY SECTION**SECTION 530 – GENERAL NUISANCE**

530.1 No person shall discharge from any source quantities of air contaminants, with the exception of odors as addressed in Section 535, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property.

PASSED: December 4, 1970

Amended: April 14, 1993, March 13, 1997, March 9, 2000

AMENDATORY SECTION**SECTION 535 - ODOR CONTROL MEASURES**

535.1 ~~((Best available control technology))~~ Appropriate practices and control equipment shall be installed and operated to reduce odor-bearing gases ((or particulate matter)) emitted into the atmosphere to a reasonable minimum.

535.2 The Board or Control Officer may establish ~~((reasonable))~~ requirements that the building or equipment be ((closed)) enclosed and ventilated in such a way that ((all the air, gases and particulate matter)) odor-bearing gases are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the atmosphere.

535.3 ~~((No))~~ Any person who shall cause or allow ((discharge or permit the discharge into the ambient air)) the generation of any odor ((odorous substances such as (but not limited to) hydrogen sulfide, mercaptans, organic sulfides and other aromatic and aliphatic compounds in)) from any source which may unreasonably interfere ((in such concentrations or of such duration as will threaten health or safety of any person or unreasonably interfere with the use and enjoyment of property)) with any other property owner's use and enjoyment of his or her property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum.

535.4 Odor emissions detrimental to persons or property. No person shall cause or permit the emission of any odorous air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

Passed: January 8, 1969

Amended: April 14, 1993, March 13, 1997, March 9, 2000

WSR 00-07-103
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 17, 2000, 3:19 p.m.]

Date of Adoption: March 17, 2000.

PERMANENT

Purpose: To codify policies regulating the new children's federal/state health insurance program known as CHIP or SCHIP. This program is authorized under Title XXI of the Social Security Act, and is intended to cover children under the age of nineteen whose family income is from 200% to 250% of the federal poverty level (FPL).

Statutory Authority for Adoption: RCW 74.08.090, 74.09.450.

Adopted under notice filed as WSR 00-03-061 on January 18, 2000.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-542-0050 Definitions for children's health insurance program (CHIP).

"Creditable coverage" means most types of public and private health coverage, except Indian Health Services, that provides access to physicians (~~doctors~~), hospitals, laboratory services, and radiology services. This applies regardless of whether the coverage is equivalent to that offered under CHIP. "Creditable coverage" is more completely defined in 42 U.S.C. 1397jj.

"Employer sponsored dependent coverage" means creditable health coverage for dependents offered by a family member's employer or union, for which the employer or union may contribute(~~s~~) in whole or part towards the premium.

WAC 388-542-0150 Client eligibility requirements for CHIP.

(5) When MAA ends a client's eligibility according to subsection (~~(3)~~) (4) of this section.

WAC 388-542-0200 CHIP managed care enrollment.

(2)(b) Enroll with a CHIP Indian or tribal primary care case manager (PCCM) provider by calling MAA's toll-free enrollment line, or sending a completed CHIP enrollment form to MAA; or.

WAC 388-542-0250 CHIP client costs.

(1) The finance division charges ten dollars per covered child, per month, for the client premium. The family maximum, for CHIP premiums, is thirty dollars per month.

(3)(g) Mental health services (including services with psychiatrists or psychologists);

(h) Occupational, physical, or speech therapy.

~~((h))~~ (i) Office visits with age appropriate immunizations or for EPSDT (well-child check) screening;

(6) For those clients who are required to make copays, ~~clients~~ make copays to the health care provider, not MAA.

(7)(c)(iii) Provide receipts as proof (~~(of)~~) of payment.

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 8, 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.

March 17, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-542 WAC

CHILDREN'S HEALTH INSURANCE PLAN (CHIP)

NEW SECTION

WAC 388-542-0050 Definitions for children's health insurance program (CHIP) terms. The following definitions and abbreviations and those found in WAC 388-500-0005, Medical definitions apply to this chapter. Defined words and phrases are bolded the first time they are used in the text.

"**Age appropriate immunizations**" means the recommended childhood immunization schedule as approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

"**Children's health insurance program (CHIP)**" means the health insurance program authorized by Title XXI of the Social Security Act and administered by the department of social and health services (DSHS). Also referred to as state children's health insurance program (S-CHIP).

"**Client copay**" or "**copay**" means an amount a CHIP client pays to health care providers for specific services.

"**Client premium**" means a monthly payment a client must make to DSHS for CHIP coverage.

"**Creditable coverage**" means most types of public and private health coverage, except Indian health services, that provides access to physicians, hospitals, laboratory services, and radiology services. This applies whether or not the coverage is equivalent to that offered under CHIP. "Creditable coverage" is described in 42 U.S.C. Sec. 1397jj.

"**Employer-sponsored dependent coverage**" means creditable health coverage for dependents offered by a family member's employer or union, for which the employer or union may contribute in whole or part towards the premium.

"**Finance division**" means the division of the department of social and health services that sends out, monitors, and collects the CHIP client premiums.

NEW SECTION

WAC 388-542-0100 CHIP scope of care. (1) CHIP clients are eligible for the same scope of medical care as **Medicaid categorically needy** clients as described in WAC 388-529-0100.

(2) The following WACs apply to CHIP clients enrolled in managed care:

(a) WAC 388-538-095; and

(b) WAC 388-538-100.

(3) Except for American Indian/Alaska Native (AI/AN) clients who have chosen primary care case management (PCCM) or fee-for-service as described in WAC 388-542-0200(3), CHIP clients must receive medical services from managed care plans in counties where two or more managed care plans are available.

NEW SECTION

WAC 388-542-0125 Access to care. (1) MAA provides fee-for-service coverage between the time a client becomes eligible for CHIP services and the time the client is enrolled in managed care.

(2) Not all CHIP clients are required to enroll in managed care. See WAC 388-542-0150 (1)(c).

NEW SECTION

WAC 388-542-0150 Client eligibility requirements for CHIP. (1) To be eligible for CHIP a client must meet all of the following. The client:

(a) Cannot have other creditable coverage. If MAA finds out after eligibility determination that a CHIP client had **creditable coverage** at the time of application, MAA ends the client's eligibility the first of the following month.

(b) Must agree to pay both of the following:

(i) A monthly **client premium** as described in WAC 388-542-250(1); and

(ii) A service **copay** as described in WAC 388-542-250(3).

(c) Must make a choice concerning how to receive services. The choices vary depending on where the client lives (except as provided for AI/AN in WAC 388-542-0200). In counties with:

(i) Two or more managed care plans, the client must choose a managed care plan;

(ii) One managed care plan, the client must choose between a managed care plan and MAA's fee-for-service program; or

(iii) No managed care plan, the only option is MAA's fee-for-service program.

(2) The following WACs describe additional eligibility requirements and conditions for a CHIP client:

(a) WAC 388-505-0210 describes requirements related to children's medical eligibility;

(b) WACs 388-424-0005 and 388-424-0010 describe requirements related to citizenship and alien status;

(c) WAC 388-478-0075 describes monthly income standards;

(d) WAC 388-416-0015 describes eligibility certification periods; and

(e) WAC 388-418-0025 describes effects of changes on eligibility.

(3) MAA does not require a client to pay the client premium in advance to be eligible for CHIP.

(4) MAA ends a client's eligibility for CHIP when the client owes four months of premiums, based on the due dates listed on the bill for the client premium.

(5) When MAA ends a client's eligibility according to subsection (4) of this section, to become eligible for CHIP again, the client must meet both of the following:

(a) Pay all unforgiven past due premiums; and

(b) Serve a waiting period of four consecutive months as described in WAC 388-542-0300. The client does not have CHIP coverage during the waiting period.

(6) MAA forgives client premiums that are more than twelve months overdue. MAA does not require clients to pay overdue premiums that it has forgiven.

(7) Unless specifically stated in chapter 388-542 WAC, the **department's** administrative rules covering children's medical programs apply to CHIP.

NEW SECTION

WAC 388-542-0200 CHIP managed care enrollment.

(1) MAA enrolls clients in managed care prospectively only.

(2) American Indian/Alaska Native (AI/AN) clients who meet the provisions of 25 U.S.C. 1603 (c)-(d) for federally-recognized tribal members and their descendants, may choose one of the following:

(a) Enroll with a CHIP plan available in their area;

(b) Enroll with a CHIP Indian or tribal PCCM provider by calling MAA's toll-free enrollment line, or sending a completed CHIP enrollment form to MAA; or

(c) MAA's fee-for-service program.

(3) Clients who are required to enroll in managed care may change plans during the two-month period after enrollment and during an annual open enrollment period. Clients may not change plans otherwise, unless they have "good cause." The "good cause" reasons are any of the following:

(a) The client is American Indian/Alaska Native (AI/AN);

(b) The client moves out of the plan's service area;

(c) To assure all family members are in the same plan;

(d) To protect the client from a perpetrator of domestic violence, abuse or neglect;

(e) To rectify a documented department error;

(f) An administrative law judge orders MAA to disenroll the client; or

(g) The client's plan stops offering service in the client's county.

NEW SECTION

WAC 388-542-0250 CHIP client costs. (1) The finance division charges ten dollars per covered child, per month, for the client premium. The family maximum for CHIP premiums is thirty dollars per month.

(2) The finance division sends bills for client premiums at the beginning of each month of coverage. Client premiums begin the first of the month in which the bill was sent, not the date that the client became eligible for services.

(3) MAA requires a copay for certain services, as follows:

(a) Five dollars for office visits with **physicians**, physician assistants, or advanced registered nurse practitioners (ARNP) (i.e., CPT codes 99201 - 99215);

(b) Five dollars for nongeneric (i.e., brand name, whether single or multiple source) drugs; and

(c) Twenty-five dollars for emergency department visits that do not result in **hospital** admission.

(4) MAA does not require a copay for the following services:

(a) Consultations (i.e., CPT codes 99241 - 99275);

(b) Deliveries (births);

(c) Dental;

(d) Drug and alcohol treatment;

(e) Generic drugs;

(f) Inpatient and **outpatient** surgery;

(g) Mental health services (including services with psychiatrists or psychologists);

(h) Occupational, physical, or speech therapy;

(i) Office visits with age appropriate immunizations or exams for an **EPSDT** (well-child check) screening;

(j) Radiology; or

(k) Visits to the emergency room that result in an inpatient hospital admission.

(5) Clients are responsible for client copays from the first day the client is eligible for CHIP.

(6) For clients who are required to make copays, clients make copays to the health care provider, not MAA. A provider may refuse service to CHIP clients when the copay is not paid at the time of service.

(7) Client out-of-pocket expenses are subject to a twelve-month maximum. All of the following apply to twelve-month, out-of-pocket expenses for CHIP clients:

(a) Only client premiums and copays for covered services count towards the twelve-month maximum;

(b) For those children who incur client premiums and copays, the twelve-month maximums are as follows:

(i) For one child, three hundred dollars;

(ii) For two children, six hundred dollars; and

(iii) For three or more children, nine hundred dollars.

The family maximum is nine hundred dollars.

(c) The client and/or family must do the following:

(i) Track and document out-of-pocket expenses;

(ii) Notify MAA when the maximum has been reached;

and

(iii) Provide receipts as proof of payment.

(8) MAA's starting date for determining twelve-month, out-of-pocket maximum expenses is the date that the first child in a family became eligible for CHIP services. For example, if a family has:

(a) One child, and that child became eligible for services on April first, the twelve-month period starts on April first;

(b) Two children, and first child became eligible for services on April first and the second child started three months later on July first, the twelve-month period for both children starts on April first;

(c) Three or more children, and the first child became eligible for services on April first, and the last child became eligible on November first (within the same twelve-month period), the twelve-month period starts on April first for all the children.

(9) MAA exempts American Indian/Alaska Native (AI/AN) clients from paying client premiums or service copays.

NEW SECTION

WAC 388-542-0275 Reimbursement. (1) MAA deducts the twenty-five dollar copay from hospitals' outpatient reimbursement for emergency services provided to CHIP clients, unless the emergency department visit results in a hospital admission.

(2) MAA does not deduct the five dollar copay from providers' reimbursement.

NEW SECTION

WAC 388-542-0300 Waiting period for CHIP coverage following employer coverage. (1) If the client or family chooses to end employer sponsored dependent coverage, the client must serve a waiting period of four, full, consecutive months before becoming eligible to enroll in CHIP. The waiting period begins the day after the coverage ends, and ends on the last day of the fourth full month of noncoverage by the employer.

(2) MAA does not require a waiting period prior to CHIP coverage when:

(a) The client or family member has a medical condition that, without treatment would be life-threatening or cause serious disability or loss of function; or

(b) The loss of employer sponsored dependent coverage is due to any of the following;

(i) Loss of employment;

(ii) Death of the employee;

(iii) The employer discontinues employer-sponsored dependent coverage;

(iv) The family's total out-of-pocket maximum for employer-sponsored dependent coverage is fifty dollars per month or more;

(v) The plan terminates employer-sponsored dependent coverage for the client because the client reached the maximum lifetime coverage amount;

(vi) Coverage under a COBRA extension period expired;

(vii) Employer-sponsored dependent coverage is not reasonably available (e.g., client would have to travel to another city or state to access care); or

(viii) Domestic violence that leads to loss of coverage for the victim.

WSR 00-07-113

PERMANENT RULES

CENTRALIA COLLEGE

[Filed March 20, 2000, 3:25 p.m.]

Date of Adoption: March 7, 2000.

Purpose: Implement student rights and responsibilities code for student of Centralia College.

Citation of Existing Rules Affected by this Order:
Repealing WAC 132L-20-010, 132L-20-030, 132L-20-050,

132L-20-070, 132L-20-080, 132L-20-130, 132L-20-135, 132L-20-140, 132L-22-020, 132L-22-060, 132L-22-070, 132L-22-080, 132L-24-010, 132L-24-020, 132L-24-030, 132L-24-090 and 132L-25-010; and amending WAC 132L-120-010 and 132L-120-020.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 00-02-051 on December 30, 1999.

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 19, Amended 2, Repealed 17.

Number of Sections Adopted Using Negotiated Rule Making: New 19, Amended 2, Repealed 17; 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.

March 10, 2000

Margaret Teitzel, Director
Facilities and Auxiliaries

Chapter 132L-120 WAC

~~CENTRALIA COLLEGE—STUDENT ((CONDUCT CODE—POLICY))~~ RIGHTS AND RESPONSIBILITIES CODE

AMENDATORY SECTION (Amending Order 72-1, filed 1/19/72)

WAC 132L-120-010 ((Student attendance policy.))

Preamble. ~~((Students are expected to attend all classes for which they enroll during the particular quarter. Nonattendance by a student may cause him to forfeit his right to continue in any class. He may be subject to withdrawal from the class roll and be assigned a grade of "W" by his instructor should he, without prior arrangement or without early report to the college, be absent the first four calendar days after his class begins, be absent during the quarter for four consecutive class days in a course of 3 credits or more, or for two consecutive days in a course of 2 credits or less, or be absent in a consistent manner during the quarter.~~

Integral components of this policy which faculty members should give consideration are:

(1) ~~Unavoidable absence due to emergencies, such as illness or bereavement. These should be reported, by the student, to the Registrar by letter or telephone so that arrangements with the student's instructors for the necessary extension of absence can be made.~~

(2) ~~Hardships beyond the student's control which cause him to miss class. The instructor may approve alternative~~

~~methods for the student to satisfy the attendance requirements of the course.~~

~~(3) Courses oriented more toward student proficiency and achieved competency than they are toward exposing subject matter to the students. Prior to or during the first week of the quarter the instructor shall set forth the conditions under which competency or proficiency may be considered in lieu of student class attendance.~~

~~(4) The student who has received eight hours or one-half of his class load or more of "W" in his preceding quarter. The administration will request his instructors to keep an account of his attendance pursuant to *Academic Standards* more fully described under that heading in the Handbook.~~

~~(5) Students whose tuition fees are paid by a state or federal agency. These students may have their attendance records reported at the request of their benefactor.))~~ Centralia College is a dynamic learning community that promotes growth and development by offering opportunities to gain knowledge, entrance skills, examine values, and pursue learning options. The college is committed to quality life-long learning through its values of respect, responsibility, and responsiveness. To that end, Centralia College maintains a strong commitment to providing a civil and nondisruptive learning environment. Students are reminded that they assume certain responsibilities of performance and conduct which have been reasonably established in order to accomplish Centralia College's education goals. Therefore, the college expects that students will conduct themselves as responsible members of the college community, will comply with the rules and regulations of the college, will maintain high standards of integrity and honesty, and will respect the rights, privileges, and property of other members of the college community.

NEW SECTION

WAC 132L-120-015 Purpose. The purpose of these rules is to prescribe standards of conduct for students of Centralia College. Violations of these standards may be cause for disciplinary action as described in this code.

AMENDATORY SECTION (Amending Order 72-1, filed 1/19/72)

WAC 132L-120-020 ((Implementation.)) Definitions.

~~((The success in implementing both this policy and its exceptions rests heavily on communications between the instructor and his students. As the student has fewer instructors than the instructor has students, the burden of initiating the communication relating to exceptions in reality becomes that of the student.))~~ (1) As used in this chapter, the following words and phrases shall mean:

(a) "Assembly" means any overt activity engaged in by three or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons, or group of persons.

(b) "College" means Centralia College, or any additional community college hereafter established with Community College District 12, State of Washington, and collectively, those responsible for its control and operation.

(c) "College community" means trustees, students, employees, and guests on college owned or controlled facilities.

(d) "College facilities" means and includes any or all property controlled and/or operated by the college.

(e) "Day" means a calendar day except the effective day of any provision of this chapter shall be the day following a Saturday, Sunday, or holiday.

(f) "ASCC" refers to the Associated Students of Centralia College, the official student government association.

(g) "President" means the chief executive officer of the college appointed by the board of trustees, and for the purposes of this chapter includes "acting president" or the delegated authority in the absence of the president.

(h) "Board of trustees" or "board" means the board members appointed by the governor of the state of Washington who have final authority for the governance of Centralia College.

(i) "Student" means and includes all persons enrolled at the college, both full time and part time or a person seeking admission or accepted to the college for admission.

(j) "Student group" means a number of students who are not officially recognized as a student organization.

(k) "Student organization" means a number of students who have complied with the formal requirements of college recognition as provided by the ASCC.

(l) "Summary hearing" means a short, concise, and immediate hearing.

(m) "Living group" means a fraternity, sorority, or other similar off-campus student organization officially recognized by Centralia College.

(n) "Chief judicial affairs officer" means the college administrator appointed by the president, who has the responsibility of administering the student rights and responsibilities code.

(2) All other terms have their natural meaning unless the context dictates otherwise.

NEW SECTION

WAC 132L-120-030 Jurisdiction. (1) Centralia College has jurisdiction to take appropriate disciplinary action when student conduct, either on or off campus, is detrimental to the institution.

(2) This code applies to every student whenever the student is present on or in any college or college-controlled facility. This code also applies whenever the student is present at, or engaged in, any college-sponsored or college-connected program, activity, or event that is held on or in noncollege facilities. The code also applies whenever a student is representing the college. Consistent with the constitutional rights of all students, this code also applies to any student off campus when the college can reasonably show a relationship to its mission and interests such as maintaining good order, protecting the health, safety, or welfare of the college community, preserving the teaching-learning environment, or preserving its good name and relationships with society and the larger community.

(3) College employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this code shall be subject to:

(a) Possible prosecution under the state criminal law;

(b) Restriction from any college property or college-controlled facilities, the violation of which could result in criminal trespass;

(c) Any other civil or criminal remedies available to the public; or

(d) Appropriate disciplinary action pursuant to this code, the state of Washington higher education personnel board rules, or the college's personnel policies, regulations, or negotiated agreements.

NEW SECTION

WAC 132L-120-040 General policies. (1) Centralia College is an agency of the state of Washington and adheres to all local, state, and federal laws. The college is obligated to demonstrate respect for laws by cooperating in their enforcement.

(2) Centralia College cannot and will not establish regulations that would abridge constitutional rights.

(3) Proper procedures are established to maintain conditions helpful to the effective function of the college, to protect individual students from unfair penalties, and to assure due process. Centralia College is granted the right by law to adopt rules to govern its operations.

(4) If these rules are broken, the college has the right and the obligation to take that action which is in the best interest of the entire college.

(5) Centralia College reserves the right to impose the provisions of this code and provide further sanctions before or after law enforcement agencies, courts, or other agencies have imposed penalties or otherwise disposed of a case. College hearings are not subject to challenge on the ground that criminal or civil charges involving the same incident have been dismissed or reduced or in which the defendant has been found not guilty or otherwise not liable. In addition, the college reserves the right to refer incidents to the appropriate civilian authorities or law enforcement agencies.

(6) The ASCC has the right to participate in the formulation and review of all policies and rules pertaining to student conduct and in the enforcement of all such rules as provided by this chapter.

(7) This code will be printed and made available to students.

NEW SECTION

WAC 132L-120-070 Student rights and freedoms. (1) Freedom of Access: Centralia College shall admit all individuals who qualify according to current admission requirements. The college, in compliance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and other applicable laws and regulations, does not discriminate on the basis of race, creed, religion, color, national origin, sexual orientation, mental or physical handicaps, age, or gender in any of its

policies, practices, or procedures. This includes, but is not limited to: Admissions, employment, financial aid, and educational services, programs, and activities.

(2) **Freedom of Association:** Students are free to organize and to participate in voluntary associations of their own choosing. To be officially recognized, the ASCC must grant student organizations an official charter. In order to receive or maintain official recognition, a student organization must be open to all students without regard to race, color, gender, creed, national origin, mental or physical handicaps, age, or sexual orientation.

(3) **Freedom in the Classroom:** The classroom is the center for study and understanding of the subject matter for which the instructor has professional responsibility and institutional accountability. Instructors encourage free discussion, inquiry, and expression among their students in their quest for knowledge. They foster honest academic conduct and evaluate their students fairly and accurately. They conform to a set of professional standards and ethics.

(4) **Freedom of Publications and Press:** Student publications and the student press are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. The college has developed a Publications Code that is used to administer all student publications.

(5) **Freedom of Speech and Assembly:** No rule shall restrict student expression solely based on disapproval or fear of the student's ideas or motives. Students and student organizations shall be free to examine and discuss all questions of interest to them, and to express opinions publicly and privately.

(a) Students and members of the public are guaranteed the rights of free inquiry, expression, and assembly on the outdoor college facilities that are generally open and available to the public.

(b) Any student group or student organization that wishes to schedule an assembly within or on a college facility not generally open to the public must reserve the college facility in advance.

(c) Modes of expression or assembly that are manifestly unreasonable or disruptive in terms of time, place, or manner may be restricted. Students and members of the public must ensure that assemblies:

- (i) Are conducted in an orderly manner;
- (ii) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;
- (iii) Do not unreasonably interfere with pedestrian or vehicular traffic; or
- (iv) Do not cause destruction or damage to college property, including library materials, or private property on college facilities.

(d) Assemblies that violate these rules may be ordered to disperse by the college in accordance with Washington state statutes.

(e) A nonstudent who violates any provision of the rule may be required to leave the campus or section of campus or facility and/or be referred to civilian authorities for criminal prosecution.

(f) A student, student group, or student organization that violates any provision of the rule may be subject to disciplinary action in accordance with this code. This may also include criminal prosecution.

(6) **Freedom to Learn:** Instructors in the classroom and in conference encourage free discussion, inquiry, and expression. Student performance is evaluated solely on academic basis, not on opinions or conduct in matters unrelated to academic standards. Students are free to take reasoned exception to the data or views offered in any course of study for which they are enrolled. Students are protected from prejudiced, arbitrary, or capricious academic behavior. At the same time, students are responsible for maintaining standards of academic performance. Student complaints regarding academic procedure are addressed through the student-faculty complaint process.

(7) **Freedom from Discrimination:** All qualified students at Centralia College shall be afforded equal access and opportunity to all educational programs and services without regard to race, creed, color, religion, national origin, gender, age, sexual orientation, reliance on public assistance, disability, or any group or class against which discrimination is prohibited by state or federal law, regulation, or executive order.

(8) **Freedom from Sexual Harassment:** Students at Centralia College shall be free from sexual harassment. Any student who engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance, shall be subject to disciplinary actions.

(9) **Right to Privacy of Educational Records:** Students have both the right to privacy and the right to have access to their educational records in accordance with the Family Educational Rights and Privacy Act of 1974, as amended. In compliance with that act, the notification of these rights is published in the quarterly class schedule and the Centralia College Catalog.

(10) **Right to Confidentiality of Counseling:** The college provides professional personal counseling services to students. Students who request this service are granted limited confidentiality in accordance with the laws and regulations of the state of Washington, and the ethics of the American Counseling Association. Counselors provide clients with written information regarding these and other client rights.

(11) **Right to Distribute Materials:** Students have the right to use the designated bulletin board for the legal, incidental sales of personal property such as books, automobiles, bikes, etc. Other bulletin boards require permission from the office of student programs before posting material. Students may distribute free publications not in violation of state and/or federal laws such as books, magazines, newspapers, handbills, leaflets, in the area designated for such purposes located in the student center. In addition, printed materials may be distributed in the outdoor public areas of the college subject to reasonable limitations of time, place, and manner consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs. Material may not be placed on or in automobiles.

(12) **Right to Incidental Sales:** Students have the right to engage in incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose. However, the use of college grounds or facilities for commercial or private gain purposes is prohibited except where commercial activity such as sale of books, instructional supplies, or food contribute to the operation of the instructional program or where limited sale is specifically authorized by the director of student programs for the benefit of an approved activity. The college reserves the right to charge commercial vendors for the use of college facilities or space.

(13) **Right to Due Process:** No disciplinary sanction may be imposed on any student except through due process as specified in this code.

(14) **Freedom from Unreasonable Search:** Students have the right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures.

(15) **Right to Invite Off-campus Speakers:** Recognized student organizations have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the student programs office.

(16) **Right to be Interviewed:** Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the college.

NEW SECTION

WAC 132L-120-080 Student responsibilities. (1) Students who choose to attend Centralia College also choose to participate actively in the adult learning process offered by the college. As a process, learning is not a product or commodity that is bought and sold, but rather, is a relationship between teachers who are willing and competent to teach and learners who are willing and competent to learn. Therefore, the responsibility for learning is shared equally between students and faculty.

(2) The college is responsible for providing its students with an educational environment rich in the high quality resources needed by students to attain their individual educational goals. In return, students are responsible for making themselves aware of the full breadth of the resources available, for the timely choosing and appropriate use of those resources, and for the specific behavioral tasks necessary for attaining desired learning outcomes. Examples of specific student responsibilities are:

(a) To know and adhere to the college's policies, practices, and procedures;

(b) To participate actively in the learning process, both in and out of the classroom;

(c) To seek timely assistance in meeting educational goals;

(d) To attend all class sessions;

(e) To participate in class activities;

(f) To participate actively in the advising process;

(g) To develop skills required for learning, e.g., basic skills, time management, motivation, study skills, and openness to the educational process;

(h) To assume final responsibility for the selection of appropriate educational goals;

(i) To assume final authority for the selection of courses appropriate for meeting chosen educational goals;

(j) To seek out and use campus resources; and

(k) To contribute towards improving the college.

(3) Any student is subject to these rules, independent of any other status the individual may have with the college. Any action taken against a student under these rules shall be independent of other actions taken by virtue of another relationship with the college in addition to that of student.

(4) The college recognizes a responsibility to resolve behavioral problems before they escalate into serious problems. Therefore, the chief judicial affairs officer shall seek the assistance of other college departments or offices in investigating student behavioral problems. The chief judicial affairs officer will be as proactive as is possible concerning the resolution of student behavioral problems and use reasonable arbitration and conflict resolution methods in order to prevent such problems from escalating. The chief judicial affairs officer may seek and authorize settlements involving disputes related to student conduct when such settlements will better serve the college's broader interests.

(5) Students are expected to obey all college rules and regulations and obey the law. Any student shall be subject to disciplinary action as provided for in this code who, either as a principal actor, aider, abettor, or accomplice violates any local, state, or federal law, interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this code; or commits any of the following prohibited actions. The standard of conduct as listed below should be interpreted by students as general notice of prohibited conduct. They should be read broadly, and are not designed to define misconduct in exhaustive terms:

(a) Assault, intimidation, or interference.

(b) Disorderly, disruptive, or abusive conduct: Disorderly, disruptive, or abusive behavior that interferes with the rights of others or which obstructs or disrupts teaching, learning, research, or administrative functions. Such conduct includes, but is not limited to: Interference with any speaker or audience; blocking or impeding pedestrian or vehicular traffic; blocking access to or from campus buildings or offices; and activities of observers or participants that disrupt classes, meetings, office or business activities, or any other normal functions of the college.

(c) Failure to follow instructions: Inattentiveness, inability, or failure of student to follow the reasonable instructions of any college employee acting within his or her professional responsibility; refusal to comply with any lawful order to leave the college campus or any portion thereof.

(d) Illegal assembly, obstruction, or disruption: Any assembly or other act which interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(e) False complaint: Filing a formal complaint falsely accusing another student with violating a provision of this code or falsely accusing a college employee of a misdeed. Also includes making any intentional false claim, charge, or

statement against any member of the college community to harass, defame, or intimidate that individual.

(f) False alarms: Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities. This includes reporting any type of emergency known to be false.

(g) Sexual harassment: Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or because of the sex of the recipient, where such behavior offends the recipient or a third party, causes discomfort or humiliation, creates an intimidating, offensive, or hostile work or classroom environment that interferes with job or school performance.

(h) Racial harassment: Engaging in verbal, written, or physical conduct relating to a person's race or color when the harassing conduct is sufficiently severe, persistent, or pervasive that it affects a person's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening, abusive, or otherwise hostile educational or work environment; or the harassing conduct has the purpose or effect of substantially or unreasonably interfering with a person's academic or work performance; or the harassing conduct otherwise adversely affects an individual's learning opportunities or employment opportunities. A hostile environment may be created by behaviors such as, but not necessarily limited to:

(i) Intimidation and implied or overt threats of physical violence motivated by race, color, or national origin;

(ii) Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's race, color, or national origin;

(iii) Depending on the circumstances and context, demeaning racial jokes, taunting, racial slurs, and derogatory racial "nicknames," innuendoes, or other negative or derogatory remarks of a racial nature or relating to national origin;

(iv) Depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or racially/ethnically derogatory sentiments;

(v) Criminal offenses directed at persons because of their race or national origin.

(i) Furnishing false or incomplete information: The submission of information known to be false or incomplete to any college official. This includes, but is not limited to, providing false or incomplete information during an investigation, or before any student or employee disciplinary, grievance, or tenure process or hearing, or on any college document or form, or to any college employee or agent requesting information as part of their official duties and responsibilities.

(j) Intimidation of witnesses: Threatening or otherwise placing undue emotional pressure on any witness or potential witness during an investigation or informal or formal college hearing.

(k) Destruction of evidence: Knowingly destroying any evidence that could be used during an investigation or informal or formal college hearing for the purpose of denying its use as part of the investigation or hearing.

(l) Sexual assault: Any type of sexual assault in any form, including acquaintance rape and other forced and/or nonconsensual sexual activity.

(m) Physical or emotional abuse: Actual or attempted physical or emotional abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally or recklessly causes a reasonable apprehension of harm to any person.

(n) Harassment: Behavior of any sort or any malicious act which serves no legitimate or legal purpose which causes harm to any person's physical or mental well-being. Includes intentionally and repeatedly following or contacting another person by any means in a manner that alarms, annoys, intimidates, harasses, causes substantial emotional distress, causes fear for personal safety or property, or is detrimental to that person or that would cause any of these reactions in a reasonable person. A warning that the behavior is unwanted is not required if a reasonable person would have known that the behavior in question was more likely than not to result in any of the above reactions in another reasonable person and no legitimate or legal purpose is evident.

(o) Threat: Conduct intended to threaten bodily harm, damage to property, or to endanger the health or safety of any person on the college campus. Includes behavior that involves an expressed or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in college activities and causes the person to have a reasonable apprehension that such interference is about to occur.

(p) Reckless conduct: Recklessly engaging in conduct which creates a substantial risk of physical harm to either one's self or another person.

(q) Incitement: Intentionally inciting others to engage immediately in any unlawful activity, which incitement leads directly to such conduct.

(r) Undue noise: Unauthorized creation of noise in such a way as to interfere with college functions or using sound amplification equipment in a loud and raucous manner.

(s) Aiding or abetting misconduct: Aiding, assisting, abetting, or serving as an accomplice in the commission of any illegal act or any act prohibited by this code.

(t) Failure to cooperate with an investigation: Failure to cooperate with any lawful investigation of any conduct violation when such investigation is carried out by any college employee acting within the scope of their responsibilities; failure to cooperate with an investigation of any conduct violation, or interference with a proper investigation of any conduct violation by withholding evidence, encouraging or threatening another to withhold evidence.

(u) Theft or robbery: Theft of the property of the district or of another; actual or attempted theft of property or services belonging to the college, any member of its community, or any campus visitor; includes knowingly possessing stolen property.

(v) Malicious mischief: Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(w) Unauthorized use of college equipment and supplies: Using college equipment or supplies for personal gain or use without proper authority.

(x) Unauthorized entry, access, or presence: Unauthorized entry, access, or presence upon the property of the college or into a college facility or portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized presence in any college facility or office at any time; or unauthorized possession or use of a key, access code, or password to any college facility or system. Unauthorized entry, access, or presence also applies to unauthorized access to any college, student, or staff data base, computer system, telephone system, or information system.

(y) Computer, telephone, or electronic technology violation: Conduct that violates college published policies on computer, telephone, or electronic technology use. This includes the use of any college computer, computer system, telephone system, information system, or other electronic technology to violate any local, state, or federal law.

(z) Cheating, fabrication, facilitating academic dishonesty, multiple submission, and plagiarism. Cheating is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term academic exercise includes all form of work submitted for credit or hours. Fabrication is the intentional and unauthorized falsification or invention of any information or citation in an academic exercise. Facilitating academic dishonesty is intentionally or knowingly helping or attempting to help another to violate a provision of this section of the discipline code. Multiple submission includes submitting the same or substantially the same paper or oral report in more than one course without the instructor's permission in the later course(s). Plagiarism is the deliberate adoption or reproduction of ideas or words or statements of another person as one's own without acknowledgment.

(aa) Forgery or alteration of records: Forging or tendering any forged records or instruments of any district record or instrument to an employee or agent of the college.

(bb) Refusal to provide identification in appropriate circumstances: Refusal to provide positive identification (e.g., valid driver's license, student identification card, or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(cc) Smoking: Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or in any area of the campus posted "no smoking."

(dd) Controlled substances: Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance or legend drugs including anabolic steroids, except when the use or possession of a drug is specifically prescribed as medication by an authorized health care provider licensed by law to prescribe the said medication.

(ee) Alcoholic beverages: Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property or any college-controlled facility or at any college activity, program, or event, with the exception of sanctioned events, approved by the president or his or her designee.

(ff) Violation of college policy: Violation of clearly stated proscriptions in any published college policy, rule, or regulation.

(gg) Ethics violation: The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft, or profession for which the student is taking courses or is pursuing as their educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

(hh) Hazing: Conspiracy to engage in hazing or participation in hazing another. Hazing shall include any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student or other person attending Centralia College. Consent is no defense to hazing. The term does not include customary athletic events or other similar contests or competitions. Hazing is also a misdemeanor, punishable under state law.

(ii) Initiation violation: Conduct associated with initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to an organization, association, or living group not amounting to a violation of under the definition of hazing. Conduct covered by this definition may include embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation. Consent is no defense to initiation violation.

(jj) Prohibition of animals: No student may bring into or allow any animal, with the exception of service animals, to enter any college owned or controlled facility. All dogs on campus shall be under direct physical control, leashed by their owner or custodian.

(kk) Misuse of student identification: Includes, but is not limited to, alteration of validly issued identification in any manner; use of, or allowing use of, identification by a person other than the one for whom the identification was issued; or use of counterfeit student identification.

(ll) Other misconduct: Any other conduct or action in which the college can demonstrate a clear and distinct interest and which threatens the educational process or any other legitimate function of the college or the health or safety of any member of the college community or visitor.

(mm) Failure to comply with the following regulations governing firearms and weapons:

(i) It shall be the policy of the college that carrying, exhibiting, displaying, or drawing any weapon or weapon facsimile, such as a gun or firearm, dagger, sword, knife, or any other cutting or stabbing instrument or club or any other weapons apparently capable of producing bodily harm and/or property damage is prohibited, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for safety of other persons is prohibited.

(ii) Explosives, incendiary devices, or any similar device, object, or product is prohibited.

(iii) The above regulations shall not apply to equipment or material owned, used, or maintained by the college; nor will they apply to law enforcement officers.

(nn) Gambling: Any form of gambling is prohibited.

(oo) Lewd conduct: Engaging in lewd, indecent, or obscene behavior as defined by applicable law is prohibited.

(6) The college will consider as an aggravating factor in determining sanctions any violation of law or of this student code in which it can be shown that the accused intentionally selected the person or target of the violation based upon race, religion, color, disability, sexual orientation, national origin, or ancestry, and therefore may impose harsher or additional sanctions and penalties.

(7) Violation of any of the above regulations may also constitute violation of the criminal laws or ordinances of various cities, municipalities, counties, the state of Washington, or the United States and may subject a violator to criminal sanctions in addition to any sanctions imposed by the college.

NEW SECTION

WAC 132L-120-090 Authority and responsibility for discipline. (1) The board of trustees acting in accordance with Washington state statutes delegates to the president of the college authority to administer disciplinary action. In addition, the board of trustees authorizes the college administration to promulgate rules and provide for sanctions that provide a civil and nondisruptive learning environment.

(2) Administration of the disciplinary procedure is the responsibility of the chief judicial affairs officer. The chief judicial affairs officer shall serve as the principal investigator and prosecutor for alleged violations of this code.

(3) In situations of apparent misconduct or apparent unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from properly identified college personnel is a violation of this code and may result in a disciplinary action if the person is found to be a student. In emergency situations, cases of misconduct, or where there is a substantial danger to the college community or college property, failure to produce identification by a student may result in the assumption by college personnel that the person questioned is not a student and may result in direct civil or criminal action.

(4) The instructor is responsible for conduct in the classroom or any course-related activity or event and is authorized to take such steps as are necessary when behavior of the student disrupts the normal classroom procedure. Instructors may remove a student for the single class session in which such disruptive behavior occurs. When such behavior results in expulsion from a class session, the instructor must report the infraction in writing to the chief judicial affairs officer at the earliest opportunity. The student is automatically permitted to return to the next class session pending the outcome of any investigation or disciplinary hearings by the chief judicial affairs officer. If the student repeats behavior in any class session that again disrupts the normal classroom procedure, the student may be removed again for that class session by the instructor who shall again report the infraction to the chief judicial affairs officer in writing. In all cases involving classroom disruption, the chief judicial affairs officer will proceed with the investigation and/or disciplinary hearings in

the quickest possible time consistent with the procedural requirements established in this code.

(5) The person in charge of any college office, department, or facility is responsible for conduct in that office, department, or facility and is authorized to take such steps as are necessary when behavior of the student disrupts the normal office procedure. The person in charge may remove a student for the single day in which such disruptive behavior occurs. When such behavior results in expulsion from an office, department, or facility, the person in charge must report the infraction in writing to the chief judicial affairs officer at the earliest opportunity. The student is automatically permitted to return the next day pending the outcome of any investigation or disciplinary hearings by the chief judicial affairs officer. If the student repeats behavior at any time in the future that again disrupts the normal office procedure, the student may be removed again for a single day by the person in charge who shall again report the infraction to the chief judicial affairs officer in writing. In all cases involving office disruption, the chief judicial affairs officer will proceed with the investigation and/or disciplinary hearings in the quickest possible time consistent with the procedural requirements established in this code.

(6) The student has the right to appeal any disciplinary action of an instructor or college employee to the chief judicial affairs officer in accordance with the procedures set forth in this code.

(7) A student formally charged or under investigation for a violation of this code may not excuse himself or herself from disciplinary hearings by withdrawing from the college.

NEW SECTION

WAC 132L-120-100 Definition of disciplinary action. In accordance with the procedures outlined in this code, the following disciplinary actions may be imposed upon students found to be in violation of this code:

(1) Warning: Notice in writing that the student has violated one or more terms of this code of conduct and that continuation or repetition of the same or similar may be cause for more severe disciplinary action. This sanction is not subject to appeal.

(2) Disciplinary probation: Formal action placing specific conditions upon the student's continued attendance and warning the student that further misconduct may subject the student to suspension or dismissal. Probation may be for a limited period or may be for the duration of the student's attendance at the college.

(3) Restitution: Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an initial investigation. This may take the form of appropriate service or other compensation. Failure to make restitution, or to make in writing college-approved arrangements to pay, will result in suspension for an indefinite period provided that the student may be reinstated upon payment.

(4) Change of a grade: Applies only to violations regarding cheating, fabrication, facilitating academic dishonesty, multiple submission, and plagiarism. The college in accordance with the grading policy of the college assigns students

grades. Instructors as part of the professional academic judgment and evaluation of the instructor ordinarily assign students grades. In the case of a finding of cheating, fabrication, facilitating academic dishonesty, or plagiarism as defined in this code, and only as a result of the official disciplinary processes as outlined in this code, the chief judicial affairs officer may authorize an instructor to change the grade, or may record a change in grade, for the academic exercise in which academic dishonesty occurred or for the entire course in which academic dishonesty occurred. This penalty may be imposed in addition to other authorized penalties as outlined in this code. Instructors may issue an "incomplete" ("I") grade pending the outcome of any investigation or disciplinary hearing by the chief judicial affairs officer related to academic dishonesty.

(5) Summary suspension: Immediate exclusion from classes and other privileges or activities in accordance with this code.

(6) Suspension: Dismissal from the college and from status as a student for a stated period of time. The notice suspending the student will state in writing the term of the suspension and any condition(s) that must be met before readmission is granted. The student so suspended must demonstrate that the conditions for readmission have been met. There is to be no refund of tuition or fees for the quarter in which the action is taken, but tuition and fees paid in advance for a subsequent quarter are to be refunded. Suspension may also include withdrawal and/or limitations in one or more courses, services, or programs without revocation of student status.

(7) Deferred suspension: Notice of suspension from the college with the provision that the student may remain enrolled contingent on meeting any condition(s) specified. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(8) Dismissal: The surrender of all rights and privileges of membership in the college community and exclusion from the campus and college owned or controlled facilities without any possibility of return. There is to be no refund of tuition or fees for the quarter in which the action is taken, but tuition and fees paid in advance for a subsequent quarter are to be refunded.

(9) Forfeiture of state-funded financial aid: Applies only to violations regarding hazing. The forfeiture of any entitlement to state-funded grants, scholarships, or awards for a specified period.

(10) Withdrawal of official recognition: Any student organization, association, or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by Centralia College. In addition, any organization, association, or student living group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages. Withdrawal of official recognition may also be applied to any organization, association, or living group for other vio-

lations of Centralia College policies, rules, or regulations concerning such organizations.

(11) Disqualification from athletics: Any student found by the college to have violated this code related to the use, possession, sale, or delivery of legend drugs is subject to additional sanctions, including disqualification from College-sponsored athletic events.

(12) College or community service: Assignment of labor or responsibilities to any student or student organization with the college or local community. May also include mandatory attendance at educational programs or courses or other assignments.

(13) Fines: Monetary fines up to five thousand dollars for any student organization or up to five hundred dollars for any student. Restitution may be added as an additional monetary sanction.

(14) Protective or no-contact order: Prohibition of direct or indirect physical and/or verbal contact with another individual or group. Any form of communication may be limited. Restrictions on locations or specified minimum distances may be imposed. Other reasonable restrictions to protect the safety and welfare of others may also be imposed. An immediate, protective or no-contact order may also be issued by the chief judicial affairs officer or his or her representative prior to any disciplinary hearing upon the sworn or affirmed written and signed testimony of any complainant that the complainant is in reasonable fear of intimidation, harassment, physical or emotional abuse, or harm, provided that the subject of such order is duly notified in writing either in person or by first class mail and is provided the opportunity to appeal such an order at an initial disciplinary hearing within seven days after notification to the chief judicial affairs officer in writing of intent to appeal. An appeal may be combined with the normal disciplinary action of an initial disciplinary hearing if charges have also been filed.

(15) Professional evaluation: Referral for drug, alcohol, psychiatric, psychological, or medical evaluation may be required. Recommendations as part of any such evaluation may become part of any sanction. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until and unless future evaluation recommends that the student is capable of reentering the college. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student shall pay for the cost of the evaluation. The college reserves the right to send a student to a professional of its own choosing at cost to the college.

(16) Hold on awarding of degree or issuance of official transcript: In the event that the conditions of other sanctions such as, but not limited to, fines, restitution, and community service, are not fulfilled, the college may place a hold on the issuance of a degree or certificate and may place a hold on the issuance of an official transcript. In addition, the college may prevent further registration. These holds will be lifted upon fulfillment of the terms and conditions of the imposed sanction.

NEW SECTION

WAC 132L-120-110 Summary suspension. (1) If the chief judicial affairs officer or his or her designee(s) has cause to believe that any student:

- (a) Has violated any provision of this code; and
- (b) Presents an imminent danger either to himself or herself or other persons within the jurisdiction of the college as defined in this code, that student may be summarily suspended and shall be served notice by certified and first class mail at the student's last known address, or shall be personally served.

(2) The notice shall be entitled "notice of summary suspension hearings" and shall state:

- (a) The charges against the student including reference to the provisions of this code or statutory law involved; and
- (b) That the student charged must appear before the chief judicial affairs officer or his or her designee at a time specified in the notice for an initial disciplinary hearing in accordance with WAC 132L-120-120. The hearing shall be held as quickly as feasible after the summary suspension.

NEW SECTION

WAC 132L-120-120 Initial disciplinary hearing. (1) All disciplinary hearings will be initiated by the chief judicial affairs officer or his or her designated representative, or in the case of a student who has been issued an immediate protective or no-contact order may be initiated by the appeal of the student so affected. Students may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132L-120-110.

(2) Any student accused of violating any provision of the rules of conduct shall be notified of an initial disciplinary hearing either in person or by certified and first class mail and shall receive written notice of such meeting with the chief judicial affairs officer or his or her designated representative. The student will be informed in writing of what provision or provisions of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from initiation of disciplinary hearings. The student will be given seven days to respond. If the student fails to respond or fails to appear, the initial disciplinary hearing may be held in the student's absence. The chief judicial affairs officer, in lieu of an initial disciplinary hearing, may, at the option of the chief judicial affairs officer, refer the matter directly to the judicial board subject to the above notification requirements.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the initial meeting, or after reviewing the evidence in the case where the accused student has failed to appear, the chief judicial affairs officer may take any of the following actions:

- (a) Terminate the hearing, exonerating the student or students;
- (b) Dismiss the case after whatever advice the chief judicial affairs officer deems appropriate;
- (c) Impose an admonition to the student directly, not subject to the students right of appeal as provided in this code;

(d) Impose any of the sanctions listed in WAC 132L-120-100. The student may appeal any sanction except a written warning;

(e) Refer the matter to the judicial board without making a finding;

(f) Uphold, modify, or dismiss an immediate protective or no-contact order.

(4) At the conclusion of the initial disciplinary hearing, the chief judicial affairs officer will provide a decision, together with a brief statement for the reasons for the decision. A written decision shall be mailed or otherwise served within ten days of the end of the proceeding. This written statement shall include reasons for the decision and information about the appeals process. This written decision shall become final unless appealed.

NEW SECTION

WAC 132L-120-130 Judicial board. The college judicial board will hear and make recommendations on all disciplinary cases referred to it by the chief judicial affairs officer or appealed to it by students who have been disciplined by the chief judicial affairs officer.

(1) The college judicial board will be composed of the following nine members:

(a) A chair will be designated by the president of the college and shall continue in office until the person resigns or is recalled by the president. It is the responsibility of the chair to ensure that all procedural guidelines specified in this code and the Administrative Procedure Act are followed, to call the judicial board into session, to preside at all meetings and hearings of the committee, to take whatever steps are necessary during the hearing itself to ensure that the hearing is conducted in a safe and orderly manner, to advise the members of the committee concerning precedents and guidelines affecting the individual case, and to inform the student in writing of the action taken by the college judicial board following the hearing.

(b) Two full-time tenured faculty members appointed by the faculty representative. Two alternates shall be appointed to serve in the event that appointees are unable to serve or complete their term. The committee members shall serve for two-year terms. Terms shall begin with the first day of fall quarter and shall include summer quarter. One-year terms may be appointed to stagger experience on the judicial board.

(c) Two student representatives enrolled in a minimum of six credits in good standing shall be chosen by the ASCC in such manner as the members thereof shall determine. Two alternates shall be appointed to serve in the event that members are unable to serve or complete their term. The committee members shall serve for two-year terms. Terms shall begin with the first day of fall quarter and shall include summer quarter. One-year terms may be appointed to stagger experience on the judicial board.

(d) Two exempt members appointed by the exempt representative. Two alternates shall be appointed to serve in the event that appointees are unable to serve or complete their term. The committee members shall serve for two-year terms. Terms shall begin with the first day of fall quarter and

shall include summer quarter. One-year terms may be appointed to stagger experience on the judicial board.

(e) Two classified staff members appointed by the classified staff representative. Two alternates shall be appointed to serve in the event that appointees are unable to serve or complete their term. The committee members shall serve for two-year terms. Terms shall begin with the first day of fall quarter and shall include summer quarter. One-year terms may be appointed to stagger experience on the judicial board.

(2) The judicial board shall be convened by the chief judicial affairs officer during the first four weeks of fall quarter to discuss these rules and receive training. Other meetings may be held as determined by the chairperson or requested by the committee members.

(3) Faculty or student members may be excused from service for the entire year, for a particular period, or for a particular case. If any member of the judicial board is unable to consider the matters raised in a particular hearing for any reason, (including, but not limited to, conflict of interest and matters of conscience or related reasons), such member(s) shall abstain from participation. Replacement of excused members shall be made from respective alternate panels.

(4) A quorum is required to conduct a disciplinary hearing. In addition to the chair, at least one faculty member, one student, one classified staff, and one exempt member are required for a quorum.

(5) If a quorum cannot be formed because of the non-availability of members, e.g., summer quarter, break, excused absence, or other reasons, the president may appoint an ad hoc judicial board with the same composition as the regular judicial board, including the temporary appointment of a chair.

NEW SECTION

WAC 132L-120-140 Appeals of disciplinary action.

(1) Appeals contesting any disciplinary action except warning may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the chief judicial affairs officer or his or her designee(s) may be appealed to the judicial board, which shall hear the case de novo.

(b) Disciplinary action taken by the judicial board may be appealed by the student to the president of the college. The president shall review the record of the hearing and must afford each party an opportunity to present written argument and may afford each party the opportunity to present oral argument. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal.

(b) An appeal of any disciplinary action taken by the chief judicial affairs officer must be filed within twenty-one days from the date of mailing to the student notice that disciplinary action was taken by the chief judicial affairs officer.

(c) An appeal of any disciplinary action taken by the judicial board must be filed within ten days from the date of

mailing to the student notice that disciplinary action was taken by the judicial board.

(d) The appeal of any action taken by the chief judicial affairs officer shall be submitted in writing to the chair of the judicial board, with a copy of all materials submitted also sent to the chief judicial affairs officer.

(e) The appeal of any action taken by the judicial board shall be submitted in writing to the president with a copy to the chief judicial affairs officer and the chair of the judicial committee.

(3) All decisions of the judicial board shall be sent from the chair of the judicial board to the chief judicial affairs officer. Written decisions shall include the signature of the chair of the judicial board. Copies shall be sent to the president of the college or his or her designee and the student involved in the hearing.

NEW SECTION

WAC 132L-120-150 Hearing procedures before the judicial board. (1) The judicial board shall conduct a hearing not less than seven days nor more than twenty-one days after disciplinary action has been referred to it.

(2) The student has a right to a fair and impartial hearing before the judicial board on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures or failure to appear shall not preclude the judicial board from convening and making its findings of fact, conclusions, and recommendations.

(3) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, the student shall notify the chair at the time of appeal or, if the hearing is held at the request of the college, at least three days prior to the hearing.

(4) In all disciplinary hearings, the college will be represented by the chief judicial affairs officer or his or her designee. The chief judicial affairs officer will then present the college's case against the student accused of violating the rules of conduct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the chief judicial affairs officer may elect to have the college represented by an assistant attorney general with the assistance of the chief judicial affairs officer.

(5) The record in a formal hearing shall consist of all documents as required by law and as specified in RCW 34.05.476 as now law or hereafter amended.

(6) Records of disciplinary hearings shall be maintained in the chief judicial affairs officer office and shall be available only during the course of the disciplinary hearings to the judicial board, the student, and his/her attorney, and any other college official designated by the chief judicial affairs officer. Copies of disciplinary findings may be sent and kept on file by college officials with a legitimate educational interest.

(7) Following the conclusion of the disciplinary hearing, access to records of the case and the hearing files will be limited to those designated by the college chief judicial affairs officer.

(8) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of

any records of any disciplinary hearings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW, as now law or hereafter amended.

(9) The time of the hearing may be advanced by the judicial board at the request of the student or continued for good cause.

(10) If at any time during the hearing a visitor disrupts the hearings, the chair of the judicial board may exclude that person from the hearing room.

(11) Any student of the college attending the disciplinary hearing who continues to disrupt the hearings after the presiding officer has asked him/her to cease or to leave the hearing room, shall be subject to disciplinary action.

(12) All testimony of parties and witnesses shall be made under oath or affirmation.

(13) Members of the judicial board must avoid ex parte (one-sided) communications with any party involved in the hearing regarding any issue other than communications necessary to maintaining an orderly procedural flow to the hearing. Ex parte communications received by members of the judicial board must be placed on the record, and the other party must be informed of the ex parte communication and given an opportunity to respond on the record.

NEW SECTION

WAC 132L-120-160 Evidence admissible in hearings. (1) Only those matters presented at the hearing, in the presence of the accused student (except where the student fails to attend after receipt of proper notice) will be considered in determining whether the judicial board has sufficient cause to believe that the accused student is guilty of violating the rules he or she is charged with having violated.

(2) The presiding officer of the judicial board shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation, mitigation, or aggravation shall not be considered until all substantive evidence or testimony has been presented. Such evidence shall be considered as part of the determination of appropriate sanctions, if the accused has been found guilty of misconduct.

(4) Disciplinary hearings and related hearings do not follow the same procedures used in courtrooms, nor do they use the same rules of evidence as in civil or criminal trial.

(5) Hearsay evidence is admissible.

(6) It shall be the responsibility of the college to prove its case by a preponderance of the evidence.

NEW SECTION

WAC 132L-120-170 Decision by the judicial board.

(1) Upon conclusion of the disciplinary hearing, the judicial board shall consider all the evidence therein presented and decide by majority vote any of the following actions:

(a) That the college terminate the hearings and exonerate the student; or

(b) That the college impose any of the disciplinary actions as provided in this code.

(2) The committee's written decision shall include findings of fact, conclusions of law, and recommendations for the final disposition of the matter at issue.

(3) Within seven days after the decision of the committee, the student will be mailed or otherwise provided with a copy of the committee's findings of fact and conclusions. The copy shall be dated and contain a statement advising the student of his or her right to submit a written statement to the president of the college appealing the recommendation of the judicial board.

(4) The decision of the judicial board becomes final unless appealed within ten days of mailing or delivery of notice of disciplinary action to the student.

NEW SECTION

WAC 132L-120-180 Appeal to the president. Any student who is aggrieved by the findings or conclusions of an appeal to the judicial board may appeal the same in writing to the president within ten days of mailing notice to the student of the action taken by the judicial board. The president may, at his or her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions, and disciplinary actions imposed. In the consideration of such an appeal, the president shall base his or her findings and decision only on the official written record of the case. The president must afford each party opportunity for written argument and may afford each party opportunity for oral argument. The president shall not engage in ex parte communication with any of the parties. The president shall conduct the review within thirty days of notice of appeal and shall mail or otherwise provide a written conclusion to all parties within fourteen days after completion of the appeal process. The decision of the president is final.

NEW SECTION

WAC 132L-120-190 Readmission after dismissal. A student dismissed from the college may be readmitted only on written petition to the president. Petitions must indicate reasons that support reconsideration. The president may use whatever review procedures are at the president's disposal in consideration of readmission. The president shall convey a decision in writing to the student within thirty days after completion of the review process.

NEW SECTION

WAC 132L-120-200 Review of rules. These rules will be reviewed annually by the chief judicial affairs officer. The chief judicial affairs officer, upon determining a need to revise this code shall convene a review committee to make recommendations for change in the code.

NEW SECTION

WAC 132L-120-210 Membership of review committee. The review committee shall be composed of the judicial

board members plus the director of student programs, and the chief judicial affairs officer who shall serve as chair. Each member shall have one vote.

NEW SECTION

WAC 132L-120-220 Function of the review committee. (1) The review committee will establish procedures for review and possible revision of these rules.

(2) All proposed amendments shall be submitted to the chief judicial affairs officer, who will send copies of each proposal to members of the review committee for their consideration. The review committee will hear and consider all proposed amendments and publish proposed recommendations for review by the college community through a public forum. The assistance of the college's assigned assistant attorney general may be used as appropriate throughout the review process.

(3) After review by the college community, the committee shall make its final recommendations. These recommendations shall be offered for review to ASCC, faculty senate, and student issues and policy council. The review committee shall make any adjustments or reconsideration. The resulting recommendations shall then go to the college council.

(4) After completion of the above steps, the recommendations for revision of these rules shall be made by the college council to the president, who, upon his or her approval, shall recommend these rules to the board of trustees.

(5) Upon approval of the board of trustees, the new rules shall be submitted to the code reviser. After successful completion of the code revision process, the WAC rules are enforceable and immediately shall be published and made available to the college community.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132L-20-010 Preamble.
- WAC 132L-20-030 Jurisdiction.
- WAC 132L-20-050 Right to demand identification.
- WAC 132L-20-070 Freedom of association and organization.
- WAC 132L-20-080 Prohibitions.
- WAC 132L-20-130 Commercial and promotional activities.
- WAC 132L-20-135 Handicapped students.
- WAC 132L-20-140 Use of college facilities.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132L-22-020 Nonacademic disciplinary procedures.
- WAC 132L-22-060 Sanctions.
- WAC 132L-22-070 Readmission after suspension.
- WAC 132L-22-080 Reestablishment of academic standing.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132L-24-010 Summary suspension procedures.
- WAC 132L-24-020 Permission to enter or remain on campus.
- WAC 132L-24-030 Notice of summary suspension proceedings.
- WAC 132L-24-090 Summary suspension proceedings not duplicitous.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 132L-25-010 Emergency procedures.

WSR 00-07-117

**PERMANENT RULES
LIQUOR CONTROL BOARD**

[Filed March 21, 2000, 8:15 a.m.]

Date of Adoption: February 22, 2000.

Purpose: The Liquor Control Board has reviewed all of its rules to make them clear and usable, per Governor Locke's Executive Order 97-02. Proposed chapter 314-02 WAC will replace the WACs listed on this notice that outline the requirements for retail liquor licenses, such as restaurants, taverns, and grocery stores.

Citation of Existing Rules Affected by this Order: Repealing chapter 314-15 WAC, WAC 314-16-055, 314-16-115, 314-16-140, 314-16-180, 314-16-197, 314-16-199, 314-16-200, 314-16-205, 314-16-210, and 314-16-240.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.010, 66.24.120.

Adopted under notice filed as WSR 99-23-105 on November 17, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

PERMANENT

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 15.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 15.

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 15.

Effective Date of Rule: Thirty-one days after filing.

March 20, 2000

Eugene A. Prince
Chair

- WAC 314-16-199 Cocktail lounge declassification—Sunday dining events.
- WAC 314-16-200 Minimum qualifications for issuance of grocery store or beer and/or wine specialty shop licenses.
- WAC 314-16-205 Minimum qualifications for issuance for a beer and wine gift delivery license.
- WAC 314-16-210 Spirits, beer and wine restaurant license fees in unincorporated areas—Seasonal operations—Prorating fees.
- WAC 314-16-240 Beer and/or wine specialty shop licenses—Principal business sale of beer and wine for off-premises consumption—Authorization for selling or serving samples.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 314-15-010 Motel—Definition—General provisions—Fee.
- WAC 314-15-020 Purchase of liquor.
- WAC 314-15-030 Sale of liquor—Motel.
- WAC 314-15-040 Security and storage of liquor—Definition of honor bar—Motel.
- WAC 314-15-050 Records—Motel.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 314-16-055 Entertainment—Hours permitted.
- WAC 314-16-115 Hotels with spirits, beer and wine restaurants and spirits, beer and wine clubs with overnight sleeping accommodations—Sales by the bottle to registered guests—Conditions.
- WAC 314-16-140 Entertainment license displayed.
- WAC 314-16-180 Alterations and changes of premises and activities—Outside storage.
- WAC 314-16-197 Minimum qualifications for applicants who apply for beer and/or wine restaurant

WSR 00-07-129
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed March 22, 2000, 9:48 a.m.]

Date of Adoption: March 8, 2000.

Purpose: The revision of the farmers' market nutrition program rule brings the rule, the farmers' market contract, and the grower's agreement into accordance with one another and into accordance with regulatory reform. The majority of the changes are housekeeping in nature, rearranging sections for better flow and understanding and rewriting language to provide more clarity.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-780-050 and 246-780-070; and amending WAC 246-780-001, 246-780-010, 246-780-020, 246-780-022, 246-780-025, 246-780-028, 246-780-030, 246-780-040, and 246-780-060.

Statutory Authority for Adoption: RCW 43.70.120.

Other Authority: 7 C.F.R. 248.

Adopted under notice filed as WSR 00-03-074 on January 19, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 3, Amended 6, Repealed 2; Federal Rules or Standards: New 3, Amended 6, Repealed 2; 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 3, Amended 6, Repealed 2.

PERMANENT

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 21, 2000

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 96-01-085, filed 12/18/95, effective 1/18/96)

WAC 246-780-001 (~~(Description of)~~ **What is the WIC farmers' market nutrition program**)⁽²⁾ (1) The purpose of the WIC farmers' market nutrition program is to:

(a) Provide locally grown, fresh, nutritious, unprepared fruits and vegetables to ~~((nutritionally at risk low income))~~ women, infants over ~~((six))~~ five months of age, and children, who participate in the special supplemental nutrition program for women, infants, and children (WIC); and

(b) Expand the awareness and use of ~~((and sales at))~~ farmers' markets where consumers can buy directly from the grower.

(2) ~~((Funding is provided by the Washington state department of health and the Washington state department of agriculture who contribute funds meeting the match required to receive federal funding.))~~

(3) The WIC farmers' market nutrition program is administered by the Washington state departments of health and agriculture.

AMENDATORY SECTION (Amending WSR 96-01-085, filed 12/18/95, effective 1/18/96)

WAC 246-780-010 Definitions. (1) "Authorized" or "authorization" means an eligible grower and/or farmers' market has met the selection criteria and signed an agreement/contract with the department allowing participation in the WIC farmers' market nutrition program.

(2) "Broker(s)" ((shall)) or "wholesale distributor" means ((those)) an individual((s)) or business((es)) who exclusively sells produce grown by others. There is an exception for an individual employed by a grower who is qualified to participate in the WIC farmers' market nutrition program or is employed by a nonprofit organization to sell produce on behalf of qualified growers.

~~((2))~~ (3) "Contract" or "agreement" means a written legal document binding the contractor and the department to designated terms and conditions.

(4) "Contractor" ((shall)) means a farmers' market who has a signed contract with the department to participate in the WIC farmers' market nutrition program.

~~((3))~~ (5) "Cut herbs" means fresh herbs with no medicinal value that are not potted or bagged.

(6) "Department" ((shall)) means the Washington state departments of health and agriculture ((and health)).

~~((4))~~ "FMNP" shall mean the farmers' market nutrition program.

~~((5))~~ (7) "Disqualification" ((shall)) means the act of ((ending)) terminating the ((participation)) agreement and/or contract of an authorized ((food)) grower and/or farmers' market from the WIC farmers' market nutrition program for noncompliance with program requirements.

~~((6))~~ "Locally grown" shall mean Washington grown or grown in an adjacent county in a border state.

~~((7))~~ (8) "Eligible foods" ((shall)) means locally grown, unprocessed (except for washing), fresh, nutritious fruits ((and)), vegetables, and cut herbs.

~~((8))~~ "Farmers' market" shall mean an association of five or more local growers who assemble for the purpose of selling their produce directly to consumers.))

(9) "Eligible grower" ((shall)) means ((any)) an individual or business who grows a portion of the produce that they sell ((and exchange for farmers' market nutrition program checks)) at Washington state authorized farmers' markets.

(10) "Farmers' market" means a membership of five or more growers who assemble at a defined location for the purpose of selling their produce directly to consumers.

(11) "FMNP" or "program" means the WIC farmers' market nutrition program.

(12) "Locally grown" means Washington grown or grown in an adjacent county of Idaho or Oregon.

(13) "Local WIC agency" means the contracted agency or clinic where a client receives WIC services and WIC farmers' market checks.

(14) "Program coordinator" means an individual designated by the farmers' market manager (or market board members) responsible for overseeing the market's participation in the WIC farmers' market nutrition program.

(15) "Trafficking" ((shall)) means the ((prohibited)) buying or exchanging of WIC farmers' market ((nutrition program)) checks for cash, drugs, ((and)) or alcohol.

~~((11))~~ (16) "Validating" means stamping the WIC farmers' market check in the designated box with appropriate market and grower identification numbers using the stamper provided by the department.

(17) "WIC" ((shall)) or "WIC program" means the federally funded special supplemental nutrition program for women, infants, and children administered in Washington state by the department of health.

~~((12))~~ "FMNP abuse" shall include but not be limited to:
(a) Providing cash, unauthorized food, nonfood items, drugs, alcohol or other items to WIC customers in lieu of or in addition to authorized FMNP foods;

(b) Charging the FMNP or WIC/FMNP customer for foods not received by the customer;

(c) Charging the FMNP more for authorized foods than other customers are charged for the same food item;

(d) Providing rain checks or credit to customers in a FMNP transaction;

(e) Charging WIC customers cash or giving change to customers in a FMNP transaction;

(f) Validating and/or redeeming FMNP checks without having authorization from the department;

(g) Collecting a sales tax on FMNP purchases;

(h) Seeking restitution from FMNP WIC program clients for checks not paid by the department;

~~(i) Accepting and/or validating checks outside of the program dates:)) (18) "WIC client" or "client" means a pregnant, breast feeding, or postpartum woman, infant, or child receiving WIC benefits.~~

AMENDATORY SECTION (Amending WSR 96-01-085, filed 12/18/95, effective 1/18/96)

~~WAC 246-780-020 ((Contractor responsibilities.))~~
How does a farmers' market become a contractor? (1) ~~((The department shall authorize contractors who may validate and authorize growers to accept FMNP checks. Unauthorized contractors who validate FMNP checks are subject to the penalties specified in WAC 246-780-040, Sanctions.~~

~~(2) Contractors shall submit an application to the department.~~

~~(3) The contractor shall:~~

~~(a) Allow only growers selling locally grown produce to accept FMNP checks.~~

~~(b) Agree to designate a program coordinator to validate and/or mark checks with a market/grower identifier.~~

~~(c) Agree to provide the department any information it has available which the department deems necessary to track the impact of the FMNP on the farmers' market or on WIC/FMNP clients participating in the FMNP.~~

~~(d) Accept training on FMNP procedures, assist the department in training participating growers, and safeguard client information.~~

~~(e) Provide such information as the department may require for annual reports to the United States Department of Agriculture, Food and Consumer Services.~~

~~(f) Ensure that checks are redeemed only by eligible growers.~~

~~(g) Sell eligible foods to FMNP clients at the same price as charged to other customers.~~

~~(h) Agree to allow the department to monitor the farmers' market for compliance with FMNP procedures.~~

~~(i) Act as a liaison to obtain signed grower agreements from growers who have agreed to sell at the farmers' market before they accept FMNP checks.~~

~~(j) Ensure that FMNP clients receive the same courtesies as other customers.~~

~~(k) Notify the department immediately if and when market operations cease.~~

~~(l) Refuse to validate any FMNP checks from ineligible growers.~~

~~(4) The contractor shall not allow growers to:~~

~~(a) Collect sales tax on FMNP check purchases.~~

~~(b) Seek payment from FMNP clients for checks not paid by the department.~~

~~(c) Give cash-back for purchases that are in an amount less than the value of the checks.~~

~~(5) Neither the department nor the contractor have an obligation to renew a contract.))~~ A farmers' market wanting to participate in the WIC farmers' market nutrition program must apply for authorization, meet the selection criteria, and sign a contract with the department.

(2) Selection is based on the following:

(a) The local WIC agency in the farmers' market service area must participate in the WIC farmers' market nutrition program.

(b) The farmers' market must have a designated market manager on-site during operating hours.

(c) The farmers' market must have been in operation a minimum of one year. If there is a market currently participating in the program in an area where a new market has applied to participate, the one-year requirement may be waived.

(d) The farmers' market must keep a current list of eligible growers, including the farmer's name, business address, telephone number, and crops to be sold July through October. The farmers' market must agree to provide this list to the state WIC office on request.

(e) The farmers' market must be located within twenty miles of the local WIC agency.

(f) A minimum of five eligible growers must participate in the farmers' market each year.

(g) The farmers' market must agree to comply with training sessions and monitor visits.

(h) The farmers' market must agree to comply with all terms and conditions specified in the contract.

(3) The WIC farmers' market nutrition program is not required to authorize all applicants.

NEW SECTION

WAC 246-780-022 What is expected of a contractor?

(1) The contractor shall:

(a) Comply with the WIC farmers' market nutrition program requirements and the terms and conditions of the farmers' market contract;

(b) Accept training on WIC farmers' market nutrition program requirements from department staff;

(c) Provide training to market employees and eligible growers in person on WIC farmers' market nutrition program requirements;

(d) Be accountable for the actions of market employees involved in the WIC farmers' market nutrition program;

(e) Obtain signed grower agreements from eligible growers before they accept WIC farmers' market checks;

(f) Ensure that WIC farmers' market checks are redeemed only by eligible growers;

(g) Allow only growers selling locally grown produce to accept WIC farmers' market checks;

(h) Ensure that WIC farmers' market checks are redeemed only for eligible foods;

(i) Ensure eligible growers redeem WIC farmers' market checks within valid dates;

(j) Ensure eligible growers have and display the "WIC Farmers' Market Checks Welcome Here" sign each market day when at authorized markets;

(k) Refuse to validate any WIC farmers' market checks from ineligible growers;

(l) Agree to designate a program coordinator to validate WIC farmers' market checks with the appropriate market and grower identification numbers;

(m) Comply with federal and state nondiscrimination laws;

- (n) Ensure that WIC farmers' market nutrition program clients receive the same courtesies as other customers;
 - (o) Agree to provide the department with any information it has available regarding its participation in the WIC farmers' market nutrition program;
 - (p) Agree to keep WIC farmers' market client information confidential;
 - (q) Agree to allow the department to monitor the farmers' market for compliance with program requirements;
 - (r) Notify the department immediately if and when market operations cease; and
 - (s) Report any suspected noncompliance with WIC farmers' market nutrition program requirements to the department.
- (2) Neither the department nor the contractor have an obligation to renew a contract.

NEW SECTION

WAC 246-780-025 How does an eligible grower become authorized by a farmers' market to accept WIC farmers' market checks? Eligible growers must:

- (1) Grow a portion of the produce they have for sale. Any individual who purchases all the produce they plan to resell is considered a broker and is not allowed to participate in the program;
- (2) Sell at an authorized farmers' market;
- (3) Agree to follow the terms and conditions of the grower agreement; and
- (4) Sign the grower agreement and return it to the department for signature and to be assigned a grower identification number.

NEW SECTION

WAC 246-780-028 What is expected of an authorized grower? The authorized grower agrees to:

- (1) Comply with the WIC farmers' market nutrition program requirements and the terms and conditions of the grower agreement;
- (2) Accept training on WIC farmers' market nutrition program requirements and assure that all persons working in the authorized grower's stall are trained as well;
- (3) Be held accountable for the actions of all persons working in the authorized grower's stall regarding WIC farmers' market nutrition program purchases;
- (4) Accept WIC farmers' market checks only for eligible foods;
- (5) Accept WIC farmers' market checks only at authorized farmers' markets;
- (6) Accept WIC farmers' market checks within the valid dates of the program;
- (7) Redeem WIC farmers' market checks by the date imprinted on the check;
- (8) Display the "WIC Farmers' Market Checks Welcome Here" sign each market day when at authorized markets;
- (9) Provide the WIC farmers' market nutrition program clients with the full amount of product for the value of each WIC farmers' market check;

- (10) Charge WIC farmers' market nutrition program clients the same prices as other customers;
- (11) Have the WIC farmers' market checks validated by the program coordinator at the farmers' market where the checks were accepted before cashing or depositing them;
- (12) Make produce available that is the same quality as that offered to other customers;
- (13) Comply with federal and state nondiscrimination laws;
- (14) Treat WIC farmers' market customers as courteously as other customers;
- (15) Cooperate with department staff in monitoring for compliance with program requirements and provide information on request;
- (16) Reimburse the department for WIC farmers' market checks taken improperly;
- (17) Not collect sales tax on WIC farmers' market check purchases;
- (18) Not seek payment from WIC farmers' market nutrition program clients for checks not paid by the department;
- (19) Not give cash back for purchases less than the value of the checks; and
- (20) Not use WIC farmers' market checks to purchase foods from other growers or pay for market fees or other business costs.

AMENDATORY SECTION (Amending WSR 96-01-085, filed 12/18/95, effective 1/18/96)

WAC 246-780-030 (~~Authorized foods.~~) What kind of foods can clients buy with WIC farmers' market checks? (1) (~~The contractor and growers shall ensure that only unprocessed.~~) Locally grown, unprocessed (except for washing), fresh fruits ((and)), vegetables ((are sold to WIC/FMNP clients participating in the FMNP)), and cut herbs can be purchased with WIC farmers' market checks.

(2) ~~Ineligible items ((are those items as defined by the department. The ineligible items)) include, but are not limited to, baked goods, cheeses, cider, crafts, dairy products, dried fruits, dried herbs, dried vegetables, eggs, flowers, fruit juices, honey, ((jam/)) jams, jellies, ((eider/)) meats, nuts, ((flowers and baked goods. The list of eligible items shall be provided to growers and contractors upon request)) potted herbs, seafood, seeds, and syrups.~~

AMENDATORY SECTION (Amending WSR 96-01-085, filed 12/18/95, effective 1/18/96)

WAC 246-780-040 (~~Sanctions.~~) What happens if a farmers' market or a grower does not comply with WIC farmers' market nutrition program requirements? (1) (~~The department may disqualify a grower and/or contractor for reasons of FMNP abuse for one year from the date of offense. At the end of the disqualification period, the grower and/or contractor shall be required to reapply to be considered for authorization.~~

(2) ~~Growers and contractors may be subject to sanctions in addition to, or in lieu of, disqualification. Prior to disqualifying a grower or contractor, the department shall consider~~

whether the disqualification would create undue hardships for WIC participants:

(3) The department may set the period of disqualification from program participation. In no instance shall this period of disqualification exceed one year.

(4) The department shall recover funds due the FMNP and may impose a fine on growers and/or contractors for the offenses in this subsection. The department shall deposit these funds into the FMNP account in accordance with federal regulations:

Money shall be paid to the department within the time period specified in the notice of adverse action, or the grower and/or contractor may be suspended from the FMNP for a period of at least one program year, or the remainder of the calendar year. Offenses include but are not limited to:

(a) Providing cash, unauthorized food, nonfood items, drugs, alcohol or other items to WIC customers in lieu of or in addition to authorized FMNP foods;

(b) Charging the FMNP or WIC/FMNP customer for foods not received by the customer;

(c) Charging the FMNP more for authorized foods than other customers are charged for the same food item;

(d) Farmers' markets and growers who do not comply with WIC farmers' market nutrition program requirements are subject to sanctions, such as monetary penalties, in addition to, or in lieu of, disqualification. Prior to disqualifying a farmers' market or grower, the department shall consider whether the disqualification would create undue hardships for WIC farmers' market nutrition program clients.

(2) Noncompliance includes, but is not limited to:

(a) Failing to display the "WIC Farmers' Market Checks Welcome Here" sign each market day when at authorized markets;

(b) Providing unauthorized food, nonfood items, or other items to WIC farmers' market nutrition program clients in lieu of, or in addition to, eligible foods;

(c) Charging the program for foods not received by the client;

(d) Providing rain checks or credit to ((customers)) clients in a ((FMNP)) WIC farmers' market nutrition program transaction;

(e) ((Charging WIC customers cash or giving change to customers in a FMNP transaction;)) Giving change to WIC farmers' market nutrition program clients if the purchase is less than the value of the WIC farmers' market check;

(f) Validating ((and/or redeeming FMNP)) WIC farmers' market checks without having authorization from the department;

(g) Accepting WIC farmers' market checks without having a signed agreement with the department;

(h) Accepting WIC farmers' market checks at unauthorized farmers' markets;

(i) Failing to get the WIC farmers' market checks validated with the market and grower identification numbers by the farmers' market program coordinator where the checks were accepted;

(j) Collecting ((a)) sales tax on ((FMNP)) WIC farmers' market purchases;

((h)) (k) Seeking restitution from ((FMNP WIC)) program clients for checks not paid by the department;

((h)) (l) Accepting and/or validating checks outside of the program dates; and

((j) Violation of) (m) Violating the rules of this chapter or the provisions of the contract and/or agreement.

((5) Any instances of trafficking in FMNP checks (in any amount) shall result in disqualification as an authorized contractor or grower for the FMNP.

(6) A contractor who commits fraud or abuse of the FMNP is liable for prosecution under Part 7 CFR 246.12 ((f)(2)(xiv)). (3) Farmers' markets and growers found in non-compliance will be notified by the department and given the opportunity to correct the problem.

(4) If a farmers' market or grower is subsequently found in noncompliance for the same or a similar reason, the department may impose sanctions, such as monetary penalties or disqualification, without giving the opportunity to correct the problem.

(5) When the department notifies a farmers' market or grower of anything that affects their participation in the program, the department shall give written notice not less than fifteen days before the effective date of the action. The notice shall state what action is being taken, the effective date of the action, and the procedure for requesting an appeal hearing.

(6) The department may deny payment to a grower for mishandling WIC farmers' market checks.

(7) The department may seek reimbursement from a grower for payments made on improperly handled WIC farmers' market checks.

(8) Monetary penalties shall be paid to the department within the time period specified in the notice. The department shall refer farmers' markets and/or growers who fail to pay within the specified time period to a commercial collection agency. In addition, the department may disqualify a farmers' market or grower.

(9) A farmers' market or grower that has been disqualified from the WIC farmers' market nutrition program must reapply at the end of the disqualification period to be considered for authorization.

(10) Any trafficking in WIC farmers' market checks (exchanging checks for cash, drugs, or alcohol) in any amount shall result in disqualification.

(11) Farmers' markets and growers who commit fraud or other unlawful activities are liable for prosecution according to program regulations. (7 C.F.R. 248.10(k).)

AMENDATORY SECTION (Amending WSR 96-01-085, filed 12/18/95, effective 1/18/96)

WAC 246-780-060 ((Dispute appeals)) How does a farmers' market or grower appeal a department decision? ((Contractors)) (1) Farmers' markets and growers have a right to appeal ((an action by the department denying the)) denial of payment, denial of an application, ((imposing a sanction or disqualifying it)) monetary penalty or disqualification from the ((FMNP)) WIC farmers' market nutrition program. Expiration or nonrenewal of a contract or agreement is not subject to appeal.

((1) A contractor or grower whose application is denied to participate or to continue to participate in the FMNP has

the right to an appeal pursuant to the procedures set out in chapter 246-10 WAC. At the appeal, the contractor or grower may discuss the reasons for the denial.)

(2) If the action being appealed is a disqualification of a farmers' market, the farmers' market shall cease validating WIC farmers' market checks for all growers participating in the market effective the date specified in the sanction notice.

(3) If the action being appealed is a disqualification of a grower, the grower shall cease accepting WIC farmers' market checks effective the date specified in the sanction notice. In addition, the farmers' market shall cease validating checks for the affected grower. Payments shall not be made for any WIC farmers' market checks submitted by a grower for payment during a period of disqualification.

(4) The department may, at its discretion, permit the farmers' market or grower to continue participating in the program pending the appeal hearing outcome.

(5) A request for an appeal hearing shall be in writing and shall:

(a) State the issue raised;

(b) ~~((State the grounds for contesting the aggrieving department action))~~ Contain a summary of the farmers' market's or grower's position on the issue, indicating whether each charge is admitted, denied, or not contested;

(c) ~~State the ((law, facts and conditions on which the appeal relies))~~ name and address of the farmers' market or grower requesting an appeal hearing;

(d) ~~((Contain the appellant's current address and telephone number, if any; and))~~ State the name and address of the ((appellant's)) attorney ((or other representative)) representing the farmers' market or grower, if any;

(e) State the farmers' market or grower's need for an interpreter or other special accommodations, if necessary; and

(f) ~~Have a copy of the ((adverse department)) notice from the department attached.~~

~~((3))~~ (6) A request for an appeal shall be ~~((made by personal service or by regular mail to))~~ filed at the Department of Health, ((Office of Professional Standards, 2413 Pacific Avenue)) Adjudicative Clerk's Office, 1107 Eastside, P.O. Box ((47872)) 47872, Olympia, WA 98504-((7872))7872. The request shall be made within twenty-eight days of the date the ~~((contractor's))~~ farmers' market or grower received the department notice ((of adverse action)).

~~((4))~~ ~~The dispute appeals process is the sole administrative remedy the department offers a contractor or grower.)~~

(7) The decision concerning the appeal shall be made within sixty days from the date the request for an appeal hearing was received by the adjudicative clerk's office. The time shall be extended by as many days as all parties agree to with good cause.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-780-050

Notice of adverse action to a FMNP contractor and/or grower.

WAC 246-780-070

Contractor/grower-continued participation pending dispute resolution.

WSR 00-07-131 PERMANENT RULES LOTTERY COMMISSION

[Filed March 22, 2000, 10:01 a.m.]

Date of Adoption: March 17, 2000.

Purpose: Repeal rules for Scratch games which are now closed. Instant Game Rules to be Repealed: WAC 315-11A-165 Instant Game Number 165 ("2 Bingo"), 315-11A-187 Instant Game Number 187 ("2 Instant Quinto"), 315-11A-188 Instant Game Number 188 ("Strike It Rich"), 315-11A-189 Instant Game Number 189 ("Lucky 7s"), 315-11A-190 Instant Game Number 190 ("Putt for Dough"), 315-11A-191 Instant Game Number 191 ("Cut the Deck"), 315-11A-192 Instant Game Number 192, 315-11A-193 Instant Game Number 193, 315-11A-194 Instant Game Number 194, 315-11A-195 Instant Game Number 195, 315-11A-196 Instant Game Number 196, 315-11A-197 Instant Game Number 197, 315-11A-198 Instant Game Number 198, 315-11A-199 Instant Game Number 199, 315-11A-200 Instant Game Number 200, 315-11A-201 Instant Game Number 201, 315-11A-202 Instant Game Number 202, 315-11A-203 Instant Game Number 203, 315-11A-204 Instant Game Number 204, 315-11A-205 Instant Game Number 205, 315-11A-206 Instant Game Number 206, 315-11A-207 Instant Game Number 207, 315-11A-208 Instant Game Number 208, 315-11A-209 Instant Game Number 209, 315-11A-210 Instant Game Number 210, 315-11A-211 Instant Game Number 211, 315-11A-212 Instant Game Number 212, 315-11A-213 Instant Game Number 213, and 315-11A-214 Instant Game Number 214.

Citation of Existing Rules Affected by this Order: Repealing WAC 315-11A-165 and 315-11A-187 through 315-11A-214.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under preproposal statement of inquiry filed as WSR 00-02-055 on January 3, 2000.

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 29.

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.

March 20, 2000

Mary Jane Ferguson
Rules Coordinator

WSR 00-07-140
PERMANENT RULES
GAMBLING COMMISSION

[Order 381—Filed March 22, 2000, 11:14 a.m., effective July 1, 2000]

Date of Adoption: March 10, 2000.

Purpose: These changes streamline the bingo rules that charitable and nonprofit organizations operate under. Gambling proceeds, net return and the qualification to be considered an active member were redefined; the retention period of some bingo records was reduced; political contributions are no longer required to be reported to the commission, as they are reported to the Public Disclosure Commission; electronically generated formats or inventory control are allowed as an inventory control format; bingo operators are allowed to offer free and discounted food and nonalcoholic beverages to their players; language was added to clarify that a maximum of sixty-six electronic bingo cards may be played at one time; and language that was redundant with other rules was removed for streamlining purposes.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-08-100, 230-20-120 and 230-20-110; and amending WAC 230-02-108, 230-02-123, 230-02-183, 230-08-080, 230-08-105, 230-12-050, 230-20-244, 230-20-220, 230-20-243, and 230-12-078.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 00-04-099 on February 2, 2000, with a publication of February 16, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 10, Repealed 3; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2000.

March 22, 2000
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending WSR 94-01-035, filed 12/6/93, effective 1/6/94)

WAC 230-02-108 Gambling proceeds defined. For purposes of this title, "gambling proceeds" means((:

(+)) all moneys remaining from the operation of any gambling activity after payment of prizes and necessary expenses.

(1) Expenses are deemed to be necessary when ~~((the activity can not be operated without such,))~~ they are required to operate an activity (such as taxes and license fees) or they improve the overall profitability of the activity by increasing gross gambling receipts more than the corresponding increase in expenses(~~;~~and)).

(2) ~~((All assets obtained with moneys generated from gambling activities.))~~ All assets of the organization are presumed to be obtained with gambling proceeds unless the organization maintains complete separation of funds generated from nongambling sources from funds generated from gambling activities.

AMENDATORY SECTION (Amending Order 303, filed 11/21/96, effective 12/22/96)

WAC 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception. No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized activity, or which enables a person to play in an authorized activity. The consideration required to participate in the activity shall be collected in full, by cash, check, or electronic point-of-sale bank transfer, prior to participation: Provided, That this prohibition shall not apply to the following situations:

Punch boards/pull-tabs.

(1) The consideration paid for the opportunity to play a punch board or pull-tab series may be collected immediately after the play is completed only when such consideration is ten dollars or less;

Charitable/nonprofit organization's billing system for members.

(2) When a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by chapter 9.46 RCW or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

(a) The playing of such activity is limited to regular members of such organization who have become regular members prior to the commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

(b) The commission has given its prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

PERMANENT

Raffle tickets purchased with credit cards.

(3) Charitable or nonprofit organizations utilizing credit cards, issued by a state and/or federally regulated financial institution, for payment to participate in raffles; and

Promotional gifts.

(4) Promotional gifts detailed below:

(a) The providing of free or discounted food, drink, or merchandise to card players at a public card room;

(b) Promotional activities conducted as a part of bingo games and authorized by WAC 230-20-125;

(c) Performances as authorized by WAC 230-20-111;

(d) Free play for card playing as authorized by WAC 230-40-050(4);

(e) "Free roll" or customer appreciation tournaments as authorized by WAC 230-40-055(2); and

(f) Promotional game cards meeting the standards of WAC 230-46-070 (1), (a), (b), (c), (d), (e).

Food and drink to bingo players.

(5) Free or discounted food or nonalcoholic drink to bingo players.

AMENDATORY SECTION (Amending Order 303, filed 11/21/96, effective 12/22/96)

WAC 230-02-123 Charitable or nonprofit organizations—Net return defined. "Net return" is the total (~~amount of return~~) percentage returned from the operation of bingo games after payment of reasonable prizes and necessary expenses.

(1) Net return (~~is expressed as a percent of bingo gross gambling receipts and~~) is computed by dividing bingo gross gambling receipts into the combined net income from bingo games, punch boards/pull-tabs, amusement games, raffles conducted in conjunction with bingo games, (~~and~~) food, drink, or other retail sales activities conducted in conjunction with bingo games, and allowable income from rental of the gaming facility.

(2) For purposes of computing net return, local gambling taxes for bingo, punch boards/pull-tabs, and amusement games, whether paid or accrued, will be added to the accounting net income.

AMENDATORY SECTION (Amending WSR 95-07-093, filed 3/17/95, effective 7/1/95)

WAC 230-02-183 Active member defined. For purposes of this title, "active member" means an individual who is a "bona fide member," as defined by RCW 9.46.0261, and meets all of the requirements set out below:

Reason for joining the organization.

(1) Did not join the organization specifically to participate in, or be an operator or manager of, gambling activities;

Ability to vote.

(2) Is authorized to vote in the election of officers or board members who determine the policies of the organization;

Length of membership.

(3) Has been a member for at least twelve months preceding an application for a gambling license, or has been accepted as a member according to guidelines set out in the organization's bylaws and such acceptance recorded in the official minutes of a regular membership meeting: Provided, That the minimum time provision does not apply to board members or directors if the organization's membership consists entirely of board members or directors elected or appointed for a limited term;

Membership criteria.

(4) Complies with membership criteria, as set out in the organization's bylaws;

Location of residence and meeting attendance.

(5) Lives within the boundaries of Washington state or, if outside the state boundaries, lives within one hundred miles of the main administrative offices of the organization which is located within Washington state or attends seventy-five percent of board meetings: Provided, That the director may waive the requirements of this subsection for organizations applying for a license to conduct raffles only;

Age limit.

(6) Is at least eighteen years old: Provided, That the director may waive this provision when:

(a) The organization's primary purpose is the development of youth;

(b) The organization is applying for a license to conduct only raffles or amusement games;

(c) The organization has at least three members or advisors that are at least eighteen years of age who supervise the operation of the activity; and

(d) One of the adult members or advisors shall be designated as the manager of the activity. This member shall be responsible for ensuring that all activities are operated in accordance with all requirements of the commission and shall attend training required by WAC 230-04-020;

Member participation.

(7) Has participated directly in the activities conducted by the organization over the past twelve months. For purposes of this section, participation by a member in any of the following activities during the twelve-month period immediately preceding an application for certification shall be prima facie evidence of direct participation:

(a) Attended at least one regular membership meeting; or

(b) Voted in person or, if authorized by the organization's bylaws, by proxy at a meeting at which officers and/or board members were elected; or

(c) Has been actively involved in policy setting for the organization by serving as a member of the board of directors or a similar policy setting position; or

(d) Has paid dues imposed by the organization; or

(e) Has served as a volunteer providing services or raising funds from nongambling sources; or

(f) Has maintained a level of communications with the organization that would allow them to demonstrate in-depth knowledge regarding the activities of the organization. In-depth knowledge would include:

(i) The types of program services provided;

(ii) The scope of program services provided;

(iii) Sources and levels of funding available to the organization; and

(iv) Key plans, including major programs and capital projects.

Cities and towns exempted.

(8) Incorporated towns or cities applying for a license to conduct gambling activities are exempted from all requirements of this section. The citizens of an incorporated town or city, who are registered to vote in the election for the mayor or governing body of such town or city, are deemed to be "active members" of such towns and cities.

AMENDATORY SECTION (Amending Order 369, filed 12/1/98, effective 1/1/99)

WAC 230-08-080 Daily records—Bingo. In addition to any other requirement set forth in these rules, licensees for the operation of bingo shall be required to prepare a detailed record covering each bingo session as defined in WAC 230-02-104: Provided, That operators of bingo games conducted at qualified agricultural fairs and other special locations shall be exempt from this rule, but will be required to keep all operator records by location in order to properly report all information as required by WAC 230-08-250. This detailed daily record shall disclose the following information for each separate session conducted during a bingo occasion:

Gross gambling receipts.

(1) The gross gambling receipts collected for each separate type of sale, of any kind, for bingo games including, but not limited to, regular games, early bird games, blackout games, special games, or pick up games. These gross gambling receipts shall be supported by receipting records required by WAC 230-20-101 and inventory control records required by WAC 230-08-105. Licensees using the combination receipting method shall reconcile the extended value of all disposable cards, packets of cards, and electronically generated cards sold to the amount of sales recorded per the cash register;

Prizes paid.

(2) The amount paid out or accrued for prizes awarded for each bingo game. Each session record shall contain the following minimum information regarding prizes awarded:

(a) The game number;

(b) The dollar amount or the actual cost of each prize;

(c) A complete description of all noncash prizes;

(d) The consecutive number of the prize receipt issued for each prize;

(e) The duplicate copy of the prize receipt issued for all prizes awarded during the session or the merchandise prize receipt log as allowed by WAC 230-20-102(4);

(f) The check number of all checks used to pay winners of bingo games: Provided, That if the payment must be made by check under the guidelines of WAC 230-20-102 (1)(c), the duplicate copy must be maintained as a part of the session records;

(g) Full details of prizes accrued; and

(h) For accrued prizes contributed to a linked bingo prize:

(i) The amount of the contribution;

(ii) The amount of any consolation prize paid by the licensee for a linked bingo prize game; and

(iii) The name of the linked bingo prize provider to whom the contribution is made;

Net gambling receipts.

(3) The net gambling receipts from each bingo session;

Cash on hand.

(4) The cash on hand at the commencement and the conclusion of each session;

Reconciliation of bank deposits.

(5) A reconciliation of cash on hand, net gambling receipts, and the bank deposit of net revenue for each session. The bank deposit shall be supported by a validated copy of the bank deposit receipt. Steps taken to reconcile overages and/or shortages that exceed twenty dollars for any session must be documented;

Attendance.

(6) An attendance record indicating the number of people participating ((and the time the attendance count was made));

Numbers or symbols selected.

(7) All bingo numbers or symbols selected and called during any game that offers a prize exceeding two hundred dollars. The numbers or symbols shall be recorded in the sequence selected. A computer generated "call sheet" may be used in lieu of a manual record if a print-out of results is made;

Winning cards or face numbers.

(8) The winning card or face number(s) for each individual prize awarded that exceeds two hundred dollars: Provided, That if the game is played using disposable bingo cards, the winning card or sheet of cards may be retained in lieu of the card numbers;

Schedule of games to be played.

(9) A copy of the schedule of the games to be played and prizes available for the session: Provided, That if the record

is annotated with the effective dates of each game schedule, it may be maintained separately and updated only when a change occurs. Any changes to the advertised and printed game and prize schedule, that occur during a session, must be noted in the session records and verified by the signature of the gambling manager assigned primary responsibility for supervising the session and another bingo worker on duty during the session;

Review of records by gambling manager required.

(10) The gambling manager assigned primary responsibility for supervising the bingo session(s) must review all session records for accuracy, determine that required information is provided, and confirm the required deposit amount(s). After satisfactory completion of this review, the records must be signed by the gambling manager responsible for supervising the session before the gambling manager leaves the premises on the day(s) the session(s) was conducted; and

Format of records and length of retention.

(11) All records required by this section shall be:

- (a) Recorded in a standard format prescribed by the commission;
- (b) Recorded during the course of each session; and
- (c) Retained for a period of not less than twenty-four months, with the exception of the session summary which shall be retained for a period of not less than three years.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-08-100 Political contributions of licensees to be reported.

AMENDATORY SECTION (Amending Order 293, filed 6/18/96, effective 7/19/96)

WAC 230-08-105 Disposable bingo cards—Inventory control record. All disposable bingo cards purchased or otherwise obtained must be controlled and accounted for by the licensee. This control function shall be accomplished by maintaining an inventory control record prepared in a format prescribed by the commission for Class D and above licensees: Provided, That alternative formats, including electronically generated formats, accomplishing regulatory requirements may be approved by commission staff.

Purchase invoices.

(1) All purchase invoices, or a photocopy thereof, for disposable bingo cards received must be maintained on the bingo premises;

Packing slips.

(2) Manufacturer packing records, required by WAC 230-20-192, shall be maintained as a part of the inventory control record;

Information to be recorded for disposable bingo cards.

(3) The following information must be recorded for disposable bingo cards immediately after purchase or before the next bingo occasion:

- (a) The identification and inspection services stamp number;
- (b) The serial number or, if packets, the serial number of the top page;
- (c) The number of cards or card packets in the series;
- (d) The type of card or card packet;
- (e) The purchase invoice number;
- (f) The purchase invoice date;
- (g) Date and session first placed into play; and
- (h) The dollar value assigned each sheet or card packet when placed into play;

Combination receipting method.

Information to be recorded for disposable bingo cards.

(4) In addition to the information required in subsection (3) of this section, licensees using the combination receipting method, per WAC 230-20-108, shall record the following for each session sets or collations of cards are sold:

- (a) The session number and date;
- (b) The beginning and ending audit control numbers of the top page of the packets;
- (c) Adjustments for any missing packets, per the manufacturer's packing record;
- (d) The number of packets distributed to sales points and returned as unsold;
- (e) Total packets issued;
- (f) The value of each packet;
- (g) The extended value obtained by multiplying total packets issued times the value of each packet. This total shall be carried forward to the "Daily Bingo Summary" and reconciled to the amount of sales per the cash register record; and
- (h) The cumulative number of packets issued from the collation, session-to-date;

Dividing cards into subgroups.

(5) Licensees using the combination receipting method may divide sets or collations of cards into no more than ten subgroups only if the information required by subsections (3) and (4) of this section are recorded for each subgroup.

AMENDATORY SECTION (Amending WSR 94-01-035, filed 12/6/93, effective 1/6/94)

WAC 230-12-078 Bona fide charitable or nonprofit organizations—Responsibilities—Independent management control structure required. It shall be the affirmative responsibility of each charitable or nonprofit organization licensed to conduct gambling activities, and its officers or board of directors, to ensure the legislative intent regarding gambling activities is met.

Independent management control system for all charitable/nonprofit organizations.

(1) This responsibility shall be fulfilled by developing and maintaining an independent management control system that ensures the following:

- (a) Gambling activities are closely supervised and operated according to commission guidelines;
- (b) Gambling proceeds are used solely to advance the purposes of the organization;
- (c) All assets of the organization are protected from misuse or defalcation; and
- (d) An operating environment that facilitates implementation of the officers' or board of directors' policies is maintained.

Group III, IV or V management control system.

(2) Each charitable or nonprofit organization licensed to conduct gambling activities in Groups ~~(H or Group)~~ III, IV or V, as defined in WAC 230-04-040, shall fulfill its responsibilities by:

- ~~((+))~~ (a) Developing and implementing a management control system which:
- ~~((+))~~ (b) Will be overseen by an independent slate of officers or board of directors, that has been elected by a process in which all active members have a single vote;
- ~~((+))~~ (c) Includes written policies which set the responsibilities of officers, board of directors, and employees;
- ~~((+))~~ (d) Includes written policies establishing the scope of authority delegated to officers, board of directors, and employees;
- ~~((+))~~ (e) Includes affirmative management and accounting controls that ensure that all funds and other assets directly or indirectly obtained with gambling proceeds are protected from misuse, dedicated solely to the purposes of the organization, and do not inure to the private use of any person. For purposes of this section, the following uses of gambling proceeds shall not be deemed inurement:

- (i) Providing program services to members or the public; or
- (ii) Expenditures for necessary expenses, including salaries or wages for services to perform the purposes of the organization. Salaries or wages paid to members, officers, board of directors, or direct family members of any of the preceding, shall not be deemed inurement if they are necessary, reasonable, and the decision to pay such is made in an independent management control environment.

~~((+))~~ (f) Includes a planning process that sets goals regarding uses of gambling proceeds and allows the officers or board of directors to monitor progress toward meeting such goals: Provided, That organizations reserving funds in endowments or trust funds under limitations in WAC 230-04-024 (8)(b) and (c) must have a formal business plan or budget outlining uses of such;

~~((+))~~ (g) Includes a system of internal accounting controls that is designed to reduce errors, minimize risk of defalcations, and safeguard assets. The organization's officers or board of directors shall implement procedures to monitor established controls for compliance. The internal accounting control system shall include at least the following controls:

- (i) Management approval for expenditures;
 - (ii) Procedures that restrict access to assets to only those individuals authorized by management;
 - (iii) Procedures to ensure all transactions are recorded in accordance with generally accepted accounting principles. Transactions shall be recorded with enough detail to maintain accountability of assets; and
 - (iv) Periodic comparison of recorded assets to physical assets and reconciliation of all differences.
- ~~((+))~~ (h) Will be documented and available for commission staff review.

Independent operating environment - conflicts of interest.

~~((2))~~ (3) Maintaining an independent operating environment. An organization's operating environment will be independent when its officers, board members, and supervisory level employees completely separate their personal interests and the interest of the organization: Provided, That an organization shall not be in violation of this section if individual officers or board members acknowledge potential conflicts of interest and abstain from voting on issues that directly or indirectly affect their personal interest. Any potential conflicts of interest situations involving supervisor level employees must be reviewed and approved by the governing board of the organization. All discussions or balloting regarding potential conflicts of interest shall be recorded in the official meeting minutes. Any of the following actions by officers, board members, or supervisory level employees that are not approved by the board of directors and documented in the official minutes shall provide a presumption of the lack of an independent operating environment:

- (a) They directly or indirectly receive financial or personal benefit from the organization or share in gambling proceeds of the organization; or
- (b) They are directly or indirectly responsible for supervision of, or have decision-making authority over transactions that may result in direct or indirect financial or personal benefit to: Their direct relatives, including spouses, parents, children, siblings, and similar relationships, whether by blood, adoption, or marriage; persons with whom they maintain a common household; or persons with whom they have a business relationship; or
- (c) They directly or, through lack of action, indirectly allow others to receive or share in the gambling proceeds of the organization.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-110

Prohibited practices.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-120 No free food or beverages to be provided at bingo games—Exceptions.

AMENDATORY SECTION (Amending WSR 95-12-051, filed 6/2/95, effective 7/3/95)

WAC 230-20-220 Bingo operators shall not play in bingo games. Except as authorized by this section, no bingo operator shall allow ((a)) any person who ((receives any compensation, directly or indirectly, for the operation of, any bingo game conducted by the operator)) participates in the operation or management of a bingo game to play in ((a)) any bingo games conducted by that ((operator)) licensee.

((No operator shall allow any person who, without payment, assists in the operation of any bingo game conducted by that operator to play in any bingo game conducted by that operator on the same bingo occasion. However, the second paragraph of this rule shall not apply to Class A, B, and C bingo licensees, or to games operating under the authority of chapter 9.46 RCW.)) This prohibition shall not apply to the following:

(1) Persons that work without compensation: Provided, That volunteers shall not be allowed to play at bingo sessions during which they participate in the management or operation; or

(2) Class A, B, or C bingo licensees.

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-20-243 Hidden face bingo games. Licensees may play bingo games that allow cards to be sold after numbers or symbols have been selected and called if the numbers or symbols imprinted on the cards can not be determined by any means prior to being opened by the player. The following restrictions apply to games involving hidden face bingo cards:

Card requirements.

(1) Cards meeting the requirements of WAC 230-20-192 must be used;

Sales receipt and inventory control record.

(2) The disposable bingo card receipting method (WAC 230-20-101(4)) must be used to receipt for sales of these cards and all inventory requirements set out in WAC 230-08-105 apply;

Duplicate cards shall not be sold.

(3) To ensure that duplicate cards are not sold during a game, strict compliance with consecutive issuance of cards must be followed and each complete set and/or subset of cards must be sold in its entirety prior to issuance of any cards from a different set and/or subset: Provided, That cards from

more than one set may be sold during a game if care is taken to ensure that duplicate cards are not sold;

Play shall be completed during each session.

(4) All play must be completed during a single session and only involve cards that are sold during that session;

"On-the-way" games.

(5) A new set of numbers or symbols shall be selected and called for each game or set of games if "on-the-way" games are played. Players that have paid to participate in the game must be present when the numbers or symbols are selected;

Separate display board for numbers called.

(6) The licensee must have a separate display board, visible to the players, for displaying numbers called. The numbers must be constantly displayed until the game is completed: Provided, That for purposes of this section, alternative displays may be utilized in lieu of a flashboard, as required by WAC 230-20-240, if the numbers are displayed on the electronic flashboard during all number selection periods; ((and))

Posting requirements.

(7) The requirements of what constitutes a completed game must be documented and clearly posted for player review; and

Instant winner games.

(8) Instant winner games may be operated only as authorized in WAC 230-20-241(2).

AMENDATORY SECTION (Amending Order 255, filed 8/16/94, effective 9/16/94)

WAC 230-20-244 Electronic bingo card daubers—Definition—Operating restrictions—Standards. The commission deems that any device, apparatus, or scheme that allows a player in any gambling activity a material advantage over other players is against public policy and restriction of such is in the public's interest. Electronic bingo card marking devices or daubers are deemed to provide a player a material advantage unless operated in accordance with subsection (2) of this section. For purposes of this title, the following definitions, restrictions, and standards apply to such devices:

Definition.

(1) Electronic bingo card daubers are defined as electronic appliances used by players to identify bingo cards that contain numbers or symbols input by a player. These devices electronically store preprinted bingo cards purchased by a player, provide a means for players to input numbers or symbols called by the operator, compare the numbers or symbols input by the player to bingo cards previously stored in an electronic data base, and identify to the player those stored bingo cards that contain the numbers or symbols input by the player: Provided, That player-owned devices, which are not directly interfaced with or connected to equipment used to

conduct bingo games or the electronic data base in which electronically generated bingo cards are stored in any manner, are not "electronic bingo card daubers" for purposes of this title;

Operating restrictions.

(2) Electronic bingo card daubers will not be deemed to provide players a material advantage and may be used by players in bingo games when operated in the following manner:

Player responsibilities.

(a) The player must perform at least the following functions:

(i) Input each number or symbol called by the operator into the memory of the dauber unit by use of a separate input function for each number symbol. Automatic or global marking of numbers or symbols is prohibited;

(ii) Notify the operator when a winning pattern or "bingo" occurs by means that do not utilize the dauber unit or the associated system; and

(iii) Identify the winning card and display the card to the operator;

Maximum number of cards to be played during each game.

(b) Each player using an electronic dauber is limited to playing a maximum of sixty-six cards with the assistance of an electronic dauber during any game;

Reserving electronic bingo card daubers.

(c) Operators shall not reserve electronic daubers for any player. An operator must devise and disclose to players a scheme for assignment of dauber units to players during each session. Such schemes shall allow all players an equal opportunity to utilize the available dauber units. If a drawing is used to assign dauber units to players, the operator shall ensure that each player participating in the drawing has an equal chance to win: Provided, That operators that offer electronic dauber units shall reserve at least one device for players with disabilities that would restrict their ability to mark cards and such disabilities are consistent with definitions set forth in the Americans with Disabilities Act (ADA). If there are no requests for use of this unit prior to fifteen minutes before the scheduled start of the session, it may be made available for use by any players;

Fees.

(d) If operators charge players a fee for use of the electronic daubers, such fees must be a flat fee and shall not be based on the number or dollar value of cards purchased. Fees charged shall be treated as rental income and may be used to reduce any expenses of operating these devices for compliance with net income requirements. Rental fees shall be considered bingo receipts for purposes of WAC 230-12-020: Provided, That players with disabilities that would restrict their ability to mark cards and such disabilities are consistent with the ADA shall not be required to pay a rental fee or to comply with minimum purchase requirements imposed on all

players utilizing electronic daubers. Such players are required to comply with any minimum purchase requirement imposed on all players by an operator;

Card requirements.

(e) Each player utilizing an electronic dauber must have in their possession cards that meet all requirements of WAC 230-20-240 and 230-20-101(3). Electronic images of cards or faces stored in such devices are for player convenience only and are not bingo cards for purposes of this title;

Leasing by an operator.

(f) If the electronic daubers are leased to an operator, the lease cannot be based in whole or part on the amount of bingo card sales or rental income derived from such devices; and

Discounts and marketing schemes.

(g) The use of electronic daubers is prohibited when a licensee utilizes any marketing scheme for cards that results in a decrease in the per unit price of each card as the number of cards purchased increases: Provided, That a single discount level is authorized for each type of card sold if:

- (i) The licensee has a minimum purchase requirement;
- (ii) The discount applies to all additional cards purchased; and
- (iii) "All you can play" schemes are prohibited;

Standards.

(3) Electronic bingo card daubers must meet the following standards:

- (a) Be manufactured by licensed manufacturers;
- (b) Be sold, leased, and serviced by licensed distributors or manufacturers: Provided, That operators may perform routine maintenance on devices under their control;
- (c) Not be capable of accessing the electronic computer system in any manner that would allow modification of the program which operates and controls the dauber units or the cards stored in the electronic data base; and
- (d) Be capable of complying with applicable requirements of WAC 230-20-101(3).



WSR 00-07-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-27—Filed March 1, 2000, 1:44 a.m., effective April 1, 2000, 12:01 a.m.]

Date of Adoption: February 29, 2000.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Closes game fish angling on the North Fork Lewis and Cowlitz rivers during times and in areas of high salmon concentrations and abundance. These areas are also closed for salmon angling in spring 2000 to allow for hatchery escapement despite a low run size. Action is consistent with an announcement by the state of Washington during a hearing on sport fisheries on February 23, 2000, and is consistent with requirements of the Endangered Species Act. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 1, 2000, 12:01 a.m.

February 29, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900H Exceptions to state wide rules.
 Notwithstanding the provisions of WAC 232-28-619:

1. Effective 12:01 a.m. April 1 through June 15, 2000, it is unlawful to fish for gamefish from the south side of the Cowlitz River in those waters downstream from the Barrier Dam to a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

2. Effective 12:01 a.m. April 1 through June 15, 2000, it is unlawful to fish for gamefish in the waters of the North Fork Lewis River from Colvin Creek upstream to Merwin Dam. Bank fishing only from Johnson Creek to Colvin Creek 12:01 a.m. May 1, 2000 until further notice.

WSR 00-07-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-26—Filed March 1, 2000, 1:47 p.m., effective March 4, 2000, 12:01 a.m.]

Date of Adoption: February 29, 2000.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-57-175, 220-57-187, 220-57-255, and 220-57-319.

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: Modifies spring chinook sport fisheries on several tributaries for spring chinook. Projected returns of spring chinook to the Cowlitz and Lewis rivers will not achieve hatchery escapement needs with standard sport fisheries. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, 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: March 4, 2000, 12:01 a.m..

February 29, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-57-17000U Cowlitz River. Notwithstanding the provisions of WAC 220-57-175:

(1) Effective 12:01 a.m. March 4, 2000 through May 31, 2000, special daily limit of one salmon in those waters downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam to the mouth.

(2) Effective 12:01 a.m. April 1 through May 31, 2000 closed to fishing from the south bank from the boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam downstream to mouth of Mill Creek.

(3) Effective 12:01 a.m. June 1, 2000 until further notice closed to salmon angling in those waters downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam to the mouth are closed to salmon angling.

NEW SECTION

WAC 220-57-18700D Deep River. Notwithstanding the provisions of WAC 220-57-187, effective 12:01 a.m. April 1, 2000 until further notice, it is unlawful to take, fish for or possess salmon in those waters of the Deep River except in the following areas and times:

Area: Downstream from the town bridge to the mouth
Daily Limit: six salmon (no more than two adults)

NEW SECTION

WAC 220-57-25500G Green River. (Cowlitz County) Notwithstanding the provisions of WAC 220-57-255, effective April 1, 2000 until further notice, it is unlawful to take, fish for or possess salmon in those waters of the Green River except in the following areas and times:

1. Area: From 400 feet below the hatchery intake to the mouth.

Dates: From April 1, 2000 through May 31, 2000
Daily limit: Six salmon, not more than two adults.

2. Area: From the 2800 Road Bridge to the mouth.

Dates: From June 1, 2000 until further notice.
Daily limit: Six salmon, not more than two adults.

NEW SECTION

WAC 220-57-31900Z Lewis River. Notwithstanding the provisions of WAC 220-57-319:

(1) Mainstem - Effective 12:01 a.m. March 4, 2000 until further notice special daily limit of one salmon downstream from east fork to mouth.

(2) North Fork -

(a) Effective 12:01 a.m. March 4, 2000 until further notice closed to fishing for salmon downstream from Merwin Dam to Colvin Creek.

(b) Effective 12:01 a.m. March 4, 2000 until further notice special daily limit of one salmon in those waters downstream from Colvin Creek to the mouth.

(c) Effective 12:01 a.m. May 1, 2000 until further notice bank fishing only from Colvin Creek downstream to Johnson Creek.

(d) At all times it is unlawful to take, fish for or possess salmon taken for personal use from water shoreward of the

cable, buoy, and corkline located at the mouth of the Lewis River Salmon Hatchery Fishway.

**WSR 00-07-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-28—Filed March 10, 2000, 4:33 p.m., effective March 13, 2000]

Date of Adoption: March 9, 2000.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
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 sea urchins exist in the areas described. A maximum daily landing limit is needed to prevent overharvest of the non-Indian share in the San Juan Area and Griffin Bay SMA. Two divers are allowed when a vessel is designated on two licenses, consistent with SB 5658 passed by the 1999 legislature. Prohibition of all diving within two days of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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: March 13, 2000.

March 9, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07300W Sea urchins Notwithstanding the provisions of WAC 220-52-073, effective March 13, 2000 until further notice it is unlawful to take or possess sea

urchins taken for commercial purposes except as provided for in this section:

(1) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Monday, March 13, 2000. The maximum daily landing for a vessel on March 13, 2000 is 2,000 pounds of red sea urchins. The Griffin Bay Special Management Area is open only on Tuesday, March 14, 2000. The maximum daily landing for a vessel on March 14, 2000 is 2,000 pounds of red sea urchins. It is unlawful to harvest red sea urchins smaller than 4.0 inches or larger than 5.5 inches (size in diameter exclusive of the spines).

(2) Green sea urchins: Sea Urchin Districts 3 and 4 are open only on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays each week until further notice. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvest operation or when commercial quantities of sea urchins are aboard, except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

(4) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel on Saturdays and Sundays of each week, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources.

(5) Sea Urchin Districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins when fishing is allowed in Sea Urchin District 2:

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(6) Griffin Bay Special Management Area: Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island to the northernmost

point of Turn Island and thence projected true west to San Juan Island.

**WSR 00-07-073
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-30—Filed March 14, 2000, 11:39 a.m., effective March 16, 2000, 12:01 a.m.]

Date of Adoption: March 14, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900I; and amending WAC 220-57-160 and 232-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Closes mainstem Columbia River to salmon and steelhead fishing because impacts to ESA listed stocks (upper Columbia spring and Snake spring/summer) are now expected to occur in this fishery, and because the NMFS has not issued an incidental take permit allowing those impacts. This rule will conform Washington and Oregon rules in concurrent waters of the Columbia River. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, 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: March 16, 2000, 12:01 a.m.

March 14, 2000

J. P. Koenings

Director

NEW SECTION

WAC 220-57-16000V Columbia River. Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. March 16, 2000 until further notice it is unlawful to take, fish

for, or possess salmon in the Columbia River from the Interstate 5 Bridge downstream to the mouth.

NEW SECTION

WAC 232-28-61900I Exceptions to statewide rules. Notwithstanding the provisions of WAC 232-28-619 effective 12:01 a.m. March 16, 2000 through March 31, 2000 it is unlawful to take, fish for, or possess steelhead in those waters of the Columbia River from Bonneville Dam downstream to the mouth.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. March 31, 2000:

WAC 232-28-61900I Exceptions to statewide rules.

**WSR 00-07-089
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed March 15, 2000, 2:26 p.m., effective April 1, 2000]

Date of Adoption: March 15, 2000.

Purpose: These amendments change income standards to reflect the new federal poverty level (FPL). These changes will increase the number of people eligible for the medical programs based on the FPL, pregnant women, children and those eligible for Medicare cost-sharing programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0075 and 388-478-0085.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.04.057, 74.09.530 and the poverty guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act (42 U.S.C. 9902(2)).

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; and 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 increase in FPL must go into effect by April 1, 2000, to comply with federal requirements.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: April 1, 2000.

March 15, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-19-005, filed 9/3/99, effective 10/4/99)

WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL). (1) The department bases the income standard upon the Federal Poverty Level (FPL) for the following medical programs:

- (a) Children's health program ((is)) up to one hundred percent of FPL;
- (b) Pregnant women's program ((is)) up to one hundred eighty-five percent of FPL;
- (c) Children's categorically needy program ((is)) up to two hundred percent of FPL; and
- (d) The children's health insurance program (CHIP)((~~effective January 1, 2000,~~)) is over two hundred percent of FPL but under two hundred fifty percent of FPL.

(2) Beginning April 1, ((1999)) 2000, the monthly FPL standards are:

FAMILY SIZE	100% FPL	185% FPL	200% FPL	250% FPL
1	\$((687)) <u>696</u>	\$((1271)) <u>1288</u>	\$((1374)) <u>1392</u>	\$((1717)) <u>1740</u>
2	\$((922)) <u>938</u>	\$((1706)) <u>1735</u>	\$((1844)) <u>1875</u>	\$((2305)) <u>2344</u>
3	\$((1157)) <u>1180</u>	\$((2140)) <u>2182</u>	\$((2314)) <u>2359</u>	\$((2892)) <u>2948</u>
4	\$((1392)) <u>1421</u>	\$((2575)) <u>2629</u>	\$((2784)) <u>2842</u>	\$((3480)) <u>3553</u>
5	\$((1627)) <u>1663</u>	\$((3010)) <u>3076</u>	\$((3254)) <u>3325</u>	\$((4067)) <u>4157</u>
6	\$((1862)) <u>1905</u>	\$((3445)) <u>3523</u>	\$((3724)) <u>3809</u>	\$((4655)) <u>4761</u>
7	\$((2097)) <u>2146</u>	\$((3879)) <u>3970</u>	\$((4194)) <u>4292</u>	\$((5242)) <u>5365</u>
8	\$((2332)) <u>2338</u>	\$((4314)) <u>4417</u>	\$((4664)) <u>4775</u>	\$((5830)) <u>5969</u>
9	\$((2567)) <u>2623</u>	\$((4749)) <u>4852</u>	\$((5134)) <u>5245</u>	\$((6417)) <u>6557</u>

EMERGENCY

FAMILY SIZE	100% FPL	185% FPL	200% FPL	250% FPL
10	\$((2802)) <u>2858</u>	\$((5184)) <u>5287</u>	\$((5604)) <u>5715</u>	\$((7005)) <u>7144</u>

Add to the ten person standard for each person over ten:

	\$((235)) <u>242</u>	\$((435)) <u>448</u>	\$((470)) <u>484</u>	\$((588)) <u>605</u>
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(3) There are no resource limits for the programs under this section.

AMENDATORY SECTION (Amending WSR 99-19-005, filed 9/3/99, effective 10/4/99)

WAC 388-478-0085 Medicare cost sharing programs—Monthly income and countable resources standards. (1) The qualified Medicare beneficiary (QMB) program income standard is up to one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, ((1999)) 2000, the QMB program's income standards are:

- (a) One person \$ ((687)) 696
- (b) Two persons \$ ((922)) 938

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of FPL, but under one hundred twenty percent of FPL. Beginning April 1, ((1999)) 2000, the SLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$ ((687.01)) <u>696.01</u>	\$ ((824)) <u>835</u>
(b) Two persons	\$ ((922.01)) <u>938.01</u>	\$ ((1106)) <u>1125</u>

(3) The expanded special low-income Medicare beneficiary (ESLMB) program income standard is over one hundred twenty percent of FPL, but under one hundred thirty-five percent of FPL. Beginning April 1, ((1999)) 2000, the ESLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$ ((824.01)) <u>835.01</u>	\$ ((927)) <u>940</u>
(b) Two persons	\$ ((1106.01)) <u>1125.01</u>	\$ ((1245)) <u>1266</u>

(4) The qualified disabled working individual (QDWI) program income standard is standard is ((based upon)) up to two hundred percent of FPL. Beginning April 1, ((1999)) 2000, the QDWI program's income standards are:

- (a) One person \$ ((1374))
1392
- (b) Two persons \$ ((1844))
1875

(5) The qualified individual (QI) program income standard is over one hundred thirty-five percent of FPL, but under one hundred seventy-five percent of FPL. Beginning April 1, ((1999)) 2000, the QI program's income standards are:

	Minimum	Maximum
(a) One person	\$ ((927.01)) <u>940.01</u>	\$ ((1202)) <u>1218</u>
(b) Two persons	\$ ((1245.01)) <u>1266.01</u>	\$ ((1613)) <u>1641</u>

(6) The resource standard for the Medicare cost sharing programs in this section is:

- (a) One person \$ 4000
- (b) Two persons \$ 6000

**WSR 00-07-098
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-32—Filed March 17, 2000, 3:06 p.m., effective March 19, 2000, 6:00 p.m.]

Date of Adoption: March 17, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-330.

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: Test fishing results from Marine Area 12 (Hood Canal) and that part of Marine Area 9 north of the Hood Canal bridge and south of a northwesterly line from Foulweather Bluff to Olele Point do not meet hardshell criteria established by agreed state/tribal management plans. The plans require closures of crab pot fisheries when the occurrence of hardshell legal male crab taken in test fishing pots falls below 80%. Recent sampling shows the occurrence of legal hardshell males to average 45%. The hardshell criteria were established to prevent unacceptable handling mortality and resource loss. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

EMERGENCY

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: March 19, 2000, 6:00 p.m.

March 17, 2000

J. P. Koenings

Director

by Larry Peck

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: March 18, 2000, 6:00 p.m.

March 16, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000X Personal use crab fishery—Softshell closure Notwithstanding the provisions of WAC 220-56-330, effective 6:00 p.m. March 19, 2000 until further notice, it is unlawful to fish for crab for personal use using shellfish pot gear from Marine Area 12 (Hood Canal) and that part of Marine Area 9 north of the Hood Canal bridge and south of a northwesterly line from Foulweather Bluff to Olele Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. March 18, 2000:

WAC 220-32-05100R Columbia River salmon seasons above Bonneville Dam. (00-13)

**WSR 00-07-099
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-31—Filed March 17, 2000, 3:10 p.m., effective March 18, 2000, 6:00 p.m.]

**WSR 00-07-109
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-33—Filed March 20, 2000, 8:32 a.m., effective March 20, 2000, 12:00 noon]

Date of Adoption: March 16, 2000.

Purpose: Amend commercial rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100R.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Columbia River treaty tribes have proposed to close the winter commercial fishery in all of Zone 6 because the sturgeon guideline of 1,000 - 1,200 fish in The Dalles Pool is expected to be achieved by March 18, 2000. Rule is consistent with compact action of March 14, 2000, and conforms state and tribal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Date of Adoption: March 17, 2000.

Purpose: Amend commercial rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-32-057.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation opens set line season in Bonneville and John Day pools, where harvestable numbers of sturgeon are available. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

EMERGENCY

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: March 20, 2000, 12:00 noon.

March 17, 2000

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-32-05700E Columbia River sturgeon seasons above Bonneville Dam Notwithstanding the provisions of WAC 220-32-057, effective 12:00 noon March 20, 2000 until further notice, it is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with set line gear under the following provisions:

1) From 12:00 noon March 20, 2000 until further notice, in SMCRA 1F and 1H:

2) During the season specified in Section 1, it is unlawful to:

a) retain for commercial purposes sturgeon less than 48 inches or greater than 60 inches in length.

b) sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to sale of the sturgeon to a wholesale dealer licensed under chapter RCW 75.28, or to sell or barter sturgeon eggs at retail.

c) deliver to a wholesale dealer licensed under chapter RCW 75.28 any sturgeon that are not in the round with the head and tail intact.

3) During the season specified in Section 1, it is unlawful to use set line gear:

a) with more than 100 hooks per set line.

b) with hooks less than the minimum size of 9/0.

c) with treble hooks.

d) without visible buoys attached and with buoys that do not specify operator and tribal identification.

WSR 00-07-114

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 00-34—Filed March 20, 2000, 4:09 p.m.]

Date of Adoption: March 20, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-07300W.

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 quantities of sea urchins have been taken by commercial sea urchin harvesters. This regulation is necessary to close commercial sea urchin harvesting.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 20, 2000

J. P. Koenings

Director

by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300W Sea urchins. (00-28)

WSR 00-07-123

EMERGENCY RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed March 21, 2000, 11:37 a.m.]

Date of Adoption: March 21, 2000.

Purpose: Prevailing wage rates on public work projects are determined and enforced according to the trade or occupation or "classification" of work actually performed. The classifications for over fifty construction occupations presently exist in policy form in documents entitled "Scope of Work Descriptions." The purpose of this rule-making order is to covert those policies into rules (WAC 296-127-01301 through 296-127-01391) and to amend WAC 296-127-013 to reflect the addition of the new scope of work rules. This rule making is also in the spirit of the Governor's Executive Order 97-02 on Regulatory Improvement by incorporating necessary policy into rule.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-127-013.

Statutory Authority for Adoption: Chapter 39.12 RCW, RCW 43.22.270, and 43.22.051.

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: In order for the Department of Labor and Industries (L&I) to continue to administer and enforce the Prevailing Wage Act, chapter 39.12 RCW, the scope of work descriptions must be immediately converted into rules. For many years, L&I has used the scope of work descriptions, which detail the specific tasks required of fifty-four construction trades, to enforce the statutory mandate that "the prevailing rate of wage shall be the rate of hourly wage, usual benefits and overtime paid in the locality... to the majority of workers, laborers or mechanics, in the same trade or occupation" (RCW 39.12.010). The prevailing wage rates for particular trades correspond with the scope of work descriptions.

These rules arise from a prevailing wage enforcement action entitled *In re Anderson & Wood*, in which a contractor asserted that the scope of work descriptions were not properly promulgated as rules and, therefore, could not be used to require contractors to pay the corresponding prevailing wage rates. On December 15, 1999, the director of L&I agreed that the scope of work policies should be adopted as rules under the Administrative Procedure Act, chapter 34.05 RCW. Without the use of these scope of work descriptions to define the statutory terms "the same trade or occupation" and to therefore assure that the correct prevailing rate is paid for particular types of tasks, L&I is unable to enforce the prevailing wage laws. Enforcement of the Prevailing Wage Act is essential to protect contractors, workers and the public from economic harm.

The Prevailing Wage Act requires contractors working on government projects to pay employees the prevailing or "market" rate. Using surveys to gather information, L&I establishes prevailing wages county by county for each trade or occupation employed on public works projects. State agencies, counties, municipalities and all political subdivisions of the state award public works contracts.

Contractors rely upon the scope of work descriptions to properly assign prevailing wage rates to the work required to complete their contract with the awarding agency. Prevailing wage disputes are frequently resolved informally simply by bringing the correct scope of work descriptions to the contractor's attention. If the perception exists that the scope of work descriptions are mere suggestions or guidance, rather than binding rules, contractors will lack certainty in bidding on projects and in the wages that they pay their workers.

Without firm scope of work descriptions, uninformed or out-of-area contractors may be tempted to use the uncertainty to their advantage, by submitting bids based on lower wage rates. Because public agencies are required to award contracts to the lowest bidder, responsible local contractors will lose work to contractors planning to pay incorrect prevailing wages. The result will undermine an important purpose of

the Prevailing Wage Act, to stabilize and protect local wage standards. See e.g. *Everett Concrete v. Department of Labor & Industries*, 109 Wn.2d 819 (1988) (Washington State Supreme Court holds that the purpose behind Washington's prevailing wage law is to protect employees of contractors who bid on government work from substandard earnings and to preserve local wage standards).

The harm done to local contractors is real and irreparable. Once a contract is awarded to an out-of-state contractor, who has gained an unfair bidding advantage by deciding to pay a lower prevailing wage than appropriate for the actual work performed on the project, a local firm's opportunity is lost. These outcomes are unfortunate and costly. Enforceable prevailing wages, through use of the scope of work descriptions, are necessary to preserve stability in public work bidding, and to protect Washington contractors from unfair competition.

Washington workers' earnings and opportunities are also harmed by the lack of firm scope of work descriptions. Contractors who ignore prevailing wage requirements can use out-of-area workers willing to work for less than the prevailing wage for their craft, unfairly displacing local tradespeople. Even if local workers are used, an unprincipled contractor may use the uncertainty presently surrounding the scope of work descriptions to pay those workers less than prevailing wages. Such workers may file a complaint with the department and proceeding through the adjudicative process; however, without firm scope of work descriptions, there is a real chance that the workers' claims will not prevail. Even those disputes resolved in the workers' favor will mean the workers will wait years for proper wage payments and will not receive interest.

Prevailing wage surveys and resulting calculations are based on the department's classification plan, which is detailed in the scope of work descriptions. If the wage data reported to the department is based on incorrect worker classifications, the same incorrect information will be used in prevailing wage calculations. The result will be an artificial depression of the prevailing wage levels and a harmful erosion of local wage standards.

Erosion of local wage standards is an economic harm to the general public, as is the unfair competition for general contractors by providing an opportunity for certain contractors to submit low bids, which will supplant local contractors on large government projects. These harms will be avoided by immediate conversion of the scope of work descriptions into rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 54, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 54, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

March 21, 2000

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 92-01-104, filed 12/18/91, effective 1/31/92)

WAC 296-127-013 Scope of work ((definitions) descriptions. (1) In order to determine applicable prevailing wage rates, the ~~((industrial statistician))~~ director or his/her designee will issue scope of work descriptions for each trade and occupation recognized as being involved in public work.

(2) The ~~((industrial statistician may issue))~~ scope of work descriptions ~~((?))~~ shall be created using authoritative sources available to the department, such as:

- (a) Washington state apprenticeship and training council approved apprenticeship standards;
- (b) Collective bargaining agreements;
- (c) Dictionaries of occupational titles;
- (d) Experts from organized labor, licensed contractors, and contractors' associations;
- (e) Recognized labor and management industry practice.

(3) The applicable prevailing wage rates for workers employed on public works projects shall be determined by the scopes of work performed by those workers, and not by their specific job titles.

(4) ~~((Scope of work descriptions may be established or revised:~~

~~(a) On the first business day of February and the first business day of August each year along with the prevailing wage publication; or~~

~~(b) In response to an administrative or judicial finding, or at any time necessary to correct an error.~~

~~(5) All scope of work descriptions shall become effective thirty days after their establishment or revision.~~

(6)) The applicable scope of work description for a public works contract is the scope of work description that is in effect on the date that the bids are due to be submitted to the contract awarding agency. If the contract is not awarded within six months of the bid due date, then the applicable scope of work description shall be that which is in effect on the date that the contract is awarded. The same scope of work description shall remain in effect for the duration of the contract.

~~((7) The department shall make scope of work descriptions available to all interested parties upon request.~~

~~(8) The department shall notify trade associations, labor organizations, and public agencies, reasonably known to be affected, prior to adopting new scope of work descriptions or changes or additions to existing scope of work descriptions, and shall provide sixty days from the date of issuance for comment.)~~

(5) In the event a dispute arises regarding a scope of work description following the award of a public works con-

tract, the aggrieved party may request an arbitration hearing pursuant to the provisions of RCW 39.12.060, WAC 296-127-060, 296-127-061, and 296-127-062.

NEW SECTION

WAC 296-127-01301 Certified asbestos abatement workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, the department of labor and industries has established the work classification of certified asbestos abatement workers.

Asbestos abatement work may be performed by any worker who is certified as an asbestos remover and encapsulator, except when the work performed is incidental to the normal scope of work of another trade or occupation. Incidental asbestos work includes only that work of short duration which is indistinguishable from the work of another established classification.

This classification does not include work falling within the scope of work for asbestos workers. That work is primarily related to the installation of insulation material around mechanical systems.

Certified asbestos abatement workers perform all of the work, including any cleanup required in connection with the abatement of asbestos, coming within the purpose and scope of chapter 49.26 RCW and chapter 296-65 WAC. WAC 296-65-003 provides definitions which establish the scope of this work.

NEW SECTION

WAC 296-127-01303 Heat and frost insulators and asbestos workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, heat and frost insulators and asbestos workers apply insulation materials to mechanical systems to reduce loss or absorption of heat, prevent moisture condensation and to deaden sound and prevent vibration.

The work includes, but is not limited to:

- The preparation and physical distribution on the job site of asbestos, cork, plastic, magnesia or similar insulation materials.

- Insulation of mechanical systems, plumbing, heating systems, any insulation connected with air handling systems, refrigeration piping and related vessels, boilers, tanks, flues breechings, evaporators, turbines, fittings, valves, ducts, flues, vats and all insulation connected with steam, condensate, feedwater and/or chilled water, or insulation of any mechanical system for sound control.

- All cleanup required in connection with heat and frost insulators and asbestos worker's work.

NEW SECTION

WAC 296-127-01305 Boilermakers. For the purpose of the Washington state public works law, chapter 39.12 RCW, boilermakers assemble, erect, repair and clean boilers, tanks, vats and pressure vessels according to blueprint specifications, using hand tools and portable power tools and equipment.

The work includes, but is not limited to:

- Locating and marking of reference points for columns or plates on foundations, using master straightedge, squares, transit and measuring tape.
- Using rigging or cranes to lift parts to specified positions.
- Aligning structures or plate sections, using plumb bobs, levels, wedges, dogs or turnbuckles.
- Drilling, reaming, chipping, caulking and grinding of structures and sections and bolting or welding them together.
- Setting of drums and headers and installation of tubes.
- And all the cleanup required in connection with boiler-makers work.

NEW SECTION

WAC 296-127-01306 Brick masons. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the job description for brick masons is as follows:

- Prepare and lay building materials such as brick, concrete block, cinder block, terra cotta block, marble and granite block, and related materials to construct, repair and waterproof structures, such as walls, partitions, arches, sewers, chimneys or smokestacks, piers, abutments, walks and curbstones.
- Measure distance from reference points and mark guidelines on working surface to lay out work.
- Spread soft layer of mortar that serves as base and binder for brick (or block), using trowel.
- Apply mortar to end of brick and position brick in mortar bed.
- Tap brick with trowel to level, align, and embed in mortar, allowing specified thickness of joint. Remove excess mortar from face of brick, using trowel.
- Finish mortar between brick with pointing tool or trowel.
- Break bricks to fit spaces too small for whole brick, using edge of trowel or brick hammer.
- Determine vertical and horizontal alignment of courses, using plumb bob, gaugeline and level. Fasten brick or terra cotta veneer to face of structures, with tie wires embedded in mortar between bricks, or in anchor holes in veneer brick.

NEW SECTION

WAC 296-127-01308 Building service employees (janitors, waxers, and window washers). For the purpose of the Washington state public works law, chapter 39.12 RCW, the work of building service employees includes, but is not limited to:

- (1) Janitors. Empty trash and damp wipe containers. Dust chairs, sides of desks, top of filing cabinets, panelled walls, doors, ledges and picture frames within easy reach. Damp wipe desk tops, telephones and desk fixtures. Damp mop floors. Vacuum upholstered furniture and draperies. Wash vinyl furniture with cleaning solution. Wash doors and other surfaces and spot wash painted walls. Clean door glass and inside partition glass. Vacuum and shampoo carpets.

- (2) Utility janitors. Performs the following duties in addition to those performed by janitors: Waxing of floors (when not performed by traveling waxers), high wall and ceiling washing requiring the use of a ladder, and minor repairs and maintenance necessary to the operation of the building.

(3) Waxers. Waxing of floors.

(4) Window washers. Washing of all windows, other than inside partition glass and door glass, washing of painted walls, (when not done as a prerequisite to repainting) and wall paper cleaning.

(5) And all the cleanup required in connection with building service employees.

NEW SECTION

WAC 296-127-01309 Cabinet makers. For the purpose of the Washington state public works law, chapter 39.12 RCW, cabinet makers set up and operate a variety of wood-working machines and use various hand tools to fabricate and repair wooden cabinets, sashes, doors, and furniture in a shop or plant.

The work includes, but is not limited to:

- Study blueprints or drawings of articles to be constructed or repaired and plan sequences of cutting or shaping operations to be performed.
- Mark outline or dimensions of parts on paper or lumber stock, according to blueprint or drawing specifications. Match materials for color, grain or texture.
- Set up and operate woodworking machines, such as: Power saws, jointer, mortiser, tenoner, molder and shaper to cut and shape parts from woodstock.
- Trim component parts of joints to assure snug fit, using hand tools, such as: Planes, chisels, or wood files. Bore holes for insertion of screws or dowels by hand or using boring machine. Glue, fit and clamp parts and subassemblies together to form a complete unit, using clamps or clamping machine. Drive nails or other fasteners into joints at designated places to reinforce joints.
- Sand and scrape surfaces and joints of articles to prepare articles for finishing. Dip, brush or spray assembled articles with protective or decorative materials, such as stain, varnish, or paint.
- Install hardware such as: Hinges, catches and drawer pulls.

NEW SECTION

WAC 296-127-01310 Carpenters. For the purpose of the Washington state public works law, chapter 39.12 RCW, carpenters construct, erect, install and repair structures, structural members and fixtures made of wood, plywood, wall-board and materials that take the place of wood, such as plastic, metals, composites, and fiberglass, using carpenter hand tools and power tools.

The work includes, but is not limited to:

- Build rough wooden structures, such as concrete forms, scaffolds, wooden bridges, trestles, coffer dams, tunnel and sewer support; welding and burning.

- Install ladders, handrails, walkways, platforms and gangways.

- Install door and window bucks (rough frames in which finished frames are inserted) in building frame work and brace them with boards nailed to frame work.

- Install subflooring in buildings.

- Nail plaster grounds (wood or metal strips) to studding.

- Fit and nail sheathing on outer walls and roofs on buildings.

- Construct, erect, install and repair commercial, industrial and residential structures.

- Select specified type of lumber or other materials.

- Prepare layout, using rule, framing square and calipers.

- Mark cutting and assembling lines on materials, using pencil, chalk, and marking gauge.

- Shape materials to prescribed measurements, using saws, chisels and planes.

- Assemble, cut and shape materials and fasten them together with nails, dowel pins, or glue.

- Verify trueness of structure with plumb bob and carpenter's level.

- Apply decorative paneling to walls.

- Erect frame work for structures and lay subflooring.

- Cover subfloor with building paper to keep out moisture and lay hardwood, parquet and wood-strip-lock floors by nailing floors to subfloor or cementing them to mastic or asphalt base.

- Build stairs and layout and install partitions and cabinets.

- Install metal roof decking and metal siding, regardless of the fastening method, or what it is fastened to.

- Install all other types of siding, regardless of composition, fastening method, or what it is fastened to.

- Fit and install prefabricated wooden cabinets, window frames, door frames, doors, weather stripping, interior and exterior trim, and finish hardware, such as locks, letter drops and kick plates.

- Apply acoustical tile to ceilings and walls of buildings to reduce reflecting of sound and to decorate rooms.

- Cement tile to masonry surface.

- Nail channels or wood furring strips to surfaces to provide mounting for tile.

- Place building paper between tile and furring strip to keep out moisture.

- Nail, screw, or staple tile to wooden furring strips.

- Nail or screw moulding to walls to support and seal joint between ceiling tile and wall. Hang dry lines to wall mauling.

- Drive hanger inserts into reinforced concrete ceiling, suspend and bend hanger wires at points touching dry lines.

- Thread wires through holes in main runners and cut and attach cross supports to suspended runners and wall mauling.

- Cut tiles for fixtures and borders and insert tiles into supporting frame work.

NEW SECTION

WAC 296-127-01312 Carpenter tenders. For the purpose of the Washington state public works law, chapter 39.12 RCW, carpenter tenders are laborers who assist carpenters

engaged in construction, erection, installation and repair of wooden structures and fixtures. Carpenter tenders perform a variety of routine tasks which do not require the use of carpenter tools, such as:

- Cleaning materials, equipment, tools and work areas.

- Moving and lifting building materials, tools and supplies.

- Handling materials, tools and supplies to carpenters.

- Dismantling temporary wooden structures.

- Assisting carpenters in stripping forms and shoring.

- Cleaning and moving forms.

Carpet and resilient floor layers.

For the purpose of the Washington state public works law, chapter 39.12 RCW, carpet and resilient floor layers do the measuring, cutting, sewing, taping, fitting, laying and installing of oil cloth, matting, linen, carpet, synthetic turf, linoleum, vinyl, plastic, rubber, cork, mastic, asphalt, mastipave, tile and chalkboard, nonslip or abrasive materials, resilient, decorative seamless surface coatings (except terrazzo, magnesite and latex built-up floors) and all other resilient coverings on floors, walls, counters, table tops and ceilings when cemented, tacked or otherwise applied to a base, whether used as shock-absorbing, sound-absorbing, or decorative coverings.

The work includes, but is not limited to:

- Handling of the materials at the site of installation.

- Sweeping, scraping, sanding, or chipping dirt and irregularities from base surfaces and filling cracks with putty, plaster, or cement grout to form smooth, clean foundations.

- All necessary preparation work and finish work, such as drilling holes for sockets and pins, installation of underlayment, sanding and filling, fitting of metal edgings, metal corners and caps and fitting devices for attachment of such materials.

- Spreading of adhesive cement over floor to cement foundation material to the floor. Laying covering on cement. Rolling finished floor to smooth it out and press cement into base and covering.

- All the cleanup required in connection with carpet and resilient floor layers work.

NEW SECTION

WAC 296-127-01315 Cement masons. For the purpose of the Washington state public works law, chapter 39.12 RCW, cement masons perform all work where finishing tools are used.

The work includes, but is not limited to:

- The setting of screeds, the rodding (buildings), shaping, smoothing and finishing of the surfaces of freshly poured concrete floors, walls, sidewalks, curbs, steps and stairways, the finishing of extruded barrier rails, or any other concrete surface requiring finishing, using hand tools or power tools, including floats, trowels, screeds and straightedge.

- The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound preparatory to sacking. (The finishing of a large surface of patched holes.)

- The moulding of expansion joints and edges, using edging tools, jointers and straightedge.
- The application of penetrating sealer and primer protective coatings to concrete floors and steps for the first twenty-four hours after pouring, when part of the finishing process.
- The installation of seamless composition floors and the installation and finishing of epoxy based coatings or polyester based linings to all surfaces, when the coatings or linings are applied by spraying or troweling.
- Sandblasting or waterblasting for architectural finish or preparatory to patching.
- The setting of all forms one board high.
- The cutting of joints with concrete saw for the control of cracks in buildings and contiguous to buildings.
- The setting of concrete curb, gutter and sidewalk forms as a composite crew with laborers.
- All cleanup work required in connection with the above work.

NEW SECTION

WAC 296-127-01317 Drywall applicators (drywall nailers and sheetrock installers). For the purpose of the Washington state public works law, chapter 39.12 RCW, drywall applicators install plasterboard or other wallboards to ceilings and interior walls of buildings, using hand tools and portable power tools.

The work includes, but is not limited to:

- Installing horizontal and vertical metal studs for attachment of wallboard on interior walls.
- Cutting angle iron and channel iron to specified size and suspending angle iron grid and channel iron from ceiling, using wire.
- Cutting wallboard to size.
- Cutting openings for electrical and other outlets.
- Nailing wallboard to wall and ceiling supports.
- Trimming rough edges from wallboard to maintain even joints.
- Nailing prefabricated metal pieces around windows and doors and between dissimilar materials to protect drywall edges.

NEW SECTION

WAC 296-127-01318 Drywall finishers (tapers). For the purpose of the Washington state public works law, chapter 39.12 RCW, drywall finishers perform all the preparatory work and finishing work involved in covering interior walls and ceilings with decorative or protective finish materials.

The work includes, but is not limited to:

- Handling of all materials after the initial unloading at the job site, including the distribution to the points of application.
- Erecting, moving and dismantling of all scaffolding.
- All preparatory work of taping, sealing, finishing and sanding of joints between plasterboard or other wallboard.
- Spotting, caulking, pointing and sealing of cracks and holes in walls and ceilings.

- Applying protective coverings prior to the application of the finish materials.
- Spackling of surfaces and application of texture finishes where adhesive materials are used.
- Applying all primers, sealers, decorative or protective finish materials, regardless of the method of application.
- Installing metal moulding at corners instead of sealant and tape.
- Removing all drywall material scraps and all cleaning work, including scraping of floors.

NEW SECTION

WAC 296-127-01320 Power line construction electricians. For the purpose of the Washington state public works law, chapter 39.12 RCW, power line construction electricians erect, maintain and repair transmission poles (whether built of wood, metal or other material), fabricated metal transmission towers, outdoor substations, switch racks, or similar electrical structures, electric cables and related auxiliary equipment for high-voltage transmission and distribution power lines used to conduct energy between generating stations, substations and consumers.

The work includes, but is not limited to:

- The moving of men, tools, or equipment. The sorting, loading and moving of materials from the first drop. The handling, assembling and erecting of all necessary materials.
- The trenching, digging, and backfilling of vaults, holes for poles and anchors (by hand or mechanical equipment), guying, fastening to the stub-in on concrete footings or pads, assembling of the grillage, grounding of all structures, the stringing and installation of transformers.
- Constructing, repairing and maintaining highway and street lighting systems and highway and street traffic signal systems.
- Trimming trees and brush prior to the construction of new power lines, during repair of damaged lines, or as part of routine maintenance of the lines (tree trimmers).
- All the cleanup required in connection with line construction electrician work.

All the classifications listed below work under the supervision of linemen and assist linemen.

(1) Groundmen. Performs the following tasks:

- Manual digging of pole holes, anchor holes and trenches.
 - Assists in framing of poles, pulling guys.
 - Assembles and erects fixtures.
 - Tamping and compacting.
 - Driving of 1/2 to 3/4 ton pickup truck.
- (2) Head groundman. Performs the following tasks:
- Manual digging of pole holes, anchor holes, and trenches.
 - Assists in framing of poles, pulling guys.
 - Assembles and erects fixtures.
 - Tamping and compacting.
 - Driving of 1/3 to 3/4 ton pickup truck for material or man haul.

(3) Line equipment operators. They operate caterpillars, trucks equipped with winch and/or boom, hydraulically operated backhoes with or without front end loaders, mounted

booms, and any other equipment that does not come within the scope of heavy equipment operators.

(4) Heavy line equipment operators. They operate any piece of equipment which, in accordance with manufacturer's recommended specifications is capable of operating with one hundred or more aggregate feet of boom, be it crane, backhoe, clam shell, drag line, or shovel.

NEW SECTION

WAC 296-127-01322 Electronic technicians. For the purpose of the Washington state public works law, chapter 39.12 RCW, the scope of work for electronic technicians is as follows:

(1) The installation, operation, inspection, maintenance, repair and service of:

(a) Radio, television and recording systems and devices.

(b) Systems for paging, intercommunication, public address, wired music, clocks, security and surveillance systems and mobile radio systems.

(c) Fire alarm and burglar systems.

(2) The installation of nonmetallic conduits and incidental shielded metallic conduits of no longer than ten feet nor larger than one inch, when installed for the specific purpose of carrying low voltage wiring.

(3) Pulling wiring through the type of conduit described under subsection (2) of this section, when the wiring is installed for the specific purpose of carrying low voltage electricity.

(4) All the cleanup required in connection with electronic technician's work.

NEW SECTION

WAC 296-127-01323 Inside wireman electrician. For the purpose of the Washington state public works law, chapter 39.12 RCW, inside wireman electricians plan the layout, install and repair conduit, wiring, electrical fixtures, apparatus, and control equipment in buildings and adjacent yards to provide electricity for power and lighting.

(1) They assemble, install and maintain all electrical lighting, electric heating and cooling equipment, standby motor generators, electric heat pumps, under-floor duct and luminous ceilings.

They install, repair and maintain highway and street lighting systems and highway and street traffic signal systems.

The work includes, but is not limited to:

- The handling and moving of any electrical materials, equipment and apparatus on the job site.

- Welding, burning, brazing, bending, drilling and shaping of all copper, silver, aluminum, angle iron and brackets to be used in connection with the installation and erection of electrical wiring and equipment.

- Measuring, cutting, bending, threading, forming, assembling and installing of electrical conduit, using such tools as hacksaw, pipe threader and conduit bender.

- Pulling wiring through conduit.

- The installation of conduit and interduct raceways for fiber optic cable and the pulling of fiber optic cable through these raceways, except telephone conduit and cable.

Cutting holes in floors and walls for electrical conduit:

- With point and hammer.

- Core-drilled.

- Chasing and channeling necessary to complete any electrical work, including the fabrication and installation of duct and manhole forms incidental to electrical installation.

- Splicing wires by stripping insulation from terminal leads with knife or pliers, twisting or soldering wires together and applying tape or terminal caps.

- Installation and maintenance of lighting fixtures.

- Connecting wiring to lighting fixtures and power equipment.

Assembling and installing of conduit switches, relays, junction boxes, circuit breaker panels, and related accessories and controls.

- Testing continuity of circuit to insure electrical compatibility and safety of components.

- All cleanup required in connection with electrical work.

(2) The following power line construction classifications may assist journeymen wireman in the installation, repair and maintenance of highway and signal lighting systems and highway and street traffic signal systems:

(a) Groundmen.

- Performs the following tasks:

- Manual digging of pole holes, anchor holes and trenches.

- Assembles and erects fixtures.

- Assists in framing of poles, pulling guys.

- Tamping and compacting.

- Driving of 1/2 or 3/4 ton pickup truck.

(b) Head groundman.

- Performs the following tasks:

- Manual digging of pole holes, anchor holes and trenches.

- Assists in framing of poles, pulling guys.

- Assembles and erects fixtures.

- Tamping and compacting.

- Driving of 1/3 or 3/4 ton pickup truck for materials or man haul.

(c) Line equipment operators. Operate caterpillars, trucks equipped with winch and/or boom, hydraulically operated backhoes with or without front end loaders, mounted booms, and any other equipment that does not come within the scope of heavy equipment operators.

(d) Heavy line equipment operators. Operate any piece of equipment which, in accordance with manufacturer's recommended specifications is capable of operating with one hundred or more aggregate feet of boom, be it crane, backhoe or clam shell, drag line, or shovel.

NEW SECTION

WAC 296-127-01325 Electrical fixture maintenance workers. For the purpose of chapter 39.12 RCW, Washington state prevailing wage law, the prevailing wage for electri-

cal fixture maintenance worker is required for the following work:

Cleaning of all types of lighting fixtures, luminous ceilings, all types of diffused areas and ceiling lighting. The work also includes replacement of lamps, ballasts, sockets and the installation of energy efficiency upgrades. This work must be limited to nonresidential fixture bodies, but may also include replacement or retrofitting of remote located ballasts with approved products.

Work beyond that which is described above must be paid at another electrical classification such as inside wireman electrician or residential electrician. Electrical fixture maintenance worker does not include installation of new fixtures or branch circuits, movement or relocation of existing fixtures, or alteration of existing branch circuits.

NEW SECTION

WAC 296-127-01327 Elevator constructors. For the purpose of the Washington state public works law, chapter 39.12 RCW, elevator constructors assemble and install electric and hydraulic freight and passenger elevators, escalators, and dumbwaiters.

The work includes, but is not limited to:

- Studies blueprints and lays out location of framework, counterbalance rails, motor pump, cylinder, and plunger foundations.
- Drills holes in concrete or structural steel members with portable electric drill, secures anchor bolts or welds brackets to support rails and framework, and verifies alignment with plumb bob and level.
- Cuts prefabricated sections of framework, rails, and other elevator components to specified dimensions, using acetylene torch, power saw, and disc grinder.
- Installs cables, counterweights, pumps, motor foundations, escalator drives, guide rails, elevator cars, and control panels.
- Positions electric motor and equipment on top of elevator shaft, using hoists and cable slings.
- Connects electrical wiring to control panels and electric motors.
- Installs safety and control devices.
- All cleanup required in connection with the installation of elevators.

NEW SECTION

WAC 296-127-01328 Fence erectors and fence laborers. For the purpose of the Washington state public works law, chapter 39.12 RCW, fence erectors and fence laborers erect and repair metal and wooden fences and fence gates around industrial establishments (schools, playgrounds, etc.), residences, farms and along highways using power tools and hand tools.

The work of the fence erectors includes, but is not limited to:

(1) Fence erector.

- Lays out fence line, using tape measure, and marks for postholes.

- Digs postholes with mechanical posthole digger or power-driven auger.
- Aligns posts, using line or by sighting along edges of posts.
- Verifies vertical alignment of posts with plumb bob or spirit level.
- Attaches fence-rail support to post, using hammer and pliers.
- Cuts metal tubing, using pipe cutter, and inserts tubing through rail support.
- Completes top fence rail of metal fence by connecting tube sections, using metal sleeves.
- Attaches rails or tension wire along bottoms of posts to form fencing frame.
- May weld metal parts together, using portable gas welding equipment.
- Stretches wire, wire mesh, barbed wire, or chain link fencing between posts and attaches fencing to frame.
- Assembles gate and fastens in position, using hand tools.
- Saws required length of lumber to make rails for wooden fence.
- Nails top and bottom rails to fence posts, or inserts them in slots on posts.
- Nails pointed slats to rails to construct picket fence.
- Erects alternate panel, basket weave, and louvered fences.

(2) Fence laborer. In addition to assisting the fence erector in the performance of the tasks described above, the work of the fence laborer includes, but is not limited to:

- Digs holes for posts with spade or posthole digger.
- Blasts rock formations with dynamite to facilitate digging of holes.
- Sets metal or wooden posts in upright position in holes.
- Mixes concrete by hand or by use of a cement mixer.
- Pours concrete around base of posts or tamps soil into holes to embed posts.
- All the cleanup required in connection with the erection of fences.

NEW SECTION

WAC 296-127-01329 Flaggers. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the scope of work for flaggers is as follows:

- Controls and directs pedestrian and vehicular traffic through construction projects using sign, hand and flag signals, warning paddles and radio communication.
- Informs drivers of detour routes through construction sites. Distributes signs, markers, flares, barricades, cones and other traffic control devices along construction sites in designated patterns.
- Is responsible for the safety of the workers and the public on construction sites.
- Must have completed a Washington state approved flagging course, or the equivalent.

NEW SECTION

WAC 296-127-01331 Glaziers. For the purpose of the Washington state public works law, chapter 39.12 RCW, glaziers select, cut, prepare, handle, install or remove all window glass, plate glass, and all other types of glass, including structural glass, mirror glass, tempered and laminated glass, safety or protection glass, all types of insulating glass units, all plastics or other similar materials when used in place of glass and when set or glazed with putty, moulding rubber, cement, lead and all types of mastic, or other materials used in place of same.

Glaziers install the above materials in windows, louvers, doors, partitions, skylights, and on building fronts, walls, ceilings and tables, whether the materials are set in wood, stone, cement, or metal of all types.

The work includes, but is not limited to:

- Install mirrors of all types.
- Mark outline or pattern on glass and cut glass, using glasscutter. Break off excess glass by hand or with notched tool.
- Fasten glass panes into wood sash with glazier's points and spread smooth putty around edge of panes with knife to seal joints.
- Install metal window and door frames into which glass panels are to be fitted, such as fixed or sliding patio doors and vented, fixed or sliding windows.
- Bolt metal hinges, handles, locks, and other hardware to prefabricated glass doors. Set glass doors in frame and fit hinges.
- Install metal-framed glass enclosures for showers, bath tubs, and skylights where the glass installation and frame assembly is a single operation.
- Install mirror or structural glass on building fronts, walls, ceilings, or tables, using mastic, screws or decorative moulding.
- All the cleanup required in connection with glazing work.

NEW SECTION

WAC 296-127-01332 Hod carriers, mason tenders, and mortarmen. For the purpose of the Washington state public works law, chapter 39.12 RCW, hod carriers, mason tenders and mortarmen assist bricklayers and masons.

The work includes, but is not limited to:

- The mixing, packing, wheeling and tempering of mortar and fire clay.
- The mixing, handling and conveying of all other materials used by bricklayers and masons (e.g., brick, tile, stone and cast stone), whether done by hand or any other process (e.g., operation of forklifts, hoisting equipment and pumping equipment).
- Building of scaffolds, trestles, boxes and swinging staging.
- Hanging of cables and placing of putlogs.
- Carrying bricks and mortar in a hod.
- Cleaning and clearing of all debris.

NEW SECTION

WAC 296-127-01333 Heating equipment mechanics. For the purpose of the Washington state public works law, chapter 39.12 RCW, heating equipment mechanics replace the gas and oil burners in furnaces or replace complete furnaces, but they do not install the original furnaces.

The work includes, but is not limited to:

- Removal of old burner.
- Installation of new burner.
- Connection of fuel lines.
- Installation of instrumentation lines.
- Installation of new fan.
- Firing off.
- Setting burner on correct ratio.
- All cleanup required in connection with the installation of heating equipment.

NEW SECTION

WAC 296-127-01335 Inland boatmen. For the purpose of the Washington state public works law, chapter 39.12 RCW, inland boatmen man the tugs and launches (but not outboard-powered skiffs) engaged in construction, dredge tending, pile driving, diver tending and geodetic surveying.

NEW SECTION

WAC 296-127-01337 Insulation applicators. For the purpose of the Washington state public works law, chapter 39.12 RCW, insulation applicators install all the insulation material in floors, walls, sound rated partitions and ceilings.

They also install insulation materials on roofs, when the material must be measured, cut and nailed to the inside or outside of an existing roofing system.

The insulation materials installed by insulation applicators include, but are not limited to:

- Batt insulation, semi-rigid and rigid insulation, blown spray and foam-type insulation, regardless of method of installation, attachment or connection.
- All the cleanup required in connection with insulation applicators.

NEW SECTION

WAC 296-127-01339 Ironworkers. For the purpose of the Washington state public works law, chapter 39.12 RCW, ironworkers perform all work in connection with field fabrication and/or erection, installation, removal, wrecking and dismantling of structural, architectural and reinforcing iron and steel, ornamental lead, bronze, brass, copper and aluminum, and plastics or other materials when used in place thereof.

The work performed by ironworkers includes, but is not limited to:

- Steel and metal houses and packaged buildings.
- Bridges, viaducts, cableways, tramways, monorails.
- Locks, gates, metal forms, railings (including pipe).
- Steel towers, energy producing windmill type towers, nuclear reactors.

- Frames in support of boilers.
- The installation of metal siding and metal roof decking, regardless of the fastening method, or what it is fastened to.
- All reinforcing work in connection with field fabrication, handling, burning, welding and tying of all materials used to reinforce concrete structures.
- The signaling, rigging, hoisting, aligning, bolting, riveting, or welding of structural-steel members.
- The unloading, loading, distributing, stockpiling, hoisting, rigging, and handling of materials used by ironworkers and all cleanup work.

Work process:

(1) Structural:

(a) Erecting:

- Connecting
- Fitting
- Hooking on
- Bolting up
- Torquing
- Signaling
- Preengineered buildings
- Sheeting

(b) Rigging:

- Cranes
- Derricks
- Land rigs
- Cable splicing

(c) Maintenance of equipment:

- Dismantling
- Field rigging
- Moving field equipment

(2) Welding:

(a) Acetylene welding

(b) Electric arc welding

(c) Cutting and burning

(d) Heliarc.

NEW SECTION

WAC 296-127-01340 Laborers in utilities construction. For the purpose of the Washington state public works law, chapter 39.12 RCW, the work for laborers includes, but is not limited to:

(1) Pipe layer.

- Shoring, building of manholes and catch basins.
- Sealing, doping and wrapping of the pipe after the joints have been welded and before the pipe is lowered into the trench or ditch.

• Joining ductile iron pipe by using screws, bolts, fittings, caulking or any other method for making joints in the industry, when the pipe will not be under pressure. Lowering the pipe into the trench or ditch.

(2) Topman. Assists the pipe layer from the surface, he does not work in the trench or ditch.

(3) General laborer.

- Performs all other laborers' work which is not done by pipe layers and topmen.
- Responsible for all cleanup required in connection with utilities construction work.

NEW SECTION

WAC 296-127-01342 Clean-up laborers. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the scope of work for clean-up laborers is as follows:

Performs general clean-up in buildings during construction when too much rubbish has accumulated.

Cleans areas where the next phase of construction will take place.

Performs final clean-up after the construction has been completed.

NEW SECTION

WAC 296-127-01344 Laborers. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, laborers perform a variety of tasks such as:

- Erect and repair guard rails, median rails, guide and reference posts, sign posts and right of way markers along highways.

- Mix, pour and spread asphalt, gravel and other materials, using hand tools, and mix, pour, spread and rod concrete.

- Lift, carry and hold building materials, tools and supplies.

- Measure distances from grade stakes, drive stakes and stretch tight line.

- Bolt, nail, align and block up under forms.

- Signal operators of construction equipment to facilitate alignment, movement and adjustment of machinery to conform to grade specifications.

- Level earth to fine grade specifications, using pick and shovel.

- Mix concrete, using portable mixer.

- Position, join, align, wrap and seal pipe sections.

- The placement and testing of plastic conduit for electrical cable, when the conduit is buried underground.

- Erect scaffolding, shoring and braces.

- Mop, or spread bituminous compounds over surfaces for protection (outside buildings).

- Spray material such as water, sand, steam, vinyl, or stucco through hoses to clean, coat or seal surfaces.

- Apply caulking compounds by hand or with caulking gun to seal crevices.

- The application of penetrating sealer and primer protective coatings to concrete floors and steps when safe to walk on.

- Installation of plastic panels on the inside of existing window frames for insulation (instead of storm windows). The panels are held in place magnetically (with metal brackets) and with self-taping screws.

The cleaning and grinding of concrete floors and walls by high pressure waterblasting or sandblasting preparatory to the application of waterproofing.

- The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound when not preparatory to sacking (finishing a large surface of patched holes).

- The setting of concrete curb, gutter and sidewalk forms as a composite crew with cement masons.
- The laying of concrete, granite and brick pavers in beds of sand.
- General clean-up required after damage caused by water or fire.

All cleanup work required in connection with the above work. Clean tools, equipment, materials and work areas:

- (1) When the clean-up is performed for more than one trade (usually employed by general contractor).
- (2) When assisting those trades for which laborers have been specifically designated as tenders, e.g., carpenter tender, cement finisher tender, etc.

NEW SECTION

WAC 296-127-01346 Landscape construction. For the purposes of the Washington state public works law, chapter 39.12 RCW, landscape construction involves the beautification of a plot of land by changing its natural features through the addition or modification of lawns, trees, bushes, etc.

(1) Landscape construction includes:

- Constructing or maintaining lawns, yards, gardens or other landscaped surfaces.
- Mixing and spreading mulches, ground covers, soil amendments, decorative bark or decorative rock.
- Seeding, sodding or hydroseeding.
- Applying chemicals or fertilizers.
- Planting trees, shrubs or plants.
- Installing, servicing or repairing above ground lawn or landscape sprinkler systems.
- Installing, servicing or repairing underground lawn or landscape sprinkler systems to a maximum depth of three feet below finish grade.
- Assembling or placing premanufactured trellis work, play equipment, benches or picnic tables.
- Constructing rock walls to a maximum height of four feet.
- Land clearing.
- Spreading top soil to a maximum depth of six inches below finish grade.
- Trenching to a maximum depth of three feet below finish grade.
- Installing french drains or other subsurface water collection systems to a maximum depth of three feet below finish grade.
- Hauling top soil, plants or other landscaping materials in trucks with only one rear axle.

(2) Landscape construction does not include:

- Any activity or task (including those mentioned above) when performed preparatory to any nonlandscaping construction work.
- Constructing roads, footpaths, trails or rock walls more than four feet high.
- Custom fabrication of trellis work, play equipment, benches or picnic tables.
- Constructing restrooms, shelters or similar structures.

- Installing sewer systems, storm sewer systems, catch basins, vaults or drainage systems for impervious surfaces (such as parking lots).
- Installing drainage systems or underground sprinkler systems more than three feet below final grade.
- Land clearing, dozing, grading, excavating or hauling except as permitted above.
- Tree falling or bucking.
- Subgrade preparation.
- The use of power equipment with more than ninety horsepower.
- The use of trucks with more than one rear axle except hydroseeders.
- Demolition of structures.
- Asphalt or concrete work except incidental anchorage for play equipment, benches or picnic tables.
- Welding.
- Installing agricultural irrigation systems.
- Encapsulation of landfills.

NEW SECTION

WAC 296-127-01347 Lathers. For the purpose of the Washington state public works law, chapter 39.12 RCW, a lather erects horizontal metal framework to which laths are fastened, using nails, bolts, and studgun. Drills holes in floor and ceiling and drives ends of wooden or metal studs into holes to provide anchor for furring or rockboard laths.

Cuts and shapes lath and other materials, using hand tools and power tools.

Nails, clips or fastens all types of wood, wire and metal laths, plasterboard, wallboard, rockboard, gypsum, sheetrock and acoustical materials which take the place of same to walls, ceilings, and partitions of buildings to provide supporting base for plaster, fireproofing or acoustical material.

Erects all metal plastering accessories which are covered and/or serve as ground, guard, stock or screed for plaster materials, including wire mesh.

The work includes, but is not limited to:

- Installs all carrying bars and purlins (pieces of horizontal timber), light iron and metal furring (thin strips of wood or metal to create air space) of all descriptions, such as rods, channels, flatiron, t-bar, h-bar and other ceiling bars or systems for the receipt of lath and board.
- Wires plasterer's channels to overhead structural framework to provide support for plaster or acoustical ceiling tile.
- Nails, plaster grounds (wood or metal strips) to stud-ding to provide a guide for plasters.
- Handles, moves, hoists and stores on the job site all materials used by lathers and does all the cleanup required in connection with lather work.

NEW SECTION

WAC 296-127-01349 Marble setters. For the purpose of the Washington state public works law, chapter 39.12 RCW, marble setters cut, trim and set marble slabs in floors and walls of buildings and repair and polish slabs previously set in buildings.

The work includes, but is not limited to:

- Cutting, trimming and facing marble to specified size, using cutting, power sawing, and facing equipment and hand tools.
- Drilling holes in slabs and attaching brackets.
- Spreading mortar on bottom of slabs and on sides of adjacent slabs.
- Setting blocks in position, tamping them into place, and anchoring bracket attachments with wire.
- Filling joints with grout and removing excess grout from marble with a sponge.
- Cleaning and beveling cracks or chips on slabs, using power tools and hand tools.
- Heating cracked or chipped areas with blowtorch and filling defects with composition mastic that matches grain of marble.
- Polishes marble and other ornamental stone to high luster, using power tools or by hand.

NEW SECTION

WAC 296-127-01351 Millwrights. For the purpose of the Washington state public works law, chapter 39.12 RCW, millwrights install machinery and equipment according to layout plans, blueprints, and other drawings in industrial establishments, using hoists, lift trucks, hand tools and power tools. They read blueprints and schematic drawings to determine work procedures.

The work includes, but is not limited to:

- Dismantle machines, using hammers, wrenches, crowbars, and other hand held tools.
- Move machinery and equipment, using hoists, dollies, rollers, and trucks.
- Assemble and install equipment, such as shafting, conveyors, and tram rails, using hand tools and power tools.
- Construct foundation for machines, using hand tools and building materials, such as wood, cement, and steel.
- Align machines and equipment, using hoists, jacks, hand tools, squares, rules, micrometers, and plumb bobs.
- Assemble machines and bolt, weld, rivet, or otherwise fasten them to foundation or other structures, using hand tools and power tools.

NEW SECTION

WAC 296-127-01352 Metal fabricators. For the purpose of the Washington state public works law, chapter 39.12 RCW, metal fabricators fabricate and assemble structural or ornamental metal products, such as frame work or shells for machinery, tanks, stacks, and metal parts for buildings and bridges.

The work includes, but is not limited to:

- Develop layout and plan sequences of operation.
- Design and construct templates and fixtures.
- Locate and mark bending and cutting lines onto work-piece.
- Operate a variety of machines and equipment to fabricate metal products, such as brakes, saws rolls, shears, flame cutters, drill presses, bending machines, welding machines, and punch and forming presses.

- Set up and operate machine tools associated with fabricating shops, such as radial drill presses, end mills and edge planers, to turn, drill and mill metal to specific dimensions.
- Weld, forge weld, braze, solder, rivet or bolt components together to assemble workpiece.

NEW SECTION

WAC 296-127-01354 Operating engineers (equipment operators). For the purpose of the Washington state public works law, chapter 39.12 RCW, operating engineers operate, repair and maintain all types of self-propelled mechanically, electrically, electronically, hydraulic, automatic or remote controlled equipment on construction projects.

The work includes, but is not limited to, the following types of construction and equipment:

(1) Type of construction.

(a) Heavy and highway.

- Roads, streets, highways, grading and paving, excavation of earth and rock, viaducts, bridges, abutments, retaining walls, alleys, sidewalks, guard rails, fences, parkways, parking areas, athletic fields, railroads, airport grading, surfacing and drainage, pile driving, water supply, water development, reclamation, irrigation, drainage and flood control projects, water mains, pipe lines, sanitation and sewer projects, all common ditches, dams, aqueducts, canals, reservoirs, intakes, channels, levees, dikes, revetments, jetties, quarrying of breakwater or riprap stone, foundations pile driving piers, docks, locks, river and harbor projects, breakwaters, dredging, channel-cutoffs, duct lines, subways, shafts, tunnels, drilling, soil testing, clearing and grubbing, land leveling, quarrying, demolition and site clearing, tramways, soil stabilization, landscaping, beautification projects, hoisting or related work done by helicopters.

- Oil or gas refineries, nuclear power plants, industrial complexes and incidental structures.

- It shall also include any work relating to off-shore drilling and pipe lines.

(b) Building.

- Construction, erection, alteration, repair, modification, demolition, addition or improvement, in whole or in part, of any building structure.

- It shall include the installation, operation, maintenance and repair of equipment, and other facilities used in connection with the performance of such building construction.

(c) Material supply. Operations such as quarries, sand and gravel plants, screening plants, asphalt plants, ready-mix concrete or batch plants and prestressed concrete plants (excluding established plants) that are established at the job site.

(2) Type of equipment.

(a) Self-propelled.

- Asphalt machines, backhoes, blades, boring equipment, brooms, chippers, compactors, compressors, concrete saws, cranes, derricks, dozers, drilling equipment, hoists, lifts, loaders, motor graders, pavement breakers, paving machines, pumps, rollers, scrapers, screeds, shovels, tractors, and trenchers.

(b) Stationary.

- Asphalt plants, concrete batch plants, crushing plants, and screening plants.

NEW SECTION

WAC 296-127-01356 Painters. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the job description for painters is as follows:

- (1) Preparation of surfaces.
 - (a) Washing, cleaning and smoothing of surfaces, using sandpaper, brushes or steel wool.
 - (b) Removal of old paint or other coatings from surfaces, using paint remover, scraper, wire brush or by sandblasting.
 - (c) Filling of nail holes, cracks and joints with putty, plaster or other fillers.
- (2) Color matching and mixing.
- (3) Application of paint, varnish, stain, enamel, lacquer, vinyl, wallpaper and other materials of whatever kind or quality applied to walls or ceilings with paste or adhesive using brushes, spray gun or paint rollers.
- (4) Application of polyurethane elastomers, vinyl plastics, neoprene, resin, polyester and epoxy as waterproofing or protective coatings to any kind of surfaces (except roofs) when applied with brushes, spray guns or rollers.
- (5) Application of sprayed on fire retardant foam.
- (6) Texturing and decorating.
- (7) Erecting of scaffolding or setting up of ladders to perform the work above ground level.
- (8) Responsible for all the cleanup required in connection with painters work.

NEW SECTION

WAC 296-127-01358 Pile drivers. For the purpose of the Washington state public works law, chapter 39.12 RCW, the work of a pile driver includes, but is not limited to:

- Pile driver (pile buck).
 - The preparation, aligning, plumbing, setting, stressing, testing, pulling, welding, cutting off and capping of piling of any type including steel pile and concrete pile and the splicing, barking, heading and shoeing of piling and the rigging and signaling connected with all of the above.
 - Operating engineer pile driver.
 - Operating any power equipment used for pile driving, such as cranes equipped with drophammers and drums and hoists on A-frame type fixed leads on floating rigs.

NEW SECTION

WAC 296-127-01360 Plasterers. For the purpose of the Washington state public works law, chapter 39.12 RCW, plasterers apply gypsum, portland cement, stucco, imitation stone, and kindred materials and products to interior walls, ceilings, and partitions and to exterior walls of buildings, and finish those materials and products.

The work includes, but is not limited to:

- The spreading of plaster over laths, masonry, or any other base, using trowel and smoothing the plaster with darby and float for uniform thickness.

- The application of all the various manufacturer's brand names of "thin coat" or "plaster veneer."
- The application of all bonding agents and mastic.
- Roughing of undercoat with wire or metal scraper to provide bond for succeeding coats of plaster.
- The application of all malleable plastic materials and epoxy materials.
- The setting in place of plasterboard, insulationboard, "styro-foam and bead-board," ground, locks, patent dots, cork plates, brownstone and acoustical tile, fiberglass reinforcement and finished products.
- The plastering of joints, nail holes, and bruises on wall-board.
- The grouting and filling of door bucks, runners and similar installations.
- The application of scratchcoat, browncoat, and finish-coat of plaster to wood, metal, or board laths successively to all ceilings and walls when finished with terrazzo or tile, and the application of any plastic material to same.
- The fireproofing of all building assemblies with plaster materials, sprayed fiberglass or similar materials, whether applied to gypsum, metal lath or directly.
- All waterproofing work, such as the cutting and placing of nylon mesh and the plastering and finish of all exterior wall insulation and plaster finish systems.
- The application of crushed stone, marble or ceramic chips and broken glass where embedded in plaster, cement, plastic, or similar materials.
- The placing of acoustic blocks with any plastic material, regardless of thickness.
- The placing, by any method, of plaster or composition caps and ornaments.
- Creating decorative textures in finish coat by marking surface of coat with brush and trowel or by spattering it with small stones ("stucco") where plastering equipment and/or materials are used.
- The operation and control of all types of plastering machines, including power trowels and floats.
- All cleanup work.

NEW SECTION

WAC 296-127-01362 Playground and park equipment installers. For the intents and purposes of the Washington state public works law, chapter 39.12 RCW, the job description for playground and park equipment installers is as follows:

- Construction and placement of play equipment, benches and picnic tables in school grounds and parks.
- Responsible for all the cleanup required in connection with installation of playground and park equipment.

NEW SECTION

WAC 296-127-01364 Plumbers, pipefitters, and steamfitters. For the purpose of the Washington state public works law, chapter 39.12 RCW, plumbers, pipefitters and steamfitters assemble, install, and maintain piping systems, fixtures and equipment for the transportation of water, steam,

gas, air, sewage, oil, fuels, liquids, gases, or similar substances.

The work includes, but is not limited to:

(1) Piping systems installed in structures (e.g., buildings, industrial plants, etc.).

(a) The handling and moving of any plumbing, pipefitting and steamfitting materials, supplies, and equipment on the job site.

(b) Cutting, threading, and bending pipe.

(c) Joining pipes by use of screws, bolts, fittings, solder, welding and caulking, or any other method of making joints in the pipefitting industry.

(d) Assembling, installing, and repairing valves, pipe fittings, and pumps.

(e) Testing the piping system.

(f) Installing and repairing plumbing fixtures, such as sinks, bathtubs, water heaters, and water softeners.

(g) Cutting holes in floors and walls for pipes:

- With point and hammer.
- Core-drilled.

(h) Responsible for all cleanup required in connection with plumbers, pipefitters and steamfitters work.

(2) Distribution lines (e.g., water mains, sewer mains, oil and gas lines, etc.).

(a) The handling and moving of any plumbing, pipefitting and steamfitting materials, supplies, and equipment on the job site.

(b) Steel pipe: Welding of pipe joints and joining pipes with screws, bolts, fittings, solder, caulking, or any other method for making joints in the industry.

(c) Ductile iron pipe: Joining pipes by using any method for making joints in the industry, when the pipe will be under pressure.

Assembling, installing, and repairing valves and pumps.

(d) Testing the piping system.

(e) Responsible for all cleanup required in connection with plumbers, pipefitters and steamfitters work.

NEW SECTION

WAC 296-127-01367 Refrigeration mechanic. For the purpose of Washington state public works law, chapter 39.12 RCW, refrigeration mechanics install industrial, commercial, residential, and marine refrigeration systems involved in cold storage, ice making, cooling, heating, air conditioning, humidifying, dehumidifying or dehydrating and charge (pump gas or fluid in the system), start, test, service, and repair the installed systems.

The work includes, but is not limited to:

• Lay out reference points for the installation of the structural and functional components, using tape, transit, plumb bob, level, and square.

• Lay out and drill holes and cut chases and channels, set and erect belts, inserts, stands, brackets, hangers, supports, sleeves, thimbles, conduits and hoses.

• Lay out, cut, thread, bend and connect pipe to functional components and water or power system of premises.

• Move, lift, and install all compressors, pumps, motors, controls, switches, gauges, valves, condensers, evaporators,

and other fixtures and appurtenances included in such systems.

• Bolt, rivet, weld, braze and solder parts to structural and functional components.

• All clean-up work required in connection with refrigeration mechanics' work.

• Excluded is the installation of sheet metal duct work leading to and/or from units described above.

NEW SECTION

WAC 296-127-01369 Remote controlled cleaning, inspection and sealing of underground sewer and water systems. For the purpose of the Washington state public works law, chapter 39.12 RCW, this special method of repairing in-place, underground sewer and water pipes, includes the following work:

- Cleaning of interior pipe surface.
- Closed circuit television inspection.
- Electronic air testing of joints, cracks and breaks.
- Internal sealing of joints, cracks and breaks with chemical grout.
- All the above functions must be performed by remote control.

NEW SECTION

WAC 296-127-01370 Roofers. For the purpose of the Washington state public works law, chapter 39.12 RCW, roofers apply and install any and all types of roofing materials, other than sheet metal. The work of roofers includes, but is not limited to:

(1) The installation of slate and tile and all substitute materials taking the place of slate and tile, with necessary metal flashing to make water-tight.

All cementing in, on or around slate and tile roofs.

All laying of felt or paper beneath the slate and tile.

All dressing, punching and cutting of all roof slate or tile either by hand or machinery.

(2) The installation of all forms of plastic, slate, slag, gravel; asphalt and composition roofing; rock asphalt mastic when used for damp and waterproofing; prepared paper; compressed paper, and chemically prepared paper with or without coating.

The installation of all damp resisting preparations when applied on roofs with mop, three-knot brush, roller, swab or spray system.

(3) The installation of all forms of elastomeric and/or plastic (elasto-plastic) roofing systems, both sheet and liquid applied, whether single-ply or multi-ply.

All types of aggregates, blocks, bricks or stones used to ballast these elasto-plastic systems.

All types of aggregates used as a ballast for inverted roofing membrane assembly, or roof of similar construction where the insulation is laid over the roofing membrane.

All sealing and caulking of seams and joints on these elasto-plastic systems to insure water-tightness.

All liquid-type elasto-plastic preparation for roofing, damp or waterproofing when applied with a squeegee, trowel, roller or spray equipment.

All sheet-type elasto-plastic systems, whether single or multi-ply, for waterproofing.

All priming of surfaces to be roofed, damp or waterproofed, whether done by roller, mop, swab, three-knot brush, or spray systems.

All types of preformed panels used in waterproofing.

(4) The application of all types of spray-in-place foams such as urethane or polyurethane, and the coatings that are applied over them.

(5) The application of roof insulation, when the insulation material is applied as an integral part of the roofing system, whether the insulation material is applied as the first, last or any other layer in between.

(6) The handling, hoisting and storing of all roofing, damp and waterproofing materials.

(7) The tear-off and/or removal of any type of roofing, including roofing materials containing asbestos, all spudding, sweeping, vacuuming and/or cleanup of any and all areas of any type where a roof is to be relayed, and all other cleanup required in connection with roofing work.

NEW SECTION

WAC 296-127-01372 Sheet metal workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, sheet metal workers perform the following work:

(1) The handling, conditioning, assembling, installing, servicing, repairing, altering and dismantling of the duct work for the heating, ventilation and air conditioning systems regardless of the materials used and the setting and the servicing of all equipment and all supports and reinforcements in connection therewith.

(2) The installation of expansion and discharge valves, air filters, and water filters in heating, ventilation and air conditioning systems.

(3) The testing and balancing of air-handling equipment and duct work.

(4) The handling, conditioning, assembling, installing, repairing and dismantling (except when a building is demolished) of cornices, gutters and down spouts.

(5) The installation of metal siding and metal roof decking, regardless of the fastening method, or what it is fastened to.

(6) The installation of furnaces and any and all sheet metal work in connection with or incidental to commercial kitchen equipment or refrigerating plants.

(7) The handling, moving, hoisting and storing of all sheet metal materials on the job site and all the cleanup required in connection with sheet metal work.

NEW SECTION

WAC 296-127-01374 Sign makers and sign installers. For the purpose of the Washington state public works law, chapter 39.12 RCW, sign makers and sign installers fabricate, install, repair, alter, maintain and dismantle commercial signs, bulletins and poster panels.

The work includes, but is not limited to:

(1) Electric and luminous tube signs.

• The manufacture of all luminous tubes, which includes the coating and processing of tubes and the bending, repairing and pumping for all tubes.

• The shop assembly and fabrication of signs and displays and the installation, alteration, repair and dismantling of all electric and neon sign displays.

• The wiring, assembly, service and electrical maintenance of all such displays.

• The installation and servicing of fluorescent lighting fixtures.

(2) Painted and photographed signs.

• The preparing of sign surfaces, patterns and layouts.

• Applying all decals.

• Preparing and pouncing of patterns and tracing all patterns.

• Designing, cutting out of all letters made of wood or like materials, such as plastic, masonite, wallboard, cardboard.

• Priming, finishing and gilding of letters.

• Use of stencil knife, perforating wheel and friskit cutting.

• Applying and/or hanging of all cut-out letters.

• All pictorial work on signs, screen process work in its entirety including photography and operation of projector and mimeograph.

• Erecting commercial signs, bulletins and poster panels.

• Repainting of all signs, including painting of capping on bulletins and poster panels, by spraying and use of rollers.

• All work on banners, cloth, plastic, paper and cardboard, walls, bulletins, windows, truck lettering and all lettering on any surface.

• The use of stencil knife on sandblasted signs.

• The layout and application of all vinyl letters.

(3) All the cleanup required in connection with sign making and installing.

NEW SECTION

WAC 296-127-01375 Sprinkler fitters. For the purpose of the Washington state public works law, chapter 39.12 RCW, sprinkler fitters perform the installation, adjustments and corrections, maintenance, repair and dismantling of all fire protection and fire control systems and the installation of all piping for tubing, appurtenances and equipment pertaining thereto.

The work includes, but is not limited to:

(1) Underground water mains, fire hydrants and hydrant mains, stand pipes and hose connections to sprinkler systems and overhead piping.

(2) Sprinkler tank heaters.

(3) Air lines and thermal systems used in connection with sprinkler and alarm systems and all tanks and pumps connected thereto.

(4) Co² and cardox systems, dry chemical systems, halon and foam systems and all other fire protection systems.

(5) Cutting holes in floors and walls for pipes:

• With point and hammer.

• Core-drilled.

(6) The unloading, handling and storing of all the above.

(7) All cleanup work.

Excluded are steam fire protection systems and stand pipes not connected to automatic sprinkler systems.

NEW SECTION

WAC 296-127-01376 Stone masons. For the purpose of the Washington state public works law, chapter 39.12 RCW, stone masons shape and set stone blocks to build stone structures, such as piers, walls and abutments, and lay walks, curbstones, or special types of masonry, such as alberene (acid-resistant soapstone) for vats, tanks, and floors, using mason's tools.

The work includes, but is not limited to:

- Shaping stone blocks preparatory to setting, using chisel, hammer, and other shaping tools.
- Spreading mortar over stone and foundation with trowel and setting stone in place by hand or with the aid of a crane.
- Aligning stone with plumbline and finishing joints between stone with a pointing trowel.
- Spreading mortar along mortar guides to insure joints of uniform thickness.
- Cleaning surface of finished structure and removing mortar, using muriatic acid and brush.

NEW SECTION

WAC 296-127-01377 Outside telephone line construction. For the purpose of the Washington state public works law, chapter 39.12 RCW, outside telephone line construction includes, but is not limited to, the following work:

- (1) Head groundman. Operates light equipment and drives vehicles.
- (2) Telephone equipment operator - light. Operates backhoes, trenching machines and small cable plows.
- (3) Telephone equipment operator - heavy. Operates bulldozers, trenchers, backhoes, cable plows and plows pulling other equipment.

NEW SECTION

WAC 296-127-01378 Telecommunication technicians. For the purpose of the Washington state public works law, chapter 39.12 RCW, telecommunications technicians install, inspect, maintain, repair and service telecommunication systems.

The work includes, but is not limited to:

- (1) Main distribution frame (MDF). The distribution frame where the permanent outside lines entering a building terminate and the subscriber's line multiple cabling and trunk multiple cabling originate. It is usually located on the ground floor of a building.
- (2) Intermediate distribution frames (IDF). Distribution frames which provide flexibility in allocating the subscriber's number to the line or equipment in the office which is to be associated with the particular line. These frames are located on each floor of a building.
- (3) Blocks. Subpanels. They are connecting devices where large feed cables terminate at the distribution frames.

(4) Common equipment or key service unit. Consists of a backboard assembly, an equipment mounting frame, for connecting external telephones and Pacific Northwest Bell lines.

(5) Instruments, terminals, sets. Communications equipment at either end of a circuit. Equipment at a subscriber's or user's terminal including such items as telephones.

(6) Ancillary equipment. Add-on equipment such as bells, buzzers, speakerphones, headsets, automatic dialers, recorders, etc.

(7) Telephone cable.

(a) Network channel service cable owned by the telephone companies.

(b) Riser cables between floors of a building.

(c) Distribution cables installed on each floor of a building in the floor or the ceiling.

(d) Inside wires between the telephone and the connection to the distribution cable.

NEW SECTION

WAC 296-127-01379 Terrazzo (artificial marble) workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, terrazzo workers create durable and decorative surfaces on floors, walls and ceilings.

The work includes, but is not limited to:

(1) Spreading a one-half inch mixture of sand, cement, and water with trowel to form a base over walls, ceilings, and concrete floors where terrazzo is to be applied.

(2) The cutting and setting of metal or wooden strips into the terrazzo base so that the top edges form a design or pattern and define the level of the finished floor surface.

(3) Spreading a mixture of cement terrazzo, magnesite terrazzo, polyacrylate terrazzo, epoxy matrix terrazzo, exposed aggregate, rustic or rough washed for the interior or exterior of buildings, over a terrazzo base with float and trowel to form the finished surface.

(4) Spreading of any other kind of mixture of plastics composed of chips or granules of marble, granite, blue stone, enamel, mother-of-pearl, quartz, ceramic colored quartz and all other kinds of chips or granules when mixed with cement, rubber, neoprene, vinyl, magnesium chloride or any other resinous or chemical substances used for seamless flooring systems, and all other binding materials when used on any part of the interior and exterior of buildings and on fountains, swimming pools, etc.

NEW SECTION

WAC 296-127-01382 Terrazzo workers' helpers, tile and marble setters' helpers (finishers). For the purpose of the Washington state public works law, chapter 39.12 RCW, the scope of work for terrazzo workers' helpers, tile and marble setters' helpers includes, but is not limited to:

- Handling, moving, hoisting, storing and distributing sand, mortar, cement, lime, terrazzo, tile, marble, stone, slate or any other materials that may be used by terrazzo workers, tile layers, marble setters and stone masons.
- Performing all rigging.
- Installing and dismantling of scaffolding or staging.

- Mixing mortar and grout.
- All preparation prior to installation, such as helping with the bedding and cutting, priming, and the installation of ties and wire lath.
- Grinding, cleaning, washing, rubbing and polishing of all tile and marble.
- Applying protective coverings, such as soap compounds, paper products, varnishes and lacquers and all types of tapes and polyethylene coverings.
- Cleanup of the job site.

NEW SECTION

WAC 296-127-01384 Tile setters. For the purpose of the Washington state public works law, chapter 39.12 RCW, tile setters apply tile to floors, walls, ceilings, stair treads, promenade roof decks, garden walks, swimming pools, and all places where tiles may be used to form a finished surface for practical use, sanitary finish or decorative purpose.

The tile is defined as all burned clay products, as used in the tile industry, either glazed or unglazed, and all composition materials and all substitute materials in single units up to and including 15" x 20" x 2" (except quarry tiles larger than 9" x 1 1/4"), and all mixtures in the form of cement, plastics and metals that are used as a finished surface.

The work includes, but is not limited to:

- Measuring and cutting metal lath to size for walls and ceilings with tin snips. Tacking lath to wall and ceiling surfaces with staple gun or hammer. Spreading plaster base over lath with trowel and leveling plaster to specified thickness, using screed.
- Spreading concrete on subfloors with trowel and leveling it with screed.
- Spreading mastic or other adhesive base on roof deck, using serrated spreader to form base for promenade tile.
- Cutting and shaping tile with tile cutters and biters.
- Positioning tile and tapping it with trowel handle to affix tile to plaster or adhesive base.

NEW SECTION

WAC 296-127-01386 Traffic control stripers. For intents and purposes of the Washington state public works law, chapter 39.12 RCW, the scope of work for traffic control stripers is as follows:

- (1) All painting, application and installing of lines, arrows, bumpers, curbs, etc., on parking lots, air fields, highways, game courts and other such surfaces.
- (2) The handling, painting and installing of all car stops, stop signs and any other type sign installed for the purpose of regulating traffic on such surfaces.
- (3) The installation of plastic, metal or composition button, or lines used instead of paint.
- (4) Installation of parking gates, ticket spitters and other similar mechanical and automatic control devices.
- (5) Seal coating, slurry coating and other surface protection.
- (6) Line removal; chemical sand and hydro-blast, paint and button.

(7) Installation of guard rail and posts and similar protective devices.

(8) Manufacturing and installation of all car stops, per example: Metal, wood, concrete, plastic, etc., and all similar traffic regulators.

(9) Manufacturing, painting, stenciling, servicing, repairing, placing and removal of traffic safety and control devices (barricades).

(10) The preparation and maintenance of all surfaces as outlined above.

(11) Responsible for all the cleanup required in connection with traffic control stripers work.

NEW SECTION

WAC 296-127-01387 Power line clearance tree trimming. For the purpose of the Washington state public works law, chapter 39.12 RCW, the scope of work for power line clearance tree trimmers, chippermen and power line clearance tree trimmer apprentices is as follows:

(1) Power line clearance tree trimmer.

- Trims trees to clean right of way for electrical power lines to minimize storm and short-circuit hazards.
- Climbs trees to reach branches interfering with wires and transmission towers, using climbing equipment, or may work from bucket of extended truck boom to reach limbs.
- Prunes treetops, limbs and branches, using saws or pruning shears.
- Falls trees interfering with power service, using chainsaw.
- Repairs trees damaged by storms or lighting, by trimming jagged stumps and painting them to prevent bleeding of sap.
- Removes broken limbs from wires, using hooked extension pole.

(2) Chipperman.

- Assists tree trimmer in clearing trees, branches and brush interfering with electrical power lines. He performs all this work on the ground.
- Hoists tools and equipment to tree trimmers and lowers tree tops, limbs and branches with rope or block and tackle. Positions and steadies ladders. Operates the wood chipper (turns on and off). Saws and chops up tree trunks, tree tops, limbs, branches, and brush and leads them into the chipper. Drives the truck which tows the chipper.

• This classification is being phased out. To be used only for employees hired as "chippermen" prior to July 1, 1985.

(3) Power line clearance tree trimmer apprentice.

- Assist tree trimmer in clearing trees, branches and brush interfering with electrical power lines. He performs all his work on the ground.
- Hoists tools and equipment to tree trimmer and lowers tree tops, limbs and branches with rope of block and tackle. Positions and steadies ladders. Operates the wood chipper (turns it on and off). Saws and chips up tree trunks, tree tops, limbs, branches, and brush and feeds them into the chipper. Drives the truck which tows the chipper.
- Drags tree trunks, limbs, branches, and brush to the chipper, when the chipper is stationed a considerable distance from the location where the tree trimming is done.

NEW SECTION

WAC 296-127-01389 Utilities construction (underground sewers and water lines). For the purpose of the Washington state public works law, chapter 39.12 RCW, utilities construction is defined as follows:

The construction, alteration, repair or improvement of water mains, sanitary sewer mains, underground storm sewers and branch lines to buildings but not underneath buildings, within cities, towns, suburbs and subdivisions. The work includes, but is not limited to:

- (1) Clearance of right of way preparatory to the excavation of trenches or ditches.
- (2) Excavation and trimming of trenches or ditches (including establishing and maintaining grade).
- (3) Shoring, building of manholes, catch basins, etc.
- (4) Distribution of pipe and skids, placing of skids and pipe over the trench or ditch.
- (5) The cleaning, sealing, doping and wrapping of the pipe after the joints have been welded and before lowering the pipe into the trench and alignment.
- (6) Lowering of the pipe and the removal of the skids.
- (7) Backfilling, compaction and resurfacing of trenches or ditches (e.g., asphalt work necessary to cover the trench or ditch, but all other asphalt work is excluded).
- (8) Clean-up and restoration of right of way (e.g., restore landscaping).

NEW SECTION

WAC 296-127-01391 Water well drillers, exploration drillers, water well pump installers, and equipment oilers. For the purpose of the Washington state public works law, chapter 39.12 RCW, the work of water well drillers, exploration drillers, water well pump installers, and equipment oilers includes, but is not limited to:

- (1) Water well drillers. The drilling of wells for:
 - (a) Commercial water supplies.
 - (b) Irrigation water supplies.
 - (c) Water supplies for any other purpose.
 - (d) Dewatering, or similar purposes.
- (2) Exploration drillers.
 - (a) Hole drilling for geologic or hydrologic information.
 - (b) Core drilling for geologic information.
- (3) Water well pump installers. The installation of water well pumps for all purposes, except commercial water supplies.
- (4) Equipment oilers. Assist the drillers and pump installers in the performance of the tasks described above.

EMERGENCY

OFFICE OF THE CODE REVISER
Quarterly Rule-Making Report
Covering Registers 00-01 through 00-06

Type of Activity	New	Amended	Repealed
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	48	28	10
Number of Rules Proposed for Permanent Adoption	54	33	19
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	28	6
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	5	28	6
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	4	12	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
BATES TECHNICAL COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	97	0	25
CENTRALIA COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	39	3	17
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	14	8	0
Number of Rules Proposed for Permanent Adoption	28	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CORRECTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	86	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	27	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

COUNTY ROAD ADMINISTRATION BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

ECOLOGY, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	13	0
Number of Rules Proposed for Permanent Adoption	66	56	2
Number of Rules Withdrawn	9	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	13	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	13	0
Number of Sections Adopted using Negotiated Rule Making	0	3	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EDUCATION, STATE BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	27	19	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	17	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	1	0
Number of Sections Adopted on the Agency's own Initiative	2	18	0
Number of Sections Adopted using Negotiated Rule Making	2	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	17	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
EMPLOYMENT SECURITY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	28	0	6
Number of Rules Adopted as Emergency Rules	33	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	9	4
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	16	0	1
Number of Sections Adopted on the Agency's own Initiative	5	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	7	9	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EVERETT COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	56	6	0
FAMILY AND CHILDREN'S OMBUDSMAN, OFFICE OF THE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	10	6	0
Number of Rules Proposed for Permanent Adoption	10	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	6	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	40	6	24
Number of Rules Proposed for Permanent Adoption	10	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	1	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	6	24
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	2	24
Number of Sections Adopted using Pilot Rule Making	0	0	0
FINANCIAL MANAGEMENT, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	1	0

MISC.

Type of Activity	New	Amended	Repealed
FISH AND WILDLIFE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	79	42	17
Number of Rules Adopted as Emergency Rules	130	0	42
Number of Rules Proposed for Permanent Adoption	40	28	0
Number of Rules Withdrawn	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	7	4	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	8
Number of Sections Adopted on the Agency's own Initiative	53	41	48
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FOREST PRACTICES BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	71	34	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	18	34	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	18	34	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	18	34	1
Number of Sections Adopted on the Agency's own Initiative	18	34	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	18	34	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
GAMBLING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	10	5	1
Number of Rules Proposed for Permanent Adoption	128	36	12
Number of Rules Withdrawn	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	5	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	5	1
Number of Sections Adopted using Negotiated Rule Making	2	5	1
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
GENERAL ADMINISTRATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	6	0
Number of Rules Proposed for Permanent Adoption	3	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GROWTH MANAGEMENT HEARINGS BOARDS

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	8	6	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	196	50	24
Number of Rules Proposed for Permanent Adoption	172	69	41
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	37	36	24
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	4	11	1
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	31	16	12
Number of Sections Adopted on the Agency's own Initiative	18	31	12
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	34	18	12
Number of Sections Adopted using Pilot Rule Making	0	0	0

HIGHER EDUCATION COORDINATING BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	38	4	0

HORSE RACING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	7	0
Number of Rules Proposed for Permanent Adoption	21	17	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	7	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HOUSING FINANCE COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HUMAN RIGHTS COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	55	25	24
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	24	24
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	24	24
Number of Sections Adopted using Pilot Rule Making	0	0	0

INFORMATION SERVICES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	12	10	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	10	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	10	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LABOR AND INDUSTRIES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	277	63	56
Number of Rules Adopted as Emergency Rules	2	2	0
Number of Rules Proposed for Permanent Adoption	251	31	82
Number of Rules Withdrawn	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	15	1	1
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	79	60	20
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	20	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	50	0	14
Number of Sections Adopted on the Agency's own Initiative	28	43	42
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	79	63	20
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
LAKE WASHINGTON TECHNICAL COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	1	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
LIBRARY, WASHINGTON STATE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	27	7	17
LICENSING, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	165	65	44
Number of Rules Proposed for Permanent Adoption	108	32	26
Number of Rules Withdrawn	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	4	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	23	60	44
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	1	16	0
Number of Sections Adopted using Negotiated Rule Making	2	40	33
Number of Sections Adopted using Other Alternative Rule Making	4	19	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
LIQUOR CONTROL BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	0	0
Number of Rules Proposed for Permanent Adoption	5	0	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
LOTTERY, WASHINGTON STATE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	29	0	29

MISC.

Type of Activity	New	Amended	Repealed
MILITARY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	22	0	22
Number of Rules Proposed for Permanent Adoption	22	0	22
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	22
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	22
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	22
Number of Sections Adopted using Pilot Rule Making	0	0	0
OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PARKS AND RECREATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PERSONNEL RESOURCES BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	38	12	0
Number of Rules Withdrawn	3	3	0
PUBLIC DISCLOSURE COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	3	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	87	15	44
Number of Rules Adopted as Emergency Rules	2	0	0
Number of Rules Proposed for Permanent Adoption	18	12	4
Number of Rules Withdrawn	6	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	6	5	10
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	13	3	33
Number of Sections Adopted on the Agency's own Initiative	3	14	11
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	14	15	44
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC WORKS BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	8	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

RETIREMENT SYSTEMS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	35	19	2

REVENUE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	30	5	13
Number of Rules Adopted as Emergency Rules	4	2	0
Number of Rules Proposed for Permanent Adoption	13	9	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	4	0
Number of Sections Adopted on the Agency's own Initiative	7	5	13
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	6	5	13
Number of Sections Adopted using Pilot Rule Making	0	0	0

SECRETARY OF STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	27	15	0
Number of Rules Adopted as Emergency Rules	26	17	3
Number of Rules Proposed for Permanent Adoption	43	22	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	9	3
Number of Sections Adopted on the Agency's own Initiative	2	7	0
Number of Sections Adopted using Negotiated Rule Making	0	8	3
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SHORELINE COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	13	11	2

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	778	151	135
Number of Rules Adopted as Emergency Rules	29	20	1
Number of Rules Proposed for Permanent Adoption	51	13	8
Number of Rules Withdrawn	8	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	236	166	123
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	11	0
Number of Sections Adopted in Order to Comply with Federal Statute	32	8	32

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	20	17	13
Number of Sections Adopted on the Agency's own Initiative	223	98	108
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	246	161	133
Number of Sections Adopted using Pilot Rule Making	0	0	0

SOUTH PUGET SOUND COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	75	46	13
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	8	46	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	8	46	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TRANSPORTATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	9	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	9	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TREASURER, OFFICE OF THE STATE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	1	0

UNIVERSITY OF WASHINGTON

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	21	18	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	18	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	18	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
UTILITIES AND TRANSPORTATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	85	9	10
Number of Rules Proposed for Permanent Adoption	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	33	9	10
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
WASHINGTON STATE PATROL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	55	5	50
Number of Rules Adopted as Emergency Rules	12	0	0
Number of Rules Proposed for Permanent Adoption	4	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	3	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	4	50
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	6	0	0
Number of Sections Adopted on the Agency's own Initiative	6	1	50
Number of Sections Adopted using Negotiated Rule Making	0	3	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	50
Number of Sections Adopted using Pilot Rule Making	6	0	0
WESTERN WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
YAKIMA VALLEY COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	17	12	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	12	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TOTALS FOR THE QUARTER:

Number of Permanent Rules Adopted	2206	647	497
Number of Rules Adopted as Emergency Rules	401	81	48
Number of Rules Proposed for Permanent Adoption	1458	446	318
Number of Rules Withdrawn	32	16	0
Number of Sections Adopted at Request of a Nongovernmental Entity	20	6	1
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	431	553	310
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	5	43	1
Number of Sections Adopted in Order to Comply with Federal Statute	50	44	33
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	158	92	85
Number of Sections Adopted on the Agency's own Initiative	444	458	376
Number of Sections Adopted using Negotiated Rule Making	14	107	37
Number of Sections Adopted using Other Alternative Rule Making	419	395	344
Number of Sections Adopted using Pilot Rule Making	6	0	0

WSR 00-07-021
NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD
 [Memorandum— May 1, 2000]

MEETING NOTICE: April 13, 2000
 County Road Administration Board
 2404 Chandler Court S.W., Suite 240
 Olympia, WA 98504
 1:00 p.m. to 5:00 p.m.

MEETING NOTICE: April 14, 2000
 County Road Administration Board
 2404 Chandler Court S.W., Suite 240
 Olympia, WA 98504
 9:00 a.m. to noon

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Cheryl Heinemeyer at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

WSR 00-07-022
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
 [Memorandum—March 1, 2000]

The following is a list of the meetings currently scheduled for the Public Disclosure Commission for the year 2000:

- Tuesday, January 25
- Tuesday, February 29
- Tuesday, April 25
- Tuesday, May 25
- Tuesday, June 20
- Tuesday, July 18
- Tuesday, August 22
- Tuesday, September 26
- Tuesday, October 24
- Tuesday, November 21
- Tuesday, December 19

If you have any questions, please call (360) 753-1111.

MISC.

WSR 00-07-028
OFFICE OF THE GOVERNOR

[Filed March 3, 2000, 2:45 p.m.]

GOVERNOR'S DIRECTIVE No. 00-01

TO: All Executive Agencies and Institutions of Higher Education
FROM: Gary Locke, Governor
DATE: March 1, 2000
SUBJECT: Telephone Customer Service Goals

In an effort to continuously improve the level of service we provide to the people of our state, I am issuing this directive to clarify and define what state agencies should establish as goals for telephone customer service.

To improve telephone customer service in state agencies:

1. Every effort should be made for all callers to be able to reach a live person during normal business hours, if the person they are calling is not available.
2. Emergency contingency plans should be established to manage situations that cause an extraordinary increase in telephone calls.
3. All menu driven telephone systems should provide an option to speak to a live person, except those systems specifically designed to give a recorded message only (e.g. WSDOT snow line).
4. Every effort should be made to return all calls within 24 hours or the next business day.
5. Voice mail greetings should be current and allow an easy means to get to a live person.
6. Telephone book listings should be updated and easy to understand.
7. Employees should not screen calls for the purpose of refusing to communicate with any person, unless there is a safety or legal reason to do so.
8. Agencies should provide training to employees to continuously improve the quality of telephone customer services in state government.

CONCLUSION

It is the responsibility of all state employees to respond to citizens' calls promptly, professionally, courteously and respectfully.

All state agencies are directed to immediately begin to incorporate these standards into their office policies. These new standards shall be in effect in all state agencies by May 1, 2000.

WSR 00-07-030
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—March 6, 2000]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, March 16, 2000, 7-9 a.m., in the College Services Building

Board Room on the Bellingham Technical College campus.
Call 738-3105 ext. 334 for information.

WSR 00-07-032
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—March 1, 2000]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

- | | |
|------------------------|---|
| March 9, 2000* | Reception and kickoff for Edmonds Community College/Central Washington University joint building project, EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 3:00 p.m.
<i>Purpose: Reception for building architects, college administrators and staff to review plans for new joint building.</i> |
| March 10 and 11, 2000* | 25th Annual Lynnwood Jazz Festival, Edmonds Community College, Triton Union Building, 20000 68th Avenue West, Lynnwood, WA, 8:00 p.m.
<i>Purpose: Annual Jazz Festival Concerts.</i> |
| March 16, 2000 | Edmonds Community College Board of Trustees Regular Board Meeting: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m.
<i>Purpose: To address routine college business issues.</i> |

*This event is being scheduled as a special meeting, which is a study session where no action will be taken.

WSR 00-07-033
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE

[Memorandum—February 25, 2000]

A quorum of the board of trustees will be meeting on two consecutive dates in order to interview chairs of the Tenure Review Committees prior to the March 17, 2000, board meeting where "Approval of Tenure" is an action item. The interview dates will be Thursday, March 9, 2000, from 3:00 p.m. to 6:00 p.m., and Friday, March 10, 2000, from 12:00 noon to 5:00 p.m.

In the event it is necessary to change any of these meeting dates, the appropriate notification will take place.

MISC.

WSR 00-07-034

**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

(Securities Division)

[Filed March 6, 2000, 10:14 a.m.]

Subject(s): (1) Repeal of Securities Act Interpretive Statements:

- (a) IS-02 Selling Expenses—Underwriters' Consulting Fees.
- (b) IS-08 Isolated Transactions/NonPublic Offerings.
- (c) IS-15 Indeterminate Underwriters Compensation in Private Placements.
- (d) IS-17 Scope of Broker-Dealer Exclusion from Definition of Investment Adviser.
- (e) IS-18 "As Built" Appraisals.
- (f) IS-19 Voting Rights of Common Stock.
- (2) Repeal of Securities Act Policy Statements:
 - (a) PS-02 Requests for Interpretative and No-Action Letters.
 - (b) PS-11 Options to Underwriters; Delivery in Minimum/Maximum Offerings.
 - (c) PS-12 Uniform Pricing of Securities.
 - (d) PS-13 Voting Rights of Equity Securities.
 - (e) PS-17 Washington Investment Company Notice Filing and Fee Requirements.
 - (f) PS-18 Washington Municipal Security Notice Filing and Fee Requirements.
 - (g) PS-19 Washington Investment Adviser and Investment Adviser Representative Filing and Fee Requirements.

To receive a copy of the interpretive or policy statement being repealed contact Kristina L. Kneip, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 902-8823, fax (360) 704-7023.

John L. Bley
Director

WSR 00-07-035

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Board of Hearing and Speech)**

[Memorandum—March 2, 2000]

The Board of Hearing and Speech has amended the 2000 board meeting dates and locations and follows:

February 18, 2000	Olympia
May 19, 2000	Olympia
October 6, 2000	SeaTac

If you have questions, please contact (360) 236-4916 or by e-mail at tdiane.young@doh.wa.gov.

WSR 00-07-036

**NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION**

[Memorandum—March 1, 2000]

Amended Copy

The following is a list of the meetings currently scheduled for the Public Disclosure Commission for the year 2000:

- Tuesday, January 25
- Tuesday, February 29
- Tuesday, April 25 and 26
- Tuesday, May 23
- Tuesday, June 20
- Tuesday, July 18
- Tuesday, August 15
- Tuesday, September 26
- Tuesday, October 24
- Tuesday, November 21
- Tuesday, December 19

If you have any questions, please call (360) 753-1111.

WSR 00-07-058

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION**

(State Capitol Committee)

[Memorandum—March 6, 2000]

Please record the following State Capitol Committee meeting date in the Washington State Register:

- Date: Monday, April 17, 2000
- Time: 1:30 p.m. to 3:30 p.m.
- Location: Legislative Building, Senate Rules Room

Also, please publish a notice of cancellation for the Monday, April 10, 2000, 1:30 p.m. - 3:30 p.m., Legislative Building, Senate Rules Room, State Capitol Committee meeting.

If you have any questions, call (360) 664-9212.

WSR 00-07-059

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER**

[Memorandum—March 8, 2000]

A regular meeting of the Washington State Convention and Trade Center's board of directors will be held on Wednesday, March 15, 2000, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

MISC.

WSR 00-07-060
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF CORRECTIONS
(Office of Correctional Operations)
[Memorandum—March 9, 2000]

Department of Corrections
Office of Correctional Operations
Correctional Industries
Board of Directors

March 24, 2000	Ramada Inn, Olympia	1:00 p.m. to 5:00 p.m.
March 25, 2000	Ramada Inn, Olympia	8:00 a.m. to 1:00 p.m.
June 24, 2000	Forks Motel, Forks	8:00 a.m. to 1:00 p.m.
September 9, 2000	Ramada Inn at the Airport	8:00 a.m. to 1:00 p.m.
December 9, 2000	Department of Corrections, Olympia	1:00 p.m. to 5:00 p.m.
December 10, 2000	Cavanaugh's, Olympia	8:00 a.m. to 1:00 p.m.

Contact Sheila Pearson, (360) 753-5861.

WSR 00-07-061
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
(Local Plan Review Committee)
[Memorandum—March 8, 2000]

The Workforce Training and Education Coordinating Board (WTECB) Local Plan Review Committee will meet on April 14, 2000, in the WTECB Conference Room from 8:30 a.m. to noon.

Please call if you have any questions, 753-5677.

WSR 00-07-063
PROCLAMATION
OFFICE OF THE GOVERNOR
[March 9, 2000]

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2000 regular session on March 9, 2000, the 60th day of the session; and

WHEREAS, supplemental operating, transportation and capital budgets for the state, and measures necessary to implement them, were not passed; and

WHEREAS, substantial work remains to be done with respect to education, including measures to improve student achievement and Washington's Promise Scholarships; and

WHEREAS, work also remains to be done to pass legislation reforming civil service, assisting locked out workers, streamlining the granting of water rights, cigarette tax compacts, and demerging the Department of Community, Trade and Economic Development;

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at nine o'clock a.m. on Friday, March 10, 2000 for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia, this 9th day of March, A.D., two thousand.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Assistant Secretary of State

WSR 00-07-080
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH
(Division of Drinking Water)
[Filed March 15, 2000, 1:49 p.m.]

Interpretative Statement Summary

Title of Interpretive Statement: Unregulated purchasing water systems billing for water service, WAC 246-290-020 (2)(c).

Issuing Entity: Alan Rowe, Operations Manager, Division of Drinking Water.

Description of Subject Matter: A company providing drinking water billing services to an apartment complex or similar facility will not be considered a purveyor or public water system (PWS) if that is the extent of their involvement in providing drinking water. The company would not meet the definition of a PWS under WAC 246-290-020(1) and, therefore, the requirements of chapter 246-290 WAC would not apply to them. The apartment complex contracting with the company for billing services, also, will not be classified as a PWS or purveyor subject to regulation under chapter 246-290 WAC, solely because of the presence of a billing contract.

Division Contact: Ethan Moseng, Division of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3562.

Effective Date: February 29, 2000.

MISC.

WSR 00-07-081

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH
 (Division of Drinking Water)
 [Filed March 15, 2000, 1:51 p.m.]

Interpretative Statement Summary

Title of Interpretive Statement: Sanitary survey fees for public water systems with unfiltered surface water sources, WAC 246-290-990 (1)(i) and (3)(c)(iv).

Issuing Entity: Alan Rowe, Operations Manager, Division of Drinking Water.

Description of Subject Matter: Drinking water staff will continue to use the established service fee on an annual basis for the "unfiltered system annual comprehensive report" and will assume that the fee includes the time required for the watershed and disinfection system inspections for Department of Health (DOH) approved unfiltered surface water sources. If the DOH sanitary survey includes inspecting other facilities besides those included in the annual inspections, staff will determine the service fee to charge based upon the hourly rate allowed. The purveyor will be charged the appropriate fee and will not be double-billed for the same service.

Division Contact: Ethan Moseng, Division of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3562.

Effective Date: February 29, 2000.

WSR 00-07-082

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH
 (Division of Drinking Water)
 [Filed March 15, 2000, 1:54 p.m.]

Interpretative Statement Summary

Title of Interpretive Statement: When problem systems are required to submit a Water System Plan (WSP) or a Small Water System Management Program (SWSMP), WAC 246-290-100 (2)(c) and 246-290-105 (3)(b).

Issuing Entity: Alan Rowe, Operations Manager, Division of Drinking Water.

Description of Subject Matter: Direction is provided to staff as to when to require submittal of a water system plan or a small water system management program for systems that previously were not required to submit a planning document. Examples of documented problems that could trigger the planning requirement are identified. The final decision of requiring the submittals rests with the regional managers.

Division Contact: Ethan Moseng, Division of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3562.

Effective Date: February 29, 2000.

WSR 00-07-083

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF HEALTH
 (Division of Drinking Water)
 [Filed March 15, 2000, 1:55 p.m.]

Interpretative Statement Summary

Title of Interpretive Statement: Consumer acceptance related to secondary contaminants on TNC systems, WAC 246-290-320 (3)(d).

Issuing Entity: Gregg Grunenfelder, Division Director, Division of Drinking Water.

Description of Subject Matter: With respect to providing treatment for a secondary (nonhealth related) contaminant on a new or existing transient noncommunity (TNC) public water system, determining consumer acceptance will be left up to the system owner. It will be considered a business decision that the owner must make as to whether or not the expense of secondary contaminant treatment is warranted.

Division Contact: Ethan Moseng, Division of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3562.

Effective Date: February 29, 2000.

WSR 00-07-095

NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—March 10, 2000]

CHANGE OF LOCATION FOR JUNE 9, 2000, AND SEPTEMBER 15, 2000, BOARD OF REGENTS MEETINGS

At the direction of the president of the board of regents, the location of the following meetings have been changed: The June 9, 2000, meeting of the board of regents will be in the Walker Ames Room, Kane Hall, UW Main Campus, in Seattle at 10:00 a.m., it is currently scheduled to be held in Bothell.

The September 15, 2000, meeting of the board of regents will be at the UW Bothell campus, at 10:00 a.m., it is currently scheduled to be held in Seattle.

If you have any questions about board of regents meetings, please contact the board of regents' office at (206) 543-1633.

WSR 00-07-110

OFFICE OF THE GOVERNOR
 [No. 00-02—Filed March 20, 2000, 9:12 a.m.]

GOVERNOR'S DIRECTIVE No. 00-02

TO: All Executive Agencies and Institutions of Higher Education
FROM: Gary Locke, Governor
DATE: March 15, 2000
SUBJECT: Recent Superior Court Ruling on Initiative 695

MISC.

Yesterday King County Superior Court Judge Robert H. Alsdorf ruled Initiative 695 unconstitutional. I fully expect that this ruling will be appealed to the State Supreme Court. The state will vigorously defend the constitutionality of the measure at each step of the process. The State Supreme Court has made preparations for an expedited hearing of Initiative 695 issues. In the mean time, the King County judge ordered that no change occur in the state car tax as a result of his ruling.

Following the passage of Initiative 695, I said that we in state government would implement Initiative 695 and we would not challenge it in court. My budget and the proposed legislative budgets provide money for the legal defense of Initiative 695.

At that time I also directed agencies to avoid any tax or fee action which violates the Initiative and stated that this administration was not proposing any tax increases to the voters this session. I am reconfirming that directive today. Until the Supreme Court makes a final determination on the tax and fee provisions of the Initiative, and we have had an opportunity to respond to the Court's decision, your agencies should not consider any new fee proposals.

Thank you for your cooperation in this matter.

WSR 00-07-118

**NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD**

[Memorandum—March 20, 2000]

When we filed the 2000 meeting dates for the Workforce Training and Education Coordinating Board we were unsure of the locations. Following are the locations for the next four meetings in 2000.

Tuesday, May 9, 2000

AWB, Olympia

Tuesday and Wednesday, June 27 and 28, 2000

Ocean Crest, Moclips, Washington

Wednesday, August 30, 2000

Labor and Industries, Olympia

Tuesday, October 17, 2000

Washington State Investment Board, Olympia

If you have any questions, please call (360) 753-5677.

WSR 00-07-119

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE**

(Beef Commission)

[Memorandum—March 16, 2000]

This is to notify you that the May 18th board meeting of the Washington State Beef Commission has been changed to May 25th.

Should you have questions, please contact (206) 444-2902.

WSR 00-07-127

**NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Memorandum—March 21, 2000]

At their March 16, 2000, regular meeting the South Puget Sound Community College board of trustees changed their regular April 20, 2000, meeting to Monday, April 24, 2000.

If you have any questions, please contact 754-7711 ext. 202.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:
 AMD = Amendment of existing section
 A/R = Amending and recodifying a section
 DECOD = Decodification of an existing section
 NEW = New section not previously codified
 OBJECT = Notice of objection by Joint Administrative Rules Review Committee
 PREP = Preproposal comments
 RE-AD = Readoption of existing section
 RECOD = Recodification of previously codified section
 REP = Repeal of existing section
 RESCIND = Rescind of existing section
 REVIEW = Review of previously adopted rule
 SUSP = Suspending an existing section

Suffixes:
 -C = Continuance of previous proposal
 -E = Emergency action
 -P = Proposed action
 -S = Supplemental notice
 -W = Withdrawal of proposed action
 -XA = Expedited adoption
 -XR = Expedited repeal
 No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-400	AMD-P	00-07-004	16-80-010	AMD-P	00-03-068	16-213-230	REP-P	00-05-048
4-25-510	PREP	00-03-032	16-80-010	AMD	00-06-066	16-213-240	REP-P	00-05-048
4-25-510	AMD-P	00-07-005	16-80-015	AMD-P	00-03-068	16-213-250	REP-P	00-05-048
4-25-522	REP-P	00-07-006	16-80-015	AMD	00-06-066	16-213-260	AMD-P	00-05-048
4-25-540	AMD-P	00-07-007	16-80-020	AMD-P	00-03-068	16-213-270	AMD-P	00-05-048
4-25-631	AMD-P	00-07-008	16-80-020	AMD	00-06-066	16-228-1010	PREP	00-03-080
4-25-660	AMD-P	00-07-009	16-80-025	AMD-P	00-03-068	16-228-1040	PREP	00-03-080
4-25-661	AMD-P	00-07-010	16-80-025	AMD	00-06-066	16-228-1150	PREP	00-03-080
4-25-750	AMD-P	00-07-011	16-80-030	AMD-P	00-03-068	16-228-1200	PREP	00-03-080
4-25-780	REP-P	00-07-012	16-80-030	AMD	00-06-066	16-228-1220	PREP	00-03-077
4-25-781	NEW-P	00-07-013	16-80-035	AMD-P	00-03-068	16-228-1230	PREP	00-03-080
4-25-782	NEW-P	00-07-013	16-80-035	AMD	00-06-066	16-228-1240	PREP	00-03-077
4-25-783	NEW-P	00-07-013	16-80-040	AMD-P	00-03-068	16-228-1250	PREP	00-03-077
4-25-830	PREP	00-03-033	16-80-040	AMD	00-06-066	16-228-1270	PREP	00-03-080
4-25-830	AMD-P	00-07-014	16-80-045	AMD-P	00-03-068	16-228-1300	PREP	00-03-077
4-25-910	AMD-P	00-07-015	16-80-045	AMD	00-06-066	16-228-1320	PREP	00-03-077
16-70-001	REP-P	00-03-070	16-80-047	AMD-P	00-03-068	16-228-1380	PREP	00-03-080
16-70-001	REP	00-06-064	16-80-047	AMD	00-06-066	16-228-1385	PREP	00-03-080
16-70-005	AMD-P	00-03-070	16-80-050	REP-P	00-03-068	16-228-1400	PREP	00-03-078
16-70-005	AMD	00-06-064	16-80-050	REP	00-06-066	16-228-1500	PREP	00-03-079
16-70-010	AMD-P	00-03-070	16-101	PREP	00-02-077	16-228-1520	PREP	00-03-079
16-70-010	AMD	00-06-064	16-101X	PREP	00-07-115	16-228-1540	PREP	00-03-080
16-70-030	REP-P	00-03-070	16-112-001	REP	00-05-024	16-228-1545	PREP	00-03-079
16-70-030	REP	00-06-064	16-112-010	REP	00-05-024	16-228-1580	PREP	00-03-080
16-74-001	REP-P	00-03-069	16-112-020	REP	00-05-024	16-228-2000	PREP	00-03-077
16-74-001	REP	00-06-065	16-112-030	REP	00-05-024	16-230	PREP	00-04-020
16-74-005	NEW-P	00-03-069	16-147-010	AMD	00-05-025	16-230	PREP	00-04-021
16-74-005	NEW	00-06-065	16-147-020	AMD	00-05-025	16-230	PREP	00-04-022
16-74-010	AMD-P	00-03-069	16-147-030	AMD	00-05-025	16-404	PREP	00-03-083
16-74-010	AMD	00-06-065	16-200-512	REP-XR	00-07-068	16-409	PREP	00-03-085
16-74-020	AMD-P	00-03-069	16-200-695	PREP	00-03-076	16-414	PREP	00-07-132
16-74-020	AMD	00-06-065	16-202-1000	PREP	00-03-076	16-439	PREP	00-07-134
16-74-030	AMD-P	00-03-069	16-202-2000	PREP	00-03-076	16-442	PREP	00-07-133
16-74-030	AMD	00-06-065	16-213-010	REP-P	00-05-048	16-445	PREP	00-03-084
16-74-040	REP-P	00-03-069	16-213-100	REP-P	00-05-048	16-463	PREP	00-07-135
16-74-040	REP	00-06-065	16-213-110	REP-P	00-05-048	16-483	AMD-C	00-04-066
16-80-005	AMD-P	00-03-068	16-213-120	REP-P	00-05-048	16-483-001	AMD	00-05-105
16-80-005	AMD	00-06-066	16-213-130	REP-P	00-05-048	16-483-005	AMD	00-05-105
16-80-007	AMD-P	00-03-068	16-213-200	AMD-P	00-05-048	16-483-010	AMD	00-05-105
16-80-007	AMD	00-06-066	16-213-220	REP-P	00-05-048	16-483-020	AMD	00-05-105

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-483-030	AMD	00-05-105	132E-120-120	NEW-P	00-06-063	132L-20-050	REP	00-07-113
16-483-040	AMD	00-05-105	132E-120-130	NEW-P	00-06-063	132L-20-070	REP	00-07-113
16-483-050	AMD	00-05-105	132E-120-140	NEW-P	00-06-063	132L-20-080	REP	00-07-113
16-483-060	REP	00-05-105	132E-120-150	NEW-P	00-06-063	132L-20-130	REP	00-07-113
16-516-010	AMD-XA	00-07-079	132E-120-160	RECOD-P	00-06-063	132L-20-135	REP	00-07-113
16-516-020	AMD-XA	00-07-079	132E-120-170	RECOD-P	00-06-063	132L-20-140	REP	00-07-113
16-536-040	AMD-P	00-05-089	132E-120-180	RECOD-P	00-06-063	132L-22-020	REP	00-07-113
16-550-020	AMD-XA	00-05-090	132E-120-190	RECOD-P	00-06-063	132L-22-060	REP	00-07-113
16-555-020	AMD-XA	00-05-091	132E-120-200	NEW-P	00-06-063	132L-22-070	REP	00-07-113
16-557-010	REP-C	00-07-136	132E-120-210	NEW-P	00-06-063	132L-22-080	REP	00-07-113
16-557-020	REP-C	00-07-136	132E-120-220	RECOD-P	00-06-063	132L-24-010	REP	00-07-113
16-557-025	REP-C	00-07-136	132E-120-230	RECOD-P	00-06-063	132L-24-020	REP	00-07-113
16-557-030	REP-C	00-07-136	132E-120-240	NEW-P	00-06-063	132L-24-030	REP	00-07-113
16-557-040	REP-C	00-07-136	132E-120-250	NEW-P	00-06-063	132L-24-090	REP	00-07-113
16-557-041	REP-C	00-07-136	132E-120-260	NEW-P	00-06-063	132L-25-010	REP	00-07-113
16-557-050	REP-C	00-07-136	132E-120-270	NEW-P	00-06-063	132L-120-010	AMD	00-07-113
16-557-060	REP-C	00-07-136	132E-120-280	NEW-P	00-06-063	132L-120-015	NEW	00-07-113
16-557-070	REP-C	00-07-136	132E-120-290	NEW-P	00-06-063	132L-120-020	AMD	00-07-113
16-557-080	REP-C	00-07-136	132E-120-300	NEW-P	00-06-063	132L-120-030	NEW	00-07-113
16-565-020	AMD-XA	00-05-092	132E-120-310	NEW-P	00-06-063	132L-120-040	NEW	00-07-113
82-50-021	AMD-XA	00-05-016	132E-120-320	NEW-P	00-06-063	132L-120-070	NEW	00-07-113
112-10-010	AMD	00-05-036	132E-120-330	NEW-P	00-06-063	132L-120-080	NEW	00-07-113
112-10-020	AMD	00-05-036	132E-120-340	NEW-P	00-06-063	132L-120-090	NEW	00-07-113
112-10-030	AMD	00-05-036	132E-120-350	NEW-P	00-06-063	132L-120-100	NEW	00-07-113
112-10-040	AMD	00-05-036	132E-120-360	NEW-P	00-06-063	132L-120-110	NEW	00-07-113
112-10-050	AMD	00-05-036	132E-120-370	NEW-P	00-06-063	132L-120-120	NEW	00-07-113
112-10-060	AMD	00-05-036	132E-120-380	NEW-P	00-06-063	132L-120-130	NEW	00-07-113
112-10-070	NEW	00-05-036	132E-120-390	NEW-P	00-06-063	132L-120-140	NEW	00-07-113
112-10-080	NEW	00-05-036	132E-120-400	NEW-P	00-06-063	132L-120-150	NEW	00-07-113
118-03-330	REP	00-05-012	132E-120-410	NEW-P	00-06-063	132L-120-160	NEW	00-07-113
118-06-010	REP	00-05-011	132E-121-010	AMD-P	00-06-063	132L-120-170	NEW	00-07-113
118-06-020	REP	00-05-011	132E-121-010	DECOD-P	00-06-063	132L-120-180	NEW	00-07-113
118-06-030	REP	00-05-011	132E-124-020	AMD-P	00-06-063	132L-120-190	NEW	00-07-113
118-06-040	REP	00-05-011	132E-124-020	DECOD-P	00-06-063	132L-120-200	NEW	00-07-113
118-06-050	REP	00-05-011	132G-276-010	AMD-P	00-02-074	132L-120-210	NEW	00-07-113
118-06-060	REP	00-05-011	132G-276-010	AMD-S	00-06-074	132L-120-220	NEW	00-07-113
118-06-070	REP	00-05-011	132G-276-020	AMD-P	00-02-074	132X-10-010	AMD	00-05-023
118-06-080	REP	00-05-011	132G-276-020	AMD-S	00-06-074	132X-10-030	AMD	00-05-023
118-07-010	REP	00-05-011	132G-276-030	REP-P	00-02-074	132X-10-050	AMD	00-05-023
118-07-020	REP	00-05-011	132G-276-030	REP-S	00-06-074	132X-10-060	AMD	00-05-023
118-07-030	REP	00-05-011	132G-276-040	REP-P	00-02-074	132X-10-080	AMD	00-05-023
118-07-040	REP	00-05-011	132G-276-040	REP-S	00-06-074	132X-10-100	AMD	00-05-023
118-07-050	REP	00-05-011	132G-276-050	AMD-P	00-02-074	132X-10-110	AMD	00-05-023
118-07-060	REP	00-05-011	132G-276-050	AMD-S	00-06-074	132X-20-010	REP	00-05-022
118-08-010	REP	00-05-011	132G-276-060	AMD-P	00-02-074	132X-20-020	REP	00-05-022
118-08-020	REP	00-05-011	132G-276-060	AMD-S	00-06-074	132X-20-030	REP	00-05-022
118-08-030	REP	00-05-011	132G-276-080	AMD-P	00-02-074	132X-20-040	REP	00-05-022
118-08-040	REP	00-05-011	132G-276-080	AMD-S	00-06-074	132X-20-050	REP	00-05-022
118-08-050	REP	00-05-011	132G-276-090	AMD-P	00-02-074	132X-20-060	REP	00-05-022
118-08-060	REP	00-05-011	132G-276-090	AMD-S	00-06-074	132X-20-070	REP	00-05-022
118-08-070	REP	00-05-011	132G-276-100	AMD-P	00-02-074	132X-20-080	REP	00-05-022
131-16-450	PREP	00-07-128	132G-276-100	AMD-S	00-06-074	132X-20-090	REP	00-05-022
132E-120	PREP	00-02-082	132G-276-110	AMD-P	00-02-074	132X-20-100	REP	00-05-022
132E-120	AMD-P	00-06-063	132G-276-110	AMD-S	00-06-074	132X-20-110	REP	00-05-022
132E-120-010	DECOD-P	00-06-063	132G-276-120	AMD-P	00-02-074	132X-20-120	REP	00-05-022
132E-120-020	AMD-P	00-06-063	132G-276-120	AMD-S	00-06-074	132X-20-130	REP	00-05-022
132E-120-020	DECOD-P	00-06-063	132G-276-130	AMD-P	00-02-074	132X-30-040	AMD	00-05-023
132E-120-030	AMD-P	00-06-063	132G-276-130	AMD-S	00-06-074	132X-40-020	AMD	00-05-023
132E-120-030	DECOD-P	00-06-063	132G-276-900	AMD-P	00-02-074	132X-50-020	AMD	00-05-023
132E-120-040	AMD-P	00-06-063	132G-276-900	AMD-S	00-06-074	132X-50-030	AMD	00-05-023
132E-120-040	DECOD-P	00-06-063	132L-20-010	REP	00-07-113	132X-50-040	AMD	00-05-023
132E-120-110	NEW-P	00-06-063	132L-20-030	REP	00-07-113	132X-50-050	AMD	00-05-023

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132X- 50-060	AMD	00-05-023	132Z-115-170	NEW-P	00-07-121	137-130-100	NEW-E	00-05-045
132X- 50-080	AMD	00-05-023	132Z-115-180	NEW-P	00-07-121	137-130-110	NEW-E	00-05-045
132X- 50-110	AMD	00-05-023	132Z-115-190	NEW-P	00-07-121	137-130-120	NEW-E	00-05-045
132X- 50-120	AMD	00-05-023	132Z-115-200	NEW-P	00-07-121	137-130-130	NEW-E	00-05-045
132X- 50-130	AMD	00-05-023	132Z-115-210	NEW-P	00-07-121	137-130-140	NEW-E	00-05-045
132X- 50-140	AMD	00-05-023	132Z-115-220	NEW-P	00-07-121	137-130-150	NEW-E	00-05-045
132X- 50-150	AMD	00-05-023	132Z-115-230	NEW-P	00-07-121	139- 01	PREP	00-04-048
132X- 50-160	AMD	00-05-023	136-167-020	AMD	00-05-043	139- 01-100	AMD-P	00-07-097
132X- 50-170	AMD	00-05-023	136-167-030	AMD	00-05-043	139- 01-110	REP-P	00-07-097
132X- 50-180	AMD	00-05-023	137- 28	PREP	00-02-070	139- 01-320	REP-P	00-07-097
132X- 50-190	AMD	00-05-023	137- 28-140	AMD-P	00-07-048	139- 01-330	REP-P	00-07-097
132X- 50-210	AMD	00-05-023	137- 28-160	AMD-P	00-07-048	139- 01-410	REP-P	00-07-097
132X- 50-230	AMD	00-05-023	137- 28-170	AMD-P	00-07-048	139- 01-415	REP-P	00-07-097
132X- 50-240	AMD	00-05-023	137- 28-185	NEW-P	00-07-048	139- 01-420	REP-P	00-07-097
132X- 50-260	AMD	00-05-023	137- 28-220	AMD-P	00-07-048	139- 01-425	REP-P	00-07-097
132X- 50-270	AMD	00-05-023	137- 28-230	AMD-P	00-07-048	139- 01-430	REP-P	00-07-097
132X- 50-280	AMD	00-05-023	137- 28-260	AMD-P	00-07-048	139- 01-435	REP-P	00-07-097
132X- 60-010	AMD	00-05-023	137- 28-270	AMD-P	00-07-048	139- 01-440	REP-P	00-07-097
132X- 60-015	NEW	00-05-023	137- 28-290	AMD-P	00-07-048	139- 01-445	REP-P	00-07-097
132X- 60-020	AMD	00-05-023	137- 28-300	AMD-P	00-07-048	139- 01-450	REP-P	00-07-097
132X- 60-035	NEW	00-05-023	137- 28-310	AMD-P	00-07-048	139- 01-455	REP-P	00-07-097
132X- 60-037	NEW	00-05-023	137- 28-320	REP-P	00-07-048	139- 01-460	REP-P	00-07-097
132X- 60-040	AMD	00-05-023	137- 28-350	AMD-P	00-07-048	139- 01-465	REP-P	00-07-097
132X- 60-045	NEW	00-05-023	137- 28-380	AMD-P	00-07-048	139- 01-470	REP-P	00-07-097
132X- 60-046	NEW	00-05-023	137- 28-420	AMD-P	00-07-048	139- 01-475	REP-P	00-07-097
132X- 60-050	AMD	00-05-023	137-125-005	NEW-E	00-05-044	139- 01-510	REP-P	00-07-097
132X- 60-060	AMD	00-05-023	137-125-010	NEW-E	00-05-044	139- 01-515	REP-P	00-07-097
132X- 60-065	NEW	00-05-023	137-125-015	NEW-E	00-05-044	139- 01-520	REP-P	00-07-097
132X- 60-075	NEW	00-05-023	137-125-040	NEW-E	00-05-044	139- 01-525	REP-P	00-07-097
132X- 60-080	AMD	00-05-023	137-125-042	NEW-E	00-05-044	139- 01-530	REP-P	00-07-097
132X- 60-090	AMD	00-05-023	137-125-044	NEW-E	00-05-044	139- 01-535	REP-P	00-07-097
132X- 60-100	AMD	00-05-023	137-125-046	NEW-E	00-05-044	139- 01-540	REP-P	00-07-097
132X- 60-110	AMD	00-05-023	137-125-048	NEW-E	00-05-044	139- 01-545	REP-P	00-07-097
132X- 60-120	AMD	00-05-023	137-125-052	NEW-E	00-05-044	139- 01-550	REP-P	00-07-097
132X- 60-130	AMD	00-05-023	137-125-054	NEW-E	00-05-044	139- 01-555	REP-P	00-07-097
132X- 60-140	AMD	00-05-023	137-125-060	NEW-E	00-05-044	139- 01-560	REP-P	00-07-097
132X- 60-150	AMD	00-05-023	137-125-070	NEW-E	00-05-044	139- 01-565	REP-P	00-07-097
132X- 60-160	AMD	00-05-023	137-125-072	NEW-E	00-05-044	139- 01-570	REP-P	00-07-097
132X- 60-170	AMD	00-05-023	137-125-076	NEW-E	00-05-044	139- 01-575	REP-P	00-07-097
132X- 60-178	NEW	00-05-023	137-125-078	NEW-E	00-05-044	139- 01-610	REP-P	00-07-097
132X- 60-180	AMD	00-05-023	137-125-090	NEW-E	00-05-044	139- 01-615	REP-P	00-07-097
132Z-112-010	NEW-P	00-07-121	137-125-095	NEW-E	00-05-044	139- 01-620	REP-P	00-07-097
132Z-112-020	NEW-P	00-07-121	137-125-100	NEW-E	00-05-044	139- 01-625	REP-P	00-07-097
132Z-112-030	NEW-P	00-07-121	137-125-105	NEW-E	00-05-044	139- 01-630	REP-P	00-07-097
132Z-112-040	NEW-P	00-07-121	137-125-110	NEW-E	00-05-044	139- 01-710	REP-P	00-07-097
132Z-112-050	NEW-P	00-07-121	137-125-115	NEW-E	00-05-044	139- 01-715	REP-P	00-07-097
132Z-115-010	NEW-P	00-07-121	137-125-120	NEW-E	00-05-044	139- 01-720	REP-P	00-07-097
132Z-115-020	NEW-P	00-07-121	137-125-125	NEW-E	00-05-044	139- 01-725	REP-P	00-07-097
132Z-115-030	NEW-P	00-07-121	137-125-130	NEW-E	00-05-044	139- 01-730	REP-P	00-07-097
132Z-115-040	NEW-P	00-07-121	137-125-135	NEW-E	00-05-044	139- 01-735	REP-P	00-07-097
132Z-115-050	NEW-P	00-07-121	137-125-140	NEW-E	00-05-044	139- 01-810	REP-P	00-07-097
132Z-115-060	NEW-P	00-07-121	137-125-195	NEW-E	00-05-044	139- 01-820	REP-P	00-07-097
132Z-115-070	NEW-P	00-07-121	137-130-005	NEW-E	00-05-045	139- 02-010	NEW-P	00-07-097
132Z-115-080	NEW-P	00-07-121	137-130-010	NEW-E	00-05-045	139- 02-020	NEW-P	00-07-097
132Z-115-090	NEW-P	00-07-121	137-130-020	NEW-E	00-05-045	139- 02-030	NEW-P	00-07-097
132Z-115-100	NEW-P	00-07-121	137-130-030	NEW-E	00-05-045	139- 02-040	NEW-P	00-07-097
132Z-115-110	NEW-P	00-07-121	137-130-040	NEW-E	00-05-045	139- 02-050	NEW-P	00-07-097
132Z-115-120	NEW-P	00-07-121	137-130-050	NEW-E	00-05-045	139- 02-060	NEW-P	00-07-097
132Z-115-130	NEW-P	00-07-121	137-130-060	NEW-E	00-05-045	139- 02-070	NEW-P	00-07-097
132Z-115-140	NEW-P	00-07-121	137-130-070	NEW-E	00-05-045	139- 02-080	NEW-P	00-07-097
132Z-115-150	NEW-P	00-07-121	137-130-080	NEW-E	00-05-045	139- 02-090	NEW-P	00-07-097
132Z-115-160	NEW-P	00-07-121	137-130-090	NEW-E	00-05-045	139- 02-100	NEW-P	00-07-097

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139-02-110	NEW-P	00-07-097	173-303-201	AMD-P	00-02-081	180-51-063	PREP	00-07-017
139-03-010	NEW-P	00-07-097	173-303-240	AMD-P	00-02-081	180-51-064	NEW	00-04-047
139-03-020	NEW-P	00-07-097	173-303-280	AMD-P	00-02-081	180-51-075	AMD	00-05-010
139-03-030	NEW-P	00-07-097	173-303-281	AMD-P	00-02-081	180-51-075	PREP	00-06-054
139-03-040	NEW-P	00-07-097	173-303-300	AMD-P	00-02-081	180-52-041	NEW	00-03-046
139-03-050	NEW-P	00-07-097	173-303-320	AMD-P	00-02-081	180-56-230	PREP	00-07-046
139-03-060	NEW-P	00-07-097	173-303-360	AMD-P	00-02-081	180-57-070	PREP	00-07-016
139-03-070	NEW-P	00-07-097	173-303-370	AMD-P	00-02-081	180-78A-010	AMD	00-03-049
139-03-080	NEW-P	00-07-097	173-303-380	AMD-P	00-02-081	180-78A-100	AMD-P	00-05-082
139-05	PREP	00-04-048	173-303-390	AMD-P	00-02-081	180-78A-209	AMD-P	00-05-079
139-05-200	AMD-P	00-07-097	173-303-400	AMD-P	00-02-081	180-78A-500	PREP	00-05-078
139-05-210	AMD-P	00-07-097	173-303-505	AMD-P	00-02-081	180-78A-505	AMD	00-03-049
139-05-220	AMD-P	00-07-097	173-303-510	AMD-P	00-02-081	180-78A-510	AMD	00-03-049
139-05-230	AMD-P	00-07-097	173-303-515	AMD-P	00-02-081	180-78A-515	AMD	00-03-049
139-05-240	AMD-P	00-07-097	173-303-520	AMD-P	00-02-081	180-78A-520	AMD	00-03-049
139-05-242	AMD-P	00-07-097	173-303-522	AMD-P	00-02-081	180-78A-525	AMD	00-03-049
139-05-250	AMD-P	00-07-097	173-303-573	AMD-P	00-02-081	180-78A-530	AMD	00-03-049
139-05-810	AMD-P	00-07-097	173-303-578	NEW-P	00-02-081	180-78A-535	AMD	00-03-049
139-05-912	AMD-P	00-07-097	173-303-600	AMD-P	00-02-081	180-78A-540	AMD	00-03-049
139-05-915	AMD-P	00-07-097	173-303-610	AMD-P	00-02-081	180-79A-006	AMD	00-03-048
139-10	PREP	00-04-048	173-303-620	AMD-P	00-02-081	180-79A-007	AMD	00-03-048
139-10-210	AMD-P	00-07-097	173-303-630	AMD-P	00-02-081	180-79A-123	AMD-P	00-05-080
139-10-212	AMD-P	00-07-097	173-303-640	AMD-P	00-02-081	180-79A-130	AMD	00-03-048
139-10-215	AMD-P	00-07-097	173-303-645	AMD-P	00-02-081	180-79A-140	PREP	00-05-076
139-10-220	AMD-P	00-07-097	173-303-646	AMD-P	00-02-081	180-79A-145	AMD	00-03-048
139-10-221	NEW-P	00-07-097	173-303-650	AMD-P	00-02-081	180-79A-206	AMD	00-03-048
139-10-222	AMD-P	00-07-097	173-303-680	AMD-P	00-02-081	180-79A-231	PREP	00-05-076
139-10-230	AMD-P	00-07-097	173-303-690	AMD-P	00-02-081	180-79A-250	AMD	00-03-048
139-10-235	AMD-P	00-07-097	173-303-691	AMD-P	00-02-081	180-79A-257	AMD	00-03-048
139-10-236	NEW-P	00-07-097	173-303-692	NEW-P	00-02-081	180-79A-260	AMD	00-03-050
139-10-237	AMD-P	00-07-097	173-303-693	NEW-P	00-02-081	180-82-204	AMD-P	00-05-083
139-10-240	AMD-P	00-07-097	173-303-800	AMD-P	00-02-081	180-82-311	NEW-P	00-05-083
139-10-310	AMD-P	00-07-097	173-303-803	NEW-P	00-02-081	180-82-313	NEW-P	00-05-083
139-10-320	AMD-P	00-07-097	173-303-804	AMD-P	00-02-081	180-82-335	NEW-P	00-05-083
139-10-410	AMD-P	00-07-097	173-303-805	AMD-P	00-02-081	180-82-340	NEW-P	00-05-083
139-10-420	AMD-P	00-07-097	173-303-806	AMD-P	00-02-081	180-82-341	NEW-P	00-05-083
139-10-510	AMD-P	00-07-097	173-303-807	AMD-P	00-02-081	180-82-342	AMD-P	00-05-083
139-10-520	AMD-P	00-07-097	173-303-810	AMD-P	00-02-081	180-82-343	AMD-P	00-05-083
139-25	PREP	00-04-048	173-303-830	AMD-P	00-02-081	180-85-030	PREP	00-05-077
139-25-110	AMD-P	00-07-097	173-303-840	AMD-P	00-02-081	192-12-025	REP	00-05-064
173-98-030	AMD-XA	00-04-085	173-303-9904	AMD-P	00-02-081	192-12-072	REP	00-05-068
173-181	PREP	00-05-096	173-303-9907	AMD-P	00-02-081	192-12-405	REP	00-05-069
173-202-010	REP-XR	00-06-038	173-425	AMD	00-07-066	192-16-017	REP-E	00-05-063
173-202-020	REP-XR	00-06-038	173-425-010	AMD	00-07-066	192-150-005	NEW-E	00-05-063
173-224-040	AMD-XA	00-07-112	173-425-020	AMD	00-07-066	192-150-085	NEW-E	00-05-063
173-303-010	AMD-P	00-02-081	173-425-030	AMD	00-07-066	192-270-005	NEW-E	00-05-063
173-303-016	AMD-P	00-02-081	173-425-040	AMD	00-07-066	192-270-010	NEW-E	00-05-063
173-303-040	AMD-P	00-02-081	173-425-050	AMD	00-07-066	192-270-015	NEW-E	00-05-063
173-303-045	AMD-P	00-02-081	173-425-060	AMD	00-07-066	192-270-020	NEW-E	00-05-063
173-303-060	AMD-P	00-02-081	173-425-070	AMD	00-07-066	192-270-025	NEW-E	00-05-063
173-303-070	AMD-P	00-02-081	173-425-080	AMD	00-07-066	192-270-030	NEW-E	00-05-063
173-303-071	AMD-P	00-02-081	173-425-090	REP	00-07-066	192-270-035	NEW-E	00-05-063
173-303-073	AMD-P	00-02-081	173-425-100	REP	00-07-066	192-270-040	NEW-E	00-05-063
173-303-077	AMD-P	00-02-081	173-425-110	REP	00-07-066	192-270-045	NEW-E	00-05-063
173-303-100	AMD-P	00-02-081	180-27-032	AMD	00-04-007	192-270-050	NEW-E	00-05-063
173-303-110	AMD-P	00-02-081	180-27-102	AMD-P	00-05-104	192-270-055	NEW-E	00-05-063
173-303-120	AMD-P	00-02-081	180-29-068	NEW	00-04-008	192-270-060	NEW-E	00-05-063
173-303-160	AMD-P	00-02-081	180-40-270	AMD	00-07-018	192-270-065	NEW-E	00-05-063
173-303-170	AMD-P	00-02-081	180-40-285	AMD	00-07-018	192-270-070	NEW-E	00-05-063
173-303-180	AMD-P	00-02-081	180-40-305	AMD	00-07-018	192-300-050	NEW	00-05-068
173-303-190	AMD-P	00-02-081	180-40-315	AMD	00-07-018	192-300-170	NEW	00-05-064
173-303-200	AMD-P	00-02-081	180-51-063	NEW	00-04-047	192-300-190	NEW	00-05-067

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-320-050	NEW	00-05-068	220- 52-07300R	REP-E	00-03-044	222- 22-080	AMD-E	00-06-026
192-320-070	NEW	00-05-069	220- 52-07300S	NEW-E	00-03-044	222- 22-090	AMD-E	00-06-026
192-330-100	NEW	00-05-066	220- 52-07300S	REP-E	00-03-044	222- 24-010	AMD-E	00-06-026
192-340-010	NEW	00-05-065	220- 52-07300S	REP-E	00-04-013	222- 24-015	NEW-E	00-06-026
196- 31-010	NEW-P	00-04-059	220- 52-07300T	NEW-E	00-04-013	222- 24-020	AMD-E	00-06-026
196- 31-020	NEW-P	00-04-059	220- 52-07300T	REP-E	00-05-041	222- 24-025	REP-E	00-06-026
196- 31-030	NEW-P	00-04-059	220- 52-07300U	NEW-E	00-05-041	222- 24-026	NEW-E	00-06-026
196- 31-040	NEW-P	00-04-059	220- 52-07300U	REP-E	00-06-044	222- 24-030	AMD-E	00-06-026
196- 31-050	NEW-P	00-04-059	220- 52-07300V	NEW-E	00-06-044	222- 24-035	AMD-E	00-06-026
196- 31-060	NEW-P	00-04-059	220- 52-07300V	REP-E	00-06-044	222- 24-040	AMD-E	00-06-026
196- 31-070	NEW-P	00-04-059	220- 52-07300	NEW-E	00-07-064	222- 24-050	AMD-E	00-06-026
197- 11	PREP	00-07-051	220- 52-07300	REP-E	00-07-114	222- 24-051	NEW-E	00-06-026
204- 24-050	AMD	00-03-081	220- 52-075	AMD	00-05-054	222- 24-052	NEW-E	00-06-026
204- 38-030	AMD	00-03-023	220- 55-005	AMD-P	00-06-084	222- 24-060	AMD-E	00-06-026
204- 38-040	AMD	00-03-023	220- 55-010	AMD-P	00-06-084	222- 30-010	AMD-E	00-06-026
204- 38-050	AMD	00-03-023	220- 55-015	AMD-P	00-06-084	222- 30-020	AMD-E	00-06-026
208-440	PREP	00-04-074	220- 55-070	AMD-P	00-06-084	222- 30-021	NEW-E	00-06-026
208-440-010	PREP	00-04-074	220- 55-105	AMD-P	00-06-084	222- 30-022	NEW-E	00-06-026
208-440-020	PREP	00-04-074	220- 55-110	AMD-P	00-06-084	222- 30-023	NEW-E	00-06-026
208-440-040	PREP	00-04-074	220- 55-115	AMD-P	00-06-084	222- 30-040	AMD-E	00-06-026
208-440-050	PREP	00-04-074	220- 55-132	NEW-P	00-06-084	222- 30-045	NEW-E	00-06-026
210- 01-120	AMD-P	00-03-040	220- 55-170	AMD-P	00-06-042	222- 30-060	AMD-E	00-06-026
210- 01-120	AMD	00-07-003	220- 55-180	AMD-P	00-06-043	222- 30-070	AMD-E	00-06-026
220- 16-590	AMD-P	00-06-083	220- 56-175	AMD-P	00-06-084	222- 38-010	AMD-E	00-06-026
220- 16-590	AMD-W	00-07-019	220- 56-27000G	NEW-E	00-06-017	222- 38-020	AMD-E	00-06-026
220- 16-740	NEW-P	00-06-083	220- 56-27000G	REP-E	00-06-017	222- 38-030	AMD-E	00-06-026
220- 16-740	NEW-W	00-07-019	220- 56-33000	NEW-E	00-06-009	222- 38-040	AMD-E	00-06-026
220- 16-750	NEW-P	00-06-083	220- 56-33000X	NEW-E	00-07-098	222- 46-012	NEW-E	00-06-026
220- 16-750	NEW-W	00-07-019	220- 56-36000A	REP-E	00-06-010	222- 46-060	AMD-E	00-06-026
220- 20-015	AMD-P	00-06-083	220- 56-36000B	NEW-E	00-06-010	222- 46-070	AMD-E	00-06-026
220- 20-015	AMD-W	00-07-019	220- 56-36000B	REP-E	00-06-010	230- 02-108	AMD-P	00-04-099
220- 20-020	AMD-P	00-06-083	220- 57-16000V	NEW-E	00-07-073	230- 02-108	AMD	00-07-140
220- 20-020	AMD-W	00-07-019	220- 57-17000U	NEW-E	00-07-002	230- 02-109	NEW-P	00-05-101
220- 20-025	AMD-P	00-06-083	220- 57-18700D	NEW-E	00-07-002	230- 02-110	AMD-P	00-05-101
220- 20-025	AMD-W	00-07-019	220- 57-25500G	NEW-E	00-07-002	230- 02-123	AMD-P	00-04-099
220- 32-05100R	NEW-E	00-04-071	220- 57-31900Z	NEW-E	00-07-002	230- 02-123	AMD	00-07-140
220- 32-05100R	REP-E	00-04-071	220- 57-34500A	NEW-E	00-03-007	230- 02-183	AMD-P	00-04-099
220- 32-05100R	REP-E	00-07-099	220- 57-34500A	REP-E	00-03-007	230- 02-183	AMD	00-07-140
220- 32-05700E	NEW-E	00-07-109	220- 69-236	AMD-P	00-06-084	230- 02-205	AMD	00-05-102
220- 33-01000B	NEW-E	00-05-047	222- 08-035	AMD-E	00-06-026	230- 02-206	AMD	00-05-102
220- 33-01000B	REP-E	00-05-047	222- 10-010	AMD-E	00-06-026	230- 02-380	AMD-W	00-02-067
220- 33-01000B	REP-E	00-06-011	222- 10-030	NEW-E	00-06-026	230- 02-400	REP-P	00-05-101
220- 33-01000C	NEW-E	00-06-011	222- 10-035	NEW-E	00-06-026	230- 02-415	AMD-P	00-05-101
220- 33-01000C	REP-E	00-06-036	222- 12-010	AMD-E	00-06-026	230- 02-425	REP-P	00-05-101
220- 33-01000D	NEW-E	00-06-036	222- 12-041	NEW-E	00-06-026	230- 04-022	AMD-P	00-05-101
220- 33-04000I	REP-E	00-06-017	222- 12-044	NEW-E	00-06-026	230- 04-119	AMD	00-05-102
220- 33-04000J	NEW-E	00-06-017	222- 12-045	AMD-E	00-06-026	230- 04-140	AMD-P	00-05-101
220- 33-04000J	REP-E	00-06-017	222- 12-090	AMD-E	00-06-026	230- 04-142	REP-P	00-05-101
220- 44-05000A	NEW-E	00-04-041	222- 16-010	AMD-E	00-06-026	230- 04-203	AMD-P	00-05-101
220- 44-05000Z	REP-E	00-04-041	222- 16-030	AMD-E	00-06-026	230- 04-204	AMD-P	00-05-101
220- 52-04000Q	REP-E	00-04-084	222- 16-035	AMD-E	00-06-026	230- 04-207	NEW-P	00-05-101
220- 52-04000R	NEW-E	00-04-084	222- 16-036	NEW-E	00-06-026	230- 04-255	AMD-P	00-05-101
220- 52-04600U	NEW-E	00-04-084	222- 16-050	AMD-E	00-06-026	230- 04-450	AMD-P	00-05-101
220- 52-04600U	REP-E	00-06-009	222- 16-080	AMD-E	00-06-026	230- 08-027	NEW-P	00-05-101
220- 52-04600V	REP-E	00-04-084	222- 20-010	AMD-E	00-06-026	230- 08-040	AMD-P	00-05-101
220- 52-04600X	NEW-E	00-06-009	222- 20-015	NEW-E	00-06-026	230- 08-080	AMD-P	00-04-099
220- 52-06900A	NEW-E	00-04-015	222- 20-020	AMD-E	00-06-026	230- 08-080	AMD	00-07-140
220- 52-071	AMD	00-03-042	222- 20-055	NEW-E	00-06-026	230- 08-090	AMD-P	00-05-101
220- 52-073	AMD	00-03-042	222- 20-080	AMD-E	00-06-026	230- 08-100	REP-P	00-04-099
220- 52-07300Q	REP-E	00-03-006	222- 22-070	AMD-E	00-06-026	230- 08-100	REP	00-07-140
220- 52-07300R	NEW-E	00-03-006	222- 22-075	NEW-E	00-06-026	230- 08-105	AMD-P	00-04-099
220- 52-07300R	REP-E	00-03-006	222- 22-076	NEW-E	00-06-026	230- 08-105	AMD	00-07-140

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-08-160	AMD-P	00-05-101	230-40-870	NEW-P	00-05-101	232-28-61900I	REP-E	00-07-073
230-12-050	AMD-P	00-04-099	230-40-875	NEW-P	00-05-101	236-18-040	AMD	00-06-052
230-12-050	AMD-P	00-05-101	230-40-880	NEW-P	00-05-101	236-18-070	AMD	00-06-052
230-12-050	AMD	00-07-140	230-40-885	NEW-P	00-05-101	236-18-080	AMD	00-06-052
230-12-072	NEW-P	00-05-101	230-40-890	NEW-P	00-05-101	242-02-052	AMD-P	00-05-021
230-12-073	NEW-P	00-05-101	230-40-895	NEW-P	00-05-101	242-02-255	NEW-P	00-05-021
230-12-078	AMD-P	00-04-099	230-40-897	NEW-P	00-05-101	242-02-522	AMD-P	00-05-021
230-12-078	AMD	00-07-140	230-40-900	REP-P	00-05-101	242-02-832	AMD-P	00-05-021
230-12-310	AMD-P	00-05-103	230-46-020	AMD-W	00-07-070	242-02-834	AMD-P	00-05-021
230-20-110	REP-P	00-04-099	230-46-035	NEW-W	00-07-070	242-04-030	AMD-P	00-05-021
230-20-110	REP	00-07-140	230-50-010	AMD-P	00-05-101	242-04-050	AMD-P	00-05-021
230-20-120	REP-P	00-04-099	232-12-011	AMD	00-04-017	246-220-007	AMD-P	00-04-088
230-20-120	REP	00-07-140	232-12-011	AMD-P	00-06-083	246-220-010	AMD-P	00-04-088
230-20-220	AMD-P	00-04-099	232-12-011	AMD-P	00-06-100	246-221-020	AMD-P	00-04-088
230-20-220	AMD	00-07-140	232-12-011	AMD-W	00-07-019	246-221-270	AMD	00-07-085
230-20-243	AMD-P	00-04-099	232-12-014	AMD	00-04-017	246-232-060	AMD	00-07-085
230-20-243	AMD	00-07-140	232-12-047	AMD-P	00-06-088	246-235-075	AMD	00-07-085
230-20-244	AMD-P	00-04-099	232-12-051	AMD-P	00-06-089	246-235-080	AMD-P	00-04-088
230-20-244	AMD	00-07-140	232-12-054	AMD-P	00-06-090	246-235-084	NEW-P	00-04-088
230-40-010	AMD-P	00-05-101	232-12-068	AMD-P	00-06-091	246-235-086	NEW-P	00-04-088
230-40-015	REP-P	00-05-101	232-12-257	AMD-W	00-02-066	246-235-090	AMD-P	00-04-088
230-40-030	AMD-P	00-05-101	232-12-257	AMD-P	00-06-094	246-235-090	AMD-P	00-04-088
230-40-040	NEW-P	00-05-101	232-12-31500G	NEW-E	00-04-014	246-243-020	AMD-P	00-04-088
230-40-050	AMD-P	00-05-101	232-16-700	AMD-P	00-06-093	246-243-030	AMD-P	00-04-088
230-40-055	AMD-P	00-07-139	232-28-02201	AMD	00-04-017	246-243-042	NEW-P	00-04-088
230-40-060	REP-P	00-05-101	232-28-02202	AMD	00-04-017	246-243-044	NEW-P	00-04-088
230-40-070	AMD-P	00-05-101	232-28-02202	AMD-P	00-06-097	246-243-047	NEW-P	00-04-088
230-40-120	AMD-P	00-05-101	232-28-02203	AMD	00-04-017	246-243-050	AMD-P	00-04-088
230-40-125	REP-P	00-05-101	232-28-02204	AMD	00-04-017	246-243-060	AMD-P	00-04-088
230-40-130	AMD-P	00-05-101	232-28-02205	AMD	00-04-017	246-243-080	AMD-P	00-04-088
230-40-150	REP-P	00-05-101	232-28-02206	AMD	00-04-017	246-243-090	AMD-P	00-04-088
230-40-160	REP-P	00-05-101	232-28-02206	AMD	00-04-017	246-243-100	AMD-P	00-04-088
230-40-200	AMD-P	00-05-101	232-28-02220	AMD	00-04-017	246-243-100	AMD-P	00-04-088
230-40-225	AMD-P	00-05-101	232-28-02240	AMD	00-04-017	246-243-110	AMD-P	00-04-088
230-40-400	AMD-P	00-05-101	232-28-24102	REP	00-04-017	246-243-120	AMD-P	00-04-088
230-40-550	NEW-P	00-05-101	232-28-248	AMD-P	00-06-095	246-243-130	AMD-P	00-04-088
230-40-552	NEW-P	00-05-101	232-28-255	REP	00-04-017	246-243-140	AMD-P	00-04-088
230-40-554	NEW-P	00-05-101	232-28-26000A	NEW-E	00-03-025	246-243-141	NEW-P	00-04-088
230-40-556	NEW-P	00-05-101	232-28-261	REP	00-04-017	246-243-150	AMD-P	00-04-088
230-40-558	NEW-P	00-05-101	232-28-262	REP	00-04-017	246-243-160	AMD-P	00-04-088
230-40-560	NEW-P	00-05-101	232-28-263	REP	00-04-017	246-243-170	AMD-P	00-04-088
230-40-562	NEW-P	00-05-101	232-28-266	AMD-P	00-06-096	246-243-180	AMD-P	00-04-088
230-40-600	NEW-P	00-05-101	232-28-269	REP	00-04-017	246-243-190	AMD-P	00-04-088
230-40-610	NEW-P	00-05-101	232-28-270	REP	00-04-017	246-243-195	AMD-P	00-04-088
230-40-615	NEW-P	00-05-101	232-28-271	AMD	00-04-017	246-243-200	AMD-P	00-04-088
230-40-800	NEW-P	00-05-101	232-28-272	AMD-P	00-06-099	246-243-203	NEW-P	00-04-088
230-40-803	NEW-P	00-05-101	232-28-273	AMD-P	00-06-092	246-243-210	REP-P	00-04-088
230-40-805	NEW-P	00-05-101	232-28-275	AMD	00-04-017	246-243-220	AMD-P	00-04-088
230-40-810	NEW-P	00-05-101	232-28-276	NEW-P	00-06-086	246-243-230	AMD-P	00-04-088
230-40-815	NEW-P	00-05-101	232-28-277	NEW	00-04-017	246-243-250	NEW-P	00-04-088
230-40-820	NEW-P	00-05-101	232-28-278	NEW-P	00-06-087	246-246-001	NEW	00-07-085
230-40-823	NEW-P	00-05-101	232-28-279	NEW-P	00-06-085	246-246-010	NEW	00-07-085
230-40-825	NEW-P	00-05-101	232-28-299	NEW-P	00-06-085	246-246-020	NEW	00-07-085
230-40-830	NEW-P	00-05-101	232-28-61900D	NEW-E	00-03-041	246-246-030	NEW	00-07-085
230-40-833	NEW-P	00-05-101	232-28-61900D	REP-E	00-03-041	246-246-040	NEW	00-07-085
230-40-835	NEW-P	00-05-101	232-28-61900D	REP-E	00-03-055	246-246-050	NEW	00-07-085
230-40-840	NEW-P	00-05-101	232-28-61900E	NEW-E	00-03-055	246-246-060	NEW	00-07-085
230-40-845	NEW-P	00-05-101	232-28-61900E	REP-E	00-03-055	246-252-001	AMD-P	00-04-088
230-40-850	NEW-P	00-05-101	232-28-61900E	REP-E	00-05-085	246-252-030	AMD-P	00-04-088
230-40-855	NEW-P	00-05-101	232-28-61900F	NEW-E	00-05-085	246-254-150	AMD-P	00-04-088
230-40-860	NEW-P	00-05-101	232-28-61900F	REP-E	00-05-085	246-323	PREP	00-05-097
230-40-865	NEW-P	00-05-101	232-28-61900G	NEW-E	00-06-008	246-325	PREP	00-05-097
			232-28-61900H	NEW-E	00-07-001	246-326	PREP	00-05-097
			232-28-61900I	NEW-E	00-07-073	246-338-001	AMD-P	00-03-073

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-338-001	AMD	00-06-079	246-358-680	REP	00-06-082	246-790-130	AMD-P	00-07-084
246-338-010	AMD-P	00-03-073	246-361-001	NEW	00-06-082	246-808-700	REP-XR	00-04-087
246-338-010	AMD	00-06-079	246-361-010	NEW	00-06-082	246-810-600	NEW	00-03-075A
246-338-020	AMD-P	00-03-073	246-361-020	NEW	00-06-082	246-810-610	NEW	00-03-075A
246-338-020	AMD	00-06-079	246-361-025	NEW	00-06-082	246-810-620	NEW	00-03-075A
246-338-022	NEW-P	00-03-073	246-361-030	NEW	00-06-082	246-810-630	NEW	00-03-075A
246-338-022	NEW	00-06-079	246-361-035	NEW	00-06-082	246-810-640	NEW	00-03-075A
246-338-024	NEW-P	00-03-073	246-361-045	NEW	00-06-082	246-810-650	NEW	00-03-075A
246-338-024	NEW	00-06-079	246-361-055	NEW	00-06-082	246-810-660	NEW	00-03-075A
246-338-026	NEW-P	00-03-073	246-361-065	NEW	00-06-082	246-812-990	AMD	00-07-050
246-338-026	NEW	00-06-079	246-361-070	NEW	00-06-082	246-830-485	NEW	00-07-086
246-338-028	NEW-P	00-03-073	246-361-075	NEW	00-06-082	246-841-400	PREP	00-03-072
246-338-028	NEW	00-06-079	246-361-080	NEW	00-06-082	246-841-410	PREP	00-03-072
246-338-030	REP-P	00-03-073	246-361-090	NEW	00-06-082	246-841-420	PREP	00-03-072
246-338-030	REP	00-06-079	246-361-095	NEW	00-06-082	246-841-430	PREP	00-03-072
246-338-040	AMD-P	00-03-073	246-361-100	NEW	00-06-082	246-841-440	PREP	00-03-072
246-338-040	AMD	00-06-079	246-361-125	NEW	00-06-082	246-841-450	PREP	00-03-072
246-338-050	AMD-P	00-03-073	246-361-135	NEW	00-06-082	246-841-460	PREP	00-03-072
246-338-050	AMD	00-06-079	246-361-145	NEW	00-06-082	246-841-470	PREP	00-03-072
246-338-060	AMD-P	00-03-073	246-361-155	NEW	00-06-082	246-841-480	PREP	00-03-072
246-338-060	AMD	00-06-079	246-361-165	NEW	00-06-082	246-841-490	PREP	00-03-072
246-338-070	AMD-P	00-03-073	246-361-175	NEW	00-06-082	246-841-500	PREP	00-03-072
246-338-070	AMD	00-06-079	246-361-990	NEW	00-06-082	246-841-510	PREP	00-03-072
246-338-080	AMD-P	00-03-073	246-490-010	NEW-P	00-05-098	246-883-020	AMD	00-06-078
246-338-080	AMD	00-06-079	246-490-020	NEW-P	00-05-098	246-887-160	AMD-P	00-06-080
246-338-090	AMD-P	00-03-073	246-490-030	NEW-P	00-05-098	246-976-001	AMD-P	00-03-075
246-338-090	AMD	00-06-079	246-490-055	NEW-P	00-05-098	246-976-010	AMD-P	00-03-075
246-338-100	AMD-P	00-03-073	246-490-065	NEW-P	00-05-098	246-976-020	REP-P	00-03-075
246-338-100	AMD	00-06-079	246-490-070	NEW-P	00-05-098	246-976-021	NEW-P	00-03-075
246-338-110	AMD-P	00-03-073	246-780-001	AMD-P	00-03-074	246-976-025	REP-P	00-03-075
246-338-110	AMD	00-06-079	246-780-001	AMD	00-07-129	246-976-030	REP-P	00-03-075
246-358-001	AMD	00-06-082	246-780-010	AMD-P	00-03-074	246-976-031	NEW-P	00-03-075
246-358-010	AMD	00-06-082	246-780-010	AMD	00-07-129	246-976-035	REP-P	00-03-075
246-358-020	REP	00-06-082	246-780-020	AMD-P	00-03-074	246-976-040	REP-P	00-03-075
246-358-025	AMD	00-06-082	246-780-020	AMD	00-07-129	246-976-041	NEW-P	00-03-075
246-358-027	NEW	00-06-082	246-780-022	NEW-P	00-03-074	246-976-045	REP-P	00-03-075
246-358-029	NEW	00-06-082	246-780-022	NEW	00-07-129	246-976-050	REP-P	00-03-075
246-358-030	REP	00-06-082	246-780-025	NEW-P	00-03-074	246-976-055	REP-P	00-03-075
246-358-040	NEW	00-06-082	246-780-025	NEW	00-07-129	246-976-060	REP-P	00-03-075
246-358-045	AMD	00-06-082	246-780-028	NEW-P	00-03-074	246-976-065	REP-P	00-03-075
246-358-055	AMD	00-06-082	246-780-028	NEW	00-07-129	246-976-070	REP-P	00-03-075
246-358-065	AMD	00-06-082	246-780-030	AMD-P	00-03-074	246-976-075	REP-P	00-03-075
246-358-070	NEW	00-06-082	246-780-030	AMD	00-07-129	246-976-076	REP-P	00-03-075
246-358-075	AMD	00-06-082	246-780-040	AMD-P	00-03-074	246-976-077	REP-P	00-03-075
246-358-090	AMD	00-06-082	246-780-040	AMD	00-07-129	246-976-080	REP-P	00-03-075
246-358-095	AMD	00-06-082	246-780-040	AMD	00-07-129	246-976-085	REP-P	00-03-075
246-358-100	AMD	00-06-082	246-780-050	REP-P	00-03-074	246-976-085	REP-P	00-03-075
246-358-125	AMD	00-06-082	246-780-050	REP	00-07-129	246-976-110	REP-P	00-03-075
246-358-135	AMD	00-06-082	246-780-060	AMD-P	00-03-074	246-976-120	REP-P	00-03-075
246-358-140	REP	00-06-082	246-780-060	AMD	00-07-129	246-976-140	REP-P	00-03-075
246-358-145	AMD	00-06-082	246-780-070	REP-P	00-03-074	246-976-141	NEW-P	00-03-075
246-358-155	AMD	00-06-082	246-780-070	REP	00-07-129	246-976-150	REP-P	00-03-075
246-358-165	AMD	00-06-082	246-790	AMD-P	00-07-084	246-976-151	NEW-P	00-03-075
246-358-175	AMD	00-06-082	246-790-010	AMD-P	00-07-084	246-976-160	REP-P	00-03-075
246-358-600	REP	00-06-082	246-790-050	AMD-P	00-07-084	246-976-161	NEW-P	00-03-075
246-358-610	REP	00-06-082	246-790-060	AMD-P	00-07-084	246-976-165	REP-P	00-03-075
246-358-620	REP	00-06-082	246-790-065	NEW-P	00-07-084	246-976-170	REP-P	00-03-075
246-358-630	REP	00-06-082	246-790-070	AMD-P	00-07-084	246-976-171	NEW-P	00-03-075
246-358-640	REP	00-06-082	246-790-080	AMD-P	00-07-084	246-976-180	REP-P	00-03-075
246-358-650	REP	00-06-082	246-790-085	AMD-P	00-07-084	246-976-181	REP-P	00-03-075
246-358-660	REP	00-06-082	246-790-090	AMD-P	00-07-084	246-976-182	NEW-P	00-03-075
246-358-670	REP	00-06-082	246-790-100	AMD-P	00-07-084	246-976-190	REP-P	00-03-075
			246-790-120	AMD-P	00-07-084	246-976-191	NEW-P	00-03-075

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-976-200	REP-P	00-03-075	260- 34-140	AMD-P	00-03-088	296- 17-529	AMD-P	00-07-138
246-976-210	REP-P	00-03-075	260- 34-140	AMD-W	00-07-037	296- 17-537	AMD-P	00-07-138
246-976-220	REP-P	00-03-075	260- 34-150	AMD-P	00-03-088	296- 17-53803	AMD-P	00-07-138
246-976-230	REP-P	00-03-075	260- 34-150	AMD-W	00-07-037	296- 17-542	AMD-P	00-07-138
246-976-240	REP-P	00-03-075	260- 40-100	AMD-P	00-03-089	296- 17-544	AMD-P	00-07-138
246-976-260	AMD-P	00-03-075	260- 40-100	AMD	00-07-039	296- 17-54401	AMD-P	00-07-138
246-976-270	AMD-P	00-03-075	260- 44-070	AMD	00-06-071	296- 17-54403	NEW-P	00-07-138
246-976-280	REP-P	00-03-075	260- 48-600	AMD	00-06-070	296- 17-545	AMD-P	00-07-138
246-976-290	AMD-P	00-03-075	260- 48-620	AMD	00-06-070	296- 17-546	AMD-P	00-07-138
246-976-300	AMD-P	00-03-075	260- 52-010	AMD	00-06-069	296- 17-562	AMD-P	00-07-138
246-976-310	AMD-P	00-03-075	260- 52-030	AMD	00-06-069	296- 17-57001	AMD-P	00-07-138
246-976-320	AMD-P	00-03-075	260- 52-040	AMD	00-06-069	296- 17-583	AMD-P	00-07-138
246-976-330	AMD-P	00-03-075	260- 52-060	AMD-P	00-03-091	296- 17-58503	AMD-P	00-07-138
246-976-340	AMD-P	00-03-075	260- 52-060	AMD	00-07-041	296- 17-597	AMD-P	00-07-138
246-976-350	REP-P	00-03-075	260- 70-700	AMD-P	00-03-092	296- 17-615	AMD-P	00-07-138
246-976-370	REP-P	00-03-075	260- 70-700	AMD	00-07-042	296- 17-618	AMD-P	00-07-138
246-976-390	AMD-P	00-03-075	260- 75-020	NEW-P	00-03-090	296- 17-643	AMD-P	00-07-138
246-976-400	AMD-P	00-03-075	260- 75-020	NEW	00-07-040	296- 17-649	AMD-P	00-07-138
246-976-420	AMD-P	00-03-075	260- 75-030	NEW-P	00-03-090	296- 17-66003	AMD-P	00-07-138
246-976-430	AMD-P	00-03-075	260- 75-030	NEW	00-07-040	296- 17-675	AMD-P	00-07-138
246-976-440	REP-P	00-03-075	260- 88-010	AMD-P	00-03-093	296- 17-678	AMD-P	00-07-138
246-976-450	REP-P	00-03-075	260- 88-010	AMD	00-07-043	296- 17-679	AMD-P	00-07-138
246-976-890	AMD-P	00-03-075	262- 01-140	NEW	00-06-030	296- 17-686	AMD-P	00-07-138
246-976-910	AMD-P	00-03-075	275- 35	PREP	00-03-028	296- 17-689	AMD-P	00-07-138
246-976-920	AMD-P	00-03-075	284- 43-120	AMD	00-04-034	296- 17-690	AMD-P	00-07-138
246-976-930	AMD-P	00-03-075	284- 43-125	NEW	00-04-034	296- 17-694	AMD-P	00-07-138
246-976-940	AMD-P	00-03-075	284- 43-200	AMD	00-04-034	296- 17-695	AMD-P	00-07-138
246-976-950	AMD-P	00-03-075	284- 43-210	AMD	00-04-034	296- 17-712	AMD-P	00-07-138
246-976-960	AMD-P	00-03-075	284- 43-220	AMD	00-04-034	296- 17-713	AMD-P	00-07-138
246-976-970	AMD-P	00-03-075	284- 43-250	AMD	00-04-034	296- 17-729	AMD-P	00-07-138
246-976-990	AMD-P	00-03-075	284- 43-710	AMD	00-04-034	296- 17-740	AMD-P	00-07-138
250- 81-010	NEW-P	00-05-084	284- 43-720	AMD	00-04-034	296- 17-748	AMD-P	00-07-138
250- 81-020	NEW-P	00-05-084	284- 74-300	NEW-P	00-04-090	296- 17-749	AMD-P	00-07-138
250- 81-030	NEW-P	00-05-084	284- 74-300	NEW	00-07-069	296- 17-751	AMD-P	00-07-138
250- 81-040	NEW-P	00-05-084	284- 74-310	NEW-P	00-04-090	296- 17-779	AMD-P	00-07-138
250- 81-050	NEW-P	00-05-084	284- 74-310	NEW	00-07-069	296- 17-855	AMD-P	00-07-138
250- 81-060	NEW-P	00-05-084	284- 74-320	NEW-P	00-04-090	296- 17-885	AMD-P	00-07-138
251- 01-345	AMD-P	00-04-053	284- 74-320	NEW	00-07-069	296- 17-895	AMD-P	00-07-138
251- 01-345	AMD-W	00-05-060	284- 74-330	NEW-P	00-04-090	296- 18A	PREP	00-05-002
251- 01-345	AMD-C	00-06-051	284- 74-330	NEW	00-07-069	296- 20-022	AMD-P	00-05-111
251- 08-115	AMD-P	00-04-052	284- 74-340	NEW-P	00-04-090	296- 20-12401	NEW-P	00-05-111
251- 08-115	AMD-C	00-06-050	284- 74-340	NEW	00-07-069	296- 20-135	AMD-P	00-05-112
251- 09-080	AMD-P	00-04-052	284- 74-350	NEW-P	00-04-090	296- 21-290	AMD-P	00-05-111
251- 09-080	AMD-C	00-06-050	284- 74-350	NEW	00-07-069	296- 23-220	AMD-P	00-05-112
251- 19-085	NEW-P	00-06-048	284- 74-360	NEW-P	00-04-090	296- 23-230	AMD-P	00-05-112
251- 20-020	AMD-P	00-04-053	284- 74-360	NEW	00-07-069	296- 23A-0200	AMD	00-06-027
251- 20-020	AMD-W	00-05-060	284- 74-370	NEW-P	00-04-090	296- 23A-0210	AMD	00-06-027
251- 20-020	AMD-C	00-06-051	284- 74-370	NEW	00-07-069	296- 23A-0220	AMD	00-06-027
251- 20-030	AMD-P	00-04-053	284- 74-380	NEW-P	00-04-090	296- 23A-0230	AMD-P	00-05-111
251- 20-030	AMD-W	00-05-060	284- 74-380	NEW	00-07-069	296- 23A-0240	AMD	00-06-027
251- 20-030	AMD-C	00-06-051	286- 40-020	AMD	00-05-008	296- 24	PREP	00-05-057
251- 23-040	AMD-P	00-04-052	296- 17	PREP	00-02-090	296- 27-150	REP-P	00-05-058
251- 23-040	AMD-C	00-06-050	296- 17-31011	AMD-P	00-07-138	296- 27-160	REP-P	00-05-058
260- 28-230	AMD	00-06-072	296- 17-31012	AMD-P	00-07-138	296- 27-16001	REP-P	00-05-058
260- 34-030	AMD-P	00-03-088	296- 17-31021	AMD-P	00-07-138	296- 27-16002	REP-P	00-05-058
260- 34-030	AMD	00-07-038	296- 17-501	AMD-P	00-07-138	296- 27-16003	REP-P	00-05-058
260- 34-080	AMD-P	00-03-088	296- 17-50601	AMD-P	00-07-138	296- 27-16004	REP-P	00-05-058
260- 34-080	AMD	00-07-038	296- 17-510	AMD-P	00-07-138	296- 27-16007	REP-P	00-05-058
260- 34-090	AMD-P	00-03-088	296- 17-521	AMD-P	00-07-138	296- 27-16011	REP-P	00-05-058
260- 34-090	AMD	00-07-038	296- 17-52102	AMD-P	00-07-138	296- 27-16018	REP-P	00-05-058
260- 34-100	AMD-P	00-03-088	296- 17-52106	AMD-P	00-07-138	296- 27-16020	REP-P	00-05-058
260- 34-100	AMD	00-07-038	296- 17-527	AMD-P	00-07-138	296- 27-16022	REP-P	00-05-058

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296-27-16026	REP-P	00-05-058	296-127-01320	NEW-E	00-07-123	296-307-16017	REP	00-06-081
296-30-010	AMD-P	00-02-091	296-127-01322	NEW-E	00-07-123	296-307-16019	REP	00-06-081
296-30-080	AMD	00-03-056	296-127-01323	NEW-E	00-07-123	296-307-16021	REP	00-06-081
296-30-081	AMD	00-03-056	296-127-01325	NEW-E	00-07-123	296-307-16023	REP	00-06-081
296-30-085	NEW	00-03-056	296-127-01327	NEW-E	00-07-123	296-307-161	NEW	00-06-081
296-30-090	NEW	00-03-056	296-127-01328	NEW-E	00-07-123	296-307-16101	NEW	00-06-081
296-30-095	NEW	00-03-056	296-127-01329	NEW-E	00-07-123	296-307-16103	NEW	00-06-081
296-30-100	NEW	00-03-056	296-127-01331	NEW-E	00-07-123	296-307-16105	NEW	00-06-081
296-30-105	NEW	00-03-056	296-127-01332	NEW-E	00-07-123	296-307-16110	NEW	00-06-081
296-30-120	AMD	00-03-056	296-127-01333	NEW-E	00-07-123	296-307-16115	NEW	00-06-081
296-30-130	AMD-P	00-02-091	296-127-01335	NEW-E	00-07-123	296-307-16120	NEW	00-06-081
296-30-170	AMD	00-03-056	296-127-01337	NEW-E	00-07-123	296-307-16125	NEW	00-06-081
296-30-180	AMD	00-03-056	296-127-01339	NEW-E	00-07-123	296-307-16130	NEW	00-06-081
296-31-012	AMD-P	00-02-091	296-127-01340	NEW-E	00-07-123	296-307-16135	NEW	00-06-081
296-31-020	REP-P	00-02-091	296-127-01342	NEW-E	00-07-123	296-307-16140	NEW	00-06-081
296-31-030	AMD	00-03-056	296-127-01344	NEW-E	00-07-123	296-307-16145	NEW	00-06-081
296-31-035	NEW	00-03-056	296-127-01346	NEW-E	00-07-123	296-307-16150	NEW	00-06-081
296-31-045	NEW	00-03-056	296-127-01347	NEW-E	00-07-123	296-307-16155	NEW	00-06-081
296-31-050	REP	00-03-056	296-127-01349	NEW-E	00-07-123	296-307-16160	NEW	00-06-081
296-31-055	NEW	00-03-056	296-127-01351	NEW-E	00-07-123	296-307-16165	NEW	00-06-081
296-31-056	NEW	00-03-056	296-127-01352	NEW-E	00-07-123	296-307-16170	NEW	00-06-081
296-31-057	NEW	00-03-056	296-127-01354	NEW-E	00-07-123	296-307-16175	NEW	00-06-081
296-31-058	NEW	00-03-056	296-127-01356	NEW-E	00-07-123	296-307-16180	NEW	00-06-081
296-31-070	AMD	00-03-056	296-127-01358	NEW-E	00-07-123	296-307-16185	NEW	00-06-081
296-31-074	NEW	00-03-056	296-127-01360	NEW-E	00-07-123	296-307-16190	NEW	00-06-081
296-31-090	REP	00-03-056	296-127-01362	NEW-E	00-07-123	296-307-163	NEW	00-06-081
296-46-930	AMD-E	00-06-076	296-127-01364	NEW-E	00-07-123	296-307-16301	NEW	00-06-081
296-62-051	NEW-C	00-04-075	296-127-01367	NEW-E	00-07-123	296-307-16303	NEW	00-06-081
296-62-05101	NEW-C	00-04-075	296-127-01369	NEW-E	00-07-123	296-307-16305	NEW	00-06-081
296-62-05103	NEW-C	00-04-075	296-127-01370	NEW-E	00-07-123	296-307-16310	NEW	00-06-081
296-62-05105	NEW-C	00-04-075	296-127-01372	NEW-E	00-07-123	296-307-16315	NEW	00-06-081
296-62-05110	NEW-C	00-04-075	296-127-01374	NEW-E	00-07-123	296-307-16320	NEW	00-06-081
296-62-05120	NEW-C	00-04-075	296-127-01375	NEW-E	00-07-123	296-307-16325	NEW	00-06-081
296-62-05122	NEW-C	00-04-075	296-127-01376	NEW-E	00-07-123	296-307-16330	NEW	00-06-081
296-62-05130	NEW-C	00-04-075	296-127-01377	NEW-E	00-07-123	296-307-16335	NEW	00-06-081
296-62-05140	NEW-C	00-04-075	296-127-01378	NEW-E	00-07-123	296-307-16340	NEW	00-06-081
296-62-05150	NEW-C	00-04-075	296-127-01379	NEW-E	00-07-123	296-307-16345	NEW	00-06-081
296-62-05160	NEW-C	00-04-075	296-127-01382	NEW-E	00-07-123	296-307-16350	NEW	00-06-081
296-62-05170	NEW-C	00-04-075	296-127-01384	NEW-E	00-07-123	296-307-16355	NEW	00-06-081
296-62-05172	NEW-C	00-04-075	296-127-01386	NEW-E	00-07-123	296-307-16360	NEW	00-06-081
296-62-05174	NEW-C	00-04-075	296-127-01387	NEW-E	00-07-123	296-307-16365	NEW	00-06-081
296-62-05176	NEW-C	00-04-075	296-127-01389	NEW-E	00-07-123	296-307-16370	NEW	00-06-081
296-62-07515	AMD	00-06-075	296-127-01391	NEW-E	00-07-123	296-307-16375	NEW	00-06-081
296-62-07709	AMD	00-06-075	296-150C	PREP	00-06-077	296-307-16380	NEW	00-06-081
296-62-07713	AMD	00-06-075	296-150F	PREP	00-06-077	296-307-16385	NEW	00-06-081
296-62-07722	AMD	00-06-075	296-150M	PREP	00-06-077	296-307-16390	NEW	00-06-081
296-62-07727	AMD	00-06-075	296-150P	PREP	00-06-077	296-307-16395	NEW	00-06-081
296-62-07745	AMD	00-06-075	296-150R	PREP	00-06-077	296-350	AMD-P	00-05-058
296-65-003	AMD	00-06-075	296-150V	PREP	00-06-077	296-350-010	AMD-P	00-05-058
296-127	PREP	00-07-122	296-155	PREP	00-04-002	296-350-020	REP-P	00-05-058
296-127-013	AMD-E	00-07-123	296-155	PREP	00-05-057	296-350-030	REP-P	00-05-058
296-127-01301	NEW-E	00-07-123	296-155-526	NEW-P	00-06-056	296-350-040	REP-P	00-05-058
296-127-01303	NEW-E	00-07-123	296-307-160	REP	00-06-081	296-350-050	REP-P	00-05-058
296-127-01305	NEW-E	00-07-123	296-307-16001	REP	00-06-081	296-350-060	REP-P	00-05-058
296-127-01306	NEW-E	00-07-123	296-307-16003	REP	00-06-081	296-350-070	REP-P	00-05-058
296-127-01308	NEW-E	00-07-123	296-307-16004	REP	00-06-081	296-350-080	REP-P	00-05-058
296-127-01309	NEW-E	00-07-123	296-307-16005	REP	00-06-081	296-350-090	REP-P	00-05-058
296-127-01310	NEW-E	00-07-123	296-307-16007	REP	00-06-081	296-350-095	REP-P	00-05-058
296-127-01312	NEW-E	00-07-123	296-307-16009	REP	00-06-081	296-350-100	NEW-P	00-05-058
296-127-01315	NEW-E	00-07-123	296-307-16011	REP	00-06-081	296-350-10010	NEW-P	00-05-058
296-127-01317	NEW-E	00-07-123	296-307-16013	REP	00-06-081	296-350-10020	NEW-P	00-05-058
296-127-01318	NEW-E	00-07-123	296-307-16015	REP	00-06-081	296-350-10030	NEW-P	00-05-058

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-350-10040	NEW-P	00-05-058	296-402-150	REP-P	00-07-137	296-402A-580	NEW-P	00-07-137
296-350-10050	NEW-P	00-05-058	296-402-160	REP-P	00-07-137	296-402A-590	NEW-P	00-07-137
296-350-150	NEW-P	00-05-058	296-402-170	REP-P	00-07-137	296-402A-600	NEW-P	00-07-137
296-350-15010	NEW-P	00-05-058	296-402-180	REP-P	00-07-137	296-402A-610	NEW-P	00-07-137
296-350-15015	NEW-P	00-05-058	296-402-190	REP-P	00-07-137	296-402A-620	NEW-P	00-07-137
296-350-15020	NEW-P	00-05-058	296-402-200	REP-P	00-07-137	296-402A-630	NEW-P	00-07-137
296-350-15025	NEW-P	00-05-058	296-402A-010	NEW-P	00-07-137	296-402A-640	NEW-P	00-07-137
296-350-15030	NEW-P	00-05-058	296-402A-020	NEW-P	00-07-137	296-402A-650	NEW-P	00-07-137
296-350-15035	NEW-P	00-05-058	296-402A-030	NEW-P	00-07-137	296-402A-660	NEW-P	00-07-137
296-350-15040	NEW-P	00-05-058	296-402A-040	NEW-P	00-07-137	296-402A-670	NEW-P	00-07-137
296-350-15045	NEW-P	00-05-058	296-402A-050	NEW-P	00-07-137	296-402A-680	NEW-P	00-07-137
296-350-200	REP-P	00-05-058	296-402A-060	NEW-P	00-07-137	296-402A-690	NEW-P	00-07-137
296-350-210	REP-P	00-05-058	296-402A-070	NEW-P	00-07-137	308-04-020	AMD-P	00-05-014
296-350-230	REP-P	00-05-058	296-402A-080	NEW-P	00-07-137	308-56A	PREP	00-07-092
296-350-240	REP-P	00-05-058	296-402A-090	NEW-P	00-07-137	308-56A-020	PREP	00-07-092
296-350-250	REP-P	00-05-058	296-402A-100	NEW-P	00-07-137	308-56A-021	PREP	00-07-092
296-350-255	REP-P	00-05-058	296-402A-110	NEW-P	00-07-137	308-56A-022	PREP	00-07-092
296-350-260	REP-P	00-05-058	296-402A-130	NEW-P	00-07-137	308-56A-023	PREP	00-07-092
296-350-270	REP-P	00-05-058	296-402A-140	NEW-P	00-07-137	308-56A-090	PREP	00-07-092
296-350-280	REP-P	00-05-058	296-402A-150	NEW-P	00-07-137	308-56A-450	AMD	00-04-046
296-350-400	REP-P	00-05-058	296-402A-160	NEW-P	00-07-137	308-56A-455	AMD	00-04-046
296-350-450	REP-P	00-05-058	296-402A-170	NEW-P	00-07-137	308-56A-460	AMD	00-06-025
296-350-460	REP-P	00-05-058	296-402A-180	NEW-P	00-07-137	308-56A-465	REP	00-04-046
296-350-470	REP-P	00-05-058	296-402A-190	NEW-P	00-07-137	308-56A-470	REP	00-04-046
296-350-600	NEW-P	00-05-058	296-402A-200	NEW-P	00-07-137	308-56A-500	AMD	00-06-004
296-350-60010	NEW-P	00-05-058	296-402A-210	NEW-P	00-07-137	308-56A-505	AMD	00-06-004
296-350-60015	NEW-P	00-05-058	296-402A-220	NEW-P	00-07-137	308-56A-510	REP	00-06-004
296-350-60020	NEW-P	00-05-058	296-402A-230	NEW-P	00-07-137	308-56A-515	REP	00-06-004
296-350-60025	NEW-P	00-05-058	296-402A-240	NEW-P	00-07-137	308-56A-520	REP	00-06-004
296-350-60030	NEW-P	00-05-058	296-402A-250	NEW-P	00-07-137	308-56A-610	REP	00-06-020
296-350-60035	NEW-P	00-05-058	296-402A-260	NEW-P	00-07-137	308-56A-620	AMD	00-06-020
296-350-60040	NEW-P	00-05-058	296-402A-270	NEW-P	00-07-137	308-56A-640	AMD	00-06-020
296-350-60045	NEW-P	00-05-058	296-402A-290	NEW-P	00-07-137	308-56A-650	REP	00-06-020
296-350-700	NEW-P	00-05-058	296-402A-300	NEW-P	00-07-137	308-56A-660	REP	00-06-020
296-350-70010	NEW-P	00-05-058	296-402A-310	NEW-P	00-07-137	308-56A-670	REP	00-06-020
296-350-70015	NEW-P	00-05-058	296-402A-320	NEW-P	00-07-137	308-56A-680	REP	00-06-020
296-350-70020	NEW-P	00-05-058	296-402A-330	NEW-P	00-07-137	308-56A-690	REP	00-06-020
296-350-70025	NEW-P	00-05-058	296-402A-340	NEW-P	00-07-137	308-57-005	PREP	00-06-001
296-350-70030	NEW-P	00-05-058	296-402A-350	NEW-P	00-07-137	308-57-010	PREP	00-06-001
296-350-70035	NEW-P	00-05-058	296-402A-360	NEW-P	00-07-137	308-57-020	PREP	00-06-001
296-350-70040	NEW-P	00-05-058	296-402A-370	NEW-P	00-07-137	308-57-030	PREP	00-06-001
296-350-70045	NEW-P	00-05-058	296-402A-380	NEW-P	00-07-137	308-57-110	PREP	00-06-001
296-350-70050	NEW-P	00-05-058	296-402A-390	NEW-P	00-07-137	308-57-120	PREP	00-06-001
296-350-70055	NEW-P	00-05-058	296-402A-400	NEW-P	00-07-137	308-57-130	PREP	00-06-001
296-350-70060	NEW-P	00-05-058	296-402A-410	NEW-P	00-07-137	308-57-135	PREP	00-06-001
296-350-70065	NEW-P	00-05-058	296-402A-420	NEW-P	00-07-137	308-57-140	PREP	00-06-001
296-350-70070	NEW-P	00-05-058	296-402A-425	NEW-P	00-07-137	308-57-210	PREP	00-06-001
296-401A-140	AMD-E	00-06-076	296-402A-430	NEW-P	00-07-137	308-57-230	PREP	00-06-001
296-402-010	REP-P	00-07-137	296-402A-440	NEW-P	00-07-137	308-57-240	PREP	00-06-001
296-402-020	REP-P	00-07-137	296-402A-450	NEW-P	00-07-137	308-57-500	PREP	00-06-001
296-402-030	REP-P	00-07-137	296-402A-460	NEW-P	00-07-137	308-58-010	REP	00-06-025
296-402-040	REP-P	00-07-137	296-402A-470	NEW-P	00-07-137	308-58-020	REP	00-06-025
296-402-050	REP-P	00-07-137	296-402A-480	NEW-P	00-07-137	308-58-030	REP	00-06-025
296-402-060	REP-P	00-07-137	296-402A-490	NEW-P	00-07-137	308-58-040	REP	00-06-025
296-402-070	REP-P	00-07-137	296-402A-500	NEW-P	00-07-137	308-58-050	REP	00-06-025
296-402-080	REP-P	00-07-137	296-402A-510	NEW-P	00-07-137	308-63	PREP	00-06-007
296-402-090	REP-P	00-07-137	296-402A-520	NEW-P	00-07-137	308-65	PREP	00-06-031
296-402-100	REP-P	00-07-137	296-402A-530	NEW-P	00-07-137	308-72-720	NEW-P	00-05-014
296-402-110	REP-P	00-07-137	296-402A-540	NEW-P	00-07-137	308-77	PREP	00-03-037
296-402-120	REP-P	00-07-137	296-402A-550	NEW-P	00-07-137	308-77-045	PREP	00-03-037
296-402-130	REP-P	00-07-137	296-402A-560	NEW-P	00-07-137	308-77-155	PREP	00-03-037
296-402-140	REP-P	00-07-137	296-402A-570	NEW-P	00-07-137	308-77-165	PREP	00-03-037

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-77-170	PREP	00-03-037	308-96A-067	PREP	00-07-108	308-124H-240	REP-P	00-03-063
308-77-180	PREP	00-03-037	308-96A-068	PREP	00-07-108	308-124H-245	NEW-P	00-03-063
308-77-240	PREP	00-03-037	308-96A-070	PREP	00-07-108	308-124H-246	NEW-P	00-03-063
308-77-265	PREP	00-03-037	308-96A-071	PREP	00-07-108	308-124H-260	AMD-P	00-03-063
308-77-270	PREP	00-03-037	308-96A-072	PREP	00-07-108	308-124H-270	AMD-P	00-03-063
308-77-280	PREP	00-03-037	308-96A-073	PREP	00-07-108	308-124H-290	AMD-P	00-03-063
308-77-290	NEW-P	00-05-014	308-96A-074	PREP	00-07-108	308-124H-300	AMD-P	00-03-063
308-78-100	NEW-P	00-05-014	308-96A-099	PREP	00-06-001	308-124H-310	AMD-P	00-03-063
308-80	PREP	00-06-032	308-96A-135	PREP	00-06-001	308-124H-320	AMD-P	00-03-063
308-88-010	REP	00-06-024	308-96A-145	PREP	00-06-001	308-124H-510	AMD-P	00-03-063
308-88-020	AMD	00-06-024	308-96A-175	PREP	00-06-001	308-124H-520	REP-P	00-03-063
308-88-030	REP	00-06-024	308-96A-175	PREP	00-07-108	308-124H-525	NEW-P	00-03-063
308-88-040	REP	00-06-024	308-96A-176	PREP	00-06-001	308-124H-530	AMD-P	00-03-063
308-88-050	REP	00-06-024	308-96A-176	PREP	00-07-108	308-124H-551	NEW-P	00-03-063
308-88-170	REP	00-06-024	308-96A-180	PREP	00-06-001	308-124H-580	AMD-P	00-03-063
308-90	PREP	00-06-033	308-96A-202	PREP	00-06-001	308-124H-800	AMD-P	00-03-063
308-91-090	PREP	00-03-038	308-96A-203	PREP	00-06-001	308-125-200	AMD	00-04-057
308-91-150	AMD-P	00-05-014	308-96A-203	PREP	00-06-001	314-02-005	NEW	00-07-091
308-93-010	AMD-P	00-07-065	308-96A-345	AMD	00-03-057	314-02-010	NEW	00-07-091
308-93-010	PREP	00-07-107	308-96A-350	AMD	00-03-057	314-02-015	NEW	00-07-091
308-93-030	PREP	00-07-107	308-96A-355	AMD	00-03-057	314-02-020	NEW	00-07-091
308-93-050	PREP	00-07-107	308-96A-360	REP	00-03-057	314-02-025	NEW	00-07-091
308-93-055	PREP	00-07-107	308-96A-365	AMD	00-03-057	314-02-030	NEW	00-07-091
308-93-056	PREP	00-07-107	308-96A-370	REP	00-03-057	314-02-035	NEW	00-07-091
308-93-060	PREP	00-07-105	308-96A-375	REP	00-03-057	314-02-040	NEW	00-07-091
308-93-069	PREP	00-07-105	308-96A-380	REP	00-03-057	314-02-045	NEW	00-07-091
308-93-070	PREP	00-07-105	308-96A-400	PREP	00-06-001	314-02-050	NEW	00-07-091
308-93-071	PREP	00-07-105	308-96A-410	PREP	00-06-001	314-02-055	NEW	00-07-091
308-93-073	PREP	00-07-105	308-96A-550	PREP	00-07-108	314-02-060	NEW	00-07-091
308-93-078	PREP	00-07-105	308-96A-560	PREP	00-07-108	314-02-065	NEW	00-07-091
308-93-079	PREP	00-07-107	308-97-011	NEW	00-07-053	314-02-070	NEW	00-07-091
308-93-090	PREP	00-07-107	308-97-230	PREP	00-06-001	314-02-075	NEW	00-07-091
308-93-145	AMD-P	00-05-056	308-99-010	REP-P	00-07-126	314-02-080	NEW	00-07-091
308-93-165	REP-P	00-05-049	308-99-020	AMD-P	00-07-126	314-02-085	NEW	00-07-091
308-93-200	PREP	00-07-106	308-99-021	REP-P	00-07-126	314-02-090	NEW	00-07-091
308-93-220	PREP	00-07-106	308-99-025	REP-P	00-07-126	314-02-095	NEW	00-07-091
308-93-230	PREP	00-07-106	308-99-030	REP-P	00-07-126	314-02-100	NEW	00-07-091
308-93-241	PREP	00-07-104	308-99-040	AMD-P	00-07-126	314-02-105	NEW	00-07-091
308-93-242	PREP	00-07-104	308-99-050	REP-P	00-07-126	314-02-110	NEW	00-07-091
308-93-243	PREP	00-07-104	308-99-060	NEW-P	00-07-126	314-02-115	NEW	00-07-091
308-93-244	PREP	00-07-104	308-124-021	AMD-P	00-03-063	314-02-120	NEW	00-07-091
308-93-245	PREP	00-07-104	308-124E-013	AMD-P	00-03-063	314-02-125	NEW	00-07-091
308-93-285	PREP	00-07-105	308-124H-011	AMD-P	00-03-063	314-02-130	NEW	00-07-091
308-93-295	PREP	00-07-106	308-124H-012	NEW-P	00-03-063	314-15-010	REP	00-07-117
308-93-350	PREP	00-07-105	308-124H-013	NEW-P	00-03-063	314-15-020	REP	00-07-117
308-93-360	PREP	00-07-105	308-124H-021	REP-P	00-03-063	314-15-030	REP	00-07-117
308-93-440	PREP	00-07-093	308-124H-025	AMD-P	00-03-063	314-15-040	REP	00-07-117
308-93-450	PREP	00-07-093	308-124H-026	NEW-P	00-03-063	314-15-050	REP	00-07-117
308-93-460	PREP	00-07-093	308-124H-027	NEW-P	00-03-063	314-16-040	AMD-XA	00-07-116
308-93-470	PREP	00-07-093	308-124H-028	NEW-P	00-03-063	314-16-055	REP	00-07-117
308-93-640	PREP	00-07-105	308-124H-029	NEW-P	00-03-063	314-16-115	REP	00-07-117
308-93-650	AMD-P	00-05-049	308-124H-031	NEW-P	00-03-063	314-16-140	REP	00-07-117
308-94	PREP	00-06-034	308-124H-034	NEW-P	00-03-063	314-16-180	REP	00-07-117
308-94-010	REP-P	00-05-050	308-124H-039	NEW-P	00-03-063	314-16-190	AMD-XA	00-07-116
308-94-030	PREP	00-07-094	308-124H-041	AMD-P	00-03-063	314-16-196	AMD-XA	00-07-116
308-94-050	PREP	00-07-094	308-124H-042	NEW-P	00-03-063	314-16-197	REP	00-07-117
308-94-080	PREP	00-07-094	308-124H-051	AMD-P	00-03-063	314-16-199	REP	00-07-117
308-94-100	PREP	00-07-094	308-124H-061	AMD-P	00-03-063	314-16-200	REP	00-07-117
308-94-160	REP-P	00-05-050	308-124H-062	AMD-P	00-03-063	314-16-205	REP	00-07-117
308-96A-005	AMD-P	00-03-094	308-124H-210	AMD-P	00-03-063	314-16-210	REP	00-07-117
308-96A-065	PREP	00-07-108	308-124H-220	REP-P	00-03-063	314-16-240	REP	00-07-117
308-96A-066	PREP	00-07-108	308-124H-221	NEW-P	00-03-063	314-37	PREP	00-02-087
			308-124H-230	AMD-P	00-03-063			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314- 42-010	NEW-P	00-02-089	315- 11A-211	REP-XR	00-02-055	365-197-040	NEW-P	00-03-067
314- 42-010	NEW	00-06-016	315- 11A-211	REP	00-07-131	365-197-050	NEW-P	00-03-067
314- 48-010	PREP	00-02-087	315- 11A-212	REP-XR	00-02-055	365-197-060	NEW-P	00-03-067
314- 56-010	REP-XR	00-02-086	315- 11A-212	REP	00-07-131	365-197-070	NEW-P	00-03-067
314- 56-020	REP-XR	00-02-086	315- 11A-213	REP-XR	00-02-055	365-197-080	NEW-P	00-03-067
314- 60	PREP	00-02-088	315- 11A-213	REP	00-07-131	388- 03-010	NEW	00-06-014
314- 62	PREP	00-02-088	315- 11A-214	REP-XR	00-02-055	388- 03-020	NEW	00-06-014
314- 64	PREP	00-02-087	315- 11A-214	REP	00-07-131	388- 03-030	NEW	00-06-014
314- 76-010	PREP	00-02-087	317- 10	PREP	00-05-096	388- 03-050	NEW	00-06-014
314- 78-010	REP-XR	00-02-086	352- 32	PREP	00-04-081	388- 03-060	NEW	00-06-014
315- 06-120	PREP	00-05-059	352- 32-285	PREP	00-04-081	388- 03-110	NEW	00-06-014
315- 06-120	AMD-P	00-07-130	356- 14-045	AMD-P	00-04-052	388- 03-112	NEW	00-06-014
315- 11A-165	REP-XR	00-02-055	356- 14-045	AMD-C	00-06-050	388- 03-114	NEW	00-06-014
315- 11A-165	REP	00-07-131	356- 26-040	AMD-P	00-04-052	388- 03-115	NEW	00-06-014
315- 11A-187	REP-XR	00-02-055	356- 26-040	AMD-C	00-06-050	388- 03-116	NEW	00-06-014
315- 11A-187	REP	00-07-131	356- 30-075	AMD-P	00-04-052	388- 03-117	NEW	00-06-014
315- 11A-188	REP-XR	00-02-055	356- 30-075	AMD-C	00-06-050	388- 03-118	NEW	00-06-014
315- 11A-188	REP	00-07-131	356- 30-331	AMD-P	00-06-047	388- 03-120	NEW	00-06-014
315- 11A-189	REP-XR	00-02-055	359- 14-010	NEW-P	00-04-054	388- 03-122	NEW	00-06-014
315- 11A-189	REP	00-07-131	359- 14-010	NEW-C	00-06-049	388- 03-123	NEW	00-06-014
315- 11A-190	REP-XR	00-02-055	359- 14-020	NEW-P	00-04-054	388- 03-124	NEW	00-06-014
315- 11A-190	REP	00-07-131	359- 14-020	NEW-C	00-06-049	388- 03-125	NEW	00-06-014
315- 11A-191	REP-XR	00-02-055	359- 14-030	NEW-P	00-04-054	388- 03-126	NEW	00-06-014
315- 11A-191	REP	00-07-131	359- 14-030	NEW-C	00-06-049	388- 03-130	NEW	00-06-014
315- 11A-192	REP-XR	00-02-055	359- 14-050	NEW-P	00-04-054	388- 03-132	NEW	00-06-014
315- 11A-192	REP	00-07-131	359- 14-050	NEW-C	00-06-049	388- 03-133	NEW	00-06-014
315- 11A-193	REP-XR	00-02-055	359- 14-070	NEW-P	00-04-054	388- 03-135	NEW	00-06-014
315- 11A-193	REP	00-07-131	359- 14-070	NEW-C	00-06-049	388- 03-138	NEW	00-06-014
315- 11A-194	REP-XR	00-02-055	359- 14-080	NEW-P	00-04-054	388- 03-140	NEW	00-06-014
315- 11A-194	REP	00-07-131	359- 14-080	NEW-C	00-06-049	388- 03-150	NEW	00-06-014
315- 11A-195	REP-XR	00-02-055	359- 14-100	NEW-P	00-04-054	388- 03-152	NEW	00-06-014
315- 11A-195	REP	00-07-131	359- 14-100	NEW-C	00-06-049	388- 03-154	NEW	00-06-014
315- 11A-196	REP-XR	00-02-055	359- 14-130	NEW-P	00-04-054	388- 03-156	NEW	00-06-014
315- 11A-196	REP	00-07-131	359- 14-130	NEW-C	00-06-049	388- 03-170	NEW	00-06-014
315- 11A-197	REP-XR	00-02-055	359- 40-010	NEW-P	00-04-054	388- 03-172	NEW	00-06-014
315- 11A-197	REP	00-07-131	359- 40-010	NEW-C	00-06-049	388- 03-174	NEW	00-06-014
315- 11A-198	REP-XR	00-02-055	359- 40-020	NEW-P	00-04-054	388- 03-176	NEW	00-06-014
315- 11A-198	REP	00-07-131	359- 40-020	NEW-C	00-06-049	388- 11-011	PREP	00-06-039
315- 11A-199	REP-XR	00-02-055	359- 40-050	NEW-P	00-04-054	388- 11-015	PREP	00-06-039
315- 11A-199	REP	00-07-131	359- 40-050	NEW-C	00-06-049	388- 11-045	PREP	00-06-039
315- 11A-200	REP-XR	00-02-055	359- 40-060	NEW-P	00-04-054	388- 11-048	PREP	00-06-039
315- 11A-200	REP	00-07-131	359- 40-060	NEW-C	00-06-049	388- 11-065	PREP	00-06-039
315- 11A-201	REP-XR	00-02-055	365-120	AMD	00-05-020	388- 11-067	PREP	00-06-039
315- 11A-201	REP	00-07-131	365-120-010	AMD	00-05-020	388- 11-100	PREP	00-06-039
315- 11A-202	REP-XR	00-02-055	365-120-020	AMD	00-05-020	388- 11-120	PREP	00-06-039
315- 11A-202	REP	00-07-131	365-120-030	AMD	00-05-020	388- 11-135	PREP	00-06-039
315- 11A-203	REP-XR	00-02-055	365-120-040	AMD	00-05-020	388- 11-140	PREP	00-06-039
315- 11A-203	REP	00-07-131	365-120-050	AMD	00-05-020	388- 11-145	PREP	00-06-039
315- 11A-204	REP-XR	00-02-055	365-120-060	AMD	00-05-020	388- 11-150	PREP	00-06-039
315- 11A-204	REP	00-07-131	365-120-070	NEW	00-05-020	388- 11-155	PREP	00-06-039
315- 11A-205	REP-XR	00-02-055	365-120-080	NEW	00-05-020	388- 11-170	PREP	00-06-039
315- 11A-205	REP	00-07-131	365-120-090	NEW	00-05-020	388- 11-180	PREP	00-06-039
315- 11A-206	REP-XR	00-02-055	365-135-020	AMD	00-02-061	388- 11-205	PREP	00-06-039
315- 11A-206	REP	00-07-131	365-195-900	NEW-P	00-03-066	388- 11-210	PREP	00-06-039
315- 11A-207	REP-XR	00-02-055	365-195-905	NEW-P	00-03-066	388- 11-215	PREP	00-06-039
315- 11A-207	REP	00-07-131	365-195-910	NEW-P	00-03-066	388- 11-220	PREP	00-06-039
315- 11A-208	REP-XR	00-02-055	365-195-915	NEW-P	00-03-066	388- 11-280	PREP	00-06-039
315- 11A-208	REP	00-07-131	365-195-920	NEW-P	00-03-066	388- 11-285	PREP	00-06-039
315- 11A-209	REP-XR	00-02-055	365-195-925	NEW-P	00-03-066	388- 11-290	PREP	00-06-039
315- 11A-209	REP	00-07-131	365-197-010	NEW-P	00-03-067	388- 11-295	PREP	00-06-039
315- 11A-210	REP-XR	00-02-055	365-197-020	NEW-P	00-03-067	388- 11-300	PREP	00-06-039
315- 11A-210	REP	00-07-131	365-197-030	NEW-P	00-03-067	388- 11-305	PREP	00-06-039

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 11-310	PREP	00-06-039	388- 14-450	PREP	00-06-039	388- 15-810	REP	00-04-056
388- 11-315	PREP	00-06-039	388- 14-460	PREP	00-06-039	388- 15-830	REP	00-04-056
388- 11-315	REP-P	00-06-068	388- 14-480	PREP	00-06-039	388- 15-880	REP	00-04-056
388- 11-320	PREP	00-06-039	388- 14-490	PREP	00-06-039	388- 15-890	REP	00-04-056
388- 11-325	PREP	00-06-039	388- 14-495	PREP	00-06-039	388- 15-895	REP	00-04-056
388- 11-330	PREP	00-06-039	388- 14-500	PREP	00-06-039	388- 17-010	REP	00-04-056
388- 11-335	PREP	00-06-039	388- 14-510	PREP	00-06-039	388- 17-020	REP	00-04-056
388- 11-340	PREP	00-06-039	388- 14-520	PREP	00-06-039	388- 17-100	REP	00-04-056
388- 11-400	PREP	00-06-039	388- 14-530	PREP	00-06-039	388- 17-120	REP	00-04-056
388- 11-410	PREP	00-06-039	388- 14-540	PREP	00-06-039	388- 17-160	REP	00-04-056
388- 11-415	PREP	00-06-039	388- 14-550	PREP	00-06-039	388- 17-180	REP	00-04-056
388- 11-420	PREP	00-06-039	388- 14-560	PREP	00-06-039	388- 17-500	REP	00-04-056
388- 11-425	PREP	00-06-039	388- 14-570	PREP	00-06-039	388- 17-510	REP	00-04-056
388- 11-430	PREP	00-06-039	388- 14A-3850	NEW-P	00-06-068	388- 24-2070	REP	00-03-012
388- 13	PREP	00-06-039	388- 14A-3855	NEW-P	00-06-068	388- 24-2100	REP	00-03-012
388- 14-010	PREP	00-06-039	388- 14A-3860	NEW-P	00-06-068	388- 24-2150	REP	00-03-012
388- 14-020	PREP	00-06-039	388- 14A-3865	NEW-P	00-06-068	388- 24-2200	REP	00-03-012
388- 14-030	PREP	00-06-039	388- 14A-3870	NEW-P	00-06-068	388- 24-2250	REP	00-03-012
388- 14-035	PREP	00-06-039	388- 14A-3875	NEW-P	00-06-068	388- 24-2350	REP	00-03-012
388- 14-040	PREP	00-06-039	388- 15-120	REP	00-03-029	388- 24-2430	REP	00-03-012
388- 14-045	PREP	00-06-039	388- 15-145	REP	00-04-056	388- 71-0100	NEW	00-03-029
388- 14-050	PREP	00-06-039	388- 15-196	REP	00-03-043	388- 71-0105	NEW	00-03-029
388- 14-100	PREP	00-06-039	388- 15-19600	REP	00-03-043	388- 71-0110	NEW	00-03-029
388- 14-200	PREP	00-06-039	388- 15-19610	REP	00-03-043	388- 71-0115	NEW	00-03-029
388- 14-201	PREP	00-06-039	388- 15-19620	REP	00-03-043	388- 71-0120	NEW	00-03-029
388- 14-202	PREP	00-06-039	388- 15-19630	REP	00-03-043	388- 71-0150	NEW	00-03-029
388- 14-203	PREP	00-06-039	388- 15-19640	REP	00-03-043	388- 71-0155	NEW	00-03-029
388- 14-205	PREP	00-06-039	388- 15-19650	REP	00-03-043	388- 71-0400	NEW	00-04-056
388- 14-210	PREP	00-06-039	388- 15-19660	REP	00-03-043	388- 71-0405	NEW	00-04-056
388- 14-220	PREP	00-06-039	388- 15-19670	REP	00-03-043	388- 71-0410	NEW	00-04-056
388- 14-250	PREP	00-06-039	388- 15-19680	REP	00-03-043	388- 71-0415	NEW	00-04-056
388- 14-260	PREP	00-06-039	388- 15-198	REP	00-03-043	388- 71-0420	NEW	00-04-056
388- 14-270	PREP	00-06-039	388- 15-200	REP	00-04-056	388- 71-0425	NEW	00-04-056
388- 14-271	PREP	00-06-039	388- 15-201	REP	00-04-056	388- 71-0430	NEW	00-04-056
388- 14-272	PREP	00-06-039	388- 15-206	REP	00-04-056	388- 71-0440	NEW	00-04-056
388- 14-273	PREP	00-06-039	388- 15-207	REP	00-04-056	388- 71-0445	NEW	00-04-056
388- 14-274	PREP	00-06-039	388- 15-209	REP	00-04-056	388- 71-0445	PREP	00-07-100
388- 14-276	PREP	00-06-039	388- 15-214	REP	00-04-056	388- 71-0450	NEW	00-04-056
388- 14-300	PREP	00-06-039	388- 15-215	REP	00-04-056	388- 71-0455	NEW	00-04-056
388- 14-310	PREP	00-06-039	388- 15-219	REP	00-04-056	388- 71-0460	NEW	00-04-056
388- 14-350	PREP	00-06-039	388- 15-222	REP	00-04-056	388- 71-0465	NEW	00-04-056
388- 14-360	PREP	00-06-039	388- 15-548	REP	00-04-056	388- 71-0470	NEW	00-04-056
388- 14-365	PREP	00-06-039	388- 15-551	REP	00-04-056	388- 71-0470	PREP	00-07-100
388- 14-370	PREP	00-06-039	388- 15-552	REP	00-04-056	388- 71-0475	NEW	00-04-056
388- 14-376	PREP	00-06-039	388- 15-553	REP	00-04-056	388- 71-0480	NEW	00-04-056
388- 14-385	PREP	00-06-039	388- 15-554	REP	00-04-056	388- 71-0480	PREP	00-07-100
388- 14-386	PREP	00-06-039	388- 15-555	REP	00-04-056	388- 71-0500	NEW	00-03-043
388- 14-387	PREP	00-06-039	388- 15-560	REP	00-04-056	388- 71-0505	NEW	00-03-043
388- 14-388	PREP	00-06-039	388- 15-562	REP	00-04-056	388- 71-0510	NEW	00-03-043
388- 14-390	PREP	00-06-039	388- 15-563	REP	00-04-056	388- 71-0515	NEW	00-03-043
388- 14-395	PREP	00-06-039	388- 15-564	REP	00-04-056	388- 71-0520	NEW	00-03-043
388- 14-410	PREP	00-06-039	388- 15-566	REP	00-04-056	388- 71-0525	NEW	00-03-043
388- 14-415	PREP	00-06-039	388- 15-568	REP	00-04-056	388- 71-0530	NEW	00-03-043
388- 14-420	PREP	00-06-039	388- 15-600	REP	00-04-056	388- 71-0535	NEW	00-03-043
388- 14-421	PREP	00-06-039	388- 15-620	REP	00-04-056	388- 71-0540	NEW	00-03-043
388- 14-422	PREP	00-06-039	388- 15-630	REP	00-04-056	388- 71-0545	NEW	00-03-043
388- 14-423	PREP	00-06-039	388- 15-690	REP	00-04-056	388- 71-0550	NEW	00-03-043
388- 14-424	PREP	00-06-039	388- 15-695	REP	00-04-056	388- 71-0555	NEW	00-03-043
388- 14-427	PREP	00-06-039	388- 15-700	REP	00-04-056	388- 71-0560	NEW	00-03-043
388- 14-435	PREP	00-06-039	388- 15-705	REP	00-04-056	388- 71-0580	NEW	00-03-043
388- 14-440	PREP	00-06-039	388- 15-710	REP	00-04-056	388- 71-0600	NEW	00-04-056
388- 14-445	PREP	00-06-039	388- 15-715	REP	00-04-056	388- 71-0605	NEW	00-04-056

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 71-0610	NEW	00-04-056	388- 97-051	NEW	00-06-028	388- 97-185	AMD	00-06-028
388- 71-0615	NEW	00-04-056	388- 97-052	NEW	00-06-028	388- 97-190	AMD	00-06-028
388- 71-0620	NEW	00-04-056	388- 97-053	NEW	00-06-028	388- 97-195	AMD	00-06-028
388- 71-1000	NEW	00-04-056	388- 97-055	AMD	00-06-028	388- 97-200	REP	00-06-028
388- 71-1005	NEW	00-04-056	388- 97-060	AMD	00-06-028	388- 97-202	NEW	00-06-028
388- 71-1010	NEW	00-04-056	388- 97-065	AMD	00-06-028	388- 97-205	AMD	00-06-028
388- 71-1015	NEW	00-04-056	388- 97-070	REP	00-06-028	388- 97-210	REP	00-06-028
388- 71-1020	NEW	00-04-056	388- 97-07005	NEW	00-06-028	388- 97-212	NEW	00-06-028
388- 71-1025	NEW	00-04-056	388- 97-07010	NEW	00-06-028	388- 97-215	REP	00-06-028
388- 71-1030	NEW	00-04-056	388- 97-07015	NEW	00-06-028	388- 97-220	AMD	00-06-028
388- 71-1035	NEW	00-04-056	388- 97-07020	NEW	00-06-028	388- 97-225	REP	00-06-028
388- 71-1065	NEW	00-04-056	388- 97-07025	NEW	00-06-028	388- 97-230	REP	00-06-028
388- 71-1070	NEW	00-04-056	388- 97-07030	NEW	00-06-028	388- 97-235	REP	00-06-028
388- 71-1075	NEW	00-04-056	388- 97-07035	NEW	00-06-028	388- 97-240	REP	00-06-028
388- 71-1080	NEW	00-04-056	388- 97-07040	NEW	00-06-028	388- 97-245	REP	00-06-028
388- 71-1085	NEW	00-04-056	388- 97-07045	NEW	00-06-028	388- 97-247	NEW	00-06-028
388- 71-1090	NEW	00-04-056	388- 97-07050	NEW	00-06-028	388- 97-249	NEW	00-06-028
388- 71-1095	NEW	00-04-056	388- 97-07055	NEW	00-06-028	388- 97-250	REP	00-06-028
388- 71-1100	NEW	00-04-056	388- 97-07060	NEW	00-06-028	388- 97-251	NEW	00-06-028
388- 71-1105	NEW	00-04-056	388- 97-07065	NEW	00-06-028	388- 97-253	NEW	00-06-028
388- 71-1110	NEW	00-04-056	388- 97-07070	NEW	00-06-028	388- 97-255	REP	00-06-028
388- 76-61510	PREP	00-07-057	388- 97-075	AMD	00-06-028	388- 97-260	AMD	00-06-028
388- 76-640	PREP	00-07-057	388- 97-076	NEW	00-06-028	388- 97-265	REP	00-06-028
388- 81	PREP	00-07-055	388- 97-077	NEW	00-06-028	388- 97-270	REP	00-06-028
388- 86	PREP	00-03-011	388- 97-080	REP	00-06-028	388- 97-275	REP	00-06-028
388- 86-012	PREP	00-03-011	388- 97-08010	NEW	00-06-028	388- 97-280	REP	00-06-028
388- 86-017	PREP	00-05-108	388- 97-08020	NEW	00-06-028	388- 97-285	NEW	00-06-028
388- 86-019	PREP	00-03-011	388- 97-08030	NEW	00-06-028	388- 97-295	AMD	00-06-028
388- 86-035	PREP	00-07-056	388- 97-08040	NEW	00-06-028	388- 97-29510	NEW	00-06-028
388- 86-067	REP	00-05-039	388- 97-08050	NEW	00-06-028	388- 97-29520	NEW	00-06-028
388- 86-087	PREP	00-07-056	388- 97-08060	NEW	00-06-028	388- 97-29530	NEW	00-06-028
388- 86-090	REP	00-04-019	388- 97-08070	NEW	00-06-028	388- 97-29540	NEW	00-06-028
388- 86-110	PREP	00-03-011	388- 97-085	AMD	00-06-028	388- 97-29550	NEW	00-06-028
388- 86-115	PREP	00-03-011	388- 97-090	AMD	00-06-028	388- 97-29560	NEW	00-06-028
388- 86-120	PREP	00-03-011	388- 97-095	REP	00-06-028	388- 97-300	REP	00-06-028
388- 86-300	PREP	00-03-011	388- 97-097	NEW	00-06-028	388- 97-305	REP	00-06-028
388- 87	PREP	00-03-011	388- 97-100	REP	00-06-028	388- 97-310	AMD	00-06-028
388- 87-027	PREP	00-03-011	388- 97-105	REP	00-06-028	388- 97-315	AMD	00-06-028
388- 87-067	REP	00-05-039	388- 97-110	AMD	00-06-028	388- 97-320	REP	00-06-028
388- 87-077	REP	00-05-039	388- 97-115	AMD	00-06-028	388- 97-325	AMD	00-06-028
388- 87-090	REP	00-04-019	388- 97-120	AMD	00-06-028	388- 97-32510	NEW	00-06-028
388- 87-200	PREP	00-07-056	388- 97-12010	NEW	00-06-028	388- 97-32520	NEW	00-06-028
388- 90-010	REP	00-07-045	388- 97-12020	NEW	00-06-028	388- 97-32530	NEW	00-06-028
388- 97-005	AMD	00-06-028	388- 97-12030	NEW	00-06-028	388- 97-32540	NEW	00-06-028
388- 97-010	REP	00-06-028	388- 97-12040	NEW	00-06-028	388- 97-32550	NEW	00-06-028
388- 97-012	NEW	00-06-028	388- 97-12050	NEW	00-06-028	388- 97-32560	NEW	00-06-028
388- 97-015	REP	00-06-028	388- 97-12060	NEW	00-06-028	388- 97-32570	NEW	00-06-028
388- 97-017	NEW	00-06-028	388- 97-12070	NEW	00-06-028	388- 97-32580	NEW	00-06-028
388- 97-020	REP	00-06-028	388- 97-125	AMD	00-06-028	388- 97-330	AMD	00-06-028
388- 97-022	NEW	00-06-028	388- 97-130	AMD	00-06-028	388- 97-33010	NEW	00-06-028
388- 97-025	REP	00-06-028	388- 97-135	AMD	00-06-028	388- 97-33020	NEW	00-06-028
388- 97-027	NEW	00-06-028	388- 97-140	AMD	00-06-028	388- 97-33030	NEW	00-06-028
388- 97-030	REP	00-06-028	388- 97-145	REP	00-06-028	388- 97-33040	NEW	00-06-028
388- 97-032	NEW	00-06-028	388- 97-147	NEW	00-06-028	388- 97-33050	NEW	00-06-028
388- 97-035	REP	00-06-028	388- 97-150	REP	00-06-028	388- 97-335	AMD	00-06-028
388- 97-037	NEW	00-06-028	388- 97-155	AMD	00-06-028	388- 97-33510	NEW	00-06-028
388- 97-040	REP	00-06-028	388- 97-160	AMD	00-06-028	388- 97-33520	NEW	00-06-028
388- 97-042	NEW	00-06-028	388- 97-162	NEW	00-06-028	388- 97-33530	NEW	00-06-028
388- 97-043	NEW	00-06-028	388- 97-165	AMD	00-06-028	388- 97-33540	NEW	00-06-028
388- 97-045	REP	00-06-028	388- 97-170	AMD	00-06-028	388- 97-33550	NEW	00-06-028
388- 97-047	NEW	00-06-028	388- 97-175	AMD	00-06-028	388- 97-33560	NEW	00-06-028
388- 97-050	REP	00-06-028	388- 97-180	AMD	00-06-028	388- 97-33570	NEW	00-06-028

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-97-33580	NEW	00-06-028	388-97-46010	NEW	00-06-028	388-155-410	AMD	00-06-040
388-97-340	AMD	00-06-028	388-97-465	AMD	00-06-028	388-155-430	AMD	00-06-040
388-97-34010	NEW	00-06-028	388-97-46510	NEW	00-06-028	388-155-440	AMD	00-06-040
388-97-34020	NEW	00-06-028	388-97-46520	NEW	00-06-028	388-155-450	AMD	00-06-040
388-97-345	AMD	00-06-028	388-97-46530	NEW	00-06-028	388-155-460	AMD	00-06-040
388-97-347	NEW	00-06-028	388-97-46540	NEW	00-06-028	388-155-470	AMD	00-06-040
388-97-350	AMD	00-06-028	388-97-46550	NEW	00-06-028	388-155-490	AMD	00-06-040
388-97-35010	NEW	00-06-028	388-97-46560	NEW	00-06-028	388-155-500	AMD	00-06-040
388-97-35020	NEW	00-06-028	388-97-46570	NEW	00-06-028	388-155-600	AMD	00-06-040
388-97-35030	NEW	00-06-028	388-97-46580	NEW	00-06-028	388-200-1160	REP	00-03-035
388-97-35040	NEW	00-06-028	388-97-46590	NEW	00-06-028	388-200-1300	PREP	00-04-036
388-97-35050	NEW	00-06-028	388-97-470	AMD	00-06-028	388-200-1350	PREP	00-04-036
388-97-35060	NEW	00-06-028	388-97-47010	NEW	00-06-028	388-235-9000	AMD	00-05-007
388-97-352	NEW	00-06-028	388-97-47020	NEW	00-06-028	388-265-1650	PREP	00-07-101
388-97-353	NEW	00-06-028	388-97-475	REP	00-06-028	388-265-1750	PREP	00-07-101
388-97-355	AMD	00-06-028	388-97-480	AMD	00-06-028	388-310-0200	AMD-P	00-03-051
388-97-357	NEW	00-06-028	388-97-48010	NEW	00-06-028	388-310-0200	AMD	00-06-062
388-97-35710	NEW	00-06-028	388-97-48020	NEW	00-06-028	388-310-0200	PREP	00-07-102
388-97-35720	NEW	00-06-028	388-97-48030	NEW	00-06-028	388-310-0300	AMD-P	00-03-051
388-97-360	AMD	00-06-028	388-97-48040	NEW	00-06-028	388-310-0300	AMD	00-06-062
388-97-36010	NEW	00-06-028	388-97-550	NEW	00-06-028	388-310-0400	AMD-P	00-03-051
388-97-36020	NEW	00-06-028	388-97-555	NEW	00-06-028	388-310-0400	AMD	00-06-062
388-97-36030	NEW	00-06-028	388-97-560	NEW	00-06-028	388-310-0400	PREP	00-07-102
388-97-36040	NEW	00-06-028	388-97-565	NEW	00-06-028	388-310-0500	PREP	00-07-102
388-97-36050	NEW	00-06-028	388-97-570	NEW	00-06-028	388-310-0600	PREP	00-07-102
388-97-36060	NEW	00-06-028	388-97-575	NEW	00-06-028	388-310-0700	AMD-P	00-03-051
388-97-36070	NEW	00-06-028	388-97-580	NEW	00-06-028	388-310-0700	AMD	00-06-062
388-97-365	AMD	00-06-028	388-97-585	NEW	00-06-028	388-310-0800	PREP	00-05-109
388-97-36510	NEW	00-06-028	388-97-590	NEW	00-06-028	388-310-0800	AMD-E	00-06-061
388-97-36520	NEW	00-06-028	388-97-595	NEW	00-06-028	388-310-1400	AMD-P	00-03-051
388-97-36530	NEW	00-06-028	388-97-600	NEW	00-06-028	388-310-1400	AMD	00-06-062
388-97-370	AMD	00-06-028	388-155-010	AMD	00-06-040	388-310-1450	NEW-P	00-03-051
388-97-37010	NEW	00-06-028	388-155-020	AMD	00-06-040	388-310-1450	NEW	00-06-062
388-97-37020	NEW	00-06-028	388-155-070	AMD	00-06-040	388-310-1800	PREP	00-07-102
388-97-375	AMD	00-06-028	388-155-098	AMD	00-06-040	388-310-1850	AMD-E	00-03-013
388-97-380	REP	00-06-028	388-155-100	AMD	00-06-040	388-310-1850	AMD-P	00-04-091
388-97-385	AMD	00-06-028	388-155-110	AMD	00-06-040	388-400-0005	AMD	00-05-007
388-97-390	REP	00-06-028	388-155-120	AMD	00-06-040	388-400-0010	AMD	00-05-007
388-97-395	REP	00-06-028	388-155-130	AMD	00-06-040	388-404-0005	AMD	00-05-007
388-97-400	AMD	00-06-028	388-155-140	AMD	00-06-040	388-406-0015	AMD	00-06-015
388-97-40010	NEW	00-06-028	388-155-150	AMD	00-06-040	388-406-0060	PREP	00-06-060
388-97-401	NEW	00-06-028	388-155-165	AMD	00-06-040	388-408-0020	AMD	00-05-007
388-97-402	NEW	00-06-028	388-155-170	AMD	00-06-040	388-414-0001	AMD-P	00-07-076
388-97-403	NEW	00-06-028	388-155-180	AMD	00-06-040	388-416-0015	AMD-P	00-04-045
388-97-405	AMD	00-06-028	388-155-200	AMD	00-06-040	388-418-0012	REP-P	00-03-062
388-97-410	AMD	00-06-028	388-155-210	REP	00-06-040	388-418-0012	REP	00-07-077
388-97-415	AMD	00-06-028	388-155-220	AMD	00-06-040	388-418-0025	AMD-P	00-04-045
388-97-420	AMD	00-06-028	388-155-230	AMD	00-06-040	388-424-0015	AMD-P	00-05-110
388-97-425	AMD	00-06-028	388-155-240	AMD	00-06-040	388-430-0001	REP	00-05-007
388-97-430	AMD	00-06-028	388-155-250	AMD	00-06-040	388-430-0005	REP	00-05-007
388-97-43010	NEW	00-06-028	388-155-260	REP	00-06-040	388-430-0010	REP	00-05-007
388-97-43020	NEW	00-06-028	388-155-270	AMD	00-06-040	388-430-0015	REP	00-05-007
388-97-43030	NEW	00-06-028	388-155-280	AMD	00-06-040	388-430-0020	REP	00-05-007
388-97-43040	NEW	00-06-028	388-155-290	AMD	00-06-040	388-430-0025	REP	00-05-007
388-97-43050	NEW	00-06-028	388-155-295	AMD	00-06-040	388-436-0010	REP-P	00-06-067
388-97-435	REP	00-06-028	388-155-310	AMD	00-06-040	388-440-0001	AMD	00-03-034
388-97-440	REP	00-06-028	388-155-320	AMD	00-06-040	388-440-0005	AMD	00-03-034
388-97-445	REP	00-06-028	388-155-340	AMD	00-06-040	388-442-0010	AMD	00-05-007
388-97-450	REP	00-06-028	388-155-350	AMD	00-06-040	388-444-0015	AMD	00-04-006
388-97-455	AMD	00-06-028	388-155-360	AMD	00-06-040	388-444-0035	AMD	00-04-006
388-97-45510	NEW	00-06-028	388-155-390	AMD	00-06-040	388-444-0055	AMD	00-04-006
388-97-460	AMD	00-06-028	388-155-400	AMD	00-06-040	388-444-0065	AMD	00-04-006

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-444-0075	AMD	00-04-006	388-542-0200	NEW-P	00-03-061	392-140-625	AMD	00-03-015
388-450-0015	PREP	00-03-060	388-542-0200	NEW	00-07-103	392-140-626	NEW	00-03-015
388-450-0015	AMD-E	00-06-023	388-542-0250	NEW-P	00-03-061	392-140-630	AMD	00-03-015
388-450-0035	AMD-E	00-02-062	388-542-0250	NEW	00-07-103	392-140-660	AMD	00-03-015
388-478-0070	AMD-P	00-07-075	388-542-0275	NEW-P	00-03-061	392-140-665	REP	00-03-015
388-478-0075	PREP	00-07-054	388-542-0275	NEW	00-07-103	392-140-675	AMD	00-03-015
388-478-0075	AMD-E	00-07-089	388-542-0300	NEW-P	00-03-061	392-140-680	AMD	00-03-015
388-478-0080	AMD-P	00-07-075	388-542-0300	NEW	00-07-103	392-140-700	REP	00-02-063
388-478-0085	PREP	00-07-054	388-545-500	NEW	00-04-019	392-140-701	REP	00-02-063
388-478-0085	AMD-E	00-07-089	388-547	PREP	00-03-010	392-140-702	REP	00-02-063
388-480-0001	AMD	00-05-007	388-550-4500	AMD-W	00-06-046	392-140-710	REP	00-02-063
388-490-0005	AMD-P	00-04-092	388-825-226	AMD-P	00-05-107	392-140-711	REP	00-02-063
388-501-0125	PREP	00-03-011	388-825-228	AMD-P	00-05-107	392-140-712	REP	00-02-063
388-501-0160	AMD	00-03-035	388-825-254	AMD-P	00-05-107	392-140-713	REP	00-02-063
388-501-0165	AMD	00-03-035	388-890-0735	NEW-W	00-02-065	392-140-714	REP	00-02-063
388-501-0200	AMD-XA	00-07-044	388-890-0740	NEW-W	00-02-065	392-140-715	REP	00-02-063
388-502-0205	PREP	00-06-022	388-890-0865	NEW-W	00-02-065	392-140-716	REP	00-02-063
388-529-2940	REP	00-05-039	390-05-400	AMD	00-04-058	392-140-720	REP	00-02-063
388-529-2950	REP	00-05-039	391-08	PREP	00-04-070	392-140-721	REP	00-02-063
388-530-1000	PREP	00-07-087	391-45	PREP	00-04-070	392-140-722	REP	00-02-063
388-530-1050	PREP	00-07-087	391-45-070	AMD-E	00-03-053	392-140-723	REP	00-02-063
388-530-1100	PREP	00-07-087	391-45-110	AMD-E	00-03-053	392-140-724	REP	00-02-063
388-530-1150	PREP	00-07-087	391-45-130	AMD-E	00-03-053	392-140-725	REP	00-02-063
388-530-1200	PREP	00-07-087	391-95	PREP	00-04-070	392-140-726	REP	00-02-063
388-530-1250	PREP	00-07-087	392-127-011	AMD	00-02-064	392-140-727	REP	00-02-063
388-530-1300	PREP	00-07-087	392-127-015	AMD	00-02-064	392-140-728	REP	00-02-063
388-530-1350	PREP	00-07-087	392-127-030	REP	00-02-064	392-140-730	REP	00-02-063
388-530-1400	PREP	00-07-087	392-127-035	REP	00-02-064	392-140-731	REP	00-02-063
388-530-1450	PREP	00-07-087	392-127-040	REP	00-02-064	392-140-732	REP	00-02-063
388-530-1500	PREP	00-07-087	392-127-050	REP	00-02-064	392-140-733	REP	00-02-063
388-530-1550	PREP	00-07-087	392-127-055	REP	00-02-064	392-140-735	REP	00-02-063
388-530-1650	PREP	00-07-087	392-127-060	REP	00-02-064	392-140-736	REP	00-02-063
388-530-1700	PREP	00-07-087	392-127-065	AMD	00-02-064	392-140-740	REP	00-02-063
388-530-1750	PREP	00-07-088	392-127-070	AMD	00-02-064	392-140-741	REP	00-02-063
388-530-1850	PREP	00-07-087	392-127-085	AMD	00-02-064	392-140-742	REP	00-02-063
388-530-1900	PREP	00-07-087	392-127-095	REP	00-02-064	392-140-743	REP	00-02-063
388-530-1950	PREP	00-07-087	392-127-101	REP	00-02-064	392-140-744	REP	00-02-063
388-532	PREP	00-07-056	392-127-106	REP	00-02-064	392-140-745	REP	00-02-063
388-538-001	REP	00-04-080	392-127-111	AMD	00-02-064	392-140-746	REP	00-02-063
388-538-050	AMD	00-04-080	392-127-112	NEW	00-02-064	392-140-747	REP	00-02-063
388-538-060	AMD	00-04-080	392-127-810	REP	00-02-064	392-140-900	NEW	00-02-063
388-538-065	NEW	00-04-080	392-139-001	AMD-P	00-05-061	392-140-901	NEW	00-02-063
388-538-066	NEW	00-04-080	392-139-005	AMD-P	00-05-061	392-140-902	NEW	00-02-063
388-538-070	AMD	00-04-080	392-139-007	AMD-P	00-05-061	392-140-903	NEW	00-02-063
388-538-080	AMD	00-04-080	392-139-008	NEW-P	00-05-061	392-140-905	NEW	00-02-063
388-538-090	REP	00-04-080	392-139-310	AMD-P	00-05-061	392-140-906	NEW	00-02-063
388-538-095	AMD	00-04-080	392-139-320	AMD-P	00-05-061	392-140-907	NEW	00-02-063
388-538-100	AMD	00-04-080	392-139-605	REP-P	00-05-061	392-140-908	NEW	00-02-063
388-538-110	AMD	00-04-080	392-139-610	AMD-P	00-05-061	392-140-910	NEW	00-02-063
388-538-120	AMD	00-04-080	392-139-615	AMD-P	00-05-061	392-140-911	NEW	00-02-063
388-538-130	AMD	00-04-080	392-139-620	AMD-P	00-05-061	392-140-912	NEW	00-02-063
388-538-140	AMD	00-04-080	392-139-622	REP-P	00-05-061	392-140-913	NEW	00-02-063
388-538-150	REP	00-04-080	392-139-623	REP-P	00-05-061	392-172-107	NEW-W	00-06-045
388-539	PREP	00-05-038	392-139-625	AMD-P	00-05-061	392-172-109	NEW-W	00-06-045
388-542-0050	NEW-P	00-03-061	392-139-625	AMD-P	00-05-061	392-172-161	NEW-W	00-06-045
388-542-0050	NEW	00-07-103	392-139-660	AMD-P	00-05-061	392-300-070	NEW-E	00-05-099
388-542-0100	NEW-P	00-03-061	392-139-661	REP-P	00-05-061	399-30-030	PREP	00-04-096
388-542-0100	NEW	00-07-103	392-139-670	AMD-P	00-05-061	399-30-030	AMD-E	00-04-097
388-542-0125	NEW-P	00-03-061	392-139-676	AMD-P	00-05-061	399-50-010	NEW-C	00-04-100
388-542-0125	NEW	00-07-103	392-140-600	AMD	00-03-015	399-50-020	NEW-C	00-04-100
388-542-0150	NEW-P	00-03-061	392-140-601	AMD	00-03-015	399-50-030	NEW-C	00-04-100
388-542-0150	NEW	00-07-103	392-140-605	AMD	00-03-015	399-50-040	NEW-C	00-04-100
388-542-0150	NEW	00-07-103	392-140-613	AMD	00-03-015			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
415-02-010	AMD-P	00-04-025	434-257-050	REP-E	00-04-010	458-12-315	REP-P	00-05-033
415-02-020	AMD-P	00-04-025	434-257-070	AMD-E	00-04-010	458-12-320	AMD-P	00-05-033
415-02-030	AMD-P	00-04-025	434-257-080	REP-E	00-04-010	458-16-080	AMD-P	00-05-032
415-02-040	REP-P	00-04-025	434-257-090	AMD-E	00-04-010	458-16-081	REP-P	00-05-032
415-02-050	AMD-P	00-04-025	434-257-100	AMD-E	00-04-010	458-16A-010	AMD-P	00-06-073
415-02-060	AMD-P	00-04-025	434-257-120	REP-E	00-04-010	458-16A-020	AMD-P	00-06-073
415-02-070	REP-P	00-04-025	434-257-130	AMD-E	00-04-010	458-20-135	AMD-E	00-04-026
415-02-080	AMD-P	00-04-025	434-257-150	AMD-E	00-04-010	458-20-135	AMD-P	00-04-029
415-02-100	AMD-P	00-04-025	434-262-080	AMD-P	00-05-095	458-20-13501	PREP	00-04-027
415-02-120	NEW-P	00-04-025	434-262-110	AMD-P	00-05-095	458-20-136	AMD-E	00-04-026
415-02-130	NEW-P	00-04-025	434-262-120	AMD-P	00-05-095	458-20-136	AMD-P	00-04-029
415-04	PREP	00-04-061	434-334-090	AMD-P	00-05-094	458-20-13601	NEW-E	00-04-026
415-08	PREP	00-04-061	434-334-110	AMD-P	00-05-094	458-20-13601	NEW-P	00-04-029
415-10	PREP	00-04-062	434-334-127	NEW-P	00-05-094	458-20-217	PREP	00-05-073
415-104-450	NEW-P	00-04-023	434-334-140	AMD-P	00-05-094	458-20-228	AMD	00-04-028
415-108-315	NEW-P	00-04-024	434-334-160	AMD-P	00-05-094	458-20-239	AMD-XA	00-05-015
415-112-125	AMD-P	00-04-024	434-334-165	AMD-P	00-05-094	458-20-261	AMD-XA	00-03-001
415-112-140	AMD-P	00-04-024	434-663-100	AMD-P	00-04-083	458-30-200	PREP	00-05-074
415-112-145	AMD-P	00-04-024	434-663-270	NEW-P	00-04-083	458-30-275	PREP	00-05-074
415-112-155	AMD-P	00-04-024	434-663-280	NEW-P	00-04-083	458-30-285	PREP	00-05-074
415-112-330	AMD-P	00-04-024	434-663-300	AMD-P	00-04-083	458-30-295	PREP	00-05-074
415-112-460	AMD-P	00-04-024	434-663-305	NEW-P	00-04-083	458-30-300	PREP	00-05-074
415-112-4605	AMD-P	00-04-024	434-663-310	AMD-P	00-04-083	458-30-305	PREP	00-05-074
415-112-4608	AMD-P	00-04-024	434-663-320	AMD-P	00-04-083	458-30-310	PREP	00-05-074
415-112-471	AMD-P	00-04-024	434-663-400	AMD-P	00-04-083	458-30-315	PREP	00-05-074
415-112-473	AMD-P	00-04-024	434-663-400	DECOD-P	00-04-083	458-30-325	PREP	00-05-074
415-112-475	AMD-P	00-04-024	434-663-405	NEW-P	00-04-083	458-30-350	PREP	00-05-074
415-112-477	AMD-P	00-04-024	434-663-410	AMD-P	00-04-083	458-40-660	PREP	00-06-053
415-112-705	NEW-P	00-04-024	434-663-410	DECOD-P	00-04-083	458-61-230	AMD-P	00-04-055
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415-112-950	NEW-P	00-04-024	434-663-420	DECOD-P	00-04-083	460-21C-005	NEW	00-05-055
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434-219-120	AMD	00-03-003	434-663-430	DECOD-P	00-04-083	460-21C-010	NEW	00-05-055
434-219-160	AMD	00-03-003	434-663-440	AMD-P	00-04-083	460-21C-020	NEW-P	00-02-068
434-219-160	AMD-E	00-03-036	434-663-440	DECOD-P	00-04-083	460-21C-020	NEW	00-05-055
434-219-165	NEW	00-03-003	434-663-450	DECOD-P	00-04-083	460-21C-030	NEW-P	00-02-068
434-219-170	NEW	00-03-003	434-663-460	REP-P	00-04-083	460-21C-030	NEW	00-05-055
434-219-180	AMD	00-03-003	434-663-470	REP-P	00-04-083	460-21C-040	NEW-P	00-02-068
434-219-185	NEW	00-03-003	434-663-480	REP-P	00-04-083	460-21C-040	NEW	00-05-055
434-219-210	AMD	00-03-003	434-663-490	AMD-P	00-04-083	460-44A-500	AMD	00-04-094
434-219-220	AMD	00-03-003	434-663-490	DECOD-P	00-04-083	460-44A-504	AMD	00-04-094
434-219-230	AMD	00-03-003	434-663-510	REP-P	00-04-083	460-46A-010	REP	00-04-095
434-219-240	AMD	00-03-003	434-663-520	REP-P	00-04-083	460-46A-020	REP	00-04-095
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434-219-260	AMD	00-03-003	434-663-610	AMD-P	00-04-083	460-46A-040	REP	00-04-095
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434-219-285	NEW	00-03-003	434-663-710	RECOD-P	00-04-083	460-46A-065	REP	00-04-095
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434-219-310	AMD	00-03-003	434-663-740	RECOD-P	00-04-083	460-46A-090	REP	00-04-095
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434-257-020	AMD-E	00-04-010	446-85-005	NEW-P	00-06-037	460-46A-145	REP	00-04-095
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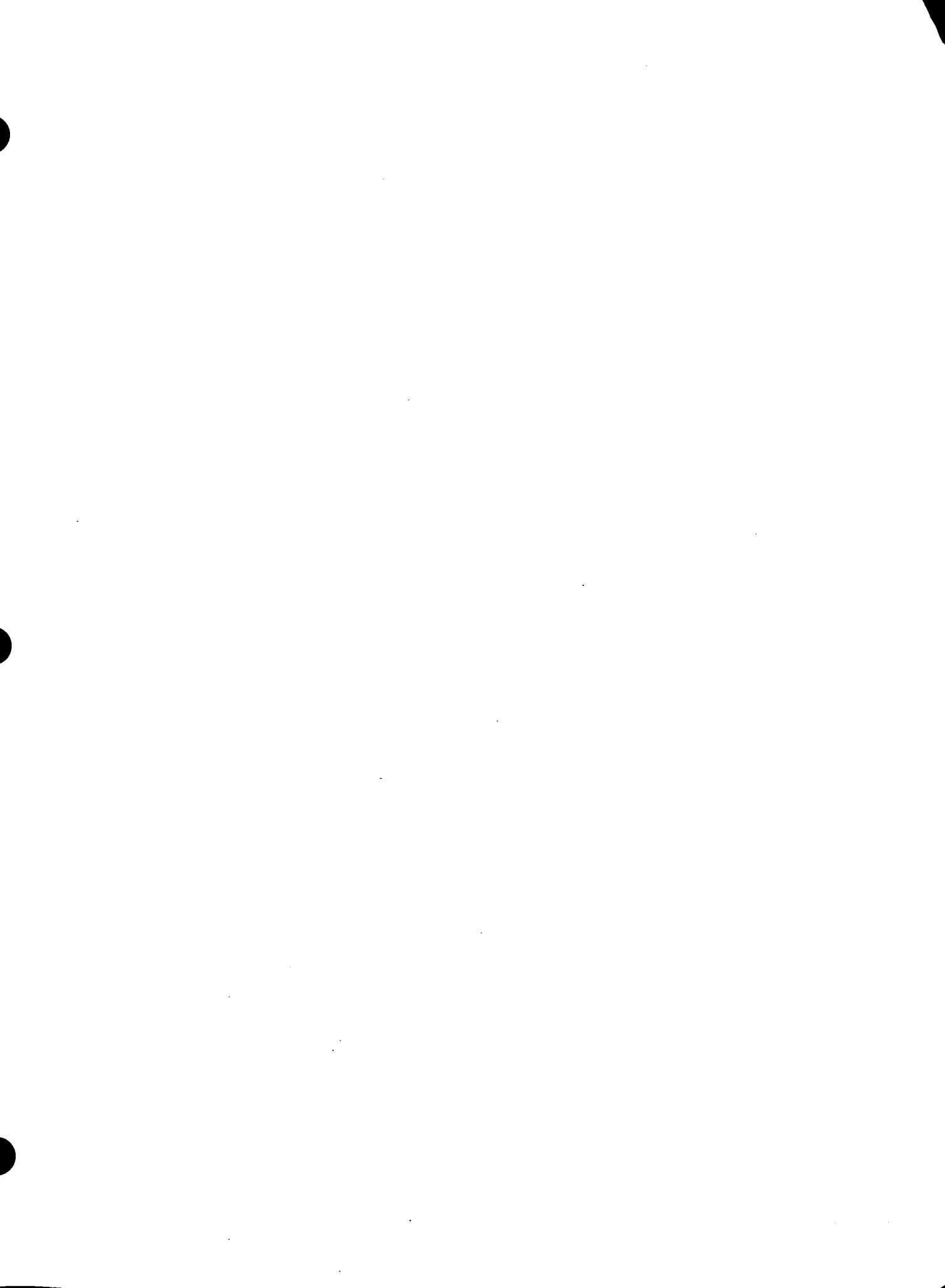
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