

September 15, 2004

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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 in the basement of the Pritchard Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of September 2004 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%) per annum.

The interest rate required by RCW 4.56.110(3) and 4.56.115 for the month of September 2004 is 3.774%.

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.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((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].

2004-2005

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Rule Making 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 -					
04 - 15	Jun 23, 04	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 24, 04	Sep 21, 04
04 - 16	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 7, 04	Oct 5, 04
04 - 17	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 21, 04	Oct 19, 04
04 - 18	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 15, 04	Oct 5, 04	Nov 2, 04
04 - 19	Aug 25, 04	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 26, 04	Nov 23, 04
04 - 20	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 9, 04	Dec 7, 04
04 - 21	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 23, 04	Dec 21, 04
04 - 22	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 7, 04	Jan 4, 05
04 - 23	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 21, 04	Jan 19, 05
04 - 24	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 15, 04	Jan 4, 05	Feb 1, 05
05 - 01	Nov 24, 04	Dec 8, 04	Dec 22, 04	Jan 5, 05	Jan 25, 05	Feb 23, 05
05 - 02	Dec 8, 04	Dec 22, 04	Jan 5, 05	Jan 19, 05	Feb 8, 05	Mar 8, 05
05 - 03	Dec 22, 04	Jan 5, 05	Jan 19, 05	Feb 2, 05	Feb 22, 05	Mar 22, 05
05 - 04	Jan 5, 05	Jan 19, 05	Feb 2, 05	Feb 16, 05	Mar 8, 05	Apr 5, 05
05 - 05	Jan 19, 05	Feb 2, 05	Feb 16, 05	Mar 2, 05	Mar 22, 05	Apr 19, 05
05 - 06	Feb 2, 05	Feb 16, 05	Mar 2, 05	Mar 16, 05	Apr 5, 05	May 3, 05
05 - 07	Feb 23, 05	Mar 9, 05	Mar 23, 05	Apr 6, 05	Apr 26, 05	May 24, 05
05 - 08	Mar 9, 05	Mar 23, 05	Apr 6, 05	Apr 20, 05	May 10, 05	Jun 7, 05
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05 - 19	Aug 24, 05	Sep 7, 05	Sep 21, 05	Oct 5, 05	Oct 25, 05	Nov 22, 05
05 - 20	Sep 7, 05	Sep 21, 05	Oct 5, 05	Oct 19, 05	Nov 8, 05	Dec 6, 05
05 - 21	Sep 21, 05	Oct 5, 05	Oct 19, 05	Nov 2, 05	Nov 22, 05	Dec 20, 05
05 - 22	Oct 5, 05	Oct 19, 05	Nov 2, 05	Nov 16, 05	Dec 6, 05	Jan 3, 06
05 - 23	Oct 26, 05	Nov 9, 05	Nov 23, 05	Dec 7, 05	Dec 27, 05	Jan 24, 06
05 - 24	Nov 9, 05	Nov 23, 05	Dec 7, 05	Dec 21, 05	Jan 10, 06	Feb 7, 06

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 rule making 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.

WSR 04-18-009**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed August 20, 2004, 1:15 p.m.]

Subject of Possible Rule Making: The department, based on a petition for rule making, will solicit comments on the petitioner's proposal to amend chapter 16-403 WAC to allow the shipping of certified organically grown apples from Washington state during the period April 1 to September 1 of each marketing year without being required to meet Washington state apple pressure standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.17 RCW, Standards of grades and packs; and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The petitioner's requested rule amendment would create separate minimum firmness standards for certified organic Red Delicious and Delicious varieties under certain circumstances.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Department of Agriculture (WSDA) is the only agency that regulates the subject of the petition. If the department decides, based upon the response to this CR-101, to undertake rule making it will communicate with other appropriate agencies regarding proposed rule language, public hearing dates, adoption dates, etc.

Process for Developing New Rule: Based upon comments received in response to this CR-101, the department will determine whether or not to proceed with rule making. If the department decides to go forward with the rule-making process, the WSDA fruit and vegetable inspection program staff will develop proposed rule language. When proposed rule language is developed, interested parties will be able to comment on it by submitting written comments to the department or giving oral comments at the public hearing. Public hearing dates will be announced when a CR-102 is filed with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Quigley, Program Manager, Fruit and Vegetable Inspection Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1833, fax (360) 902-2085, e-mail jquigley@agr.wa.gov.

August 19, 2004

William E. Brookreson
Deputy Director**WSR 04-18-013****PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed August 23, 2004, 9:21 a.m.]

Subject of Possible Rule Making: WAC 139-05-300 Requirement for in-service training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure that all certified peace officers engage in continuing professional education to enhance or improve knowledge, skills, and abilities on an annual basis.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sharon M. Tolton, Deputy Director, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise them of the intended rule proposal. Rule is also listed on the agency website.

Sharon M. Tolton
Deputy Director**WSR 04-18-014****PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed August 23, 2004, 9:23 a.m.]

Subject of Possible Rule Making: WAC 139-02-040 Public disclosure officer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change is being made because the public disclosure officer's office is no longer located in the business office.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sharon M. Tolton, Deputy Director, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7345, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise them of the intended rule amendments. Proposal is also listed on the agency website.

August 17, 2004
Sharon M. Tolton
Deputy Director**WSR 04-18-026****PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed August 24, 2004, 11:38 a.m.]

Subject of Possible Rule Making: Chapter 180-41 WAC, repeal chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130(11).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authorizing statute has been repealed. Therefore, the state board no longer has authority for this rule.

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 Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, ldavis@ospi.wednet.edu, (360) 725-6025, fax (360) 586-2357. Initial discussion will be held on October 21, 2004, during the board's October meeting at NW ESD 189, 1601 R Avenue, Anacortes, WA 98221. Comments must be received by October 6, 2004.

August 23, 2004

Larry Davis
Executive Director

WSR 04-18-034

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed August 25, 2004, 11:20 a.m.]

Subject of Possible Rule Making: WAC 458-20-243 Litter tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a revision to this rule to include 2003 legislation that provides for an exemption for food sold for consumption indoors on the seller's premises. The rule would also be updated to reflect the change in reporting of litter tax from the last return of the year to every return.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of a possible new or revised rule(s) is available upon request. Written comments on and/or requests for copies of the draft may be directed to Gayle Carlson, Interpretation and Technical Advice, P.O. Box 47454, Olympia, WA 98504-7454, phone (360) 570-6126, e-mail GayleC@dor.wa.gov, fax (360) 664-0693

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 7, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

August 24, 2004

Alan R. Lynn
Rules Coordinator
Interpretation and
Technical Advice Unit

WSR 04-18-040

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed August 26, 2004, 8:43 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificate of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-505 Elimination of manufactured home certificate of ownership (title)—Elimination.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 65.20.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the last amendment to WAC 308-56A-505(5) existing reference to a \$25.00 fee was deleted although the regulation continued to indicate that a fee would be charged for title elimination. The department seeks to clarify the statutory requirement for a fee amount to be set in rule.

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

Process for Developing New Rule: 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 Dale R. Brown, Management Analyst, Policy and Projects Office, Mailstop 48001, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-3827, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

Katherine Vasquez
for Steve Boruchowitz, Manager
Policy and Projects Office

WSR 04-18-042

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed August 26, 2004, 11:58 a.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to the definition of "elected legislative body," doing business in Washington and the Public Disclosure Commission (PDC) penalty schedules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The PDC will consider a

possible new rule defining "elected legislative body" and possible rule amendments to clarify the meaning of doing business in Washington and clarifying enforcement procedures. The rules are designed to provide guidance and clarification to the general public and specific direction for the disclosure filing community.

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

Process for Developing New Rule: At its meeting on October 26, 2004, the commission is expected to discuss and possibly adopt proposed amendatory language to the above mentioned rules. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by October 22, 2004, to Doug Ellis, PDC, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, October 18, 2004, will be provided to commissioners in advance of the meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach Doug Ellis at the PDC, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

August 25, 2004
Vicki Rippie
Executive Director

WSR 04-18-044
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 26, 2004, 2:59 p.m.]

In accordance with RCW 34.05.335(1), the Department of Labor and Industries withdraws the following preproposed rule: Signs and color codes, preproposal statement of inquiry was filed as WSR 04-06-078 on March 3, 2004.

Reason(s) for Withdrawal: We are withdrawing the preproposal since we are using the expedited rule-making process.

Gail Hughes, Senior Program Manager
Standards and Information Program

WSR 04-18-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed August 30, 2004, 3:46 p.m.]

Subject of Possible Rule Making: WAC 388-503-0510
How a client is determined "related to" a categorical program.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To correct WAC cross-reference(s) and add wording in subsection (2)(b) that was inadvertently deleted when the rule was last amended.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

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, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1330, fax (360) 664-0910, TTY 1-800-848-5429, e-mail scotsjk@dshs.wa.gov.

August 30, 2004
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-18-066
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed August 30, 2004, 3:47 p.m.]

Subject of Possible Rule Making: Chapter 388-105 WAC, Medicaid rates for contracted home and community residential care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 13, chapter 142, Laws of 2004, amending RCW 18.20.290; chapter 276, Laws of 2004; RCW 74.39A.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To codify the 2.4% vendor rate increases for adult family homes (AFH), adult residential care (ARC) and enhanced adult residential care (EARC); and to amend the bed hold rules for AFHs and boarding homes with ARC, EARC and AL contracts seeking a third-party payment to hold a bed or unit for twenty-one days or longer.

Process for Developing New Rule: By publishing in the Washington State Register this CR-101 Preproposal statement of inquiry; CR-102 Proposed rule making notice; and CR-103 Rule making order including a concise explanatory statement. Aging and Disability Services Administration (ADSA) welcomes the public participation in developing its rule(s). Anyone interested in participating should contact the staff person indicated below. At a later date, ADSA will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and send the proposal to everyone currently on the HCS 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. If you would like to be personally notified when draft regulations are ready for review, please contact Patricia Hague, Office of Rates Management, P.O. Box 45600, Olympia, WA 98504-5600, by fax (360) 725-2641, or e-mail haguepe@dshs.wa.gov.

August 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-18-067

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

(Children's Administration)

[Filed August 30, 2004, 3:48 p.m.]

Subject of Possible Rule Making: Licensing requirements for overnight youth shelters, chapter 388-160 WAC: WAC 388-160-0075 What qualifications do I need to care for youth at an overnight youth shelter? and 388-160-0195 When must the department deny, suspend or revoke a license?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Several changes are needed to clarify language in two sections to be consistent with other licensing rules for facilities. The outcome will be clarity and consistency across licensing requirements for facilities regulated by Children's Administration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health, Washington State Patrol Fire Protection Bureau, and Office of Administrative Hearings. Representative of these agencies will be involved in the rule-making process.

Process for Developing New Rule: Anyone interested in participating should contact the staff person listed below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. The proposal will be sent to everyone currently on the mailing list, all overnight youth shelters, and anyone requesting a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jean L. Croisant, Rules Coordinator and Licensing Requirements Program Manager, Division of Program and Policy, P.O. Box 45710, Olympia, WA 98504-5710, Mailstop 45710, phone (360) 902-7992, fax (360) 902-7903, TTY (360) 902-7906, e-mail loje300@dshs.wa.gov.

August 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-18-068

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

(Medical Assistance Administration)

[Filed August 30, 2004, 3:49 p.m.]

Subject of Possible Rule Making: WAC 388-408-0055 Medical assistance units.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language that an SSI-related individual who is not determined eligible under this chapter may be determined eligible under the SSI-related chapter. This WAC will be reorganized for clarity.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

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, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1330, fax (360) 664-0910, TTY 1-800-848-5429, e-mail scotsjk@dshs.wa.gov.

August 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-18-069

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

(Children's Administration)

[Filed August 30, 2004, 3:50 p.m.]

Subject of Possible Rule Making: Licensing requirements for emergency respite centers, chapter 388-145 WAC: WAC 388-145-0100 What personal characteristics must I have to provide care to children at a center? and 388-145-0230 When is a license denied, suspended or revoked?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Several changes are needed to clarify language in two sections to be consistent with other licensing rules for facilities. The outcome will be clarity and consistency across all licensing requirements for facilities regulated by Children's Administration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health, Washington State Patrol Fire Protection Bureau, Office of Administrative Hearings. Rep-

representatives of these agencies will be involved in the rule-making process.

Process for Developing New Rule: Anyone interested in participating should contact the staff person listed below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. The proposal will be sent to everyone currently on the mailing list, emergency respite centers, and anyone requesting a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jean L. Croisant, Rules Coordinator and Licensing Requirements Program Manager, Division of Program and Policy, P.O. Box 45710, Olympia, WA 98506-5710, Mailstop 45710, phone (360) 902-7992, fax (360) 902-7903, TTD [TTY] (360) 902-7906, e-mail loje300@dshs.wa.gov.

August 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-18-091

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed September 1, 2004, 8:24 a.m.]

Subject of Possible Rule Making: WAC 246-889-050 Suspicious transactions, this rule regulates the sale and/or transfer of ephedrine, pseudoephedrine [pseudoephedrine], and phenylpropanolamine products.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.43.035 and 18.64.005(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent legislation, ESSB 6478, changed the reporting thresholds for suspicious transactions. Existing rules need to be updated to reflect current thresholds. The board will also consider developing a standard format for the reporting of suspicious transactions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Drug Enforcement Administration (DEA) also regulates these substances. The Department of Health will coordinate with the DEA during the stakeholder process.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Salmi, Department of Health, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, Lisa.Salmi@doh.wa.gov, phone (360) 236-4828, or fax (360) 586-4359.

August 5, 2004

Steven Saxe
Executive Director

WSR 04-18-092

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

[Filed September 1, 2004, 8:25 a.m.]

Subject of Possible Rule Making: Chapter 246-239 WAC, Childbirth centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.46 RCW, RCW 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Childbirth center rules have not been revised since 1991. Various interested parties have requested that the rules be opened to review and potentially revise clinical issues, consultative and transfer requirements, construction review requirements, infection control issues and other parts of the rules to more accurately reflect the childbirth center practice standards.

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

Process for Developing New Rule: Interested parties will be brought together to review the current WAC and recommend to the department proposed revisions. The department will seek input and direction from several divisions within the Department of Health to assure appropriate and safe rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Yvette Fox, Rules Coordinator, Facilities and Services Licensing, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2928, fax (360) 236-2901, e-mail yvette.fox@doh.wa.gov.

September 1, 2004

M. C. Selecky
Secretary

WSR 04-18-128

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed September 1, 2004, 9:57 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values on which the timber excise tax is calculated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington State Department of Natural Resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should

be no need to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request on or after October 6, 2004. Written comments on and/or requests for copies of the rule may be directed to Gilbert Brewer, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6133, fax (360) 664-0693.

Public Meeting Location: Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 12, 2004, at 10:00 a.m.

September 1, 2004

Alan R. Lynn

Rules Coordinator

WSR 04-18-130

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

FISH AND WILDLIFE

[Filed September 1, 2004, 11:19 a.m.]

Subject of Possible Rule Making: Game management units and boundary descriptions; special hunting season permit drawing rules; private lands wildlife management areas; firearm restriction areas; black bear damage seasons; importation of dead nonresident wildlife.

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

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

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by October 10, 2004, rule proposal filing expected to be October 20, 2004.

September 1, 2004

Evan Jacoby

Rules Coordinator

WSR 04-17-144
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed August 18, 2004, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-133, 03-07-031, and 01-16-136.

Title of Rule and Other Identifying Information: Chapter 388-96 WAC, Medicaid nursing facility payment system.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on October 5, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 6, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., October 5, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by October 1, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The ADSA Management Services Division (MSD)/Office of Rates Management is implementing 2004 legislative changes (section 913, chapter 276, Laws of 2004) that affect chapter 388-96 WAC, Medicaid nursing facility payment system. This CR-102 is also filed to cover the following CR-101s: WSR 01-16-136 filed July 31, 2001, to implement SHB 2242 (chapter 8, Laws of 2001 1st sp.s.); WSR 03-07-031 filed on March 31, 2003; and WSR 04-08-133 filed on April 7, 2004.

WAC 388-96-117	Requiring a perjury statement signed by the contractor and no other signatures.
WAC 388-96-217	Adding a new fine to address nonreporting of Medicaid resident income and resource changes.
WAC 388-96-218	Editing and to comply with RCW 74.46.165 on shifting and overpayment retention.
WAC 388-96-369	Requiring signature of two witnesses resident unable to sign for funds.
WAC 388-96-372	Increasing petty cash to \$1000.
WAC 388-96-708 and 388-96-709	Unbanking and banking beds to comply with changes in chapter 74.46 RCW.
WAC 388-96-713	Identifying adjusted cost report data from calendar year 1999 will be used for July 1, 2004 rates.
WAC 388-96-714	Repealing - Nursing facility Medicaid rate allocations—Economic trends and conditions adjustment factors.

WAC 388-96-723, 388-96-724, 388-96-725, 388-96-726, 388-96-730 and 388-96-731	Removing rate designation as capital/noncapital.
WAC 388-96-728	Repealing - How will the nursing facility's "hold harmless" direct care rate be determined?
WAC 388-96-729	Repealing - When will the department use the "hold harmless rate" to pay for direct care services?
WAC 388-96-730 and 388-96-731	Removing the capital/noncapital designation for payment rates.
WAC 388-96-732	Repealing - How will the department determine whether its notice pursuant to WAC 388-96-724 was timely?
WAC 388-96-749	Adding that the VR rate, quartiles and percentages will not be adjusted following a July 1, rebasing.
WAC 388-96-776	Amending to account for certificates of capital authorizations (CCA).
WAC 388-96-779	Repealing - Exceptional therapy care—Designated nursing facilities.
WAC 388-96-780	Repealing - Exceptional therapy care—Covered Medicaid residents.
WAC 388-96-783	Implementing CCA.
WAC 388-96-740	Adding that newly Medicaid not meeting 90% will use industry average Medicaid case mix index.
WAC 388-96-742	Adding that a significant discrepancy exists when census is 50% or less of licensed beds.
WAC 388-96-766	Adding that a contractor is deemed to receive notification five days from date of department notice.
WAC 388-96-901	Revising actions not subject to administrative review.

PROPOSED

Reasons Supporting Proposal: Implementing changes in state law, and editing the rules for clarity, substance and form where appropriate.

Statutory Authority for Adoption: RCW 74.46.431 (11) and (12) and 74.46.800 are statutory authority for all WAC sections in this proposal, except the following: RCW 74.46.431 is the authority for WAC 388-96-713; RCW 74.46.807 and 74.46.431 are the authority for WAC 388-96-783; RCW 74.46.155, 74.46.165, and 74.46.431 are the authority for WAC 388-96-218; and RCW 74.46.050 and 74.46.431 are the authority for WAC 388-96-217.

Statute Being Implemented: Chapter 74.46 RCW; section 913, chapter 276, Laws of 2004; chapter 8, Laws of 2001 1st sp.s.

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

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

Name of Agency Personnel Responsible for Drafting: Patricia Hague, Mailstop 45600, (360) 725-2447; Implementation: Edward Southon, Mailstop 45600, (360) 725-2472; and Enforcement: Kenneth Callaghan, Mailstop 45600, (360) 725-2469.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025(3) a small business economic impact statement does not apply to rules that set or adjust fees or rates pursuant to legislative standards. RCW 34.05.310 (4)(f). Chapter 74.46 RCW provides standards to which the rules adopted in chapter 388-96 WAC comply.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(vi), rules that set or adjust fees or rates pursuant to legislative standards are exempt from RCW 34.05.328. Chapter 74.46 RCW provides standards to which the rules adopted in chapter 388-96 WAC comply.

August 17, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 85-17-052 (Order 2270), filed 8/19/85)

~~WAC 388-96-117 Certification requirement. ((Each required report shall be accompanied by a certification signed on behalf of the contractor responsible to the department during the report period. If the contractor files a federal income tax return, the certification shall be executed by the person normally signing this return. The certification shall also be signed by the licensed administrator of the nursing home. If the report is prepared by someone other than an employee of the contractor, a separate statement shall be included with the certification signed by the individual preparing the report and indicating his or her status with the contractor. The certification of the cost report shall be submitted in original))~~ The contractor as defined in RCW 74.46.020(13) must certify under penalty of perjury that the cost report or an amendment to it is a true, correct, and complete representation of actual costs related to patient care prepared in accordance with applicable instructions provided by the department, chapter 388-96 WAC, and chapter 74.46 RCW. Further, where other costs not related to patient care are shown, they are classified as unallowable.

AMENDATORY SECTION (Amending WSR 94-12-043 (Order 3737), filed 5/26/94, effective 6/26/94)

WAC 388-96-217 Civil fines. (1) When the department finds that a current or former contractor, or any partner, officer, director, owner of five percent or more of the stock of a current or former corporate contractor, or managing agent has failed or refused to comply with any requirement of chapters 74.46 RCW or 388-96 WAC, the department may assess monetary penalties of a civil nature not to exceed one thousand dollars per violation. Every day of noncompliance with

any requirement of chapters 74.46 RCW or 388-96 WAC is a separate violation.

(2) The department may fine a contractor or former contractor or any partner, officer, director, owner of five percent or more of the stock of a current or former corporate contractor, or managing agent for the following but is not limited to the following in its fine assessments:

(a) Failure to file a mathematically accurate and complete cost report, including a final cost report, on or prior to the applicable due date established by this chapter or authorized by extension granted in writing by the department; or

(b) Failure to permit an audit authorized by this chapter or to grant access to all records and documents deemed necessary by the department to complete such an audit.

(3) The department shall send notice of a fine assessed under subsection (2) of this section by certified mail return receipt requested to the current contractor, administrator, or former contractor informing the addressee of the following:

(a) The fine shall become effective the date of receipt of the notice by the addressee; and

(b) If within two weeks of the date of receipt of the notice by the addressee, an acceptable cost report is received by the department; an audit is allowed; or access to documentation is allowed, as applicable, the department may waive the fine.

(4)(a) The department may fine a current or former contractor, or any partner, officer, director, owner of a current or former corporate contractor, or managing agent for failure to comply with RCW 76.46.630.

(b) The department shall send notice of a fine assessed under (a) of this subsection by certified mail, to the current contractor, administrator, or former contractor informing the addressee that the fine shall become effective upon receipt of notice by the addressee.

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

WAC 388-96-218 Proposed, preliminary, and final settlements. (1) For each component rate, the department shall calculate a proposed, preliminary or final settlement at the lower of prospective payment rate or audited allowable costs, except as otherwise provided in this chapter and chapter 74.46 RCW.

(2) As part of the cost report, the proposed settlement report is due in accordance with RCW 74.46.040. In the proposed preliminary settlement report, a contractor shall compare the contractor's payment rates during a cost report period, weighted by the number of resident days reported for the same cost report period (~~((when each rate was in effect,))~~) to the contractor's allowable costs for the (~~((reporting))~~) cost report period. In accordance with RCW 74.46.100, 74.46.155 and 74.46.165 the contractor shall take into account all authorized shifting, retained savings, and upper limits to rates on a cost center basis.

(a) The department will:

(i) Review the proposed preliminary settlement report for accuracy; and

(ii) Accept or reject the proposal of the contractor. If accepted, the proposed preliminary settlement report shall

become the preliminary settlement report. If rejected, the department shall issue, by ~~((cost-center))~~ component payment rate allocation, a preliminary settlement report fully substantiating disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

(b) When the department receives the proposed preliminary settlement report:

(i) By the cost report due date specified in RCW 74.46.040, it will issue the preliminary settlement report within one hundred twenty days of the cost report due date; or

(ii) After the cost report due date specified in RCW 74.46.040, it will issue the preliminary settlement report within one hundred twenty days of the date the cost report was received.

(c) In its discretion, the department may designate a date later than the dates specified in subsection (2)(b)(i) and (ii) of this section to issue preliminary settlements.

(d) A contractor shall have twenty-eight days after receipt of a preliminary settlement report to contest such report under WAC 388-96-901 and 388-96-904. Upon expiration of the twenty-eight(-) day period, the department shall not review or adjust a preliminary settlement report. Any administrative review of a preliminary settlement shall be limited to calculation of the settlement, to the application of settlement principles and rules, or both, and shall not encompass rate or audit issues.

(3) The department shall issue a final settlement report to the contractor after the completion of the department audit process, including exhaustion or termination of any administrative review and appeal of audit findings or determinations requested by the contractor, but not including judicial review as may be available to and commenced by the contractor.

(a) The department shall prepare a final settlement by ~~((cost-center))~~ component payment rate allocation and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost report and financial statements, reports, and schedules submitted by the contractor. The department shall take into account all authorized shifting, savings, and upper limits to rates on a ~~((cost-center))~~ component payment rate allocation basis. For the final settlement report, the department shall compare:

(i) The payment ~~((rate))~~ rates it paid the contractor ~~((was paid))~~ for the facility in question during the report period, weighted by the number of allowable resident days reported for the period each rate was in effect to the contractor's;

(ii) Audited allowable costs for the reporting period; or

(iii) Reported costs for the nonaudited reporting period.

(b) A contractor shall have twenty-eight days after the receipt of a final settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the twenty-eight(-) day period, the department shall not review a final settlement report. Any administrative review of a final settlement shall be limited to calculation of the settlement, the application of settlement principles and rules, or both, and shall not encompass rate or audit issues.

(c) The department shall reopen a final settlement if it is necessary to make adjustments based upon findings resulting from a department audit performed pursuant to RCW 74.46.-100. The department may also reopen a final settlement to recover an industrial insurance dividend or premium discount

under RCW 51.16.035 in proportion to a contractor's Medicaid ~~((recipients))~~ recipient days.

(4)(a) In computing a preliminary or final settlement, a contractor ~~((may shift savings and/or overpayment in the support services cost center to cover a deficit and/or underpayment in the direct care or therapy cost centers up to the amount of the savings as provided in RCW 74.46.165(4). The provider's payment rate is subject to the provisions of RCW 74.46.421.~~

~~((5) If an administrative or judicial remedy sought by the facility is not granted or is granted only in part after exhaustion or mutual termination of all appeals,))~~ must comply with the requirements of RCW 74.46.165 (2), (3), and (4) for retaining or refunding to the department payments made in excess of the adjusted costs of providing services corresponding to each component rate allocation.

(b) The facility shall refund all amounts due the department within sixty days after the date of decision or termination plus interest ~~((as payment on judgments from the date the review was requested pursuant to WAC 388-96-901 and 388-96-904 to the date the repayment is made.~~

~~((6))~~ on any unpaid balance after sixty days will accrue at one percent per month. Repayment will be without prejudice to obtain review of the settlement determination pursuant to WAC 388-96-901 and 388-96-904. After an administrative hearing and/or judicial review, if the payment obligation is reduced, then the department will rescind the difference between the accrued interest on the payment obligation and the interest that would have accrued on the reduced payment obligation from the date interest began to accrue on the original payment obligation.

(5) In determining whether a facility has forfeited unused rate funds in its direct care, therapy care and support services component rates under authority of RCW 74.46.165~~((3))~~, the following rules shall apply:

(a) Federal or state survey officials shall determine when a facility is not in substantial compliance or is providing substandard care, according to federal and state nursing facility survey regulations;

(b) Correspondence from state or federal survey officials notifying a facility of its compliance status shall be used to determine the beginning and ending dates of any period(s) of noncompliance; and

(c) Forfeiture shall occur if the facility was out of substantial compliance more than ninety days during the settlement period. The ninety-day period need not be continuous if the number of days of noncompliance exceed ninety days during the settlement period regardless of the length of the settlement period. Also, forfeiture shall occur if the nursing facility was determined to have provided substandard quality of care at any time during the settlement period.

~~((7))~~ (6)(a) For calendar year 1998, the department will calculate two settlements covering the following periods:

(i) January 1, 1998 through September 30, 1998; and

(ii) October 1, 1998 through December 31, 1998.

(b) The department will use Medicaid rates weighted by total patient days (i.e., Medicaid and non-Medicaid days) to divide 1998 costs between the two settlement periods identified in subsection ~~((7))~~ (6)(a) of this section.

PROPOSED

(c) The department will net the two settlements for 1998 to determine a nursing facility's 1998 settlement.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

WAC 388-96-369 The nursing facility shall maintain a subsidiary ledger with an account for each resident for whom the facility holds money. (1) The facility shall assure a full and complete separate accounting of each resident's personal funds. Each account record and related supporting information and documentation shall:

- (a) Be maintained at the facility;
- (b) Be kept current;
- (c) Be balanced each month; and

(d) Show in writing and in detail, with supporting verification, all moneys received on behalf of the individual resident and the disposition of all moneys so received. When the resident is unable to sign the supporting verification for disbursements from the his or her trust account, then the nursing facility provider must obtain the resident's mark ("X") followed by the printed name of the resident and the signature of two witnesses.

(2) Each account shall be reasonably accessible to the resident or the resident's guardian or legal representative and shall be available for audit and inspection by a department representative. Each account shall be maintained for a minimum of four years. A Medicaid provider shall notify each Title XIX Medicaid recipient or guardian and the home and community services office of the department that serves the area when the amount in the account of any Title XIX Medicaid recipient reaches two hundred dollars less than the applicable dollar resource limit for supplemental security income (SSI) eligibility set forth in Title XVI of the Social Security Act.

(3) When notice is given under subsection (2) of this section, the facility shall notify the recipient or guardian that if the amount in the account, in addition to the value of the recipient's other nonexempt resources, reaches the dollar resource limit determined under Title XVI, the recipient may lose eligibility for SSI medical assistance or benefits under Title XVI.

(4) ~~((Accumulation toward the Title XVI limit,))~~ After the recipient's admission to the facility, accumulation toward the Title XVI limit is permitted only from ((savings from)) the clothing and personal incidentals allowance and other income ((which)) that the department specifically designates as exempt income.

(5) No resident funds may be overdrawn (show a debit balance). If a resident wants to spend an amount greater than the facility is holding for the resident, the home may provide money from its own funds and collect the debt by installments from that portion of the resident's allowance remaining at the end of each month. No interest may be charged to residents for such loans.

(6) The facility may not impose a charge against the personal funds of a Medicare or Medicaid recipient for any item

or service for which payment is made under the Title XVIII Medicare program or the Title XIX Medicaid program. In order to ensure that Medicaid recipients are not charged for services provided under the Title XIX program, any charge for medical services otherwise properly made to a recipient's personal funds shall be supported by a written denial from the department.

(a) Mobility aids including walkers, wheelchairs, or crutches requested for the exclusive use by a Medicaid recipient shall have a written denial from the department of social and health services before a recipient's personal funds may be charged.

(b) Requests for medically necessary services and supplies not funded under the provisions of chapter 388-96 WAC or chapter 388-86 WAC (reimbursement rate or coupon system) shall have a written denial from the department before a Medicaid recipient's personal funds may be charged.

(c) A written denial from the department is not required when the pharmacist verifies that a drug is not covered by the program, e.g., items on the FDA list of ineffective or possible effective drugs, nonformulary over-the-counter (OTC) medications. The pharmacist's notation to this effect is sufficient.

AMENDATORY SECTION (Amending WSR 90-20-075 (Order 3070), filed 9/28/90, effective 10/1/90)

WAC 388-96-372 The nursing facility may maintain a petty cash fund originating from resident personal funds of an amount reasonable and necessary for the size of the facility and the needs of the residents ~~((, not to exceed \$500.00))~~. (1) This petty cash fund shall be an imprest fund limited to one thousand dollars unless the facility demonstrates good cause for the department to grant a higher limit. All moneys over and above the petty cash limit ~~((of 500.00))~~ shall be deposited intact in an interest bearing account or accounts maintained for resident personal funds, separate and apart from any other bank account of the facility or other facilities. All interest earned on an account containing resident personal funds shall be credited to such account.

(2) Cash deposits of recipient allowances must be made intact to the resident personal fund account within one week from the time that payment is received from the department, Social Security Administration, or other ~~((payer))~~ payer.

(3) Any related bankbooks, bank statements, checkbook, check register, and all voided and cancelled checks, shall be made available for audit and inspection by a department representative, and shall be maintained by the home for not less than four years.

(4) No service charges for such checking account shall be paid by residents or deducted from resident personal funds.

(5) The resident personal fund account or accounts per bank shall be reconciled monthly to the resident personal funds per resident ledgers.

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

WAC 388-96-708 Reinstatement of beds previously removed from service under chapter 70.38 RCW—Effect on prospective payment rate. (1) After removing beds from

service (banked) under the provisions of chapter 70.38 RCW, the contractor may bring back into service beds that were previously banked.

(2) When the contractor returns to service beds banked under the provisions of chapter 70.38 RCW, the department will recalculate the contractor's prospective Medicaid payment rate allocations using the greater of actual days from the cost report period on which the rate is based or days calculated by multiplying the new number of licensed beds times ~~((eighty-five percent))~~ the appropriate minimum occupancy pursuant to chapter 74.46 RCW times the number of calendar days in the cost report period on which the rate being recalculated is based.

(3) The effective date of the recalculated prospective rate for beds returned to service shall be the first of the month:

(a) ~~((Before the sixteenth of a month, shall be the first of the month))~~ In which the banked beds returned to service when the beds are returned to service on the first of the month; or

(b) ~~((After the fifteenth of a month, shall be the first of the month))~~ Following the month in which the banked beds returned to service when the beds are returned to service after the first of the month.

(4) The recalculated prospective payment rate shall comply with all the provisions of rate setting contained in chapter 74.46 RCW or in this chapter, including all lids and maximums unless otherwise specified in this section.

(5) The recalculated prospective Medicaid payment rate shall be subject to adjustment if required by RCW 74.46.421.

(6) After the department recalculates the contractor's prospective Medicaid component rate allocations using the increased number of licensed beds, the department will use the increased number of licensed beds in all post unbanking rate settings, until under chapter 74.46 RCW and/or this chapter, the post unbanking number of licensed beds changes.

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

WAC 388-96-709 Prospective rate revisions—Reduction in licensed beds. (1) The department will recalculate a contractor's prospective Medicaid payment rate when the contractor reduces the number of its licensed beds and:

(a) Provides a copy of the new bed license and documentation of the number of beds sold, exchanged or otherwise placed out of service, along with the name of the contractor that received the beds, if any; and

(b) Requests a rate revision.

(2) ~~((The revised prospective Medicaid payment rate will comply with all the provisions of rate setting contained in chapter 74.46 RCW and in this chapter, including all lids and maximums, unless otherwise specified in this section))~~ For facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, Medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate mini-

um occupancy for rate setting. No rate upward revision shall be made to operations, property, or financing allowance.

(3) The requested revised prospective Medicaid payment rate will be effective the first of ~~((a))~~ the month ~~((when the contractor complies with subsection (1)(a) and (b) of this section and the effective date of the licensed bed reduction falls))~~:

(a) ~~((Between the first and the fifteenth of the month, then the revised prospective Medicaid payment rate))~~ The new license is effective when the new license is effective the first day of the month ~~((in which the licensed bed reduction occurs))~~; or

(b) ~~((Between the sixteenth and the end of the month, then the revised prospective Medicaid payment rate is effective the first of the month following the month in which the licensed bed reduction occurs))~~ Following the month the new license is effective when the new license is effective after the first day of the month it is issued.

(4) The department will recalculate a nursing facility's prospective Medicaid payment rate allocations using the greater of actual days from the cost report period on which the rate is based or days calculated by multiplying the new number of licensed beds times ~~((eighty-five percent))~~ the appropriate minimum occupancy pursuant to chapter 74.46 RCW times the number of calendar days in the cost report period on which the rate being recalculated is based.

(5) The revised prospective Medicaid payment rate will comply with all the provisions of rate setting contained in chapter 74.46 RCW and in this chapter, including all lids and maximums, unless otherwise specified in this section.

(6) After the department recalculates the contractor's prospective Medicaid component rate allocations using the decreased number of licensed beds, the department will use the decreased number of licensed beds in all post banking rate settings, until under chapter 74.46 RCW and/or this chapter, the post banking number of licensed beds changes.

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

WAC 388-96-713 Rate determination. (1) Each nursing facility's Medicaid payment rate for services provided to medical care recipients will be determined, adjusted and updated prospectively as provided in this chapter and in chapter 74.46 RCW. The department will calculate any limit, lid, and/or median only when it rebases each nursing facility's July 1 Medicaid payment rate in accordance with chapter 74.46 RCW and this chapter.

(2) If the contractor participated in the program for less than six months of the prior calendar year, its rates will be determined by procedures set forth in WAC 388-96-710.

(3) Contractors submitting correct and complete cost reports by March 31st, shall be notified of their rates by July 1st, unless circumstances beyond the control of the department interfere.

(4) In setting rates, the department will use the greater of actual days from the cost report period on which the rate is based or days calculated at ~~((eighty-five percent))~~ minimum occupancy pursuant to chapter 74.46 RCW.

(5) Adjusted cost report data from 1999 shall be used for July 1, 2001 through June 30, 2005 direct care, therapy care, support services, and operations component rate allocations.

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

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WAC 388-96-723 ~~((How often will the department compare))~~ Comparison of the statewide weighted average payment rate ((for the capital and noncapital portions of the rate)) for all nursing facilities with the ((statewide)) weighted average payment rate ((for the capital and noncapital portions of the rate)) identified in the Biennial Appropriations Act((?)), (1) On a quarterly basis, the department will compare the statewide weighted average payment rate ((for the capital and noncapital portions of the rate)) for all nursing facilities with the ((statewide)) weighted average payment rate ((for the capital and noncapital portions of the rate)) identified in the biennial appropriations act.

(2) To determine the statewide weighted average payment rate ((for the capital and/or noncapital portion of the rate)), the department will use total billed Medicaid days incurred in the calendar year immediately preceding the current fiscal year for the purpose of weighting the July 1 ((capital and/or noncapital)) nursing facilities' rates that have been adjusted, or updated pursuant to chapter 74.46 RCW and this chapter.

AMENDATORY SECTION (Amending WSR 99-24-084, filed 11/30/99, effective 12/31/99)

WAC 388-96-724 ~~((How much))~~ Advance notice ((will a))—Nursing facility ((receive of a)) component rate reduction((?)) taken under RCW 74.46.421. (1) The department will notify the nursing facility at least twenty-eight calendar days in advance of the effective date of a reduction taken under RCW 74.46.421.

(2) A rate reduction taken under RCW 74.46.421 will be effective the first day of the month following the twenty-eight calendar day advance notice.

AMENDATORY SECTION (Amending WSR 99-24-084, filed 11/30/99, effective 12/31/99)

WAC 388-96-725 ~~((After a))~~ RCW 74.46.421 rate reduction ((when will))—A nursing facility's rates ((return to their previous level?)), (1) The department will not reverse any rate reductions taken in accordance with RCW 74.46.421.

(2) If after a reduction a nursing facility is eligible to receive an increase in a ((capital and/or noncapital)) component rate for some unrelated change (e.g., a change in the Medicaid case mix index causes the direct care rate to increase), the department will apply the increase to the rate reduced by application of RCW 74.46.421.

(3) Reductions made under RCW 74.46.421 are cumulative. The department will reduce the ((capital and/or noncapital)) component rates for all nursing facilities without reversing any previous reductions.

AMENDATORY SECTION (Amending WSR 99-24-084, filed 11/30/99, effective 12/31/99)

WAC 388-96-726 ~~((If a))~~ RCW 74.46.421 nursing ((facility's capital and/or noncapital)) facility component rates ((are)) below the statewide weighted average payment rate ((for the capital and/or noncapital portion(s) of the rate)) identified in the Biennial Appropriations Act((, will the department reduce the facility's capital and/or noncapital component rates when it reduces rates under RCW 74.46.421?)), (1) Even if an individual nursing facility's ((capital and/or noncapital)) component rates are below the statewide weighted average payment rate ((for the capital and/or noncapital portion(s) of the rate)) identified in the biennial appropriations act, the department will reduce the nursing facility's ((capital and/or noncapital component)) rates as required under RCW 74.46.421.

(2) The department will not exempt any nursing facility from a component rates reduction required by RCW 74.46-421 for any circumstance, e.g., billed Medicaid days, underspending of the biennial appropriation for nursing facility rates, etc.

AMENDATORY SECTION (Amending WSR 99-24-084, filed 11/30/99, effective 12/31/99)

WAC 388-96-730 ~~((How will the department reduce))~~ Methodology for reducing a nursing facility's ((capital and/or noncapital portion(s) of its rate so that)) Medicaid payment rate in order to reduce the statewide weighted average nursing facility Medicaid payment rate ((for the capital and/or noncapital portion(s) of the rate is) to equal ((to)) or be less than the ((statewide)) weighted average ((for the capital and/or noncapital portion(s) of the rate)) payment rate identified in the Biennial Appropriations Act((?)), (1) The department will determine a percentage reduction factor (PRF) that, when applied to all nursing ((facility's capital and/or noncapital portion(s) of their)) facilities' rates will result in a statewide weighted average payment rate ((for the capital and/or noncapital portion(s) of their rates)) that is equal to or less than the ((statewide)) weighted average payment rate ((for capital and/or noncapital portion(s) of the rate)) identified in the biennial appropriations act.

(2) By applying various percentages to ((the capital and/or noncapital portion(s) of)) the rates for all nursing facilities, the department will identify ((the percentage(s) that reduce(s)) a percentage that reduces the statewide weighted average payment rate ((for the capital and/or noncapital portion(s) of the rate to be) equal to or less than the ((statewide)) weighted average payment rate ((for the capital and/or noncapital portion(s) of the rate)) identified in the biennial appropriations act.

(3) The percentage((s)) identified in subsection (2) of this section will be the PRF((s)). To reduce the statewide average payment rate to less than or equal to the weighted average payment rate identified in the Biennial Appropriations Act, the department will apply the ((PRF(s)) PRF equally to all rate component allocations of each nursing facility's ((capital and/or noncapital portions of the)) rate.

AMENDATORY SECTION (Amending WSR 99-24-084, filed 11/30/99, effective 12/31/99)

WAC 388-96-731 (~~When will the department reduce all) Nursing facilities ((capital and/or noncapital portion(s) of their rates?)' rate reductions pursuant to RCW 74.46.421. ((+))~~) Under RCW 74.46.421, the department will reduce the ~~((capital portion of the))~~ rate for each nursing facility when the statewide weighted average payment rate ~~((for the capital portion of the rate))~~ for all nursing facilities exceeds or is likely to exceed the ~~((statewide))~~ weighted average payment rate ~~((for the capital portion of the rate))~~ identified in the biennial appropriations act.

~~((2) Under RCW 74.46.421, the department will reduce the noncapital portion of the rate for each nursing facility when the statewide weighted average payment rate for the noncapital portion of the rate exceeds or is likely to exceed the statewide weighted average payment rate for the noncapital portion of the rate identified in the biennial appropriations act.))~~

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

WAC 388-96-740 (~~What will the department use as the)) Medicaid case mix index—When a facility does not meet the ninety percent minimum data set (MDS) threshold as identified in RCW 74.46.501((?)~~), (1) ~~((If the))~~ When the department certifies a nursing facility ((is newly)) as Medicaid, which was not previously certified as Medicaid ((certified)) in or after the quarter ((which)) that will serve as the basis for the facility's Medicaid case mix index, then the department ((must)) will use the industry average Medicaid case mix index for the quarter specified in RCW 74.46.501 (7)(c) as the facility's Medicaid average case mix index.

(2) If the nursing facility does not meet the ninety percent MDS threshold for any other reason, then the department will use one as the Medicaid case mix index.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-742 (~~When will the department use)) Licensed beds to compute the ninety percent minimum data set (MDS) threshold rather than a nursing facility's quarterly average census((?)~~). The department will use the number of licensed beds to compute the ninety percent threshold of MDS data when:

(1) The reported census as a result of ~~((data entry))~~ errors exceeds the number of current licensed beds; or

(2) There is a significant discrepancy between the reported census and the number of current licensed beds. ~~((If))~~ A significant discrepancy exists when the census is fifty percent or less of the number of licensed beds((, a significant discrepancy exists)).

NEW SECTION

WAC 388-96-749 Variable return—Quartiles and percentages. (1) When the department rebases each nursing facility's July 1 Medicaid payment rate in accordance with

chapter 74.46 RCW and this chapter, it applies RCW 74.46.-433 to set the Variable Return (VR) quartiles and assigns the designated percentage to the quartile.

(2) Following a July 1 rebasing of all component rates, the department will not adjust the quartiles or the percentages assigned to them for any reason, including but not limited to reversal of cost report adjustments by administrative review conferences, fair hearings, and/or judicial reviews until the next July 1 rebasing of all component rates.

AMENDATORY SECTION (Amending WSR 99-24-084, filed 11/30/99, effective 12/31/99)

WAC 388-96-766 Notification ((of rates)). (1) The department will notify each contractor in writing of its prospective Medicaid payment rate allocation. Unless otherwise specified at the time it is issued, the Medicaid payment rate allocation and/or component rate allocation(s) will be effective from the first day of the month in which it (they) is (are) issued. ~~((If))~~ When the department amends a Medicaid payment rate allocation and/or component rate allocation(s) ((is amended)) as the result of an appeal in accordance with WAC 388-96-904, ((it)) the amended rate will ((be effective as of the date the rate appealed from became effective)) have the same effective date as the appealed rate.

(2) If a total Medicaid ~~((payment))~~ component payment rate allocation and/or rate allocation(s) is (are) adjusted, updated or amended after the calendar year in which the adjustment or update was effective, then the department will account for any amounts owed through the settlement process.

(3)(a) The department shall deem the contractor to have received the department's notice five calendar days after the date of the notification letter, unless proof of the date of receipt of the department's notification letter exists, in which case the actual date of receipt shall be used. Proof of date of receipt of department's notification must be from an independent source that has no stake in the outcome.

(b) When the department has sent notice by certified letter, the department shall deem the contractor to have received the department's notice five calendar days after the date the U.S. Post Office first attempts to deliver the certified letter containing the notice of the department's action(s).

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

WAC 388-96-776 Add-ons to the property and financing allowance payment rate—Capital improvements. (1) ~~((The department shall grant an add-on to a payment rate for any capitalized additions or replacements made as a condition for licensure or certification; provided, the net rate effect is ten cents per patient day or greater.))~~ For new or replacement building construction or major renovation projects begun after July 1, 2001, the contractor must have a certificate of capital authorization (CCA) issued pursuant to WAC 388-96-783 and chapter 74.46 RCW.

(2)(a) Beginning July 1, 2001, the department shall grant an add-on to a prospective payment rate for capitalized improvements done under RCW 74.46.431(12) for all new or replacement building construction or major renovation projects; provided, the ((legislature specifically appropriates funds for capital improvements for the biennium in which the request is made)) department granted the contractor a certificate of capital authorization (CCA) pursuant to WAC 388-96-783 for the fiscal year in which the contractor will complete the project and the net rate effect is ten cents per patient day or greater((-Physical plant capital improvements include, but are not limited to, capitalized additions, replacements or renovations made as a result of an approved certificate of need or exemption from the requirements for certificate of need for the replacement of existing nursing facility beds pursuant to RCW 70.38.115 (13)(a) or capitalized additions or renovations for the removal of physical plant waivers))

(b) Rate add-on requests filed with the department or approved by the certificate of need unit of the department of health for projects commencing before July 1, 2001 and finishing after July 1, 2001, are not subject to CCA requirements set forth in this chapter and chapter 74.46 RCW.

(3) The department may grant a rate add-on to a payment rate for capital improvements not requiring a CON and a CCA per subsections (1) and (2) of this section. However, the capital improvement must have a net rate effect of ten cents per patient day or greater.

(4) Rate add-ons for all construction and renovation projects granted pursuant to subsection (1) or (2) of this section shall be limited ((in total amount each fiscal year to the total current legislative appropriation, if any, specifically made to fund the Medicaid share of such rate add-ons for the fiscal year)) to the total legislative authorization for capital construction and renovation projects for the fiscal year (FY) of the biennium in which the construction or renovation project will be completed. Rate add-ons are subject to the provisions of RCW 74.46.421.

~~((4))~~ (5) When physical plant improvements made under subsection (1) or (2) of this section are completed in phases, the department shall ((not)):

(a) Grant a rate add-on in accordance with subsection (6) of this section for any addition, replacement or improvement ((until)) when each phase is completed and ((fully utilized)) certified for occupancy for the purpose for which it was intended((-The department shall));

(b) Limit the rate add-on to ((only)) the actual cost of the depreciable tangible assets meeting the criteria of RCW 74.46.330 ((and as applicable to that specific completed and fully utilized phase.

~~((5))~~);

(c) Add-on construction fees as defined in WAC 388-96-747 and other capitalized allowable fees and costs for the completed phase of the project; and

(d) Make the effective date for the rate add-on for the completed phase the quarterly rate change immediately following the completion and certification for occupancy of the phase. When the date of the written request for a phase add-on rate falls after the first quarter immediately following the completion and certification for occupancy of the phase, the department will issue the rate add-on retroactive to the first of

the quarter in which the department received a complete written request.

(6) When the construction class of any portion of a newly constructed building will improve as the result of any addition, replacement or improvement occurring in a later, but not yet completed and fully utilized phase of the project, the most appropriate construction class, as applicable to that completed and fully utilized phase, will be assigned for purposes of calculating the rate add-on. The department shall not revise the rate add-on retroactively after completion of the portion of the project that provides the improved construction class. Rather, the department shall calculate a new rate add-on when the improved construction class phase is completed and fully utilized and the rate add-on will be effective in accordance with subsection ((9)) (7) of this section using the date the class was improved.

~~((6) The department shall not add on construction fees as defined in WAC 388-96-747 and other capitalized allowable fees and costs as related to the completion of all phases of the project to the rate until all phases of the entire project are completed and fully utilized for the purpose it was made. At that time, the department shall add on these fees and costs to the rate, effective no earlier than the earliest date a rate add-on was established specifically for any phase of this project. If the fees and costs are incurred in a later phase of the project, the add-on to the rate will be effective on the same date as the rate add-on for the actual cost of the tangible assets for that phase.))~~

(7) The contractor requesting ((an adjustment)) a rate add-on under subsection (1) ((or (2))), (2) or (3) of this section shall submit a written request to the ((office of rates management)) department separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). A complete written request shall include the following:

(a) A copy of documentation requiring completion of the addition or replacements to maintain licensure or certification for adjustments requested under subsection (1) of this section;

(b) A copy of the new bed license, whether the number of licensed beds increases or decreases, if applicable;

(c) All documentation, e.g., copies of paid invoices showing actual final cost of assets and/or service, e.g., labor purchased as part of the capitalized addition or replacements;

(d) Certification showing the completion date of the capitalized additions or replacements and the date the assets were placed in service per RCW 74.46.360;

(e) A properly completed depreciation schedule for the capitalized additions or replacement as provided in this chapter; and

(f) When the rate increase is requested pursuant to subsection (3) of this section, a written justification for granting the rate increase((-and

~~((g) For capitalized additions or replacements requiring certificate of need approval, a copy of the approval and description of the project.~~

~~((8) The department's criteria used to evaluate the request may include, but is not limited to:~~

~~((a) The remaining functional life of the facility and the length of time since the facility's last significant improvement;~~

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~~(b) The amount and scope of the renovation or remodel to the facility and whether the facility will be better able to serve the needs of its residents;~~

~~(c) Whether the improvement improves the quality of living conditions of the residents;~~

~~(d) Whether the improvement might eliminate life safety, building code, or construction standard waivers;~~

~~(e) Prior survey results; and~~

~~(f) A review of the copy of the approval and description of the project.~~

~~(9)(a) No rate add-on shall take effect more than sixty days before the office of rates management receives the initial written request and no earlier than the first of the month in which the physical plant improvements are completed and fully utilized.~~

~~(b) The following table indicates the effective date of an approved rate add-on in relation to the month in which the sixtieth day falls and the month that the project is completed and fully utilized:~~

The sixtieth day before the initial written request falls in:	The project is completed and fully utilized:	The effective date of the approved rate add-on:
(i) Any month before the month in which the project is completed and fully utilized.	In any month following the month in which the sixtieth day falls.	(A) When the project is completed and fully utilized before the sixteenth of the month, the effective date is the first of that month; or (B) When the project is completed and fully utilized after the fifteenth of the month, the effective date is the first of the month following the month in which the project is completed and fully utilized.
(ii) Any month after the month in which the project is completed and fully utilized.	In any month before the month in which the sixtieth day falls.	The first of the month following the month in which the sixtieth day falls unless the sixtieth day falls on the first of the month, then apply subsection (9)(b)(i)(A) and (B).
(iii) The same month in which the project is completed and fully utilized.	In the same month in which the sixtieth day falls.	The first of the month following the month in which the sixtieth day falls and the project completion and utilization falls, unless the sixtieth day falls on the first of the month, then apply subsection (9)(b)(i)(A) and (B).

lation (if applicable) of a capital improvement made under subsection (3) of this section, the effective date of the rate add-on will be the first of the month following the month in which the project was completed and certified for occupancy or acquired and installed; or

(b) More than sixty days following the completion and certification for occupancy of the new or replacement construction, major renovation project, or the acquisition and installation (if applicable) of a capital improvement made under subsection (3) of this section, the effective date of the rate add-on will be the first of the month following the month in which the written request was received.

(9) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor shall submit the requested information within fifteen calendar days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the add-on request by providing all the requested documentation and information within the fifteen calendar days from the date of receipt of notification, the department shall deny the request for failure to complete.

((11)) (10) If, after the denial for failure to complete, the contractor submits ((a)) another written request for a rate add-on for the same project the date of receipt for the purpose of applying subsection ((9)) (8) of this section will depend upon whether the subsequent request for the same project is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same project is:

(a) Complete, then the date of the first request may be used when applying subsection ((9)) (8) of this section; or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection ((9)) (8) of this section even though the physical plant improvements may be completed and fully utilized prior to that date.

((12)) (11) The department shall respond, in writing, not later than sixty calendar days after receipt of a complete request.

((13)) (12) If the contractor does not use the funds for the purpose for which they were granted, the department ((shall)) immediately shall have the right to recoup the mispent or unused funds.

((14)) (13) When any physical plant improvements made under subsection (1) or (2) of this section ((results)) result in a change in licensed beds, any rate add-on granted will be subject to the provisions regarding the number of licensed beds, patient days, occupancy, etc., included in this chapter and chapter 74.46 RCW.

((15) All rate components to fund)

(14) Effective July 1, 2002, except for essential community providers, the Medicaid share of nursing facility new construction or refurbishing projects ((costing in excess of one million two hundred thousand dollars, or projects requiring state or federal certificate of need approval,)) shall be based upon a minimum facility occupancy of ((eighty-five)) ninety percent for the ((direct care, therapy care, support services,)) operations, property, and financing allowance((, and variable return)) component rate allocations((, during the ini-

(10)) .
(8) For rate add-on requests for projects not completed in phases that are approved pursuant to subsection (7) of this section and the written request is received:

(a) Within sixty calendar days following the completion and certification for occupancy of the new or replacement construction, major renovation, or the acquisition and instal-

tial rate period in which the adjustment is granted. These same component rate allocations shall). For essential community providers, the Medicaid share of nursing facility new construction or refurbishing project will be based upon a minimum facility occupancy of eighty-five percent (~~for all rate periods after the initial rate period~~) for operations, property, and financing allowance component rate allocations.

~~((16))~~ (15) When a capitalized addition or replacement results in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement:

(a) The department shall ~~((for))~~ determine a nursing facility's prospective Medicaid:

(i) Property ~~(, use the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity))~~ payment rate allocation by dividing the property costs using the greater of actual days from the cost report period on which the rate being recalculated is based or days calculated by multiplying the new number of licensed beds times ninety percent times the number of calendar days in the cost report period on which the rate being recalculated is based. For essential community providers, the department shall use eighty-five percent to calculate days to compare with actual days; and

(ii) ~~((The))~~ Financing allowance ~~(, multiply))~~ payment rate allocation by multiplying the net invested funds by the applicable factor in ~~((accordance with))~~ WAC 388-96-748(3) and ~~((divide))~~ dividing by the greater of the facility's ~~((anticipated resident occupancy level subsequent to the increase in licensed bed capacity; and~~

~~(b) The anticipated resident occupancy for the increased number of beds must be at or above eighty-five percent. In all cases the department shall use at least eighty-five percent occupancy of the facility's increased licensed bed capacity))~~ actual days from the cost report period on which the rate being recalculated is based or on days calculated by multiplying the new number of licensed beds times ninety percent occupancy times the calendar days in the cost report period on which the rate being recalculated is based. For essential community providers, the department shall use eighty-five percent occupancy to calculate days to compare to actual days.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 00-12-098, filed 6/7/00, effective 7/8/00)

WAC 388-96-782 Exceptional therapy care and exceptional direct care—Payment. ~~((1)(a) The department will pay for exceptional therapy care authorized under WAC 388-96-780 according to the current therapy fee for service schedule maintained by the department.~~

~~(b) All payments for therapy care from third-party payers and/or other department programs, e.g., physical medicine and rehabilitation (PM&R) will be deducted before billing the department under the exceptional therapy program. The nursing facility (NF) will bill the department for the authorized exceptional therapy care according to the department's~~

~~billing instructions, including but not limited to WAC 388-545-0300, 388-545-0500, and 388-545-0700.~~

(2)) For WAC 388-96-781 residents, the department will pay the resident's total rate in effect on December 31, 1999, inflated by the industry weighted average economic trends and conditions adjustment factor.

NEW SECTION

WAC 388-96-783 Certificate of capital authorization (CCA). (1)(a) A certificate of capital authorization (CCA) is a certification from the department for an allocation from the biennial capital financing authorization for a nursing facility's new or replacement building construction, or major renovation project, receiving a certificate of need (CON) or a CON exemption from the department of health under chapter 70.38 RCW and chapter 246-310 WAC after July 1, 2001.

(b) Issuance of a CCA as required by this regulation and by chapter 74.46 RCW is necessary before:

(i) Any depreciation resulting from the capitalized addition is included in a facility's property component rate allocation, including both determinations under RCW 74.46.435 and property rate add-ons done pursuant to WAC 388-96-776; and/or

(ii) Any net invested funds associated with the capitalized addition are included in the calculation of the facility's financing allowance rate allocation, including both determinations under RCW 74.46.437 and financing allowance rate add-ons done pursuant to WAC 388-96-776.

(2) To apply for a CCA, a contractor must submit a written application to the nursing home rates section of the office of rates management (ORM) within the department. The application must be entirely separate from, and not included with, any other request or communication. The application must include:

(a) A description of the proposed new or replacement construction or major renovation;

(b) A copy of the CON approval, or the determination of CON exception issued by the department of health for the construction or renovation;

(c) The amount of money for which the CCA is being requested; this will presumably be the same amount as included in the CON approval or exception, but may be different where good cause is shown;

(d) The name of the general contractor who will build the construction or renovation; and

(e) The anticipated starting and completion dates of the construction or renovation.

(3) Completed applications for CCAs will be reviewed in the order received. An application will be deemed completed as of the date when all required information has been received by ORM. Within ninety days of the receipt of an application, ORM will either reject it as incomplete, or act upon it. If more than one CCA application is received on the same date, priority will first be given to an application from an essential community provider and then to an application in relation to the facility which has gone the longest from its last major renovation or building project.

(4) ORM will accept applications and issue CCAs for each state fiscal year for which the legislature has enacted

authorization in the biennial appropriations act as provided by RCW 74.46.807, subject to the limits of such authorization. CCAs for a fiscal year will be issued until the remaining capital authorization for that year is insufficient to cover any more applications made for that year. An application denied because that year's authorization has been depleted may be resubmitted for a later year, and will be given priority for the remaining amounts of capital authorization in the later year, after CCAs already issued for that year. The state fiscal year runs from July 1 of one calendar year to June 30 of the following calendar year, and is designated by the second calendar year. For example, state fiscal year 2004 (SFY04) runs from July 1, 2003 through June 30, 2004.

(5)(a) When a CCA has been issued, the contractor must act to complete the construction or renovation in a timely manner, consistent with the estimates included in the application. The construction or renovation must be completed and ready for occupancy no later than the last day of the state fiscal year for which the CCA is issued. "Ready for occupancy" means that all federal, state, and local permits for occupancy of the buildings by residents have been issued.

(b) The contractor must send the department ORM a copy of each progress report submitted to the certificate of need section of the department of health under WAC 246-310-590, or a regulation adopted as a successor thereto, at the same time the progress report is filed with the department of health.

(c) Based upon the application for the CCA and the progress reports filed with the department of health by the contractor, ORM will set deadlines for progress of the project toward completion. ORM may withdraw a CCA if its holder does not comply with those deadlines in a good faith manner. A contractor that fails to meet a progress deadline due to its own action or inaction shall be considered not to have acted in a good faith manner.

(d) If a CCA is withdrawn by ORM, or if the construction or renovation is not ready for occupancy by the last day of the fiscal year for which the CCA was issued, the value of the construction or renovation will not be included in the facility's property component or financing allowance rate allocations, as provided in subsection (1)(b) of this section. To include the value of the construction or renovation in the facility's property component or financing allowance rate allocations, the contractor must seek and obtain another CCA.

(6)(a) Although they are related, the CON and CCA processes are separate. When a CON requires amendment under department of health requirements, the contractor must notify ORM. The previously issued CCA will stay in effect. When the amended CON is issued in an amount greater than the original CON, the contractor must submit a new CCA application to ORM covering only the difference between the original and amended CONs. This supplemental CCA application may reference the original CCA application to the greatest extent possible, to expedite its filing and review.

(b) The department of health allows the dollar amount of a CON to be exceeded by the greater of twelve percent or fifty thousand dollars without requiring an amendment to the CON. This excess is not automatically reflected in the corre-

sponding CCA. Any increase in the amount requires an application for a new CCA.

(c) ORM will review the new CCA application based on the estimated date of occupancy and the authorization remaining for the relevant state fiscal year. If there is insufficient authorization remaining in that fiscal year to fund the project, ORM will deny the application in whole or in part.

(d) If a contractor's application for a CCA is denied pursuant to subsection (c) above, the contractor may resubmit it for a later state fiscal year and the application will be given priority as described in subsection (4) of this section.

(7) If ORM withdraws a CCA previously issued, the amount of that authorization shall be restored to the total capital authorization available for the state fiscal year against which the CCA was issued.

(8) An application for a CCA may be considered on an emergency basis. If the application is approved and a sufficient amount of authorization remains for the relevant fiscal year, the CCA may be issued without regard to the priority of the application. Only an application made in relation to a major renovation project may be considered on an emergency basis, and then only if it must be completed as soon as possible to:

(a) Retain a facility's license or certification provided the net rate effect is ten cents per patient day or greater;

(b) Protect the health or safety of the facility's residents;

or
(c) Avoid closure if the facility is an essential community provider.

AMENDATORY SECTION (Amending WSR 01-12-037, filed 5/29/01, effective 6/29/01)

WAC 388-96-901 Disputes. (1) If a contractor wishes to contest the way in which the department applied a statute or department rule ((relating to the nursing facility Medicaid payment system was applied to the contractor by the department)) to the contractor's circumstances, the contractor shall pursue the administrative review process prescribed in WAC 388-96-904.

(a) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW subject to administrative review under WAC 388-96-904 include but are not limited to:

- (i) Determining a nursing facility payment rate;
- (ii) Calculating a nursing facility settlement;
- (iii) Imposing a civil fine on the nursing facility;
- (iv) Suspending payment to a nursing facility; or
- (v) Refusing to contract with a nursing facility.

(b) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW not subject to administrative review under WAC 388-96-904 include but are not limited to ((those taken)):

(i) Actions taken under the authority of RCW 74.46.421 and sections of this chapter implementing RCW 74.46.421;

(ii) Case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;

PROPOSED

(iii) Quarterly rate updates to reflect changes in a facility's resident case mix including contractor errors made in the MDSs used to update the facility's resident case mix;

(iv) Exceptional direct care program codified at WAC 388-96-781; and

(v) Actions taken under WAC 388-96-218 (2)(c).

(2) The administrative review process prescribed in WAC 388-96-904 shall not be used to contest or review unrelated or ancillary department actions, whether review is sought to obtain a ruling on the merits of a claim or to make a record for subsequent judicial review or other purpose. If an issue is raised that is not subject to review under WAC 388-96-904, the presiding officer shall dismiss such issue with prejudice to further review under the provisions of WAC 388-96-904, but without prejudice to other administrative or judicial review as may be provided by law. Unrelated or ancillary actions not eligible for administrative review under WAC 388-96-904 include but are not limited to:

(a) Challenges to the adequacy or validity of the public process followed by department in proposing or making a change to the nursing facility Medicaid payment rate methodology, as required by 42 U.S.C. 1396a (a)(13)(A) and WAC 388-96-718;

(b) Challenges to the nursing facility Medicaid payment system that are based in whole or in part on federal laws, regulations, or policies;

(c) Challenges to a contractor's rate that are based in whole or in part ~~(on)~~ on federal laws, regulations, or policies;

(d) Challenges to the legal validity of a statute or regulation; and

~~(e) (Issues relating to case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;~~

~~(f) Quarterly rate updates to reflect changes in a facility's resident case mix;~~

~~(g) (Issues relating to any action))~~ Actions of the department affecting a Medicaid beneficiary or provider that were not commenced by the office of rates management, aging and ~~(adult)~~ disability services administration, for example, entitlement to or payment for durable medical equipment or other services~~(;)~~

~~(h) Issues relating to exceptional therapy care and exceptional direct care programs codified at WAC 388-96-779 through 388-96-782; and~~

~~(i) Department actions taken under WAC 388-96-218 (2)(e)).~~

(3) If a contractor wishes to challenge the legal validity of a statute or regulation relating to the nursing facility Medicaid payment system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

AMENDATORY SECTION (Amending WSR 98-20-023, filed 9/25/98, effective 10/1/98)

WAC 388-96-904 Administrative review—Adjudicative proceeding. (1) Contractors seeking to appeal or take

exception to an action or determination of the department, under authority of this chapter or chapter 74.46 RCW, relating to the contractor's payment rate, audit or settlement, or otherwise affecting the level of payment to the contractor, or seeking to appeal or take exception to any other adverse action taken under authority of this chapter or chapter 74.46 RCW eligible for administrative review under this section, shall request an administrative review conference in writing within twenty-eight calendar days after receiving notice of the department's action or determination. The department shall deem the contractor to have received the department's notice five calendar days after the date of the notification letter, unless proof of the date of receipt of the department's notification letter exists, in which case the actual date of receipt shall be used to determine timeliness of the contractor's request for an administrative review conference. The contractor's request for administrative review shall:

(a) Be signed by the contractor or by a partner, officer, or authorized employee of the contractor;

(b) State the particular issues raised; and

(c) Include all necessary supporting documentation or other information.

(2) After receiving a request for administrative review conference that meets the criteria in subsection (1) of this section, the department shall schedule an administrative review conference. The conference may be conducted by telephone.

(3) At least fourteen calendar days prior to the scheduled date of the administrative review conference, the contractor must supply any additional or supporting documentation or information upon which the contractor intends to rely in presenting its case. In addition, the department may request at any time prior to issuing a determination any documentation or information needed to decide the issues raised, and the contractor must comply with such a request within fourteen calendar days after it is received. The department may extend this period up to fourteen additional calendar days for good cause shown if the contractor requests an extension in writing received by the department before expiration of the initial fourteen-day period. The department shall dismiss issues that cannot be decided or resolved due to a contractor's failure to provide requested documentation or information within the required period.

(4) The department shall, within sixty calendar days after conclusion of the conference, render a determination in writing addressing the issues raised. If the department is waiting for additional documentation or information promised by or requested from the contractor pursuant to subsection (3) of this section, the sixty-day period shall not commence until the department's receipt of such documentation or information or until expiration of the time allowed to provide it. The determination letter shall include a notice of dismissal of all issues which cannot be decided due to a contractor's failure to provide documentation or information promised or requested.

(5) A contractor seeking further review of a determination issued pursuant to subsection (4) of this section shall apply for an adjudicative proceeding, in writing, signed by one of the individuals authorized by subsection (1) of this section, within twenty-eight calendar days after receiving the department's administrative review conference determination

letter. A review judge or other presiding officer employed by the department's board of appeals shall conduct the adjudicative proceeding.

The department shall deem the contractor to have received the department's determination five calendar days after the date of the administrative review determination letter, unless proof of the date of receipt of the letter exists, in which case the actual date of receipt shall be used to determine timeliness of the contractor's application for an adjudicative proceeding. The contractor shall attach to its application for an adjudicative proceeding the department's administrative review conference determination letter. A contractor's application for an adjudicative proceeding shall be addressed to the department's board of appeals.

(6) Except as authorized by subsection (7) of this section, the scope of an adjudicative proceeding shall be limited to the issues specifically raised by the contractor at the administrative review conference and addressed on the merits in the department's administrative review conference determination letter. The contractor shall be deemed to have waived all issues or claims that could have been raised by the contractor relating to the challenged determination or action, but which were not pursued at the conference and not addressed in the department's administrative review conference determination letter. In its request for an adjudicative proceeding or as soon as practicable, the contractor must specify its issues.

(7) If the contractor wishes to have further review of any issue not addressed on its merits, but instead dismissed in the department's administrative review conference determination letter, for failure to supply needed, promised, or requested additional information or documentation, or because the department has concluded the request was untimely or otherwise procedurally defective, the issue shall be considered by the presiding officer for the purpose of upholding the department's dismissal, reinstating the issue and remanding for further agency staff action, or reinstating the issue and rendering a decision on the merits.

(8) An adjudicative proceeding shall be conducted in accordance with this chapter, chapter ~~((388-08))~~ 388-02 WAC and chapter 34.05 RCW. In the event of a conflict between hearing requirements in chapter 74.46 RCW and chapter 388-96 WAC specific to the nursing facility Medicaid payment system (~~on the one hand~~) and general hearing requirements in chapter 34.05 RCW and chapter ~~((388-08))~~ 388-02 WAC (~~on the other hand~~), the specific requirements of chapter 74.46 RCW and chapter 388-96 WAC shall prevail. The presiding officer assigned by the department's board of appeals to conduct an adjudicative proceeding and who conducts the proceeding shall render the final agency decision.

(9) At the time an adjudicative proceeding is being scheduled for a future time and date certain, or at any appropriate stage of the prehearing process, the presiding officer shall have authority, upon the motion of either party or the presiding officer's own motion, to compel either party to identify specific issues remaining to be litigated.

(10) If the presiding officer determines there is no material issue(s) of fact to be resolved in a case, the presiding officer shall have authority, upon the motion of either party or the presiding officer's own motion, to decide the issue(s)

presented without convening or conducting an in-person evidentiary hearing. In such a case, the decision may be reached on documentation admitted to the record, party admissions, written or oral stipulation(s) of facts, and written or oral argument.

(11) The board of appeals shall issue an order dismissing an adjudicative proceeding requested under subsection (5) of this section, unless within two hundred seventy calendar days after the board of appeals receives the application for an adjudicative proceeding:

(a) All issues have been resolved by a written settlement agreement between the contractor and the department signed by both and filed with the board of appeals; or

(b) An adjudicative proceeding has been held for all issues not resolved and the evidentiary record, including all rebuttal evidence and post-hearing or other briefing, is closed.

This time limit may be extended one time thirty additional calendar days for good cause shown upon the motion of either party made prior to the expiration of the initial two hundred seventy day period. It shall be the responsibility of the contractor to request that hearings be scheduled and ensure that settlement agreements are signed and filed with the board of appeals in order to comply with the time limit set forth in this subsection.

(12) Any party dissatisfied with a decision or an order of dismissal of the board of appeals may file a petition for reconsideration within ten calendar days after the decision or order of dismissal is served on such party. The petition shall state the specific grounds upon which relief is sought. The time for seeking reconsideration may be extended by the presiding officer for good cause upon motion of either party. The presiding officer shall rule on a petition for reconsideration and may seek additional argument, briefing, testimony, or other evidence if deemed necessary. Filing a petition for reconsideration shall not be a requisite for seeking judicial review; however, if a petition is filed by either party, the agency decision shall not be deemed final until a ruling is made by the presiding officer.

(13) A contractor dissatisfied with a decision or an order of dismissal of the board of appeals may file a petition for judicial review pursuant to RCW 34.05.570(3) or other applicable authority.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-96-714	Nursing facility Medicaid rate allocations—Economic trends and conditions adjustment factors.
WAC 388-96-728	How will the nursing facility's "hold harmless" direct care rate be determined?
WAC 388-96-729	When will the department use the "hold harmless rate" to pay for direct care services?

PROPOSED

WAC 388-96-732	How will the department determine whether its notice pursuant to WAC 388-96-724 was timely?
WAC 388-96-779	Exceptional therapy care— Designated nursing facilities.
WAC 388-96-780	Exceptional therapy care— Covered Medicaid residents.

ment: Robyn Bryant, 4224 6th Avenue S.E., Building 2, Lacey, WA 98504-0903, (360) 459-6327.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is procedural in nature and does not place new requirements on those it may affect.

A cost-benefit analysis is not required under RCW 34.05.328. The Environmental Hearings Office is not a named agency in RCW 34.05.328.

August 20, 2004

Eric Z. Lucas

Administrative Appeals Judge
Rules Coordinator

WSR 04-18-015

PROPOSED RULES

ENVIRONMENTAL HEARINGS OFFICE

[Filed August 23, 2004, 9:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-14-053.

Title of Rule and Other Identifying Information: The adoption of permanent procedural rules for the Environmental and Land Use Hearings Board.

Hearing Location(s): Environmental Hearings Office, 4224 6th Avenue S.E., Building 2, Lacey, WA 98504-0903, on October 7, 2004, at 11:00 a.m.

Date of Intended Adoption: November 2, 2004.

Submit Written Comments to: Eric Z. Lucas, Environmental Hearings Office, Administrative Appeals Judge, Rules Coordinator, P.O. Box 40903, Lacey, WA 98504-0903, e-mail EricL@eho.wa.gov, fax (360) 438-7699, by September 30, 2004.

Assistance for Persons with Disabilities: Contact Administrative Appeals Judge Phyllis McLeod by phone at (360) 459-6327.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To create permanent procedural rules for the Environmental and Land Use Hearings Board as required by chapter 43.21L RCW.

Reasons Supporting Proposal: During the 2003 session, the state legislature adopted ESSB 5776 creating the new Environmental and Land Use Hearings Board in the Environmental Hearings Office (EHO). The statute requires that the EHO adopt implementing rules. The rules would govern the procedural operation of the new board.

Statutory Authority for Adoption: Chapter 43.21L RCW and RCW 34.05.360.

Statute Being Implemented: Chapter 43.21L RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The statute requires that the EHO adopt implementing rules. The rules would govern the procedural operation of the new board.

Name of Proponent: Environmental Hearings Office, governmental.

Name of Agency Personnel Responsible for Drafting: Eric Z. Lucas, 4224 6th Avenue S.E., Building 2, Lacey, WA 98504-0903, (360) 459-6327; Implementation and Enforce-

Chapter 199-08 WAC

PRACTICE AND PROCEDURE—BEFORE THE ENVIRONMENTAL AND LAND USE HEARINGS BOARD

PART A GENERAL

NEW SECTION

WAC 199-08-300 Purpose of this chapter and applicability of the board's rules of practice to the civil rules of procedure and the rules of evidence. (1) The purpose of chapter 199-08 WAC is to provide rules of practice before the environmental and land use hearings board (hereinafter "board"). The interpretation of these rules may be guided, where relevant, by the civil rules of superior court (hereinafter "civil rules") and the rules of evidence for the superior courts of the state of Washington, as those rules have been construed by Washington state courts.

(2) Except where in conflict with the board's rules, Washington statutes regarding pretrial procedures, civil rules and rules of evidence shall be followed in proceedings before the board unless the presiding officer determines that the evidence, although in conflict with the rules, is admissible pursuant to WAC 199-08-515.

(3) This chapter shall govern practice before the board. The rules in this chapter are consistent with the model rules of procedure issued by the office of administrative hearings, chapter 10-08 WAC except where specifically noted.

NEW SECTION

WAC 199-08-305 Definitions. As used in this chapter the following terms shall have the following meanings:

(1) "Agency" means any state or local governmental entity.

(2) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in chapter 34.05 RCW. The terms "appeal," "adjudicative proceeding" and "case" are used interchangeably in this chapter.

(3) "Board" means the environmental and land use hearings board, a quasi-judicial body created pursuant to chapter 43. RCW ESSB 5776 and described in WAC 199-08-315.

(4) "Filing" of a document means actual receipt by the board during regular office hours. Any document filed with the board shall contain an affirmation that copies were served on the appropriate agency, local government and parties. Filing by facsimile is permitted of documents ten pages or less if the original document is concurrently mailed or submitted to a commercial delivery service.

(5) "Final decision" means the highest and last decision available within the permit agency with respect to a permit application to the agency, including, but not limited to, decisions resulting from internal appeals available within the agency for the permit decision.

(6) "Local government" means any county, incorporated city or town, which has approved, denied or conditioned any economic development project subject to ESSB 5776 and as further defined in subsection (9) of this section.

(7) "Participating permit agency" means any permit agency in which the applicant for a qualifying project has filed an application for an environmental or land use permit that is required for the qualifying project.

(8) "Party" means:

(a) A person to whom any local government or agency decision is specifically directed;

(b) A person named as a party to the appeal, or allowed to intervene or joined as a party by the board;

(c) Any participating permit agency.

(9) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, use of, or interference with the land, air, or water in the state. This document must be required to be obtained from a state agency or local government, including, but not limited to, counties, cities, and air agencies, prior to constructing or operating a qualifying project. Local government permits include, but are not limited to, subdivisions, binding site plans, planned unit developments, shoreline permits or other approvals under RCW 90.58.140, master plan approvals, site plan approvals, permits or approvals required by critical area ordinances, conditional use permits, variances, and site-specific rezones authorized by a comprehensive plan or subarea plan or other equivalent documents however titled or denominated. Local government permits excluded under this definition include the adoption or amendment of a comprehensive plan, subarea plan, legislative actions or development regulations, certifications by local health districts of water and sewer availability, and building, grading, flood hazard, utility connection, and other nondiscretionary construction permits.

(10) "Permit agency" means any state agency or local government, including, but not limited to, air agencies, authorized by law to issue permits.

(11) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

(12) "Petition for review" is a document that when properly filed with the board initiates an adjudicative proceeding before the board.

(13) "Presiding officer" means any member of the board or an administrative appeals judge who is assigned to conduct

a conference or hearing by the chairperson or the vice-chairperson.

(14) "Service" of a document means delivery of the document to the other parties to the appeal. Service may be made in any of the following ways:

(a) Personally, in accordance with the laws of the state, with a return of service or affidavit of service completed.

(b) First-class, registered or certified mail. Service is complete upon deposit in the United States mail properly stamped and addressed.

(c) Facsimile transmission with mailing or submission to a commercial delivery service of copies on the same day. Service by facsimile is regarded as complete by production of the confirmation of transmission and evidence of mailing or submission to a delivery service of the copies.

(d) Commercial delivery service. Service by commercial delivery service is regarded as complete upon delivery to the delivery company with charges prepaid.

(15) "Qualifying project" means an economic development project that is:

(a) Located within a county that in its entirety qualifies as a distressed area as defined in RCW 43.168.020(3), and a rural natural resources impact area as defined in RCW 43.160.020;

(b) Designed to provide at least thirty full-time year-round jobs; and

(c) Designated as a qualifying project by the office of permit assistance established under chapter 43.42 RCW if a request for a determination of such designation is made to the office by the project applicant as provided by law.

NEW SECTION

WAC 199-08-310 Computation of time. (1) In computing any period of time prescribed or allowed by these rules or applicable statute, the day of the act after which the designated period of time begins to run is not to be included. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing with the board any petition for review, petition for declaratory ruling or any other adjudication which this chapter authorizes.

PART B

BOARD ADMINISTRATION AND JURISDICTION

NEW SECTION

WAC 199-08-315 Board membership, function and jurisdiction. (1) **Members.** An environmental and land use hearings board is established within the environmental hearings office created under RCW 43.21B.005. The environmental and land use hearings board shall be composed of six members, as provided in RCW 90.58.170. The chairperson

of the pollution control hearings board shall be the chairperson of the environmental and land use hearings board. The members of the environmental and land use hearings board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

(2) **Function and jurisdiction.** This board is a quasi-judicial body with powers of de novo review as authorized by chapter 43. RCW (ESSB 5776) to adjudicate or determine appeals from any person aggrieved by the granting, denying or rescinding of a permit issued pursuant to chapter 43. RCW (ESSB 5776);

(3) **Expedited review.** The board shall provide expedited review of petitions filed under this chapter. Any matter reviewed on the decision record must be set for hearing within sixty days of the date set for submitting the decision record of all participating permit agencies, absent a showing of good cause for a different date or a stipulation of the parties. Any matter reviewed de novo must be set for hearing or trial no later than one hundred twenty days after the initial hearing date. The board shall issue a final decision and order within thirty days after the final hearing required in this section.

(4) **Administrative appeals judges.** The chairperson may appoint any member of the board or an administrative appeals judge from the environmental hearings office to be the presiding officer.

(5) This section is intended to be general and informational only and failure herein to list matters over which the board has jurisdiction shall not constitute a waiver or withdrawal of that jurisdiction.

NEW SECTION

WAC 199-08-320 Office hours, telephone number, telefacsimile number and address of the board. (1) The administrative business of the board, except rule making, is performed by the environmental hearings office. To the extent necessary for rule making, the appeals board holds regular meetings at 10:00 a.m. on the second Tuesday of each month at the address set forth below.

(2) The board is organized within the Environmental Hearings Office, 4224 6th Avenue S.E., Building No. 2 Rowe Six, Lacey, Washington. The mailing address is:

Environmental and Land Use Hearings Board
4224 6th Avenue S.E., Building No. 2, Rowe Six
P.O. Box 40903
Lacey, WA 98504-0903

(3) The telephone number of the board is 360-459-6327. The telefacsimile number is 360-438-7699.

(4) The office hours of the environmental hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays.

NEW SECTION

WAC 199-08-325 Public information about practice before the board and public records. (1) Questions about board procedures may be directed to the environmental hearings office by e-mail at eho@eho.wa.gov, by regular mail or, during regular office hours, by telephone or by telefacsimile. The board's website address is: www.eho.wa.gov.

(2) Case files of appeals pending before the board, past written opinions of the board and other public records maintained by the board under chapter 198-12 WAC are available for public inspection and copying during regular office hours at the environmental hearings office. The form for requests for public records is set forth in WAC 198-12-140. Any person seeking to make copies of such public records may copy the documents at the environmental hearings office for a reasonable charge per page.

PART C FILING AN APPEAL WITH THE BOARD AND SERVICE

NEW SECTION

WAC 199-08-335 Types of petitions before the board. The board is empowered to hear and decide the following:

Petitions for review of final decisions made by state agencies and local governments on permit applications for qualifying economic development projects.

NEW SECTION

WAC 199-08-340 Where to file a petition for review and number of copies. (1) Proceedings for review under this chapter shall be commenced by filing a petition with the environmental and land use hearings board. An adjudicative proceeding before the board shall be begun by filing a petition for review and one copy at the environmental hearings office. The board shall acknowledge filing of the petition for review by a stamp and the board's stamp on the petition shall be prima facie evidence of the date of filing. The board may thereafter require that additional copies be filed.

(2) Such petition is barred, and the board may not grant review, unless the petition is timely filed with the board and timely served on the following persons who shall be parties to the review of the petition:

(a) The participating permit agencies, which for purposes of the petition shall be:

- (i) If a state agency, the director thereof; and
- (ii) If a local government, the jurisdiction's corporate entity which shall be served as provided in RCW 4.28.080; and

(b) Each of the following persons if the person is not the petitioner:

- (i) Each person identified by name and address as applicant in the application to the participating permit agencies;
- (ii) Each person identified in project application documents as an owner of the property at issue or, if none, each person identified as a taxpayer for the property at issue in the records of the county assessor.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance by the permit agency of the permit for the qualifying project.

(4) For the purposes of this section, the date on which a permit decision is issued is:

(a) Three days after a written decision is mailed by the permit agency to the project applicant or, if not mailed, the date on which the permit agency provides notice that a written decision is publicly available; or

(b) If (a) of this subsection does not apply, the date the decision is entered into the public record.

(5) Service on all parties shall be by personal service or by mail. Service by mail is effective on the date of mailing. Proof of service shall be by affidavit or declaration under penalty of perjury.

NEW SECTION

WAC 199-08-350 Contents of the petition for review. Petitions for review to the board pursuant to chapter 43. RCW (ESSB 5776) and shall contain:

(1) The name, mailing address, telephone number and telefacsimile number (if available) of the appealing party, and of the representative, if any;

(2) Identification of the parties, by listing in the caption or otherwise. In every case, the agency and/or the local government whose decision is being appealed and the person to whom the decision is directed shall be named as parties;

(3) A copy of the application form without attachments, which was filed with the local government pursuant to legal requirements;

(4) A copy of the decision or permit appealed from;

(5) A short and plain statement showing the grounds upon which the appealing party considers such decision or permit to be unjust or unlawful;

(6) A clear and concise statement upon which the appealing party relies to sustain his or her grounds for appeal;

(7) A clear and concise statement of fact demonstrating that the petitioner has standing to seek board review;

(8) A separate and concise statement of each error alleged to have been committed;

(9) The relief sought, including the specific nature and extent;

(10) The signature of the representative of the appealing party or of the appealing party. The signature of the representative or the appealing party shall constitute a certificate by the signatory that the signatory has read the petition and that it is consistent with civil rule 11;

(11) All pleadings shall be so construed as to do substantial justice.

PART D APPEARANCE AND PRACTICE BEFORE THE BOARD

NEW SECTION

WAC 199-08-385 Persons who may appear before the board. (1) Any person has the right to represent himself or herself in a proceeding before the board.

(2) The only persons who are qualified to represent another person or entity before the board are the following:

(a) Attorneys at law duly qualified and entitled to practice before the highest court of record of any state.

(b) An authorized officer, partner, owner, employee or member of an association, partnership, corporation, organization, government agency or local government.

(c) Legal interns admitted to practice under the applicable admission to practice rules of the Washington state court rules as long as the conditions and limitations of the applicable rules are satisfied.

(d) Any other individual designated by an entity to serve as a spokesperson in a case with the approval of the board's presiding officer.

(3) When an active part, as a representative of a participating agency, was taken in the same case or proceeding by a former employee, said former employee of:

(a) Any participating agency; or

(b) A member of the legal staff of a local governmental agency; or

(c) The attorney general's staff, may not appear in a representative capacity on behalf of other parties in a formal board proceeding, except when permitted by applicable state conflict of interest laws.

(4) No former member of the board shall, for a period of one year after the termination of his or her membership, represent a party before the board on any matter.

NEW SECTION

WAC 199-08-390 Appearance by representative. (1) An attorney or authorized representative as defined in WAC 199-08-385 may appear for a party by either of the following actions:

(a) Filing a written notice of appearance, a petition for review or another pleading containing the name of the party to be represented, and the name, address and telephone number of the representative; or

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name, address and telephone number of the representative.

(2) Copies of every written notice of appearance or pleading that identifies the representative shall be served by the representative on all other parties or their representatives of record at the time the original is filed with the board.

(3) Where a petition for review has been filed with the board by the department of ecology or attorney general, the attorney general shall, unless the department or attorney general notifies the board otherwise, be deemed to have entered an appearance for the department, and the attorney general shall be exempt from the requirement of filing and serving a written notice of appearance.

(4) After a representative appears on behalf of a party, the board shall serve all future notices, orders and correspondence upon such representative. Service upon the representative shall constitute service upon the party, except for final orders, which shall be served on both the party and the representative.

(5) After a representative appears on behalf of a party, and gives notice to all other parties to the appeal, all future pleadings and correspondence shall be served upon that rep-

PROPOSED

representative. Service upon the representative shall constitute service upon the party.

NEW SECTION

WAC 199-08-395 Withdrawal or substitution of representatives. An attorney or other representative withdrawing from a case shall immediately so notify the board and all parties of record in writing, or shall state such withdrawal for the record at a conference or hearing. Any substitution of an attorney or representative shall be accomplished by written notification to the board and to all parties of record, together with the written consent of the prior attorney or representative, and if such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

NEW SECTION

WAC 199-08-400 Conduct before the board by representatives. All persons who are representing parties before the board shall conform to the standards of ethical conduct required of attorneys before the courts of Washington even if the representative is not an attorney. Representatives who, in the opinion of the presiding officer, violate those ethical standards may be reprimanded or sanctioned. Sanctions may include, among other measures, the imposition of costs and the exclusion of the representative from the proceedings. The board may, after notifying the representative and holding a hearing, take appropriate disciplinary action including, but not limited to, barring such person from representing another party in any future board proceedings.

NEW SECTION

WAC 199-08-405 Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice. The presiding officer may waive any of these rules, other than a rule relating to jurisdiction, for any party not represented by legal counsel where necessary to avoid manifest injustice.

NEW SECTION

WAC 199-08-410 Presiding officer duties and powers. It shall be the duty of the presiding officer to conduct conferences or hearings in cases assigned in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of these rules:

- (1) To administer oaths and affirmations.
- (2) To issue subpoenas and protective orders as provided in the Administrative Procedure Act.
- (3) To rule on all procedural matters, objections and motions.
- (4) To rule on all offers of proof and receive relevant evidence.
- (5) To question witnesses called by the parties in an impartial manner to develop any facts deemed necessary for a fair and adequate decision.
- (6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to decide the matter fairly and equitably.

(7) To take appropriate disciplinary action with respect to representatives of parties appearing before the board.

(8) To issue orders joining other parties, on motion of any party, or in the judgment of the presiding officer, when it appears that such other parties may have an interest in, or may be affected by, the proceedings.

(9) To consolidate matters for hearing when such consolidation will expedite disposition of the matters and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby.

(10) To hold prehearing and settlement conferences.

(11) To permit and regulate the taking of discovery.

(12) To regulate the course of the hearing.

(13) To dismiss a petition for review or take other appropriate disciplinary actions, where a party or representative fails to appear or participate in a prehearing conference, hearing or at any other stage of the appeal proceeding.

(14) To take any other action necessary and authorized by these rules and the law.

NEW SECTION

WAC 199-08-415 Mediation. The board may, on occasion, recommend that the parties to an appeal engage in mediation. One or more parties may also recommend to the other parties or the presiding officer that mediation occur. Subject to availability, an administrative appeals judge from the environmental hearings office may serve as the mediator for the board. In the event that the mediation proves unsuccessful and the case proceeds to hearing, any administrative appeals judge who served as a mediator will neither preside over the hearing nor have any contact with the board members regarding the case other than to inform them that the mediation did not result in a settlement.

NEW SECTION

WAC 199-08-420 Subpoenas. (1) **Issuance.** Subpoenas may be issued by any member of the board, the presiding officer assigned to the case or by the attorney of record, as provided in the Administrative Procedure Act. Each subpoena shall be subscribed with the signature of the issuing person. Parties desiring subpoenas to be signed by the presiding officer or a board member shall make a showing of general relevance and reasonable scope of the testimony or evidence sought, shall prepare the subpoenas for issuance, shall send them to the board's office for signature, and, upon return, shall make arrangements for service.

(2) **Form.** Every subpoena shall name the environmental and land use board and the title of the proceedings, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place.

(3) **Service.** Service of subpoenas to a witness who is not party to the case shall be made by personally serving a copy of the subpoena to such person, in accordance with civil rule 45, and tendering on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law. All costs shall be paid by the party seeking the attendance of the witness.

(4) **Proof of service.** The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit or acknowledgment of service with the board or presiding officer of the case. Failure to make proof of service does not affect the validity of the service.

(5) **Quashing.** Upon motion made promptly (at or before the time specified in the subpoena for compliance) by the person subpoenaed and upon notice to the party for whom the subpoena was issued, the board or its presiding officer may:

- (a) Quash; or
- (b) Modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or
- (c) Condition denial of the motion upon just and reasonable conditions.

(6) **Geographical scope.** Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

PART E PREHEARING PRACTICE

NEW SECTION

WAC 199-08-425 Dismissal of petitions for review on jurisdictional grounds. (1) Timely filing of the petition for review, and other petitions within the board's jurisdiction is required for the board to acquire jurisdiction.

(2) Any party may challenge the jurisdiction of the board to hear a petition for review on jurisdictional grounds, and the board may independently raise the jurisdictional issue. The board may, when satisfied that it does not have jurisdiction, dismiss the petition for review.

NEW SECTION

WAC 199-08-426 Certification of permit applications. (1) Within seven days after receipt of service of the petition filed pursuant to law, the project applicant shall file with the board and serve on all parties an affidavit certifying all applications for permits that the project applicant has filed with participating permit agencies for the qualifying project, provided, however, that no permit may be included that has been issued and appealed to an administrative hearings board or to court prior to the date of service of the petition filed with the board under this chapter. The board shall request verification from the participating agencies of the permit applications certified in the project applicant's affidavit and of the expected date for final decision on the permit applications. Filing of the affidavit shall toll the schedule for hearing by the board until twenty-one days after issuance of the final permit decision on the last permit required for the qualifying project that has been certified in the project applicant's affidavit and verified by a participating agency as applied for, unless the petition filed and served by the petitioner relates to the final permit decision.

NEW SECTION

WAC 199-08-427 Initial hearing, jurisdictional motions and case scheduling.

Initial hearing.

(1) Within seven days after the expiration of the appeal period for the final permit decision on the last permit required for the qualifying project, the petitioner shall note an initial hearing on jurisdictional and other preliminary matters, and, if applicable, on other pretrial matters. This initial hearing shall be set no sooner than thirty-five days and not later than fifty days after the expiration of the appeal period for the final permit.

(2) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner.

(3) The defenses of lack of standing, untimely filing or service of the petition, lack of good faith or improper purpose in filing, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the board allows discovery on such issues.

(4) The parties may waive the initial hearing by scheduling with the board a date for the hearing or hearings on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (3) and (5) of this section.

Case schedule order.

(5) The petitioner shall move the board for an order at the initial hearing that sets the date on which the permit decision record or records of the applicable permit agency or agencies, if any, must be submitted, sets a briefing schedule, sets a discovery schedule if discovery is to be allowed, and schedules a hearing or hearings on the merits.

NEW SECTION

WAC 199-08-428 Stays. (1) Any party may request the board to stay or suspend an action by a participating permit agency or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) The board may grant a stay only if the board finds that:

(a) The party requesting the stay is likely to prevail on the merits;

(b) Without the stay the party requesting it will suffer irreparable harm;

(c) The grant of a stay will not substantially harm other parties to the proceedings; and

(d) The request for the stay is timely in light of the circumstances of the case.

(3) The board may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

NEW SECTION

WAC 199-08-429 Discovery. The parties may not conduct pretrial discovery except with the prior permission of the

board, which may be sought by motion, subject to any applicable rules adopted by the board and RCW 34.05.446(3), at any time after service of the petition. The party requesting discovery must make a prima facie showing of need. The board shall strictly limit discovery to what is necessary for equitable and timely review of the issues.

NEW SECTION

WAC 199-08-430 Correction or amendment of notice. (1) Within thirty days of receipt by the board, if any petition for review is found to be defective or insufficient, the board may require the party filing the petition for review to correct, clarify or amend the same to conform to the requirements of any relevant statutes and the board's rules. The board may refuse to schedule any conference or hearing thereon until compliance with such requirements, or may issue an appropriate order which may include providing for dismissal of the petition upon failure to comply within a specified time.

(2) Other amendments and supplemental pleadings shall conform to civil rule 15.

NEW SECTION

WAC 199-08-435 Intervention. (1) The presiding officer may grant a petition for intervention by any person at any time, upon determining that the petitioner qualifies as an intervenor pursuant to civil rule 24, that the intervention will serve the interests of justice and that the prompt and orderly conduct of the appeal will not be impaired.

(2) The presiding officer may impose conditions upon the intervenor's participation in the proceedings.

NEW SECTION

WAC 199-08-440 Joinder of parties. The presiding officer shall order the joinder of the permittee, permitting agency or any other interested person or entity in accordance with civil rule 19. The presiding officer may also permit the joinder of persons who are not necessary to the determination of the appeal in accordance with civil rule 20.

NEW SECTION

WAC 199-08-445 Answers to petitions for review. (1) A party need not file an answer to a petition for review filed pursuant to these rules.

NEW SECTION

WAC 199-08-450 Initial hearing and case scheduling. (1) Upon receipt of petitioner's request for an initial hearing, which complies with the requirements of these regulations, the board shall promptly mail to each party a scheduling letter which sets the time and location of the initial hearing.

(2) In those cases where the presiding officer does not order a prehearing conference, the letter setting the initial hearing date and time will be mailed at least thirty-five days before the initial hearing date. The letter may also set the

schedule for filing motions and prehearing briefs, and will notify the parties that an interpreter can be made available, upon reasonable notice to the board, for a witness or party who does not speak English or is hearing-impaired. The scheduling letter will control the subsequent proceedings, unless modified for good cause by the presiding officer.

(3) In cases where the presiding officer decides to hold a prehearing conference, the scheduling letter will also notify the parties of the time and location of the prehearing conference. The scheduling letter will be mailed at least seven days before the prehearing conference.

NEW SECTION

WAC 199-08-455 Prehearing conferences. (1) The purpose of a prehearing conference shall be:

(a) To determine the feasibility of a settlement of the appeal or, failing settlement;

(b) To prepare the case for hearing by scheduling prehearing deadlines and by identifying the issues, and if possible, witnesses, exhibits, stipulations, and admissions.

(2) Appearance by a party or by the party's representative at a prehearing conference is mandatory. If a party fails to attend a prehearing conference, that is not justified by good cause, the presiding officer may issue an order of default against the absent party or other appropriate action.

NEW SECTION

WAC 199-08-460 Case scheduling and prehearing orders. After an initial hearing or prehearing conference which has not resulted in settlement, the presiding officer shall enter a prehearing order. Normally, this will include a statement of issues, a schedule for filing motions and briefs, and lists of witnesses and exhibits or provide for filing such lists, as well as other matters which may bear on the preparation for hearing. The issues stated in the prehearing order shall control the subsequent course of the proceedings, unless modified for good cause by subsequent order.

NEW SECTION

WAC 199-08-465 Settlement and mediation agreements. (1) Where the parties settle an appeal before hearing, the parties shall prepare a written order of dismissal to which the settlement agreement is attached, and submit that order to the board. If the agreement is in accordance with the law, the board shall enter the order and dispose of the case.

(2) This section also pertains to settlement agreements reached after mediation.

NEW SECTION

WAC 199-08-470 Use of telephone conferences, motion hearings and hearings. Upon the motion of any party or independently, the presiding officer may decide to conduct any conference, motion hearing or hearing by telephone conference call to promote the fair, speedy and economical processing of a matter. If the presiding officer grants the party's request for a telephone conference, the requesting party shall initiate and pay for the conference call.

NEW SECTION

WAC 199-08-475 Motions. (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. Each written motion shall have appended to it the order which the motion seeks.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request that the board hold a motion hearing. At a motion hearing, the board will consider the arguments of the parties but will not take evidence. Unless a motion hearing is requested by one or more parties, or the board independently sets a motion hearing date, the board will normally decide the motion exclusively on the parties' written submissions. The motion, proposed order and other relevant materials shall be filed and served. Where the hearing coordinator specifies that the hearing shall be telephonic, the moving party shall originate the telephonic hearing conference call. The presiding officer will decide whether or not a motion hearing will be held, and notify the parties accordingly.

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All responses to any motion shall be filed and served ten days from the date the motion is received. The moving party shall then have seven days from receipt of the response to file and serve a reply.

(b) In cases where the moving party requests a motion hearing, all dispositive motions shall be filed and served not later than twenty-eight days before the motion hearing.

(c) All dispositive motions shall be filed and served not later than two months before the hearing date, unless the presiding officer by order allows otherwise.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) The board will decide a motion on the written record unless the presiding officer orders a motion hearing.

NEW SECTION

WAC 199-08-480 Postponements and continuances of hearings. (1) Postponement or continuance of a hearing is within the discretion of the presiding officer, whether contested or uncontested by the parties. The board may postpone or continue a hearing on its own motion.

(2) The postponement or continuance of a hearing shall be sought by written motion and according to the procedure set forth in WAC 199-08-475.

NEW SECTION

WAC 199-08-485 Dismissal, default or withdrawal of appeal. (1) If a party fails to attend or participate in a hearing

or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order which shall include a statement of the grounds for the order. Within seven days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

(2) A petitioner may request to withdraw a petition for review. Requests before the petitioner rests its case-in-chief during the hearing are mandatory and afterwards are permissive.

**PART F
HEARINGS**NEW SECTION

WAC 199-08-490 Hearing briefs. Hearing briefs, if filed, should be submitted to the board at least seven days before the time of hearing or other such time as the board may prescribe. An original and six copies must be filed. In all cases where briefs are filed, a copy shall also be served on the other parties or their attorneys. The board may permit or require the filing of additional briefs.

NEW SECTION

WAC 199-08-495 Procedures at hearings. (1) **Presiding officer.** All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) **Testimony under oath.** Oaths shall be administered by the presiding officer or other officer with authority to administer oaths. All testimony to be considered by the board shall be sworn or affirmed.

(3) **Recording.**

(a) An official recording of all evidentiary hearings shall be made by manual, electronic, or other type of recording device.

(b) Unofficial use of photographic and recording equipment is permitted at hearings; however, the presiding officer shall be consulted first and may impose conditions on their use as necessary to prevent disruption of the hearing.

(4) **Order of presentation of evidence.**

(a) The presiding officer shall determine the proper order of presentation of evidence. As a general rule, the petitioning party shall initially introduce its evidence.

(b) The opposing party shall introduce its evidence after the petitioner has rested. Rebuttal and surrebuttal evidence will be received only at the discretion of the presiding officer.

(c) Witnesses may be called out of turn in contravention of this rule by agreement of all parties.

(5) **Opening statements.** Unless the presiding officer rules otherwise, parties shall present an oral opening statement setting out briefly a statement of the basic facts, disputes and issues of the case.

(6) **Written statement of qualifications of expert witnesses.** Any party who plans to introduce the testimony of any expert witness at the hearing shall submit as an exhibit to

the board and all parties at the hearing a written statement of the qualifications, experience, and expertise of each such expert witness.

(7) **Former employee as an expert witness.** No former employee of a participating permit agency, its legal staff or legal representative, or the board or the attorney general shall at any time after leaving the employment with a participating permit agency appear, except when permitted by applicable state conflict of interest law, as an expert witness on behalf of other parties in a formal proceeding in which an active part in the investigation as a representative of the department or board was taken.

(8) **Objections and motions to strike.** Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon, and the transcript shall not include extended argument or debate.

(9) **Rulings.** The presiding officer, on objection or independently, shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with WAC 199-08-515 through 199-08-535.

NEW SECTION

WAC 199-08-500 Scope and standard of review. (1) Hearings upon petitions for review shall be quasi-judicial in nature. The scope and standard of review shall be as follows:

(2) For all permit decisions being reviewed that were made by quasi-judicial bodies or permit agency officers who made factual determinations in support of the decisions, after the conduct of proceedings in which the parties had an opportunity consistent with due process to make records on the factual issues, board review of factual issues and the conclusions drawn from the factual issues shall be confined to the records created by the quasi-judicial bodies or permit agency officers, except that:

(3) For decisions described in subsection (2) of this section, the records may be supplemented by additional evidence only if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the permit decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to a permit decision proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the permit decision.

(4) For permit decisions other than those described in subsection (2) of this section, the board review of the permit decision shall be de novo on issues presented as error in the petition.

(5) The board may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

NEW SECTION

WAC 199-08-510 Provision of interpreters and of reasonable accommodations to individuals with special needs. (1) Whenever any person involved in an adjudicative

proceeding before the board is eligible for an interpreter, as that eligibility is defined in WAC 10-08-150, or qualifies for reasonable accommodations as an individual with disabilities, that person shall request an interpreter or other reasonable accommodations from the presiding officer not later than three weeks before the date of the hearing, conference or other situation for which the interpreter or assistance is needed. The board shall comply with WAC 10-08-150 and 10-08-160(2) regarding the provision of interpreters.

(2) Information about proceedings before the board is available in alternate format upon request.

NEW SECTION

WAC 199-08-515 Rules of evidence—Admissibility criteria. (1) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. All relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in matters not involving trial by jury in the superior courts of the state of Washington.

(2) The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state.

NEW SECTION

WAC 199-08-520 Rules of evidence—Official notice—Matters of law. The board and its hearing officers, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register.

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of Washington state courts and administrative agencies; executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.

(4) **Agency organization.** Participating permit agency, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar.

NEW SECTION

WAC 199-08-525 Rules of evidence—Official notice—Material facts. (1) In the absence of controverting evidence, the board and its hearing officers, upon request made before or during a hearing, or in a proposed decision, may officially notice:

(a) **Board proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(b) **Business customs.** General customs and practices followed in the transaction of business;

(c) **Notorious facts.** Facts so generally and widely known to all well informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including, but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(d) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction.

(2) **Request or suggestion.** Any party may request, or the presiding officer may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision.

(3) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence.

(4) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision.

(5) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

NEW SECTION

WAC 199-08-535 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

PART G**DECISIONS BY THE BOARD AFTER HEARING**NEW SECTION

WAC 199-08-540 Contents of the record. The record before the board in any adjudicative proceeding shall consist of the decision or order appealed from, the petition for review therefrom, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, stipulations or requests duly filed by any party and written reports or orders of the presiding officer. Such record shall also include all depositions, if they are admitted at the hearing, the transcript of testimony as provided in WAC 199-08-545, and other proceedings at the hearing, together with all exhibits admitted.

NEW SECTION

WAC 199-08-545 Preparation of transcripts. (1) The board, in its discretion, may at any time cause a transcript to be printed, but will not normally do so.

(2) When the board does not cause a transcript to be printed, it shall be the obligation of the party wishing a transcript, or portions of it, to order the same from the board reporter and assume the printing costs.

NEW SECTION

WAC 199-08-550 Preparation of findings, conclusions and orders. Upon request of the board or presiding officer proposed findings, conclusions and orders shall be prepared by counsel and the same shall be based upon the board's oral or memorandum opinion. The board or presiding officer may adopt, in whole or in part, the proposed findings, conclusions and orders or the board may prepare its own findings, conclusions and orders.

NEW SECTION

WAC 199-08-555 Final decisions and orders. (1) Upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by a majority of the board may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: Provided, That in the event that the board considers the record and that four of the members cannot agree on a decision, the substantive decision under appeal

will control. The board will formally adopt its final decision and order.

(2) Copies of the final decision and order shall be mailed by the board to each party to the petition for review and to the attorney or representative of record, if any.

NEW SECTION

WAC 199-08-565 Petitions for reconsideration. (1)(a) After issuance of a final decision, any party may file a petition for reconsideration with the board. Such petition must be filed within ten days of mailing of the final decision. The board may require an answer to the petition. Copies of the petition for reconsideration, and an answer, if required, shall be served on the other parties of record.

(b) The filing of a petition for reconsideration does not stay the effectiveness of the final decision of the board.

(c) In response to a petition for reconsideration, the board may deny it, or may reverse or modify its decision or may reopen the hearing. The board is deemed to have denied the petition if, within twenty days from the date the petition is filed, the board does not act on the petition or specify a date by which it will act on the petition.

(2) The time for filing a petition for judicial review does not commence until disposition of any timely petition for reconsideration. However, the filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

(3) Copies of the final decision and order and of the board's disposition of any petition for reconsideration shall be mailed by the board to each party to the appeal and to the attorney or representative of record.

PART H APPEALS FROM BOARD DECISIONS

NEW SECTION

WAC 199-08-570 Time for filing petitions for review to superior court and court of appeals. (1) Superior court review. In order to obtain judicial review of a final decision of the environmental and land use hearings board, a party to the board case as consolidated shall timely file a petition for judicial review in the superior court for Thurston County and timely serve the board and all parties to the proceedings before the board by personal service or by mail. Such petition is timely filed and served only if it is filed and served on all parties within thirty days after the filing of the final decision and order of the board. Service by mail shall be deemed effective on the date of deposit with the United States Postal Service.

(2) Direct review. Any party may apply for direct review by the court of appeals. An application for direct review must be filed with the superior court within ten days after the filing of the petition for judicial review. In considering an application for direct review under this chapter, it shall be presumed that:

(a) The qualifying project presents fundamental and urgent issues affecting the public interest which require a prompt determination; and

(b) Delay in obtaining a final and prompt determination of such issues would be detrimental to a party and the public interest.

NEW SECTION

WAC 199-08-580 Certification of record. Within thirty days of receipt of a copy of the petition for judicial review to the superior court or notice of acceptance of the certificate of appealability by the court of appeals, the board shall certify and transmit to the reviewing court the record made before the board. Additional time for certification and transmission of the record may be allowed by the reviewing court. Normally the record will not include a transcript of the testimony. Unless the board has caused a transcript to be printed, arrangements for and costs of the written transcript shall be the obligation of the party seeking judicial review.

WSR 04-18-035 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed August 25, 2004, 11:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-10-004.

Title of Rule and Other Identifying Information: WAC 458-20-263 Fuel cell, wind, landfill gas, and solar energy electric generating facilities sales and use tax exemption.

Hearing Location(s): Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 5, 2004, at 1:30 p.m.

Date of Intended Adoption: October 12, 2004.

Submit Written Comments to: Gilbert Brewer, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, e-mail gilb@dor.wa.gov, fax (360) 664-0693, by October 5, 2004.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule describes the retail sales and use tax exemptions provided for the purchase of machinery and equipment used directly in generating electricity using fuel cells, wind, landfill gas, or solar energy as the principal source of power. The statutes creating the sales and use tax exemptions for alternative energy sources (RCW 82.08.02567 and 82.12.02567) have been amended. Those amendments added fuel cells as an additional qualifying source of electric energy and reduced the overall generating capacity threshold from 200 kilowatts to 200 watts. The rule needs to be amended to reflect the current statutory provisions. The proposed draft also includes a definition of "support facilities" and simplifies the language and construction of the existing rule.

Reasons Supporting Proposal: The proposed rule will conform to recent statutory amendments and be easier for department staff and taxpayers to use.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 82.08.02567 and 82.12.02567.

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

Name of Proponent: Department of Revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Gilbert W. Brewer, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6133; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6125; and Enforcement: Jan Bianchi, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6147.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose any new performance requirement or administrative burden on any small business.

A cost-benefit analysis is not required under RCW 34.05.328. This is an interpretive rule as defined in RCW 34.05.328. Therefore, no cost-benefit analysis is required.

August 24, 2004

Alan R. Lynn

Rules Coordinator

Interpretation and

Technical Advice Unit

AMENDATORY SECTION (Amending WSR 99-11-106, filed 5/19/99, effective 6/19/99)

WAC 458-20-263 Fuel cell, ~~(W)~~ wind, landfill gas, and solar energy electric generating facilities sales and use tax exemption. ~~((1) Introduction. This rule explains the retail sales and use tax exemptions provided by RCW 82.08.02567 and 82.12.02567 for the sale and/or use of machinery and equipment used directly in generating electricity using wind, landfill gas, or solar energy as the principal source of power. These exemptions expire on June 30, 2005.~~

~~(2) Definitions. The following definitions apply to this section:~~

~~(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using the wind, landfill gas, or solar energy as the principal source of power.~~

~~(i) "Machinery and equipment," where solar energy is the principal source of power, includes, but is not limited to: Solar modules; power conditioning equipment; batteries; transformers; power poles; power lines; and connectors to the utility grid system.~~

~~(ii) "Machinery and equipment," where wind is the principal source of power, includes, but is not limited to: Turbines; blades; generators; towers and tower pads; substations; guy wires and ground stays; control buildings; power conditioning equipment; anemometers; recording meters; transmitters; power poles; power lines; and connectors to the utility grid system.~~

~~(iii) "Machinery and equipment," where landfill gas is the principal source of power, includes, but is not limited to: Turbines; blades; blowers; burners; heat exchangers; genera-~~

~~tors; towers and tower pads; substations; guy wires and ground stays; control buildings; pipe; valves; power conditioning equipment; pressure control equipment; recording meters; transmitters; power poles; power lines; and connectors to the utility grid system.~~

~~(iv) "Machinery and equipment" does not include: The utility grid system and any tangible personal property used to connect electricity directly to consumers; hand tools; property with a useful life of less than one year; repair parts required to restore machinery and equipment to normal working order; replacement parts that do not increase productivity, improve efficiency, or extend the useful life of the machinery and equipment; buildings; or building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.~~

~~(b) "Used directly" means the machinery and equipment provides any part of the process that captures the energy of the wind, landfill gas, or solar, converts that energy to electricity, and transforms or transmits that electricity for entry into electric transmission and distribution systems.~~

~~(c) "Installation charges" means sales of or charges made for labor and services rendered in respect to installing the machinery and equipment.~~

~~(i) Labor and services to install machinery and equipment includes both the charges for labor and charges for the rental of equipment with an operator.~~

~~(ii) Labor and services to install machinery and equipment does not include the rental of tangible personal property used by the buyer to install machinery and equipment. See WAC 458-20-211.~~

~~(3) Retail sales tax exemption. The retail sales tax does not apply to the purchase or lease of machinery and equipment used directly in generating electricity using wind, landfill gas, or solar energy as the principal power source, but only if the purchaser develops with such machinery and equipment a facility capable of generating not less than two hundred kilowatts of electricity. Retail sales tax also does not apply to installation charges for this machinery and equipment. RCW 82.08.02567.~~

~~(a) The exemption is effective July 1, 1996, for machinery and equipment using wind and solar energy, and April 3, 1998, for machinery and equipment using landfill gas (chapter 309, Laws of 1998).~~

~~(b) Prior approval is not required from the department of revenue in order to claim the retail sales tax exemption. However, the buyer is required to provide the seller with an exemption certificate. The seller must retain a copy of the certificate to document the exemption.~~

~~The exemption certificate may be:~~

~~(i) Issued for each purchase; or~~

~~(ii) In blanket form certifying all future purchases as being exempt from sales and use tax. Blanket forms must be renewed every four years.~~

~~(c) This certificate should be in substantially the following form:~~

PROPOSED

Sales and Use Tax Exemption Certificate for Wind, Landfill Gas, or Solar Powered Electrical Generation Facilities

The buyer (user) certifies that the items listed below are machinery and equipment, or are labor and services rendered to install the machinery and equipment, used directly in generating electricity using the wind, landfill gas, or solar energy as the principal source of power at a facility capable of generating not less than two hundred kilowatts of electricity, and that such purchase is exempt from the retail sales tax under RCW 82.08.02567. This certificate is given with full knowledge of, and subject to, the legally prescribed penalties for fraud and tax evasion.

Buyer (User) UBI/Registration # _____
Name of Buyer (User) _____
Address of Buyer (User) _____
Seller UBA/Registration # _____
Name of Seller _____ Date _____
Item or category of items _____
Buyer or Buyer's Agent (Print) _____
Authorized signature _____ Title _____
Date _____

(4) Use tax. The law provides a corresponding use tax exemption for the use of machinery and equipment used directly in generating not less than two hundred kilowatts of electricity using wind, landfill gas, or solar energy as the principal source of power. RCW 82.12.02567. The use tax exemption is effective July 1, 1996, machinery and equipment, using wind and solar energy and April 3, 1998, for machinery and equipment using landfill gas (chapter 309, Laws of 1998).

(5) Time of sale. The existing rules pertaining to time and place of sale and when tax liability arises apply for purposes of whether a given transaction occurred on or after the effective date of the law. The effective date with respect to machinery and equipment used to generate electricity using wind or solar energy is July 1, 1996, and, machinery and equipment using landfill gas, April 3, 1998. See WAC 458-20-103, 458-20-178, and 458-20-197.

(a) In the case of an outright purchase of goods, the sale takes place when the goods are delivered to the buyer in this state. Thus, machinery and equipment delivered to the buyer on or after July 1, 1996, or April 3, 1998, respectively, can qualify for exemption, regardless of when the order for the goods was placed.

(b) If machinery and equipment is acquired without payment of retail sales tax, use tax is due at the time of first use. Thus, machinery and equipment for electricity generating facilities using wind or solar energy which is first put to use after July 1, 1996, can qualify for the exemption. See WAC 458-20-178.

(c) In the case of leases or rentals of tangible personal property, liability for sales tax arises as of the time the lease or rental payment falls due. Thus, in the case of leased machinery and equipment using landfill gas, rental payments

that fall due on or after April 3, 1998, can qualify for exemption, regardless of when the lease was initiated.)

(1) Introduction. This rule explains the retail sales and use tax exemptions provided by RCW 82.08.02567 and 82.12.02567 for the sale and/or use of machinery and equipment used directly in generating electricity using fuel cells, wind, landfill gas, or solar energy as the principal source of power. These exemptions expire June 30, 2009.

(2) Retail sales and use tax exemptions. The following exemptions apply for retail sales and use taxes.

(a) For periods before July 1, 2001, the retail sales tax does not apply to the purchase or lease of machinery and equipment used directly in generating electricity using wind, landfill gas, or solar energy as the principal power source, but only if the purchaser develops with such machinery and equipment a facility capable of generating at least two hundred kilowatts of electricity.

For this period, RCW 82.12.02567 provided a corresponding use tax exemption for the use of machinery and equipment for these purposes.

(b) Effective July 1, 2001, the retail sales tax does not apply to the purchase or lease of machinery and equipment used directly in generating electricity using fuel cells, wind, landfill gas, or solar energy as the principal power source, but only if the purchaser develops with such machinery and equipment a facility capable of generating at least two hundred watts of electricity. See RCW 82.08.02567.

For this period, RCW 82.12.02567 provides a corresponding use tax exemption for the use of machinery and equipment for these purposes, except that no use tax exemption existed with regard to fuel cells until June 10, 2004. Between July 1, 2001 and June 10, 2004, although the purchase of machinery and equipment used directly in generating electricity using fuel cells is exempt from sales tax, the purchaser owes use tax upon the first use in this state of the machinery and equipment.

(3) What is "machinery and equipment?" "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, landfill gas, or solar energy as the principal source of power.

A "support facility" is a part of a building, or a structure or improvement, used to contain or steady an industrial fixture or device. A support facility must be specially designed and necessary for the proper functioning of the industrial fixture or device and must perform a function beyond being a building or a structure or an improvement. It must have a function relative to an industrial fixture or a device. To determine if some portion of a building is a support facility, the parts of the building are examined. For example, a highly specialized structure, like a vibration reduction slab under generators in a landfill gas generating facility, is a support facility. Without the slab, the generators would not function properly. The ceiling and walls of the building housing the generator are not support facilities if they only serve to define the space and do not have a function relative to an industrial fixture or a device.

"Machinery and equipment" does not include:

(a) The utility grid system;

(b) Hand-powered tools;

PROPOSED

(c) Property with a useful life of less than one year;
(d) Repair parts required to restore machinery and equipment to normal working order;

(e) Replacement parts that do not increase productivity, improve efficiency, or extend the useful life of the machinery and equipment;

(f) Buildings; or

(g) Building fixtures that:

(i) Are permanently affixed to and become a physical part of a building; but

(ii) Are not integral and necessary to the generation of electricity.

(4) When is machinery and equipment "used directly" in generating electricity? Machinery and equipment is used directly to generate electricity when it is used to:

(a) Capture the energy of fuel cells, the wind, landfill gas, or solar energy;

(b) Convert that energy to electricity; or

(c) Store, transform, or transmit that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(5) Examples of qualifying machinery and equipment. This subsection provides examples of machinery and equipment that is used directly in generating electricity and qualifies for the retail sales tax exemption provided by RCW 82.08.02567 and the use tax exemption provided by RCW 82.12.02567. This list is illustrative only and is not intended to provide an exhaustive list of possible qualifying machinery and equipment.

(a) Where solar energy is the principal source of power: solar modules; power conditioning equipment; batteries; transformers; power poles; power lines; and connectors to the utility grid system or point of use.

(b) Where wind is the principal source of power: turbines; blades; generators; towers and tower pads; substations; guy wires and ground stays; power conditioning equipment; anemometers; recording meters; transmitters; power poles; power lines; and connectors to the utility grid system or point of use.

(c) Where landfill gas is the principal source of power: turbines; blades; blowers; burners; heat exchangers; generators; towers and tower pads; substations; guy wires and ground stays; pipe; valves; power conditioning equipment; pressure control equipment; recording meters; transmitters; power poles; power lines; and connectors to the utility grid system or point of use.

(d) Where fuel cells are the principal source of power: fuel cell assemblies; fuel storage and delivery systems; power inverters; transmitters; transformers; power poles; power lines; and connectors to the utility grid system or point of use.

(6) Installation charges. Retail sales and use taxes do not apply to installation charges for qualifying machinery and equipment. This includes charges for labor and services rendered to install the machinery and equipment. However, there is no exemption for charges for labor and services rendered in respect to constructing buildings or access roads that may be necessary to install or use qualifying machinery and equipment. Nor is there an exemption for tangible personal property used by the buyer to install qualifying machinery and equipment.

(7) Required documentation. The prior approval of the department of revenue is not required to claim the retail sales tax exemption. The seller, at the time of sale, must retain in its records an exemption certificate completed by the buyer to document the exempt nature of the sale. This requirement may be satisfied by using the department's "buyer's retail sales tax exemption certificate," or another certificate with substantially the same information as it relates to the exemption provided by RCW 82.08.02567.

A blank exemption certificate can be obtained through the following means:

(a) From the department's Internet website at <http://dor.wa.gov>;

(b) By facsimile by calling Fast Fax at (360) 786-6116 or (800) 647-7706 (using menu options); or

(c) By writing to: Taxpayer Services, Washington State Department of Revenue, P.O. Box 47478, Olympia, Washington 98504-7478.

WSR 04-18-036
 PROPOSED RULES
 DEPARTMENT OF REVENUE
 [Filed August 25, 2004, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-13-037.

Title of Rule and Other Identifying Information: WAC 458-20-255 Carbonated beverage (and) syrup tax.

Hearing Location(s): Capital Plaza Building, 4th Floor, L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA on October 5, 2004, at 9:30 a.m.

Date of Intended Adoption: October 12, 2004.

Submit Written Comments to: Gayle Carlson, Department of Revenue, P.O. Box 47454, Olympia, WA 98504-7454, e-mail GayleC@dor.wa.gov, fax (360) 664-0693, by October 5, 2004.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing a revision to this rule to remove all references to the repealed carbonated beverage tax. The current rule recognizes that the carbonated beverage tax was repealed, but there is no longer any need for the information to remain in the rule. The information remaining in the rule has been reformatted in a more user-friendly manner.

Reasons Supporting Proposal: To eliminate information that is no longer needed.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: Chapter 82.64 RCW.

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

Name of Proponent: Department of Revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Gayle Carlson, 1025 Union Avenue S.E., Suite #544, Olym-

pia, WA, (360) 570-6126; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6125; and Enforcement: Jan Bianchi, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6147.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose any new performance requirement or administrative burden on any business not required by statute.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is not a significant legislative rule as defined by RCW 34.05.328(5).

August 24, 2004

Alan R. Lynn
Rules Coordinator
Interpretation and
Technical Advice Unit

AMENDATORY SECTION (Amending WSR 98-20-085, filed 10/6/98, effective 11/6/98)

WAC 458-20-255 Carbonated beverage (and) syrup tax. (1) **Introduction.** ((In 1991, the legislature amended chapter 82.64 RCW to impose a tax on the volume of carbonated beverages and syrups sold at wholesale and retail in this state with specific credits and exemptions provided. This tax is an excise tax on sales of carbonated beverages or syrups in this state. It is imposed in addition to all other taxes of an excise or property tax nature and is not in lieu of any other such taxes.

The tax on sales of carbonated beverages was repealed effective July 1, 1995, by Referendum 43. (Chapter 7, Laws of 1994 sp.s.) The tax on sales of syrup still applies.

(2) **Definitions.** For purposes of this section the following terms will apply.

(a) "Tax" means the carbonated beverage or syrup tax imposed by chapter 82.64 RCW.

(b) "Carbonated beverage" has its ordinary meaning and includes any nonalcoholic liquid intended for human consumption which contains carbon dioxide.

(i) Thus, "carbonated beverage" includes but is not limited to soft drinks, "soda pop," mineral waters, seltzers, fruit juices, or any other nonalcoholic beverages, including carbonated waters, which are produced for human consumption and which contain any amount of carbon dioxide.

(ii) However, "carbonated beverage" does not include bromides or other carbonated liquids commonly sold as pharmaceuticals.

(c) "Previously taxed carbonated beverage or syrup" means a carbonated beverage or syrup in respect to which a tax has been paid under chapter 82.64 RCW. A "previously taxed carbonated beverage" includes carbonated beverages in respect to which the tax has been paid on either the carbonated beverage or on the syrup in the carbonated beverage. For example, a retailer who produces a carbonated beverage by adding water and carbonation to a syrup, on which the tax has been paid to and collected by a wholesaler, incurs no additional tax liability because the tax has been paid upon the syrup and collected by the wholesaler.

(d) "Syrup" means a concentrated liquid which is added to carbonated water to produce a carbonated beverage. Thus,

"syrup" includes the concentrated liquid marketed by manufacturers to which the purchaser adds water and/or carbon dioxide, or, carbonated water to produce a carbonated beverage.

(e) "State" means for the credit provisions of this section:

(i) A state of the United States other than Washington, or

any political subdivision of such other state;

(ii) The District of Columbia, and

(iii) Any foreign country or political subdivision thereof.

(f) Except as otherwise expressly defined in this section, the definitions of terms provided in chapters 82.04, 82.08, and 82.12 RCW apply equally for this section. Other terms not expressly defined in these chapters or this section are to be given their common and ordinary meanings.

(3) **Tax imposition and measure.** The tax is imposed on the wholesale or retail sale of carbonated beverages or syrups within this state. However, the tax on sales of carbonated beverages does not apply to such sales after June 30, 1995. (Chapter 7, Laws of 1994 sp.s.)

(a) The tax shall be paid by the buyer to the wholesaler and each wholesaler shall collect the tax from the buyer unless the wholesaler is prohibited from collecting the tax from the buyer under the Constitution of this state or the Constitution or laws of the United States in which case the wholesaler is liable for the amount of the tax. The amount of the tax required to be collected by the wholesaler is a debt from the buyer to the wholesaler until the tax is paid by the buyer to the wholesaler. A wholesaler who fails or refuses to collect the tax with intent to violate the provisions of chapter 82.64 RCW or to gain some advantage directly or indirectly, is guilty of a misdemeanor. When a retailer sells carbonated beverages or uses syrup which the retailer has purchased from a wholesaler who has not collected the tax, the retailer must report and pay the tax.

(i) When a bottler produces a carbonated beverage end product, the measure of the tax shall be the volume of the carbonated beverage end product sold at wholesale or retail.

(ii) Manufacturers of syrup are taxable on the sales of syrup only when such syrup is removed from the production process and sold without further processing by them or another manufacturer or bottler.

(iii) **Examples.** An ingredient used in the manufacturing process by a bottler of carbonated beverages is never taxed even if the ingredient is a syrup. Therefore, a manufacturer of syrup who sells an ingredient to another manufacturer of syrup or a bottler is not taxed on the ingredient sold even if the ingredient is a syrup. The product sold is not a taxable syrup but an ingredient in the manufacturing process. The purchasing manufacturer or bottler is taxed upon the end product produced by such manufacturer of syrup or bottler, or by a contract bottler hired by the manufacturer or bottler. Similarly, a manufacturer of syrup or bottler who receives a product from an out-of-state source for use as an ingredient in the manufacturing or bottling process is taxed when the end product produced is sold.

(b) The tax for carbonated beverages is imposed on each ounce of product sold. The tax for syrup is imposed on each gallon of product sold. Fractional amounts shall be taxed proportionally.

(4) **Exemptions.** The following are exempt from the tax:

(a) Any successive sale of a previously taxed carbonated beverage or syrup.

(i) In order to verify the payment of the tax, all persons selling or otherwise transferring possession of taxed beverages or syrup, except retailers, shall separately itemize the amount of the tax on the invoice, bill of lading, or other instrument of sale. Beer and wine wholesalers selling carbonated beverages or syrup upon which the tax has been paid and who are prohibited under RCW 66.28.010 from having a direct or indirect financial interest in any retail business may, in lieu of a separate itemization of the amount of the tax, provide a statement on the instrument of sale that the carbonated beverage and syrup tax has been paid. For purposes of the payment and the itemization of the tax, the tax computed on standard units of a product, cases, liters, gallons, etc., may be stated in an amount rounded to the nearest cent. In competitive bid documents, the tax will be considered to not be included in the bid price unless the bid documents separately itemizes the tax. In either case, the tax must be separately itemized on the instrument of sale except when the separate itemization is prohibited by law.

(ii) Any person prohibited by federal or state law, ruling or requirement from itemizing the tax on an invoice, bill of lading, or other document of delivery shall retain the documentation necessary for verification of the payment of the tax.

(iii) A subsequent sale of carbonated beverages or syrups sold or delivered upon an invoice, bill of lading, or other document of sale which contains a separate itemization of the tax shall be exempt from the tax.

(iv) However, a subsequent sale of carbonated beverages or syrups sold or delivered to the subsequent seller upon an invoice, bill of lading or other document of sale which does not contain a separate itemization of the tax is conclusively presumed to be previously untaxed carbonated beverage or syrup and the wholesaler must report and pay the tax. The retailer must report and pay the tax when the retailer purchases from a wholesaler who has not collected the tax.

(v) This exemption for taxes previously paid is available for any person selling previously taxed carbonated beverage or syrup even though the previous payment may have been satisfied by the use of credits or offsets available to the prior seller.

(vi) Example. Company A sells to Company B a carbonated beverage or syrup upon which it has paid a similar carbonated beverage or syrup tax in another state. Company A takes a credit against its Washington tax liability in the amount of the other state's tax paid. It provides Company B with an invoice containing a separate itemization of the tax. Company B's subsequent sale is tax exempt even though Company A has not directly paid Washington's tax but has used a credit against its Washington liability.

(b) Any carbonated beverage or syrup that is transferred to a point outside the state for use outside the state.

(i) The exemption for the sale of exported carbonated beverages or syrups may be taken by any seller within the chain of distribution of such products in this state. To perfect its entitlement to this exemption the seller of such carbonated beverage or syrup must take from its buyer or transferee of

the carbonated beverage or syrup a written certification in substantially the following form:

Certificate of Tax Exempt Export Carbonated Beverages or Syrup

I hereby certify that the carbonated beverages or syrups specified herein, purchased by the undersigned, from (seller), are for export for use or sale outside Washington state. I will become liable for and pay any carbonated beverage or syrup tax due on all or any part of such products which is not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion.

Registration No. _____ Type of Business _____
(If applicable)

Firm Name _____

Registered Name _____

(If different)

Authorized Signature _____

Title _____

Identity of Carbonated Beverages or Syrups _____

(Kind and amount by volume)

Date _____

This certificate may be used so long as some portion of the product is exported. Sellers are under no obligation to verify the amount of the product to be exported by their buyers providing such certificates. Buyers providing such certificates are, however, subject to penalties and interest, for any late payment of tax due on products not exported.

(ii) Each successive sale of such carbonated beverages or syrups must, in turn, take a certification in substantially this form from any other person to whom such carbonated beverages or syrups are sold. Failure to take and keep such certifications as part of its permanent records will incur carbonated beverage or syrup tax liability by such sellers if the tax has not been previously paid.

(iii) Persons who themselves export or cause the exportation of such products to persons outside this state for further sale or use outside this state must keep the proofs of actual exportation required by WAC 458-20-193 (Inbound and out-bound sales of tangible personal property).

(e) Persons or activities which the state is prohibited from taxing under the United States Constitution.

(d) Any sale at wholesale of a trademarked carbonated beverage or syrup by any person to a person commonly known as a bottler who is appointed by the owner of the trademark to manufacture, distribute, and sell such trademarked carbonated beverage within a specific geographic territory.

(5) Credit. Credit shall be allowed against the taxes imposed by chapter 82.64 RCW for any carbonated beverage or syrup tax paid to another state with respect to the same carbonated beverage or syrup. The amount of the credit shall not exceed the tax liability arising under chapter 82.64 RCW with respect to that carbonated beverage or syrup.

PROPOSED

(a) "Carbonated beverage or syrup tax" means a tax:

(i) That is imposed on the sale at wholesale of carbonated beverages or syrup and is not generally imposed on other activities or privileges; and

(ii) That is measured by volume of the carbonated beverage or syrup.

(b) The amount of credit is limited to the amount of tax paid in this state upon the wholesale sale of the same carbonated beverage or syrup in this state. Also, the credit may not be applied against any tax paid or owed in this state other than the carbonated beverage or syrup tax imposed by chapter 82.64 RCW.

(6) How and when to pay tax.

The tax must be reported on a special line of the combined excise tax return designated "syrup" ("carbonated beverage or syrup" on returns covering periods prior to the repeal of the tax on sales of carbonated beverages). The volume reported shall be the net volume subject to tax, i.e., the gross volume sold less volume exempt.

(a) The tax is due for payment together with the timely filing of the return upon which it is reported, covering the tax reporting period during which the carbonated beverage or syrup is sold.

(i) A wholesaler making a wholesale sale of carbonated beverage or syrup in this state must collect the tax from the buyer and report and pay it to the department. The buyer is not obligated to report or pay the tax.

(ii) A retailer making a retail sale in this state of carbonated beverage or syrup purchased from a wholesaler who has not collected the tax must collect the tax from the buyer and report and pay it to the department. The buyer is not obligated to report or pay the tax.

(b) Various circumstances may arise whereby a person will sell carbonated beverages or syrups in this state, some of which have been previously taxed in this or other states and some of which may not. In such cases formulary tax reporting may be used, only after receipt of a special ruling issued by the department of revenue authorizing such formulary reporting.

(7) How and when to claim credit. Any tax credit available to the taxpayer should be claimed and offset against tax liability reported on the same excise tax return when possible. The tax return form provides a line for reporting tax on carbonated beverages and syrups and the credit shall be taken on the line for taking "other credits" as an offset against the tax reported. A statement showing the computation of the credit must be provided. It is not required that any other documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

(8) Administrative provisions. The provisions of chapters 82.32 and 82.04 RCW regarding due dates, reporting periods, tax return requirements, interest and penalties, tax audits and limitations, disputes and appeals, and all such general administrative provisions apply equally to the carbonated beverage or syrup tax.)) This rule explains the carbonated beverage syrup tax (syrup tax) as imposed by chapter 82.64 RCW. The syrup tax is an excise tax on the number of gallons of carbonated beverage syrup sold in this state, for use in producing carbonated beverages that are sold at wholesale or

retail in this state. The syrup tax is in addition to all other taxes.

Except as otherwise provided in this rule, the provisions of chapters 82.04, 82.08, 82.12 and 82.32 RCW regarding definitions, due dates, reporting periods, tax return requirements, interest and penalties, tax audits and limitations, disputes and appeals, and all general administrative provisions apply to the syrup tax.

This rule provides examples that identify a number of facts and then state a conclusion regarding the applicability of the syrup tax. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all facts and circumstances.

(2) What is carbonated beverage syrup? Carbonated beverage syrup (syrup) is a concentrated liquid that is added to carbonated water to produce a carbonated beverage. "Syrup" includes concentrated liquid marketed by manufacturers to which purchasers add water, carbon dioxide, or carbonated water to produce a carbonated beverage. "Carbonated beverage" includes any nonalcoholic liquid intended for human consumption that contains any amount of carbon dioxide, such as soft drinks, mineral or carbonated waters, seltzers, fruit juices, or frozen carbonated beverages known as FCBs. "Carbonated beverage" does not include products such as bromides or carbonated liquids commonly sold as pharmaceuticals.

(3) When is syrup tax imposed and how is it determined? Syrup tax is imposed on the wholesale or retail sales of syrup within this state. The syrup tax is determined by the number of gallons of syrup sold. Fractional amounts are taxed proportionally.

(a) When should syrup tax be reported and paid? The frequency of reporting and paying the syrup tax coincides with the reporting periods of taxpayers for their business and occupation (B&O) tax. For example, a wholesaler who reports B&O tax monthly would also report any syrup tax liability on the monthly excise tax return.

(b) What if I sell both previously taxed and nontaxed syrups? Persons selling syrups in this state, some of which have been previously taxed in this or other states and some of which have not, may contact the department of revenue (department) for authorization to use formulary tax reporting. Prior to reporting in this manner, the person must receive a special ruling from the department that allows formulary reporting. Persons selling previously taxed syrups should refer to subsections (5)(a) and (6) of this rule for information about an exemption or credit that may be applicable to such sales.

(4) Who is responsible for paying the syrup tax? This subsection explains who is responsible for payment of the syrup tax for both wholesale and retail sales of syrup in this state.

(a) Wholesale sales. A wholesaler making a wholesale sale of syrup in this state must collect the tax from the buyer and report and pay the tax to the department. If, however, the wholesaler is prohibited from collecting the tax under the Constitution of this state or the Constitution or laws of the United States, the wholesaler is liable for the tax. A wholesaler who fails or refuses to collect the syrup tax with intent to violate the provisions of chapter 82.64 RCW, or to gain

some advantage directly or indirectly is guilty of a misdemeanor. The buyer is responsible for paying the syrup tax to the wholesaler. The syrup tax required to be collected by the wholesaler is a debt from the buyer to the wholesaler, until the tax is paid by the buyer to the wholesaler. Except as provided in subsection (5)(b)(i) of this rule, the buyer is not obligated to pay or report the syrup tax to the department.

(b) Retail sales. A retailer making a retail sale in this state of syrup purchased from a wholesaler who has not collected the tax must report and pay the tax to the department. Except as provided in subsection (5)(b)(ii) of this rule, the buyer is not obligated to pay or report the syrup tax to the department.

(5) Exemptions: This subsection provides information on exemptions from the syrup tax.

(a) Previously taxed syrup. Any successive sale of previously taxed syrup is exempt. "Previously taxed syrup" is syrup on which tax has been paid under chapter 82.64 RCW.

(i) All persons selling or otherwise transferring possession of taxed syrup, except retailers, must separately itemize the amount of the syrup tax on the invoice, bill of lading, or other instrument of sale. Beer and wine wholesalers selling syrup on which the syrup tax has been paid and who are prohibited under RCW 66.28.010 from having a direct or indirect financial interest in any retail business may, instead of a separate itemization of the amount of the syrup tax, provide a statement on the instrument of sale that the syrup tax has been paid. For purposes of the payment and the itemization of the syrup tax, the tax computed on standard units of a product (e.g., cases, liters, gallons) may be stated in an amount rounded to the nearest cent. In competitive bid documents, unless the syrup tax is separately itemized in the bid documents, the syrup tax will not be considered as included in the bid price. In either case, the syrup tax must be separately itemized on the instrument of sale except when the separate itemization is prohibited by law.

(ii) Any person prohibited by federal or state law, ruling, or requirement from itemizing the syrup tax on an invoice, bill of lading, or other document of delivery must retain the documentation necessary for verification of the payment of the syrup tax.

(iii) A subsequent sale of syrup sold or delivered upon an invoice, bill of lading, or other document of sale that contains a separate itemization of the syrup tax is exempt from the tax. However, a subsequent sale of syrup sold or delivered to the subsequent seller upon an invoice, bill of lading, or other document of sale that does not contain a separate itemization of the syrup tax is conclusively presumed to be previously untaxed syrup, and the seller must report and pay the syrup tax unless the sale is otherwise exempt.

(iv) The exemption for syrup tax previously paid is available for any person selling previously taxed syrup even though the previous payment may have been satisfied by the use of credits or offsets available to the prior seller.

(v) Example. Company A sells to Company B a syrup on which Company A paid a similar syrup tax in another state. Company A takes a credit against its Washington tax liability in the amount of the other state's tax paid (see subsection (6) of this rule). It provides Company B with an invoice containing a separate itemization of the syrup tax.

Company B's subsequent sale is tax exempt even though Company A has not directly paid Washington's tax but has used a credit against its Washington liability.

(b) Syrup transferred out-of-state. Any syrup that is transferred to a point outside the state for use outside the state is exempt. The exemption for the sale of exported syrup may be taken by any seller within the chain of distribution.

(i) Required documentation. The prior approval of the department is not required to claim an exemption from the syrup tax for exported syrup. The seller, at the time of sale, must retain in its records an exemption certificate completed by the buyer to document the exempt nature of the sale. This requirement may be satisfied by using the department's "Certificate of Tax Exempt Export Carbonated Beverage Syrup," or another certificate with substantially the same information. A blank exemption certificate can be obtained through the following means:

(A) From the department's internet website at <http://dor.wa.gov>;

(B) By facsimile by calling Fast Fax at (360) 705-6705 or (800) 647-7706 (using menu options); or

(C) By writing to: Taxpayer Services, Washington State Department of Revenue, P.O. Box 47478, Olympia, Washington 98504-7478.

(ii) The exemption certificate may be used so long as some portion of the syrup is exported. Sellers are under no obligation to verify the amount of syrup to be exported by their buyers providing such certificates. Buyers providing exemption certificates for exported syrup agree to become liable for tax and any associated penalties and interest on syrup that is not exported.

(iii) Example. Company A sells a previously untaxed syrup to Company C. Company C provides the seller with a completed exemption certificate as explained in subsection (5)(b)(i) of this rule. Company C sells the syrup to Company D, who provides Company C with an exemption certificate. Company D decides to not export a portion of the purchased syrup. Companies A and C can both accept exemption certificates. Company D is responsible for paying syrup tax on the syrup not exported.

(iv) Persons who make sales of syrup to persons outside this state must keep the proofs required by WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property) to substantiate the out-of-state sales.

(c) Taxation prohibited under the United States Constitution. Persons or activities that the state is prohibited from taxing under the United States Constitution are exempt.

(d) Wholesale sales of trademarked syrup to bottlers. Any wholesale sale of a trademarked syrup by any person to a person commonly known as a bottler who is appointed by the owner of the trademark to manufacture, distribute, and sell the trademarked carbonated beverage within a specific geographic territory is exempt.

(6) Credit for syrup tax paid to another state. Credit is allowed against the taxes imposed by chapter 82.64 RCW for any syrup tax paid to another state with respect to the same syrup. The amount of the credit cannot exceed the tax liability arising under chapter 82.64 RCW. The amount of credit is limited to the amount of tax paid in this state upon the wholesale sale of the same syrup in this state. In addition,

the credit may not be applied against any tax paid or owed in this state other than the syrup tax imposed by chapter 82.64 RCW.

(a) What is a state? For purposes of the syrup tax credit, "state" is any state of the United States other than Washington, or any political subdivision of another state; the District of Columbia; and any foreign country or political subdivision of a foreign country.

(b) What is a syrup tax? For purposes of the syrup tax credit, "syrup tax" means a tax that is:

(i) Imposed on the sale at wholesale of syrup and is not generally imposed on other activities or privileges; and

(ii) Measured by the volume of the syrup.

(c) How and when to claim the credit. Any tax credit available to the taxpayer should be claimed and offset against tax liability reported on the same excise tax return when possible. The excise tax return provides a line for reporting syrup tax, and the credit must be taken in the credit section under the credit classification "other credits." A statement showing the computation of the credit must be provided. It is not required that any other documents or other evidence of entitlement to credits be submitted with the return. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

WSR 04-18-045

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed August 26, 2004, 3:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-22-061.

Title of Rule and Other Identifying Information: Chapter 388-147 WAC, Licensing requirements for pregnant and parenting teen programs and facilities, Children's Administration is proposing minimum licensing requirements for specific type of independent-living programs/facilities for pregnant and parenting teens. The current maternity home-group home minimum licensing requirements do not meet the need or fully describe this type of licensed facility.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E. (behind Goodyear Courtesy Tire), Lacey, WA, on October 26, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than October 27, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., October 26, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by October 22, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 388-147 WAC, Licensing requirements for pregnant and parenting

teen programs and facilities, is a new WAC chapter and was developed to provide the appropriate minimum licensing requirements for independent living facilities where teen families live in apartment-like settings. The anticipated effect is that the department will have a set of minimum licensing requirements that properly address the needs of several programs that are either licensed as a maternity group home or are unlicensed.

Reasons Supporting Proposal: The proposed WAC chapter provides licensing requirements for facilities that are currently not adequately covered in Children's Administration's current licensing chapters.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: Chapter 74.15 RCW.

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

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

Name of Agency Personnel Responsible for Drafting and Implementation: Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992; and Enforcement: Division of Licensed Resources, P.O. Box 45700, Olympia, WA 98604-5700 [98504-5700].

No small business economic impact statement has been prepared under chapter 19.85 RCW. Children's Administration conducted a survey of all group care providers, child-placing agencies, staffed residential homes, forty-four member workgroup outlining the proposed changes. It was determined from the survey results that fewer than half a dozen agencies would be affected and that any costs would be minor. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Jean L. Croisant, CA Rules Coordinator and Licensing Standards Program Manager, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-7992, fax (360) 902-7903, e-mail loje300@dshs.wa.gov.

August 23, 2004

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-19 issue of the Register.

WSR 04-18-046

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 26, 2004, 3:58 p.m.]

The Economic Services Administration, Division of Child Care and Early Learning requests the withdrawal of proposed new section, WAC 338-296-0310 and the proposed repeal of WAC 388-155-080 as filed in WSR 04-07-134.

The proposed new rule is being revised and will be re-proposed, along with the repealed rule, at a later date.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-18-062
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed August 27, 2004, 4:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-013.

Title of Rule and Other Identifying Information: Various rules in chapter 415-112 WAC, Teachers' retirement system.

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on October 6, 2004, at 10:00 p.m.

Date of Intended Adoption: No sooner than October 7, 2004.

Submit Written Comments to: Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail leslies@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on October 6, 2004.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger, Rules Coordinator, by September 28, 2004, TDD (360) 664-7291, TTY (360) 586-5450, phone (360) 664-7291.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rules is to eliminate any confusion regarding the use of the term "school year" in teacher's retirement system WACs by:

- (1) Removing the definition of "school year";
- (2) Removing the term "school year" and substituting the term "fiscal year" where appropriate for TRS Plan 1;
- (3) Removing the term "school year" and substituting "September through August" where appropriate for TRS Plan 2 and 3; and
- (4) Removing the term "school year" where it is unnecessary.

Additionally, the changes clarify eligibility requirements and the method for computing earnable compensation for TRS Plan 1 part-time employees (RCW 41.32.345), including special provisions for teachers who work in extended school year programs; and to rewrite rules to reflect current policy and clear writing standards.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: Chapters 41.32 and 41.34 RCW.

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

Name of Proponent: Department of Retirement Systems, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Seager, P.O. Box 48380, Olympia, WA 98504-8380,

(360) 664-7291; Implementation and Enforcement: Dorothy Bailey, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no effect on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

August 27, 2004

Leslie Saeger

Rules and

Contacts [Contracts] Coordinator

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-112-015 Definitions. (1) All definitions in RCW 41.32.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.32 RCW are defined in this chapter.

(2) "Annual leave" means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not usually include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave, covering paid leave for vacation, illness, and any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

(3) ~~((Contract period for Plan 1 members as used in RCW 41.32.345 means the period from July 1 to June 30 of the following year.~~

(4)) **Ineligible position** means a position which does not qualify as an eligible position under RCW 41.32.010.

((5)) **(4) Pension benefit** means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers.

((6)) **(5) Public educational institution** means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community colleges.

((7)) **(6)(a) Public school** as defined in RCW 41.32.010 includes school districts, educational service districts, the state school for the deaf, and the state school for the blind but does not include the office of the superintendent of public instruction.

(b) As applied to other TRS employers, "public school" means an institution, fifty percent or more of whose employees are "qualified to teach," whose primary function is to educate students. See subsection (8) of this section.

((8)) **(7) Qualified to teach** as used under RCW 41.32.010 means either:

(a) Having the authority to provide instruction at a common school as defined under RCW 28A.150.020 pursuant to:

(i) A valid teaching certificate issued by the office of the superintendent of public instruction under WAC 180-75-055; or

(ii) A permit to teach issued by lawful authority of this state under RCW 28A.405.010; or

(b) Being employed under a contract to teach with an institution of higher education as defined in RCW 28A.150.020.

~~((9))~~ (8) **Reportable compensation** means earnable compensation as that term is defined in RCW 41.32.010(10).

~~((10)(a))~~ **School year for Plan 1 members** means the fiscal year running from July 1 to June 30.

~~(b)~~ "School year" for Plan 2 and 3 members means the twelve-month period from September 1 of one year to August 31 of the following year.

~~((11))~~ (9) **Service in an administrative or supervisory capacity** as used under RCW 41.32.010 and in this chapter:

(a) Means:

(i) Service in a managerial role relating to the administration of a public school; or

(ii) Service involving the exercise of direction over employees of the public school.

(b) Includes, but is not limited to, service as: Principal, assistant principal, superintendent, assistant superintendent, personnel manager and business manager.

~~((12))~~ (10) **Service in an instructional capacity** means a qualified teacher performing services as a classroom teacher.

~~((13))~~ (11) **Spousal consent** requires written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, duly executed and filed with the department, ~~((shall))~~ constitutes ~~"(spousal consent) written evidence."~~

~~((14))~~ (12) **System acronyms** used in this chapter are defined as follows:

- "PERS" means the public employees' retirement system.
- "SERS" means the school employees' retirement system.
- "TRS" means the teachers' retirement system.

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-112-125 If I am eligible, how can I establish membership? (1) **If you met the conditions in the following table, you established TRS membership.** Your plan status depends upon the date you established membership, as indicated in the following table:

Period of Service	Type of Employment	Plan
Prior to 10/01/77 ¹	If you were contracted to teach full-time you were mandated into membership. If you were employed under a less than full-time contract and you exercised your option to establish membership prior to 10/01/77, you had the option to apply for membership under RCW 41.32.240, if you worked 90 or more full-time days ² during a fiscal year.	Plan 1
10/01/77 through 06/06/90	If you were contracted to teach full-time you were required to be a member. If you were employed as a substitute teacher or under a less than full-time contract, you have the option to apply for membership under RCW 41.32.240 if you worked a minimum of 90 full-time days ² during a ((school)) fiscal year, provided 1 month had at least 90 hours.	Plan 2
6/07/90 through 08/31/91	You must have been employed in an eligible position as defined in Section 2, Chapter 274, Laws of 1990, (requiring two or more consecutive months of at least 90 hours of compensated employment each month during ((a school-year)) <u>an annual period September through August</u>). For substitute teachers: If you met the above criteria, you may apply for membership and service credit under RCW 41.32.013 and WAC 415-112-140.	Plan 2
9/01/91 forward	You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during ((a school-year)) <u>an annual period September through August</u>). For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.	Plan 2
7/01/96	You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during ((the school-year)) <u>an annual period September through August</u>). For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.	Plan 3

¹ If you previously established Plan 1 membership as detailed above, you may reestablish Plan 1 membership after October 1, 1977.

² "Ninety days of employment," under RCW 41.32.240 and this section means either:

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(a) Ninety full-time calendar days, or the equivalent, during a ~~((school))~~ fiscal year if you were employed as a teacher under a contract; or

(b) Ninety full-time days of actual, compensated service, or the equivalent, during a ~~((school))~~ fiscal year if you were employed as a substitute teacher.

(c) The "equivalent" of a full-time day of employment under (a) and (b) of this subsection is the sum of partial days which, when added together, equals one full-time day.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member" - RCW 41.32.010.
- (b) "Eligible position" - RCW 41.32.010.
- (c) "Employer" - RCW 41.32.010.
- (d) "Full-time" - RCW 41.32.240
- (e) "Service" - RCW 41.32.010.
- (f) "Substitute teacher" - RCW 41.32.010.
- (g) "Teacher" - RCW 41.32.010.
- ~~((h) "School year" - WAC 415-112-015;))~~

AMENDATORY SECTION (Amending WSR 00-10-015, filed 4/21/00, effective 5/22/00)

WAC 415-112-140 Am I eligible for membership and service credit as a substitute teacher? (1) You may apply for membership and service credit in TRS as a substitute teacher if you meet eligibility criteria.

(a) TRS Plan 1.

(i) If you are a former Plan 1 member, you may apply to reestablish Plan 1 membership if you work ninety or more full-time days during a ~~((school))~~ fiscal year as a teacher.

(ii) If you are a Plan 1 member, you may apply to the department for service credit in Plan 1 as a substitute teacher if you work a minimum of twenty full-time days during a ~~((school))~~ fiscal year.

(b) TRS Plan 2.

(i) You may apply to the department for membership in Plan 2 if you:

(A) Work at least seventy hours for five or more months during ~~((a school-year))~~ an annual period September through August; or

(B) Worked at least ninety hours for two consecutive months during the ~~((school-year))~~ period of September 1, 1990, through August 31, 1991.

(ii) If you have previously established membership in Plan 2 and have not withdrawn your contributions, you may apply to the department for service credit based on any com-

pensated employment you earn as a substitute teacher (~~((during a school-year))~~).

(c) TRS Plan 3.

(i) You may apply to the department for membership in Plan 3 if you:

(A) Began employment after July 1, 1996; and

(B) Work at least seventy hours for five or more months during ~~((a school-year))~~ an annual period September through August.

(ii) If you have established membership in Plan 3, either by transferring from Plan 2 or establishing membership after July 1, 1996, you may apply to the department for service credit based on any compensated employment you earn as a substitute teacher (~~((during a school-year))~~).

(2) To apply, you must submit your employer's quarterly reports to the department at the end of a year.

(a) To apply for membership and service credit as a substitute teacher, you must submit your employer's quarterly reports to the department no earlier than:

(i) June 30 of the year for which you are applying for Plan 1 service credit; or

(ii) August 31 of the year for which you are applying for Plan 2 or Plan 3 service credit.

(b) Your employer cannot report your service and earnings history as a substitute teacher to the department through the retirement system monthly reporting system unless you are also employed in a separate, eligible position with the same employer.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member" - RCW 41.32.010.
- (b) "Service" - RCW 41.32.010.
- (c) "Substitute teacher" - RCW 41.32.010.
- (d) "Teacher" - RCW 41.32.010.

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-112-155 If I work concurrently in ~~((both))~~ a TRS position and PERS position (~~((during the same school-year))~~), which system will I be in? (1) If you work concurrently in ~~((both))~~ a TRS and PERS position (~~((during the same school-year))~~), your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS or PERS according to the following tables:

Former TRS Plan 1 Members ¹

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a PERS-eligible position	Same employer	PERS - for both positions.

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Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
	Separate TRS employers	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and ((elect)) <u>choose</u> to establish TRS membership under RCW 41.32.240. If you ((elect)) <u>choose</u> to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and ((elect)) <u>choose</u> to establish TRS membership under RCW 41.32.240. If you ((elect)) <u>choose</u> to establish TRS membership, you must ((elect)) <u>choose</u> either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time teaching position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must ((elect)) <u>choose</u> to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

TRS Plan 1 Members

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must ((elect)) <u>choose</u> either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time or less than full-time TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	TRS - for the TRS position only; your ineligible PERS position is not reportable.

TRS Plan 2 Members

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for TRS position only; your ineligible PERS position is not reported.
	A TRS employer and non-TRS employer	TRS - for TRS position only; your ineligible PERS position is not reported.
An eligible TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions. ²
	A TRS employer and non-TRS employer	You must ((elect)) choose either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PERS Members

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
An eligible PERS position and an ineligible TRS or substitute position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for the PERS position only, ((unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125(1))) unless you qualify for and elect to establish membership in TRS under WAC 415-112-125(1). ((If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.))
	A TRS employer and non-TRS employer	PERS - for the PERS position only. You will not be reported for the TRS position unless you ((elect)) choose to either: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

Neither TRS Nor PERS Member

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible PERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate employers, TRS or non-TRS	Neither position reported.

PROPOSED

PROPOSED

Neither TRS Nor PERS Member

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
A substitute teaching position and an ineligible PERS position	Same employer	Neither position reported. However, if you qualify, you may ((elect)) <u>choose</u> to establish membership in TRS ((at the end of the school year)) for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate employers, TRS or non-TRS	Neither position reported. However, if you qualify, you may ((elect)) <u>choose</u> to establish membership in TRS ((at the end of the school year)) for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

¹ "Former TRS 1 member", as used here, means you terminate your membership by withdrawing your contributions.

² Means during the same ~~((school year))~~ time period.

³ EXAMPLE: A TRS Plan 2 member teaches in an eligible position and during the summer, she works for a state agency in an eligible position under PERS. Because the member has established membership in TRS Plan 2 through employment as a teacher, her state agency employer must report her service and compensation from the PERS position to the Department in TRS Plan 2.

EXAMPLE: A TRS Plan 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible PERS position. Because he is a TRS Plan 2 member, School District B employer must report his service and compensation from the PERS position to the Department in TRS Plan 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in PERS for the PERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.32.010 (TRS); RCW 41.40.010 (PERS).

(b) "Employer" - RCW 41.40.010 (PERS); RCW 41.32.010 (TRS).

(c) "Full time" - RCW 41.32.240.

(d) "Ineligible position" - WAC 415-112-015 (TRS); RCW 41.40.010 (PERS).

(e) "Member" - RCW 41.40.010.

(f) "Membership" - RCW 41.40.023.

(g) "Report" - WAC 415-108-0104.

(h) "Service" - RCW 41.40.010.

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-112-156 If I work concurrently in ~~((both))~~ a TRS position and SERS position ~~((during the same school year))~~, which system will I be in? (1) If you work concurrently in ~~((both))~~ a TRS and SERS position ~~((during the same year))~~, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS and SERS according to the following table:

Former TRS Plan 1 Members ¹

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a SERS-eligible position	Same SERS employer	SERS - for both positions.
	Separate SERS employers	SERS - for SERS position only. Your substitute part-time position is not reported unless you qualify for and ((elect)) <u>choose</u> to establish TRS membership under RCW 41.32.240. If you ((elect)) <u>choose</u> to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.
A full-time teaching position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

TRS Plan 1 Members

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

PROPOSED

TRS Plan 1 Members

Type of Employment ^{1/}	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

TRS Plan 2 or 3 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for TRS position only; your ineligible SERS position is not reported.
An eligible TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions. ^{3/}

SERS Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible SERS position and an ineligible TRS or substitute position	Same employer	SERS - for both positions.
	Separate SERS employers	SERS - for the SERS position only, unless you qualify for and ((elect)) <u>choose</u> to establish membership in TRS ((at the end of the school year)) under WAC 415-112-125(1). If you ((elect)) <u>choose</u> to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.

Neither TRS Nor SERS Member

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible SERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate SERS employers	Neither position reported.
A substitute teaching position and an ineligible SERS position	Same employer	Neither position reported. However, if you qualify, you may ((elect)) <u>choose</u> to establish membership in TRS ((at the end of the school year)) for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate SERS employers	Neither position reported. However, if you qualify, you may ((elect)) <u>choose</u> to establish membership in TRS ((at the end of the school year)) for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

^{1/} "Former TRS 1 member," as used here, means you terminate your membership by withdrawing your contributions.

^{2/} Means during the same ~~((school year))~~ time period.

^{3/} EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible SERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the SERS position to the department in TRS 2. If the member terminates his employment in the TRS

position with School District A, School District B will report him in SERS for the SERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.35.010(SERS); RCW 41.32.010 (TRS).

(b) "Employer" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(c) "Ineligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(d) "Member" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(e) "Membership" - RCW 41.35.030 (SERS).

(f) "Report" - WAC 415-110-010 (SERS).

(g) "Service" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

AMENDATORY SECTION (Amending WSR 00-10-015, filed 4/21/00, effective 5/22/00)

WAC 415-112-330 (~~((Calculating service credit for Plan 1 K-12 employees.))~~ How does the department calculate service credit for TRS Plan 1 employees? (~~(For Plan 1 members who are employed by a school district, a school year will consist of one hundred eighty days. One year of service credit will be granted to a Plan 1 member who is employed as a classroom teacher for one hundred forty four or more days during a school year. A fractional year of credit will be granted to a Plan 1 member who is employed for at least twenty days but less than one hundred forty four days during a school year. The fraction will use days employed as the numerator and one hundred eighty as the denominator.~~

~~(1) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, a Plan 1 classroom teacher will be granted one day of credit for every seven hours of compensated employment.~~

~~(2) If there is no contract, bargaining agreement or employer policy indicating how many hours are in a work day, Plan 1 K-12 employees other than school district classroom teachers will earn one day of credit for every eight hours of compensated employment.))~~ For TRS Plan 1 calculations, one year of service credit consists of one hundred eighty days of instruction.

(1) As a TRS Plan 1 member employed by a school district, educational service district, school for the blind, or school for the deaf:

(a) Unless otherwise determined by a contract, bargaining agreement or employer policy:

(i) A classroom teacher will earn one day of service credit for each seven hours of compensated employment; and

(ii) A K-12 employee other than a classroom teacher will earn one day of service credit for every eight hours of compensated employment; and

(b) You will earn one full year of service credit for one hundred forty-four or more days of employment during a fiscal year; or a fractional year of service credit for at least twenty days but less than one hundred forty-four days of employment during a fiscal year. The fraction will use days employed as the numerator and one hundred eighty as the denominator.

(2) As a TRS Plan 1 member employed by a community college:

(a) Unless otherwise determined by a contract, bargaining agreement or employer policy, you will earn one day of service credit for eight hours of compensated employment; and

(b) One full year of service credit when you have service for four-fifths of the adopted annual academic calendar; or a fractional year of service credit for at least twenty days but less than four-fifths of the annual academic calendar.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-112-400 (~~((When does the employer deduct salary for retirement contributions?))~~ Purpose and scope of TRS earnable compensation rules. (~~(If the teacher or member is entitled to have salary deducted for retirement contributions, the employer must make the deductions when the teacher or member starts work.~~

~~(1) Plan 1.~~

~~(a) The employer must deduct salary for retirement contributions for a teacher who has not been a member if:~~

~~(i) The teacher is employed full time (at least four-fifths of a school day or full time assignment); and~~

~~(ii) The teacher's employment contract calls for at least ninety days of employment in a school year.~~

~~(b) The employer must also deduct the salary of each teacher who is a member employed full time if their employment contract calls for at least twenty days of employment in a school year.~~

~~(c) If a teacher who is not a member is employed for less than ninety days in a school year, the teacher will fail to establish membership. The employer must refund the teacher's salary deductions for retirement when he or she terminates employment as a teacher. The member must file a refund application with the department before he or she can receive the refund.~~

~~(d) If a member is employed by an employer for less than twenty days in a school year, the employer must refund all salary deductions for retirement based on service during that year at the time the member terminates for the year. The member must file a refund application with the department before he or she can receive the refund.~~

~~(2) Plan 2 and Plan 3: The employer must deduct contributions for a teacher if the teacher is employed in an eligible position.))~~ WAC 415-112-402 through 415-112-491 provide the department's interpretation of statutes and its administrative practice regarding classification of payments as earnable compensation in all TRS plans. The department has applied and will apply these rules to determine the proper characterization of payments occurring prior to the effective dates of these sections.

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-112-440 (~~((Withdrawal of contributions.))~~ May I withdraw my employee contributions? (~~((1) A member who is employed in the public schools of this state for consecutive school years shall be considered as employed during the summer months and, therefore, may not qualify for withdrawal of his accumulated contributions. Termination of Washington public school employment at the close of a school year with one employer to accept employment with another Washington public school employer for the ensuing~~

~~school year shall not qualify a member for withdrawal of his accumulated contributions.~~

~~(2) A member who is on official leave of absence from a Washington public school employer shall not be considered to have terminated his employment and, therefore, shall not be eligible to qualify for withdrawal of his accumulated contributions.)) (1) You may withdraw TRS contributions only upon termination of employment.~~

~~(2) You may not withdraw TRS contributions during any period in which you remain employed. For example:~~

~~(a) A teacher is considered to remain employed during the summer break that is often included in a school's official calendar. This is true whether the teacher is employed by the same employer or by different employers before and after the summer break.~~

~~(b) A teacher is considered to remain employed during a period of official leave from a Washington public school employer.~~

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

WAC 415-112-541 How will returning to work affect my TRS Plan 1 monthly pension? This section implements RCW 41.32.570, which limits employment for TRS Plan 1 retirees with public educational institutions to fifteen hundred hours regardless of the nature of service.

(1) You may return to any type of service with a public education institution for up to fifteen hundred hours per ~~((school))~~ fiscal year as defined in ~~((WAC 415-112-015))~~ RCW 41.32.010(12) without affecting your TRS Plan 1 monthly pension under RCW 41.32.570, provided you have been retired from service for one full calendar month (see WAC 415-112-520 and 415-112-525 for more information).

(a) Your employer must notify the department when you return to work. Your employer must report hours and compensation.

(b) If you are a TRS Plan 1 retiree and you work more than fifteen hundred hours during a fiscal year, the department will suspend your monthly pension. The pension is suspended until the first of the next fiscal year or termination of your employment, whichever comes first.

(c) The TRS Plan 1 limits will be applied to retirees from both TRS Plan 1 and a Plan 2 or 3 in another pension plan.

(d) The TRS Plan 1 limits will be applied to retirees from both TRS Plan 1 and PERS Plan 1.

(e) If you are a TRS Plan 1 retiree working for a public education institution as a bona fide independent contractor as determined under WAC 415-02-110, you are not considered an employee of the institution and are not subject to the work limitations.

(2) If the department suspends your benefit because of your reemployment, the department will reinstate the original amount of your pension, less deductions to recover any overpayment, effective the day following your termination of employment, or at the beginning of the next fiscal year, whichever comes first.

(3) You must repay any monthly pension payment that you receive in excess of the amounts allowed under this section.

(4) You may choose to return to membership if you are employed by a public education institution and are otherwise eligible. Membership will be prospective from the month in which you opt into membership.

(5) Defined terms used. Definitions for the following term used in this section may be found in the section listed.

Public educational institution: WAC 415-112-015.

AMENDATORY SECTION (Amending WSR 99-14-008, filed 6/24/99, effective 7/25/99)

WAC 415-112-600 ((Eligibility)) Am I eligible for temporary disability benefits((r))? ~~As a member or the beneficiary of a deceased member of ((the teachers' retirement system shall be)) TRS Plan 1, you are covered for benefits under the temporary disability program ((only while employed on a full-time basis. Full-time employment during one school year shall afford disability protection until the beginning of the regular school term of the following school year)) according to the provisions of RCW 41.32.540.~~

AMENDATORY SECTION (Amending WSR 93-20-021, filed 9/24/93, effective 10/25/93)

WAC 415-112-810 ((Bona fide employee)) Who qualifies for the alternate computation of earnable compensation in RCW 41.32.345? ~~((The purpose of WAC 415-112-800 through 415-112-830 is to implement the intent of the legislature that section 2, chapter 265, Laws of 1987 not be used to unfairly inflate a member's retirement allowance. The department shall apply section 2, chapter 265, Laws of 1987 only to members who are bona fide part-time employees. A member will be deemed a bona fide part-time employee only if the member has received less than one year of service credit and only as necessary to ensure that a member who receives fractional years of service credit receives benefits proportional to those received by members who have received full-time service credit.)) RCW 41.32.345 provides an optional alternate method to compute earnable compensation for certain TRS Plan 1 part-time employees. The alternate calculation in RCW 41.32.345 is intended to ensure that a TRS Plan 1 part-time employee who earns a fractional year of service credit will receive benefits proportional to those benefits received by a member for a full year of service credit.~~

(1) To be eligible for the alternate calculation in RCW 41.32.345, you must be a "bona fide employee."

(2) You, as a TRS Plan 1 member, are a "bona fide employee" if:

(a) You work in a bona fide position, as defined in WAC 415-112-820, for each of two consecutive fiscal years; and

(b) You earn less than one full year of service credit.

AMENDATORY SECTION (Amending WSR 93-20-021, filed 9/24/93, effective 10/25/93)

WAC 415-112-820 ((Bona fide part-time position—How determined.)) What is a bona fide position for purposes of WAC 415-112-810? ~~((1) In order for a Plan 1 member to be considered a bona fide part-time employee for two consecutive fiscal years and to elect to have his or her earn-~~

able compensation adjusted under RCW 41.32.345, the Plan I member must be employed for each of the two consecutive fiscal years:

(a) Under contract for an entire school year if the member is employed by a school district, or an educational service district;

(b) Under contract during three academic quarters of a fiscal year if the member is employed by an institution of higher education, the state school for the deaf or the state school for the blind;

(c) By one or more employers for at least twenty days but less than one hundred forty four days during the fiscal year;

(d) In an instructional position, which is a position in which more than seventy five percent of the member's time, including office hours, is spent as a classroom instructor, a librarian, or a counselor.

(2) In addition to the factors listed in subsection (1) of this section, in the case of a member who elects to have earnable compensation defined as provided in section 2, chapter 265, Laws of 1987, the department will determine whether the member held a bona fide part time position during the years used to compute benefits, and what earnable compensation the member would have received if employed on a regular full-time basis in the same position under section 2, chapter 265, Laws of 1987. The department may consider, but not be limited to considering, the following factors:

(a) The salary schedule and related workload provisions, if any, adopted pursuant to RCW 28A.405.200 by the school district by which the member was employed;

(b) The salary schedule, workload provisions, or related documents, used by the community college district by which the member was employed, including salary schedules or workload provisions contained in a collective bargaining agreement negotiated pursuant to chapter 28B.52 RCW;

(c) Whether the member's position is included on the employing district's salary schedule, in workload provisions, or in a collective bargaining agreement, and whether the member's position has duties, responsibilities, workload requirements, or methods of pay similar to those of positions found in the district's schedule, provisions, or collective bargaining agreement;

(d) When the member's position was created, and how long the position was held by the member;

(e) Whether the member has previously retired under the provisions of chapter 41.32 RCW.

(3) Upon the department's request, employers shall provide to the department information addressing the factors listed in subsection (1) of this section and such further information as the department may request.

(4) If a member is employed by more than one employer, all of the member's employment will be combined for purposes of determining whether the member has met the criteria of subsection (1) of this section. If you are a TRS Plan I member and meet the requirements in this section, you are deemed to occupy a bona fide position for the fiscal year for purposes of WAC 415-112-810 through 415-112-830.

(1) Service for single employer. You are employed in a bona fide position if you perform contracted service for one and only one employer during a fiscal year and you satisfy the requirements of (a), (b), and (c) of this subsection.

(a) Written contract. You are employed under a part-time written contract with a school district, educational service district, community college, school for the deaf, or school for the blind that meets the following conditions:

(i) Contract with school district or educational service district. You must be under a part-time contract from the first teaching day to the last teaching day of the school's official calendar.

(ii) Contracts with community college, school for the blind, or school for the deaf. You must be under part-time contracts for three of the four academic quarters (summer, fall, winter, or spring) of the institution's official calendar.

(b) Instructional position. You are employed in an instructional position. An instructional position is a position in which more than seventy-five percent of your time, including office hours, is spent as a classroom instructor, a librarian, or a counselor.

(c) Number of days. Under the contract(s), you must be employed not less than twenty full-time days or the equivalent, and earn less than a full year of service credit.

(2) Combining service to meet requirements of subsection (1) of this section. When you provide services under part-time written contracts with more than one employer during a fiscal year, service under all part-time written contracts must be combined to determine if you are employed in a bona fide position. You are employed in a bona fide position for the fiscal year only if you satisfy the requirements of (a), (b), and (c) of this subsection.

(a) Written contract. You are employed under two or more written contracts with a school district, educational service district, community college, school for the deaf, or school for the blind. You must be under contract for the equivalent of three of the four academic quarters (summer, fall, winter, or spring).

Example 1. Susan is employed part time with School District B from September 1 through December 31. She is employed with School District C from January 1 through June 20. Susan meets the "written contract" requirement of this subsection because she is under contract for the equivalent of three academic quarters (fall, winter, and spring).

Example 2. Bill is employed with School District B from September 1 through December 31. He is employed with Community College C for Winter and Spring quarters. Bill meets the "written contract" requirement of this subsection because he is under contract for the equivalent of three academic quarters (fall, winter, and spring).

(b) Instructional position. The hours you spend as a classroom instructor, a librarian, or a counselor in any of the positions must be at least seventy-five percent of the total hours of service in all the positions.

(c) Number of days. The total number of days in all contracted positions must not be less than twenty full-time days or the equivalent, and must not be more than the one hundred forty-four full-time days or the equivalent.

(3) To determine if you meet the foregoing requirements, the department may consider additional information. Upon the department's request, employers must provide, without limitation, the following information:

(a) For school district employees, the salary schedule and related workload provisions, if any, adopted pursuant to RCW 28A.405.200 by the school district by which the member was employed;

(b) Whether your position is included on the employing district's salary schedule, in workload provisions, or in a collective bargaining agreement;

(c) Whether your position has duties, responsibilities, workload requirements, or methods of pay similar to those of positions found in the district's schedule, workload provisions, or collective bargaining agreement;

(d) When your position was created, and how long you held the position;

(e) Whether you have previously retired under the provisions of chapter 41.32 RCW.

AMENDATORY SECTION (Amending WSR 93-20-021, filed 9/24/93, effective 10/25/93)

WAC 415-112-830 (~~Adjusting earnable compensation earned in a bona fide part-time position.~~) **How is earnable compensation adjusted for bona fide employees?** ((The department will use the following method to determine earnable compensation for members of Plan I employed in a bona fide part-time positions as determined under WAC 415-112-820, who elect to have their earnable compensation determined under RCW 41.32.345. The purpose of the calculation is to determine what a member would have earned in his or her position if employed on a regular full-time basis for the same contract period under their same classification:

(1) The member's employer or employers will provide written verification of the following:

(a) The number of hours in a full school day for the member's employer. In the absence of an indication in employment contracts or elsewhere concerning what constitutes one day of employment, the department will designate seven hours as the length of a school day;

(b) The number of work days in a school year under a regular full-time contract. As provided in RCW 41.32.345 (3)(a), only work days identified in contracts adopted pursuant to RCW 28A.405.200 shall be counted under this subsection. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400.200(4) are not considered days required under a regular full-time contract;

(c) The number of hours in a school year ((a) of this subsection multiplied by (b) of this subsection);

(d) If a bona fide part-time employee was employed by more than one employer during the school year in question, the department will average the number of hours in a full school day and the number of school days in a year in order to determine the average number of hours in a school year for purposes of applying this section.

(2) The member's employer will provide the following written information regarding the bona fide part-time employment of the Plan I member during each of the two

consecutive years for which the member elects to have his or her compensation adjusted under RCW 41.32.345:

(a) Total hours worked by the employee under all employment contracts;

(b) Total earnable compensation earned under all employment contracts entered into by the employee;

(c) If applicable, the percent or portion of a full-time contract worked by the employee; and

(d) Net average hourly wage earned by the employee ((b) of this subsection divided by (a) of this subsection);

(3) To determine the member's adjusted earnable compensation under RCW 41.32.345 the department will multiply the member's average hourly wage as determined in subsection (2) of this section by the number of hours in a school year as determined by subsection (1) of this section. The product equals the compensation the member would have received in the same position if employed on a regular full-time basis for the same contract period.) Pursuant to RCW 41.32.345, if you are a bona fide employee, as defined in WAC 415-112-810, you may choose to have your annual earnable compensation computed as outlined in this section, rather than as set forth in WAC 415-112-430.¹

(1) The department will determine the number of hours you would have worked if you were employed on a regular full-time basis by multiplying the average hours per day reported under (a) of this subsection, by the average number of workdays reported under (b) of this subsection. For each position you occupied during a fiscal year, your employer must provide written verification of:

(a) The number of hours in the employer's school day.

(i) Unless otherwise determined by a contract, bargaining agreement or employer policy, the department considers the length of a school day to be seven hours.

(ii) If you were employed in more than one position to meet the requirements of a bona fide position, the department will average the number of hours in the full school day of each of your employers to determine the number of hours in a school day; and

(b) The number of workdays in the official calendar of the institution under a regular full-time contract, subject to the following conditions:

(i) For K-12 teachers, only workdays identified in contracts adopted pursuant to RCW 28A.405.200 will be counted under this subsection. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400.200(4) are not considered days required under a "regular full-time contract."

(ii) If you were employed in more than one position to meet the requirements of a bona fide position, the department will average the number of school days in the official calendar of each of your employers in order to determine the number of work days.

(2) The department will calculate your average hourly rate by dividing your total compensation, as reported under (b) of this subsection, by the total hours reported under (a) of this subsection. Your employer(s) must provide the following written information:

(a) Total hours you worked during the fiscal year under all employment contracts with the employer;

(b) Total earnable compensation earned during the fiscal year under all employment contracts between you and employer; and

(c) The percent or portion of a full-time contract you worked.

(3) To determine your adjusted earnable compensation under RCW 41.32.345, the department will multiply your average hourly wage, as determined in subsection (2) of this section, by the number of hours in the official calendar, as determined by subsection (1) of this section. The product is the compensation you would have received in the same position if employed on a regular full-time basis.

¹As set forth in WAC 415-112-835, certain bona fide employees in extended school year programs, may elect to have their annual earnable compensation modified under either WAC 415-112-830 or 415-112-835.

NEW SECTION

WAC 415-112-835 How is the computation in WAC 415-112-830 modified for teachers in extended school year programs? (1) If you are a bona fide employee as defined in WAC 415-112-810, and meet the following two criteria, you may choose to have annual earnable compensation calculated under this section:

(a) You work under contract in an extended school year program during the second of the two consecutive fiscal years in WAC 415-112-810 (2)(a); and

(b) You work past June 30 of the fiscal year.

(2) The "alternate period" in WAC 415-112-430 (2)(b) is subdivided into two consecutive twelve-month periods. For purposes of this section, each of these periods is referred to as an "alternate twelve-month period." Annual earnable compensation is determined for each alternate twelve-month period.

(3) The department will determine the number of hours you would have worked if you were employed on a regular full-time basis by multiplying the average hours per day reported under (a) of this subsection, by the average number of workdays reported under (b) of this subsection. For each position you occupied during the alternate twelve-month period, your employer must provide written verification of:

(a) The number of hours in the employer's school day.

(i) Unless otherwise determined by a contract, bargaining agreement or employer policy, the department considers the length of a school day to be seven hours.

(ii) If you were employed in more than one position to meet the requirements of a bona fide position, the department will average the number of hours in the full school day of each of your employers to determine the number of hours in a school day.

(b) The number of workdays in the official calendar of the institution under a regular full-time contract, subject to the following conditions:

(i) For K-12 teachers, only workdays identified in contracts adopted pursuant to RCW 28A.405.200 will be counted under this subsection. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400-200(4) are not considered days required under a "regular full-time contract."

(ii) If you were employed in more than one position to meet the requirements of a bona fide position, the department

will average the number of school days in the official calendar of each of your employers to determine the number of workdays.

(4) The department will calculate your average hourly rate by dividing your total compensation, as reported under (b) of this subsection, by the total hours reported under (a) of this subsection. Your employer(s) must provide the following written information regarding your bona fide employment:

(a) Total hours you worked during the alternate twelve-month period under all employment contracts with the employer;

(b) Total earnable compensation earned during the alternate twelve-month period under all employment contracts between you and employer; and

(c) The percent or portion of a full-time contract you worked.

(5) To determine your adjusted earnable compensation under RCW 41.32.345, the department will multiply your average hourly wage as determined in subsection (4) of this section by the number of hours in the official calendar as determined by subsection (3) of this section. The product is the compensation you would have received in the same position if employed on a regular full-time basis.

WSR 04-18-070

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 30, 2004, 3:51 p.m.]

The Aging and Disability Services Administration (ADSA) would like to withdraw WAC 388-72A-0042 from WSR 04-14-099. This withdrawal will allow ADSA to make needed corrections. WAC 388-72A-0042 will be filed under a new emergency order and supplemental CR-102.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-18-071

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 30, 2004, 3:53 p.m.]

Supplemental Notice to WSR 04-14-099.

Preproposal statement of inquiry was filed as WSR 04-09-089 and 04-01-087.

Title of Rule and Other Identifying Information: Chapter 388-72A WAC, Comprehensive assessment reporting and evaluation (CARE) tool.

Hearing Location(s): Blake Office Park East, 4500 10th Avenue S.E. (behind Goodyear Courtesy Tire), Rose Room, Lacey, WA, on October 5, 2004 at 10:00 a.m.

PROPOSED

Date of Intended Adoption: Not earlier than October 6, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., October 5, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by October 1, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adding new sections WAC 388-72A-0042 and 388-72A-0043, Comprehensive assessment and reporting evaluation (CARE) tool, to incorporate CARE assessment criteria for children receiving state plan Medicaid personal care (MPC) services.

The department has withdrawn proposed WAC 388-72A-0042 only from proposed rules filed under WSR 04-14-099 and scheduled for public hearing on September 7, 2004. Comments received on WSR 04-14-099 related to this WAC will be considered in the adoption of the permanent rule.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.39A.095.

Statute Being Implemented: RCW 74.08.090, 74.09.520, 74.39A.095.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Brooke Buckingham, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-3213.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and determined that no new costs will be imposed on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule is exempt under RCW 34.05.-328 (5)(b)(vii), rules relating to client medical eligibility. The CARE tool and algorithm in the proposed rule are used to determine clients' eligibility for medical long-term care services in home and community-based settings.

August 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-72A-0042 How are ADLs and IADLs scored for children? For children, the following age appropriate guidelines apply. The table indicates which tasks are considered met per age of the child.

		Activities of Daily Living (ADLs)																
Ages		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																		
Medication Management																		
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Locomotion in Room^{Note}																		
Independent, supervision, limited or extensive		■	■	■														
Total		■																
Locomotion Outside Room^{Note}																		
Independent or supervision		■	■	■	■	■												
Limited or extensive		■	■	■														
Total		■																
Walk in Room^{Note}																		
Independent, supervision, limited or extensive		■	■	■														
Total		■																
Bed Mobility																		
Independent, supervision, limited or extensive		■	■															
Total		■																
Transfers																		
Independent, supervision, limited, extensive or total & under 30 pounds		■	■															

PROPOSED

		Activities of Daily Living (ADLs)																
Ages		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met	(Total & over 30 pounds=no age limit)																	
Toilet Use																		
Support provided for nighttime wetting only (Independent, supervision, limited, extensive, or total)		■	■	■	■	■	■	■										
Independent, supervision, limited, extensive		■	■	■	■	■												
Total		■	■	■														
Eating																		
Independent, supervision, limited, extensive, or total		■	■															
Bathing																		
Independent or supervision		■	■	■	■	■	■	■	■	■	■							
Physical assistance all/part		■	■	■	■	■	■	■										
Total		■	■	■	■													
Dressing																		
Independent or supervision		■	■	■	■	■	■	■	■	■	■							
Limited or extensive		■	■	■	■	■	■	■										
Total		■	■	■	■													
Personal Hygiene																		
Independent or supervision		■	■	■	■	■	■	■	■	■	■							
Limited or extensive		■	■	■	■	■	■	■										
Total		■	■	■	■													

		Instrumental Activities of Daily Living																
Ages		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																		
Telephone																		
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Transportation																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Shopping																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Wood Supply																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Housework																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

PROPOSED

		Instrumental Activities of Daily Living																
Ages		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																		
Finances																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Meal Preparation																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

NOTE: If the activity did not occur, the assessor codes self performance as total and status as met.

NEW SECTION

WAC 388-72A-0043 How are other elements in CARE scored for children age seventeen and younger and foster care clients? (1) For children age seventeen and younger, the assessor scores their needs, using the following age appropriate guidelines.

		Ages																
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Additional guidelines based on age																		
Any foot care needs																		
Status Need met		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Any skin care (other than feet)																		
Status Need met		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Speech/Hearing																		
Score comprehension as understood		■	■															
Memory																		
Short term memory ok		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Long term memory ok		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Depression																		
Select interview = unable to obtain		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Decision making																		
Rate how client makes decisions = independent		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bladder/Bowel																		
Support provided for nighttime wetting only -		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Individual management=Does not need/use																		
Individual management=Does not need/use		■	■	■	■	■												

(2) For client in foster care, the assessor does not score mental health therapy, behaviors, or depression.

WSR 04-18-073**WITHDRAWAL OF PROPOSED RULES****DEPARTMENT OF
LABOR AND INDUSTRIES**

(By the Code Reviser's Office)

[Filed August 31, 2004, 8:36 a.m.]

WAC 296-806-300, proposed by the Department of Labor and Industries in WSR 04-03-085 appearing in issue 04-05 of the State Register, which was distributed on March 3, 2004, 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 04-18-074**WITHDRAWAL OF PROPOSED RULES****DEPARTMENT OF
FISH AND WILDLIFE**

(By the Code Reviser's Office)

[Filed August 31, 2004, 8:36 a.m.]

WAC 220-72-011, 220-72-089 and 220-72-090, proposed by the Department of Fish and Wildlife in WSR 04-05-069 appearing in issue 04-05 of the State Register, which was distributed on March 3, 2004, 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 04-18-075**WITHDRAWAL OF PROPOSED RULES****DEPARTMENT OF
FISH AND WILDLIFE**

(By the Code Reviser's Office)

[Filed August 31, 2004, 8:37 a.m.]

WAC 232-28-333, proposed by the Department of Fish and Wildlife in WSR 04-05-113 appearing in issue 04-05 of the State Register, which was distributed on March 3, 2004, 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 04-18-077**PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 31, 2004, 9:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-156.

Title of Rule and Other Identifying Information: Arsenic, the department is proposing to rewrite and clarify requirements relating to arsenic. The department is proposing arsenic as a new chapter for all other industries, chapter 296-848 WAC. This rule making is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. The department is eliminating unnecessary requirements and outdated terminology.

Hearing Location(s): Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA 98501, on October 11, 2004, at 1:30 p.m.

Date of Intended Adoption: December 1, 2004.

Submit Written Comments to: Jamie Scibelli, P.O. Box 44620, Olympia, WA 98504-4620, e-mail Scij235@lni.wa.gov, fax (360) 902-4568, by October 18, 2004.

Assistance for Persons with Disabilities: Contact Sally Elliott by September 16, 2004, Yous235@lni.wa.gov or (360) 902-5484.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to make this rule easy to read, understand and more usable for employers. This proposal will place all arsenic requirements (WAC 296-62-07347) into one chapter (chapter 296-848 WAC, Arsenic). There are no anticipated effects.

This rule making is part of an initiative by the department to revise all safety and health rules.

New sections WAC 296-848-100 Scope, 296-848-200 Basic rules, 296-848-20010 Preventive practices, 296-848-20025 Washing facilities, 296-848-20060 Exposure evaluations, 296-848-20070 Notification, 296-848-20090 Exposure records, 296-848-300 Training, exposure monitoring, and medical monitoring, 296-848-30005 Training, 296-848-30010 Periodic exposure evaluations, 296-848-30030 Medical evaluations, 296-848-30080 Medical records, 296-848-400 Exposure control areas, 296-848-40005 Exposure control plan, 296-848-40020 Exposure controls, 296-848-40025 Exposure control areas, 296-848-40030 Clean-up facilities and lunchrooms, 296-848-40040 Personal protective equipment (PPE), 296-848-40045 Respirators and 296-848-500 Definitions; and repealing WAC 296-62-07347.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

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

Name of Proponent: Department of Labor and Industries, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation

and Enforcement: Michael Silverstein, Tumwater, (360) 902-5495.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impose more than a minor cost on business. Therefore, as stated in RCW 19.85.030 (1)(a), a small business economic impact statement is not required. An analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will make WISHA rules easier for employers and employees to understand and use, and thus save them time.

A cost-benefit analysis is not required under RCW 34.05.328. There are no costs to assess within these rule amendments.

August 31, 2004
Paul Trause
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07347 Inorganic arsenic.

Chapter 296-848 WAC

ARSENIC

NEW SECTION

WAC 296-848-100 Scope. This chapter applies to all occupational exposure to inorganic arsenic.

Definitions:

Inorganic arsenic means elemental arsenic (As), copper aceto-arsenite, and inorganic compounds containing arsenic (measured as As), except arsine. Inorganic compounds do not contain the element carbon.

Exposure is the contact an employee has with inorganic arsenic, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Helpful tool:

Arsenic contamination in soil; information and guidance for employers.

Use this tool if you have employees who work with soil. It will help you find out if this rule is applicable to your employee's exposure to soil.

Exemptions: This chapter does not apply to any of the following:

- Exposures during agricultural operations.
 - Pesticide applications, including the treatment of wood with preservatives.
 - Use of wood treated with inorganic arsenic.
 - Arsine, a gas identified by Chemical Abstract Service (CAS) Registry No. 7784-42-1.
 - Laboratories subject to the requirements found in another chapter:
 - Go to the General occupational health standards, chapter 296-62 WAC;
- AND
- Find the section, Hazardous chemicals in laboratories, WAC 296-62-400.

- Inorganic arsenic present in a form and handled in such a way that airborne exposures could not occur. For example, inorganic arsenic present in glass is fused in the material. Due to the fused form, airborne exposure can not occur when the glass is scored and subsequently broken.

All requirements in this chapter will not apply to every workplace with an occupational exposure. The following steps will show you which requirements apply to your workplace.

Step 1: Follow requirements in the basic rules sections, WAC 296-848-20010 through 296-848-20090.

• This includes completing an exposure evaluation, as specified in Exposure evaluations, WAC 296-848-20060, to:

- Obtain employee eight-hour exposure monitoring results of airborne inorganic arsenic;

AND

- Determine if employee exposure monitoring results are above, at, or below these values:

- Eight-hour time-weighted average (TWA₈). 10 micrograms per cubic meter (µg/m³).
- Eight-hour action level (AL). 5 µg/m³.

Step 2: Use employee exposure monitoring results from Step 1 and follow Table 1 to find out which additional sections of this chapter apply to your workplace.

**Table 1
Sections That Apply To Your Workplace**

If:	Then continue to follow the Basic Rules, and these additional requirements:
<ul style="list-style-type: none"> • Employee exposure monitoring results are above the TWA₈ 	<ul style="list-style-type: none"> • Training, exposure monitoring, and medical monitoring, WAC 296-848-30005 through 296-848-30080; AND • Exposure control areas, WAC 296-848-40005 through 296-848-40045.
<ul style="list-style-type: none"> • Employee exposure monitoring results are: <ul style="list-style-type: none"> – At or below the TWA₈; AND – At or above AL 	<ul style="list-style-type: none"> • Training, exposure monitoring, and medical monitoring, WAC 296-848-30005 through 296-848-30080.
<ul style="list-style-type: none"> • Employee exposure monitoring results are below the AL; AND • Eye or skin irritation from exposure to inorganic arsenic cannot occur 	<ul style="list-style-type: none"> • No additional requirements apply if exposures remain stable.
<ul style="list-style-type: none"> • Employees could experience eye or skin irritation from exposure to inorganic arsenic 	<ul style="list-style-type: none"> • Training in WAC 296-848-30005.

PROPOSED

Table 1
Sections That Apply To Your Workplace

If:	Then continue to follow the Basic Rules, and these additional requirements:
	<ul style="list-style-type: none"> • Washing, showering, and changing in WAC 296-848-40030. • Personal protective equipment (PPE) in WAC 296-848-40040.

PROPOSED

NEW SECTION

WAC 296-848-200 Basic rules.

Summary:

Your responsibility:

To measure and minimize employee exposure to inorganic arsenic.

IMPORTANT:

The sections listed in basic rules apply to all employers covered by the scope of this chapter, WAC 296-848-100. To find additional sections that may apply to you, go to the Scope, WAC 296-848-100, and follow Table 1.

Contents

- Preventive practices
WAC 296-848-20010.
- Washing facilities
WAC 296-848-20025.
- Exposure evaluations
WAC 296-848-20060.
- Notification
WAC 296-848-20070.
- Exposure records
WAC 296-848-20090.

NEW SECTION

WAC 296-848-20010 Preventive practices.

You must:

(1) Effectively communicate the hazards of inorganic arsenic by doing both of the following:

- Keep container labels free of statements that contradict or detract from the labels' hazard warning.

Note: You may use labels required by other laws, rules, or ordinances in addition to, or in combination with, labels required by this section.

You must:

- Make sure shipping containers, storage containers, and products containing inorganic arsenic are labeled, tagged, or marked with this warning:

Danger
Contains Inorganic Arsenic
Cancer Hazard
Harmful if Inhaled or Swallowed
Use Only with Adequate Ventilation
or
Respiratory Protection

Note: • You should keep containers tightly covered when not in use to help prevent unnecessary exposure and accidental spills.

• Contaminated items should be handled and disposed of to prevent further exposure in the workplace. For example, vacuuming or wet wiping contaminated equipment helps prevent the release of dust into the air.

Reference: Additional requirements are found in other chapters:
• For spills, leaks, or other releases, go to Emergency response, chapter 296-824 WAC.

• For labeling go to:
– The Safety and health core rules, chapter 296-800 WAC, and find the section, Label containers holding hazardous chemicals, WAC 296-800-17025;
AND
– Material safety data sheet and label preparation, chapter 296-839 WAC.

You must:

(2) Establish safe and effective housekeeping and maintenance practices by doing all the following:

- Develop and keep a written housekeeping and maintenance plan that lists appropriate frequencies for:
– Housekeeping operations;

AND

- Cleaning and maintaining dust collection equipment.
- Keep surfaces free of accumulations of inorganic arsenic, to the degree feasible.

• When cleaning floors and other accessible surfaces:
– Use vacuuming or other cleaning methods that minimize the release of inorganic arsenic into the air.

– Do not use compressed air.
– Select vacuums that have high efficiency particulate air (HEPA) filters, otherwise vacuum exhaust will increase inorganic arsenic contamination in air and on area surfaces.

– Use and empty vacuums in a way that minimizes the release of inorganic arsenic back into the workplace.

Note: Shoveling or brushing may be used only when vacuuming or other cleaning methods have not been effective.

You must:

• Maintain ventilation systems, including dust collection equipment, to make sure they are effective. Do all of the following:

- Perform periodic inspections for effectiveness.
- Periodically clean the equipment.
- Keep a note of the most recent inspection for effectiveness, and cleaning or maintenance.

(3) Prevent eye or skin contact with:

- Arsenic trichloride;

AND

• Liquid or particulate forms of inorganic arsenic when contact could cause eye or skin irritation.

Note: Arsenic trichloride is corrosive and can be quickly absorbed through skin.

NEW SECTION

WAC 296-848-20025 Washing facilities.

You must:

- Provide washing facilities for employees exposed to inorganic arsenic.

References: For additional washing facility requirements, go to another chapter, the Safety and health core rules, chapter 296-800 WAC, and find the section titled, Provide convenient and clean washing facilities, WAC 296-800-23025.

NEW SECTION**WAC 296-848-20060 Exposure evaluations.****IMPORTANT:**

- This section applies when workplace operations create potential airborne exposure to inorganic arsenic.
- When you conduct an exposure evaluation in a workplace where an employee uses a respirator, the protection provided by the respirator is not considered.
- Following this section will fulfill the requirements to identify and evaluate respiratory hazards found in Respiratory hazards, chapter 296-841 WAC.

You must:

(1) Conduct an employee exposure evaluation to accurately determine airborne concentrations of inorganic arsenic by completing Steps 1 through 5 of the Exposure Evaluation Process, each time any of the following apply:

- No evaluation has been conducted.
- Changes have occurred in any of the following areas that may result in new or increased exposures:
 - Production.
 - Processes.
 - Exposure controls such as ventilation systems or work practices.
 - Personnel.
- You have any reason to suspect new or increased exposure may occur.

(2) Provide affected employees and their designated representatives an opportunity to observe exposure measurement during Step 4 of the Exposure Evaluation Process.

- Make sure observers do not interfere with exposure measurements.
- Make sure observers are entitled to:
 - An explanation of your exposure measurement and monitoring procedures;
 - Observe all tasks of exposure measurement performed at the workplace;

AND

– Receive a copy of the exposure measurement results when you obtain them; or are allowed to record the exposure measurement results, if made during observations.

• Make sure observers who enter areas with inorganic arsenic exposure:

- Are provided with and use the same protective clothing, respirators, and other personal protective equipment (PPE) that employees working in the area are required to use;

AND

- Follow safety and health requirements that apply.

Exposure Evaluation Process**IMPORTANT:**

Following the Exposure Evaluation Process is not necessary when you have documentation conclusively demonstrating inorganic arsenic exposures for a particular operation and material, cannot exceed the action level (AL) during any conditions reasonably anticipated.

- Retain this documentation for as long as you rely on it.

Step 1: Identify all employees who have potential airborne exposure to inorganic arsenic in your workplace.

Step 2: Select employees from those identified in Step 1 who will have their eight-hour exposures measured.

• Make sure the exposures of the employees selected represent eight-hour exposures for all employees identified in Step 1, including each job classification, work area, and shift.

- Note:**
- Following Steps 1 through 4 of this evaluation process will help you create your sample collection strategy to make sure the various exposures occurring in your workplace are represented.
 - You need to keep a written description of your sample collection strategy in the records required by this chapter in Exposure records, WAC 296-848-20090.

Step 3: Determine how you'll obtain employee exposure monitoring results.

• Get results from a method that meets the following criteria for accuracy:

– $\pm 25\%$, with a confidence level of 95%, when concentrations are potentially at or above an eight-hour time-weighted average of 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$);

OR

– $\pm 35\%$, with a confidence level of 95%, when concentrations are potentially between the eight-hour time-weighted averages of 5 $\mu\text{g}/\text{m}^3$ and 10 $\mu\text{g}/\text{m}^3$.

Note: Here are examples of methods that meet this accuracy requirement:

- OSHA Method ID105 found by going to <http://www.osha.gov/dts/slc/methods/toc.html>.
- NIOSH method 7901 found by going to <http://www.cdc.gov/niosh/homepage.html> and linking to the NIOSH Manual of Analytical Methods.

Step 4: Obtain employee exposure monitoring results by collecting air samples representing employees identified in Step 1.

- Collect at least one sample representative of the eight-hour exposure, for each employee selected in Step 2.
- Make sure samples are collected from each selected employee's breathing zone.

Note:

- You may use any sampling method that meets the accuracies specified in Step 3. Examples of these methods include:

- Real-time monitors that provide immediate exposure monitoring results.

- Equipment that collects samples that are sent to a laboratory for analysis.

- The following are examples of methods for collecting samples representative of eight-hour exposures.

- Collect one or more continuous samples, for example, a single eight-hour sample or four two-hour samples.

- Take as many short duration samples, such as fifteen-minute samples, as needed to fulfill the accuracy requirement in Step 3, during the work shift and at times selected randomly.

- For work shifts longer than eight hours, consider the continuous eight-hour portion of the shift expected to have the highest exposure concentration as representing eight-hour employee exposure.

Step 5: Have the samples you collected analyzed to obtain concentrations representative of eight-hour exposures.

• Go to the Scope of this chapter, WAC 296-848-100, and compare employee exposure monitoring results to the values found in Step 1 and follow Step 2 to determine if additional sections of this chapter apply.

- Note:**
- You may contact your local WISHA consultant for help:
 - Interpreting data or other information.
 - Determining eight-hour employee exposure monitoring results.
 - To contact a WISHA consultant:

PROPOSED

- Go to the Safety and health core rules, chapter 296-800 WAC;
- AND
- Find the Resources section, and under "Other Resources," find *Service Locations for Labor and Industries*.

NEW SECTION**WAC 296-848-20070 Notification.****You must:**

• Provide written notification of exposure monitoring results, including notification about whether exposures exceed the permissible exposure limit (PEL), to employees represented by your exposure evaluation, within five business days after concentrations become known to you.

- In addition, when employee exposure monitoring results are above the permissible exposure limit (PEL), provide written notification of all the following within fifteen business days after these exposure monitoring results become known to you.

■ Corrective actions being taken and a schedule for completion;

AND

■ Any reason why exposures cannot be lowered to below the PEL.

- Note:**
- You can notify affected employees either individually or post the notifications in areas readily accessible to affected employees.
 - When notifying employees about corrective actions, your notification may refer them to a separate document that is available and provides the required information.

NEW SECTION**WAC 296-848-20090 Exposure records.****You must:**

• Establish and keep a complete and accurate record for all exposure evaluations conducted under this chapter.

- Make sure the record includes, at least:

■ The name, Social Security number or other unique identifier, and job classification of the employee sampled and all other employees represented by the sampled employee.

■ A description of the methods used to obtain exposure monitoring results and evidence of the method's accuracy.

■ A description of the sample collection strategy used to determine representative employee exposures.

■ The date, number, duration, location, and concentration of each sample collected.

■ Any environmental conditions that could affect exposure concentration measurements.

- Note:** It's useful to record any personal protective equipment worn by the employee in addition to the type of respirator worn.

You must:

- Keep exposure records for at least thirty years.

Reference: • To see additional requirements for employee exposure records including access, maintenance, and transfer requirements, go to Employee medical and exposure records, chapter 296-802 WAC.

• To see if exposure records need to be kept longer than thirty years, go to Medical records, WAC 296-848-30080, found within this chapter.

NEW SECTION**WAC 296-848-300 Training, exposure monitoring, and medical monitoring.****Summary:****Your responsibility:**

To detect any significant changes in employee health and exposure monitoring results.

IMPORTANT:

These sections apply when skin or eye irritation could occur or when employee exposure monitoring results are either:

• At or above the action level (AL) of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) for inorganic arsenic;

OR

• Above the permissible exposure limit (PEL) of 10 $\mu\text{g}/\text{m}^3$ for inorganic arsenic.

Contents**Training**

WAC 296-848-30005.

Periodic exposure evaluations

WAC 296-848-30010.

Medical evaluations

WAC 296-848-30030.

Medical records

WAC 296-848-30080.

NEW SECTION**WAC 296-848-30005 Training.****You must:**

• Train employees:

- Who are exposed above the action level (AL) of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air;

OR

- Who could experience eye or skin irritation from exposure.

• Provide training:

- At the time of initial assignment;

AND

- At least every twelve months after initial training.

• Make sure training and information includes all of the following:

- A review of this chapter.

- The information found in another chapter:

■ Go to the General occupational health standards, chapter 296-62 WAC;

AND

■ Find Appendix A-Inorganic Arsenic Substance Information Sheet, WAC 296-62-07354(1).

- The purpose for medical evaluations and a description of how you are fulfilling the medical evaluation requirements of this chapter found in Medical evaluations, WAC 296-848-30030.

• Make a copy of each of the following readily available to all employees required to be trained under this section:

- This chapter;

AND

- These appendices found in the General occupational health standards, chapter 296-62 WAC:

■ Appendix A-Inorganic Arsenic Substance Information Sheet, WAC 296-62-07354(1).

■ Appendix B-Substance Technical Guidelines, WAC 296-62-07354(2).

■ Appendix C-Medical Surveillance Guidelines, WAC 296-62-07354(3).

Reference: To see additional training and information requirements in other chapters, go to the:

- Respirators rule, chapter 296-842 WAC, and find the Training section, WAC 296-842-16005.
- Safety and health core rules, chapter 296-800 WAC, and find the section titled, Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030.

– When following these requirements, include specific information about potential exposures to inorganic arsenic, such as the types of operations, locations, quantities, exposure sources, exposure controls, inorganic arsenic use, and storage.

NEW SECTION

WAC 296-848-30010 Periodic exposure evaluations.

You must:

- Obtain employee exposure monitoring results as specified in Table 2 by repeating Steps 2, 4, and 5 of the Exposure Evaluation Process found within this chapter, in Exposure evaluations, WAC 296-848-20060.

Note: If you document that one work shift consistently has higher exposure monitoring results than another for a particular operation, then you can limit sample collection to the work shift with higher exposures.

Table 2

Periodic Exposure Evaluation Frequencies

If 8-hour employee exposure monitoring results:	Then:
Are between the: – Action level (AL) of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$); AND – Permissible exposure limit (PEL) of $10 \mu\text{g}/\text{m}^3$	Conduct additional exposure evaluations at least every six months for the employees represented by the concentrations.
Are above the PEL	Conduct additional exposure evaluations at least every three months for the employees represented by the concentrations.
For employees previously above the PEL, have decreased: – To a concentration between the PEL and AL; AND – The decrease in concentration is demonstrated by two consecutive exposure evaluations made at least seven days apart	You may decrease your evaluation frequency to every six months for the employees represented by the concentrations.

Table 2

Periodic Exposure Evaluation Frequencies

If 8-hour employee exposure monitoring results:	Then:
Have decreased to below the AL; AND The decrease in concentration is demonstrated by two consecutive exposure evaluations made at least seven days apart	You may stop periodic employee exposure evaluations for employees represented by the concentrations.

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NEW SECTION

WAC 296-848-30030 Medical evaluations.

IMPORTANT:

Medical evaluations conducted under this section will satisfy the medical evaluation requirement found in Respirators, chapter 296-842 WAC.

You must:

- Make medical evaluations available to current employees who have been, are, or will be exposed to inorganic arsenic concentrations above the AL:

- At least thirty days in any twelve-month period;

OR

- A total of ten years or more of combined employment with you or previous employers with at least thirty days of exposure per year.

- Make medical evaluations available at no cost to employees.

- Pay all costs, including travel costs and wages associated with any time spent outside of the employee's normal work hours.

- Make medical evaluations available at reasonable times and places.

- Complete Steps 1 through 6 of the Medical Evaluation Process for each employee covered.

Helpful tool:

Declination form for nonemergency related medical evaluations.

You may use this optional form to document employee decisions to decline participation in the medical evaluation process for exposure to inorganic arsenic. To see this form, go to the Resources section within this chapter.

Note:

- If employers discourage participation in medical monitoring for health effects caused by inorganic arsenic, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing, instituting proceedings, or testifying prohibited—Procedure—Remedy.

- Employees who wear respirators need to be medically evaluated, to make sure the respirator will not harm them, before they are assigned work in areas requiring respirators. Employees who decline to receive medical examination and testing for health effects caused by inorganic arsenic are not excluded from receiving a separate medical evaluation for respirator use.

Medical Evaluation Process

Step 1: Identify employees who qualify, as stated above, for medical evaluations.

Step 2a: Make medical evaluations available for employees identified in Step 1 at the following times:

- Initially, when employees are assigned to work in an area where exposure monitoring results are, or will likely be, above the action level for at least thirty days in a twelve-month period.
- Periodically as specified in Table 3.
- When employment with exposure ends, if the employee has not had an evaluation within the six-month period before exposure ends. Include in these evaluations the same content as specified in Table 4 for initial evaluations, excluding a chest X ray.

**Table 3
Frequencies for Periodic Medical Evaluations**

For:	Provide periodic medical evaluations every:
Employees less than forty-five years old with less than ten years of exposure above the AL	Twelve months;
Employees forty-five or older; AND Employees with more than ten years of exposure above the AL	Six months; AND Twelve months to obtain a fourteen by seventeen-inch posterior-anterior chest X ray for monitoring purposes, unless the LHCP has determined a different frequency for periodic X rays.

Step 2b: Provide appropriate medical examination and emergency treatment when an employee identified in Step 1 develops signs or symptoms commonly associated with inorganic arsenic exposure.

Step 3: Select a licensed healthcare professional (LHCP) who will conduct or supervise examinations and procedures.

Step 4: Make sure the LHCP receives all of the following before the medical evaluation is performed:

- A copy of:
 - This chapter;
- AND
- The following information found in the General occupational health standards, chapter 296-62 WAC:
 - Appendix A-Inorganic Arsenic Substance Information Sheet, WAC 296-62-07354(1).
 - Appendix B-Substance Technical Guidelines, WAC 296-62-07354(2).
 - Appendix C-Medical Surveillance Guidelines, WAC 296-62-07354(3).
- A description of the duties of the employee being evaluated and how these duties relate to inorganic arsenic exposure.

- The anticipated or representative exposure monitoring results for the employee being evaluated.
- A description of the personal protective equipment (PPE) each employee being evaluated uses or will use.
- Information from previous employment-related examinations when this information is not available to the examining LHCP.
- Instructions that the written opinions the LHCP provides you be limited to the following information:
 - Results from examinations and tests.
 - The LHCP's opinion about whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to inorganic arsenic.
 - Any recommended limitations for:
 - Inorganic arsenic exposure;

AND

- Use of respirators or other PPE.
- A statement that the employee has been informed of medical results and medical conditions caused by inorganic arsenic exposure requiring further examination or treatment.

Step 5: Make the medical evaluation available to the employee. Make sure it includes the content listed in Table 4, Content of Medical Evaluations.

Step 6: Obtain the LHCP's written opinion for the employee's medical evaluation and give a copy to the employee.

- Make sure the written opinion includes the information specified for written opinions in Step 4.

Note: If the written contains specific findings or diagnoses unrelated to occupational exposure, send it back and obtain a revised version without the additional information.

**Table 4
Content of Medical Evaluations**

When conducting:	Include:
An initial evaluation	<ul style="list-style-type: none"> • A work history and medical history including: <ul style="list-style-type: none"> – Smoking history. – The presence and degree of respiratory symptoms such as breathlessness, cough, sputum production, and wheezing. • A physical examination that includes: <ul style="list-style-type: none"> – A fourteen by seventeen-inch posterior-anterior chest X ray and the International Labor Office UICC/Cincinnati (ILO U/C) rating. – A nasal and skin examination. • Additional examinations the licensed healthcare professional (LHCP) believes appropriate based on the employee's exposure to inorganic arsenic or respirator use.

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Table 4
Content of Medical Evaluations

When conducting:	Include:
Periodic evaluations for employees less than forty-five years old with less than ten years of exposure above the action level (AL)	<ul style="list-style-type: none"> • The same content as specified for initial evaluations repeated every twelve months.
Periodic evaluations for employees: <ul style="list-style-type: none"> • Forty-five or older; OR <ul style="list-style-type: none"> • With more than ten years of exposure above the AL 	<ul style="list-style-type: none"> • The following content repeated every six months: <ul style="list-style-type: none"> – A work history and medical history including: <ul style="list-style-type: none"> ■ Smoking history. ■ The presence and degree of respiratory symptoms such as breathlessness, cough, sputum production, and wheezing. – A physical examination that includes a nasal and skin examination. – Additional examinations the LHCP believes appropriate based on the employee's exposure to inorganic arsenic or respirator use. • A physical examination, repeated every twelve months, that obtains a fourteen by seventeen-inch posterior-anterior chest X ray and the International Labor Office UICC/Cincinnati (ILO U/C) rating.

NEW SECTION

WAC 296-848-30080 Medical records.

IMPORTANT:

This section applies when a medical evaluation is performed, or any time a medical record is created for an employee exposed to inorganic arsenic.

You must:

- Establish and maintain complete and accurate medical records for each employee receiving a medical evaluation and make sure the records include all the following:

- The employee's name and Social Security number, or other unique identifier.

- A description of the employee's duties.

- A copy of the licensed healthcare professional's (LHCP's) written opinions.

- The anticipated or representative employee exposure monitoring results provided to the LHCP for the employee.

- Maintain medical evaluation records for the duration of employment plus thirty years.

Note: Your medical provider may keep these records for you. Other medical records, such as the employee's medical history or X ray, need to be kept as a confidential record by the medical provider and accessed only with the employee's consent.

Reference: To see additional requirements for employee medical record, including access and transfer requirements, go to Employee medical and exposure records, chapter 296-802 WAC.

NEW SECTION

WAC 296-848-400 Exposure control areas.

Summary:

Your responsibility:

To protect employees from exposure to inorganic arsenic by using feasible exposure controls and appropriate respirators.

IMPORTANT:

These sections apply when employee exposure monitoring results are above the permissible exposure limit (PEL) of 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air.

Contents

Exposure control plan

WAC 296-848-40005.

Exposure controls

WAC 296-848-40020.

Exposure control areas

WAC 296-848-40025.

Clean-up facilities and lunchrooms

WAC 296-848-40030.

Personal protective equipment

WAC 296-848-40040.

Respirators

WAC 296-848-40045.

NEW SECTION

WAC 296-848-40005 Exposure control plan.

IMPORTANT:

Use of employee rotation to control exposures is not advisable since inorganic arsenic is a known carcinogen.

You must:

- Establish and implement a complete written exposure control plan that includes at least the following, for exposure control areas:

- A description of each operation releasing inorganic arsenic, for example:

- Crew size.
- Current exposure controls.
- Materials processed.
- Machinery used.
- Operating procedures.
- Maintenance practices.

- Exposure evaluation data.

- A report of the technology considered for exposure controls.

- Engineering plans and studies used as a basis for selecting exposure controls.

- A detailed schedule for implementing:

- Feasible exposure controls, if immediate implementation is not possible.

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■ Changes to enhance current exposure controls, when necessary.

– An analysis of the effectiveness of the exposure controls considered, when controls will not reduce exposures to or below the permissible exposure limit (PEL).

– Other relevant information.

• Review and update your exposure control plan at least every six months to keep it current.

• Implement exposure controls on the quickest schedule feasible if controls will not reduce exposure to or below the PEL.

• Provide a copy of your exposure control plan to affected employees and their designated representatives, when they ask to review or copy it.

NEW SECTION

WAC 296-848-40020 Exposure controls.

IMPORTANT:

• Use of employee rotation to control exposures is not advisable since inorganic arsenic is a known carcinogen.

• Respirators and other personal protective equipment (PPE) do not substitute for feasible exposure controls.

You must:

• Use feasible exposure controls to reduce exposures to or below the permissible exposure limit (PEL), or as low as achievable.

Reference: To see examples of exposure controls go to Respiratory hazards, chapter 296-841 WAC, and find Table 1 in the section, Control employee exposure, WAC 296-848-20010.

NEW SECTION

WAC 296-848-40025 Exposure control areas.

You must:

• Establish temporary or permanent exposure control areas where airborne concentrations of inorganic arsenic are above the permissible exposure limit (PEL) by doing all the following:

– Distinguish the boundaries of exposure control areas from the rest of the workplace in any way that minimizes employee access.

– Allow only authorized personnel to enter exposure control areas.

– Post signs at access points to exposure control areas that include this warning:

DANGER
Inorganic Arsenic
Cancer Hazard
Authorized Personnel Only
No Smoking or Eating
Respirator Required

– Make sure signs are kept clean and well lit so they are easy to read.

– Keep signs and areas near them free of statements that contradict or detract from their message.

Note: This requirement does not prevent you from posting signs required by other laws, rules, or ordinances.

You must:

– Make sure employees entering exposure control areas have an appropriate respirator.

– Prevent all of the following activities from occurring in exposure control areas unless they are conducted in required lunchrooms, change rooms, or showers:

■ Eating food or drinking beverages.

■ Smoking.

■ Chewing tobacco or gum.

■ Applying cosmetics.

Note: • You may use permanent or temporary enclosures, caution tape, ropes, painted lines on surfaces, or other materials to visibly distinguish exposure control areas or separate them from the rest of the workplace.

• When distinguishing exposure control areas, you should consider factors such as:

– The level and duration of airborne exposure.

– Whether the area is permanent or temporary.

– The number of employees in adjacent areas.

Reference: To see other requirements for respirators within this chapter, go to Respirators, WAC 296-848-40045.

NEW SECTION

WAC 296-848-40030 Clean-up facilities and lunchrooms.

You must:

• Provide the following facilities for employees who could experience eye or skin irritation from exposure to inorganic arsenic or who work in exposure control areas:

– Clean change rooms with separate storage for street clothes and personal protective equipment (PPE).

– Shower facilities.

• Make sure employees who could experience eye or skin irritation from exposure to inorganic arsenic or who work in exposure control areas:

– Shower at the end of the work shift;

AND

– Wash their hands and face before eating.

• Provide lunchrooms for employees working in exposure control areas that are:

– Located so they are readily accessible to the employees.

– Temperature controlled.

– Under positive pressure compared to surrounding areas.

– Provided with a filtered air supply.

Note: Lunchrooms may be located within exposure control areas, but are considered separate from the exposure control area.

• Do the following when exposures in exposure control areas exceed an eight-hour time-weighted average of 100 micrograms of arsenic per cubic meter of air ($\mu\text{g}/\text{m}^3$):

– Provide facilities for employees working in exposure control areas where they can remove excess contamination from protective clothing and shoes.

– Make sure employees vacuum protective clothing and clean or change shoes before entering showers, change rooms, or lunchrooms.

Reference: To see additional requirements for hygiene facilities:

• Go to the Safety and health core rules, chapter 296-800 WAC.

- Find Drinking water, bathrooms, washing facilities, and waste disposal, WAC 296-800-230.

NEW SECTION**WAC 296-848-40040 Personal protective equipment (PPE).****You must:**

- Provide, make sure employees use, and maintain PPE as follows:

- Provide clean and dry protective clothing to employees who could experience eye or skin irritation from exposure to inorganic arsenic or who work in exposure control areas.

- Provide impervious protective clothing to employees exposed to arsenic trichloride.

- Note:**
- Arsenic trichloride is corrosive and can be rapidly absorbed through skin.
 - Examples of protective clothing appropriate for inorganic arsenic exposures include:
 - Coveralls or similar full-body work clothing.
 - Gloves, and shoes or coverlets.
 - Face shields or vented goggles when necessary to prevent eye irritation.

You must:

- Make sure employees do not remove inorganic arsenic from PPE by blowing or shaking.

- Make sure protective clothing is removed:

- In change rooms;

AND

- At the end of the work shift.

- Make sure contaminated protective clothing that will be cleaned, laundered, or disposed of, is placed in a closed container located in the change room.

- Make sure the container prevents the release of inorganic arsenic.

- Launder protective clothing:

- At least weekly if employees work in areas where exposure monitoring results of inorganic arsenic are below an eight-hour time-weighted average concentration of 100 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$);

OR

- Daily if employees work in areas where either exposure monitoring results of inorganic arsenic are above an eight-hour time-weighted average concentration of 100 $\mu\text{g}/\text{m}^3$ or when more frequent washing is needed to prevent skin irritation.

- Maintain the effectiveness of PPE by repairing or replacing it, as needed:

- Dispose of protective clothing if it will not be repaired.

- Inform individuals who clean or launder protective clothing about the possible health effects associated with inorganic arsenic, including carcinogenic effects, by doing the following:

- Provide the information in writing;

AND

- Label containers of contaminated PPE with the following warning:

CAUTION:

Clothing contaminated with inorganic arsenic

Do not remove dust by blowing or shaking
Dispose of inorganic arsenic contaminated wash water as applicable local, state, or federal regulations require

Reference: To see additional Personal protective equipment requirements go to the Safety and health core rules, chapter 296-800 WAC, and find the section titled, PPE, WAC 296-800-160.

NEW SECTION**WAC 296-848-40045 Respirators.****IMPORTANT:**

The requirements in this section are in addition to the requirements found in Respirators, chapter 296-842 WAC.

You must:

- Provide respirators and require that employees use them in circumstances where exposure is above the permissible exposure limit (PEL), including any of the following:

- Employees are in an exposure control area.

- Feasible exposure controls are being put in place.

- Work operations where you establish exposure controls are not feasible.

- Feasible exposure controls do not reduce exposures to, or below, the PEL.

- Emergencies.

- Make sure air-purifying respirators selected have high-efficiency particulate air (HEPA) filters or N-, R-, or P-100 filters.

- Provide an employee a PAPR when all of the following conditions exist:

- A licensed healthcare professional (LHCP) recommends this type of respirator in their written opinion.

- This type of respirator will provide proper protection.

- The employee chooses to use this type of respirator.

- Prohibit the use of half-facepiece respirators for protection against arsenic trichloride.

Note: Arsenic trichloride is corrosive and can be rapidly absorbed through skin.

NEW SECTION**WAC 296-848-500 Definitions.****Action level**

An airborne concentration of inorganic arsenic of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air calculated as an eight-hour time-weighted average.

Authorized personnel

Individuals specifically permitted by the employer to enter the exposure control area to perform duties, or to observe employee exposure evaluations as a designated representative.

Breathing zone

The space around and in front of an employee's nose and mouth, forming a hemisphere with a 6- to 9-inch radius.

CAS (Chemical Abstract Service) number

CAS numbers are internationally recognized and used on material safety data sheets (MSDSs) and other documents to identify substances. For more information see <http://www.cas.org/about>.

Day

Any part of a calendar day.

Designated representative

Any one of the following:

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.
- The legal representative of a deceased or legally incapacitated employee.

Emergency

Any event that could or does result in the unexpected significant release of inorganic arsenic. Examples of emergencies include equipment failure, container rupture, or control equipment failure.

Exposure

The contact an employee has with inorganic arsenic, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

Inorganic arsenic

Elemental arsenic (As), copper aceto-arsenite, and inorganic compounds containing arsenic (measured as As), except arsine. Inorganic compounds do not contain the element carbon.

Licensed healthcare professional (LHCP)

An individual whose legally permitted scope of practice allows him or her to provide some or all of the healthcare services required for medical evaluations.

Permissible exposure limits (PELs)

PELs are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are also specified in WISHA rules found in other chapters. The PEL for inorganic arsenic is an eight-hour time-weighted average (TWA₈) of 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

Time-weighted average

An exposure concentration averaged over a period of time.

WSR 04-18-081
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed August 31, 2004, 1:21 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Revisions to Spokane County Air Pollution Control Authority (SCAPCA) Regulation I, Article 6, Section 6.14 Standards for Control of Particulate Matter On Paved Surfaces.

Hearing Location(s): Spokane County Public Works Building, 1206 West Broadway, Hearing Room Lower Level, Spokane, WA 99201, on October 7, 2004, at 9:00 a.m.

Date of Intended Adoption: October 7, 2004.

Submit Written Comments to: Ronald J. Edgar, SCAPCA, 1101 West College Avenue, Suite 403, Spokane, WA 99201-2094, e-mail rjedgar@scapca.org, fax (509) 477-4727 ext. 111, by September 30, 2004.

Assistance for Persons with Disabilities: Contact Barbara Nelson by October 5, 2004, (509) 477-4727.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal will clarify the inclusion of any newly incorporated governmental entities in the existing requirements of the rule. It will also clarify some reporting requirements.

Reasons Supporting Proposal: This rule is a part of the Washington state implementation plan for attainment of the PM10 particulate standards. This change will clarify that newly incorporated cities within the PM10 nonattainment areas are required to have and implement a plan to control particulate emissions from paved roads.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapter 70.94 RCW.

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

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ron Edgar, 1101 West College Avenue, Suite 403, (509) 477-4727.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a local air pollution control authority rule. RCW 34.05.328 does not apply to local air pollution control authority rule development/amendments.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 70.95.141(1), RCW 34.05.328 does not apply to this rule amendment.

August 30, 2004

Ronald J. Edgar

Chief of Technical Services

AMENDATORY SECTION (Amending Order Res. 99-01, filed 9/01/04)

SECTION 6.14 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON PAVED SURFACES

A. Applicability. The provisions of Section 6.14 shall apply to any government agency of a state, county, city or ((local government or private company)) municipal corporation that applies or contracts for application of sanding materials to or mechanically sweeps or vacuums or contracts for sweeping or vacuuming of paved surfaces within the PM10 Nonattainment area, or within the PM10 maintenance area after the nonattainment area is redesignated to attainment. This Section shall also apply to all suppliers of sanding materials to be used by these affected entities.

B. Definitions.

1. Affected Entit((ies))y ((are)) is any governmental agency of a state, county, city or ((local government or private company)) municipal corporation as described in Sub-section A. ((that applies sanding material to, or mechanically sweeps or vacuums paved surfaces within the PM10 Nonattainment area.))

2. Approved Laboratory means a certified or approved facility capable of performing the specified tests in a competent, professional, and unbiased manner in accordance with ASTM testing procedures.

3. The Authority is the Spokane County Air Pollution Control Authority

4. Base Sanding Amount is the average amount of sanding materials applied per lane mile by each affected entity within the PM10 Nonattainment Area during the 1992 - 1993 season or another base season, as requested by an affected entity and approved by the Authority.

5. Durability Index means the percent loss of weight as determined using ASTM "Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", designated C131-89, or other approved ASTM procedure.

6. Full Deployment means that sanding materials have been applied to all priority roadways targeted for treatment during a snow/ice event ((are sanded)).

7. Percent Fines means the percent material passing a #100 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", Designation C136-84a (1988) (American Highway and Transportation Officials designation T27-88), or other approved ASTM procedure.

7. PM10 Maintenance Area means the same as the PM10 Nonattainment area unless otherwise defined in an approved PM10 Maintenance Plan.

~~((8)) 2. PM10 Nonattainment Area means the Spokane County PM10 Nonattainment Area, defined in CFR Title 40, Part 81, as designated on November 15, 1990. ((This definition will remain in effect, even after the United States Environmental Protection Agency makes the determination that the PM10 standard that existed before September 16, 1997, no longer applies to Spokane County. Retaining the definition ensures compliance with the Environmental Protection Agency's Guidance for implementing the 1 Hour Ozone and Pre-Existing PM10 NAAQS, dated December 29, 1997, by continuing implementation of control measures in the State Implementation Plan and preserving air quality gains.))~~

~~((9)) 10. Priority Roadway means any street, arterial, or highway, within the PM10 Nonattainment Area, with more than 15,000 average daily traffic count, and any connecting entrance or exit ramp.~~

~~((10)) 11. Recycled Sanding Materials means previously used sanding materials which have been collected from roadways or paved areas and are then re-used as is, after washing, or after blending with new sanding materials.~~

~~((11)) 12. Sanding Materials means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.~~

~~((12)) 13. Season means the period beginning, November 1, in one calendar year and concluding on April 30, the next calendar year.~~

C. Emission reduction and control plans. Each affected ~~((governmental))~~ entity shall submit to the Authority an initial plan, including an implementation schedule describing the programs and methods to be used to reduce PM10 emissions from paved surfaces ~~((, within 30 days after the effective date of this regulation))~~. If the affected entity incorporated

after the effective date of this regulation, that entity shall submit an initial plan within 180 days of incorporation. In reviewing each plan, the Authority shall allow consideration of mobility and transportation safety factors. ~~((Approval of))~~ In approving any initial plan, ((shall require that)) or plan revision the Authority ((determine)) must make a finding, in consultation with the Washington State Department of Ecology, that the cumulative effect of the plans submitted by all affected entities will ((achieve and)) maintain at least a 70% reduction, from the 1992 - 1993 base season, in the 24 hour PM10 emissions from paved surfaces.

1. Each plan is subject to approval by the Authority and shall address, at a minimum, ~~((but not necessarily be limited to))~~ all of the following:

- a. Base sanding amount;
- b. Percent sanding reduction goal;
- c. Sanding materials specifications to be employed;
- d. Criteria for application of sanding materials. Where and when sanding materials are applied;

~~((d))~~ e. Identification of priority roadways.

~~((e))~~ f. Locations, application rates, and circumstances for the use of chemical deicers and other sanding alternatives;

~~((f))~~ g. Street sweeping frequency and technology to be employed;

~~((g))~~ h. Factors for determining when and where to initiate street sweeping following a sanding event, with the goal of expeditious removal of sanding materials from priority roadways when safety and mobility requirements have been satisfied.

~~((h))~~ i. An implementation schedule giving the estimated dates of start and completion, if applicable, of each part of the plan.

j. A schedule for removal of sanding materials from all surfaces to which they are applied.

~~((Beginning 30 days after the effective date of this regulation, t))~~ The plans submitted shall be implemented by each affected entity ~~((, U))~~ upon approval of each plan ~~((, the affected entity shall implement the approved plan))~~.

3. Within 45 days of submittal of the reports required in Subsection ~~((G))~~ E. of this Section, the Authority shall determine if the plan commitments have been met and shall notify ~~((any))~~ each affected entity that has failed to ~~((meet plan commitments))~~ fully implement its plan.

~~((4. If the Authority determines that any governmental entity has failed to meet the plan commitments, the Authority, shall require that any affected governmental entity submit a revised plan within 30 days of notification by the Authority. The revised plan shall establish methods for meeting the plan commitments. Any revised plan must be implemented upon approval by the Authority.))~~

~~((5))~~ 4. If the Authority, after consultation with the affected ~~((governmental))~~ entities, the Washington Department of Ecology, and the United States Environmental Protection Agency, determines that the emission reduction and control plans do not provide for sufficient reduction in PM10 emissions to ~~((meet))~~ achieve the emission reduction credit for paved road surfaces as contained in the State Implementation Plan, the Authority may require ~~((the))~~ any or all affected ~~((governmental))~~ entities to modify their plans in order to achieve additional reductions.

PROPOSED

5. Each affected entity shall review their approved plan within 90 days of the effective date of the amendment to this regulation and every five (5) years thereafter and within 90 days of the Authority's determination made pursuant to subsection C. 4. and revise the plan as appropriate to ensure that identified priority roadways reflect changes in traffic counts and driving patterns and that all aspects of the plan reflect current sanding and sweeping technologies, programs, and schedules of the affected entity and requirements of the Authority. All amended plans are subject to approval by the Authority.

~~((D. Sweeping requirements. Beginning the effective date of this regulation, the City of Spokane, Spokane County, and the Washington State Department of Transportation, or their contractors, shall clean all priority roadways in an expeditious manner following each sanding event when road conditions are appropriate and safety and mobility requirements have been satisfied. Cleaning shall be accomplished with broom sweepers or a more effective technique approved by the Authority.))~~

((E)) D. Sanding Materials Specifications

1. Material Standards. No affected entity shall use sanding materials, whether new or recycled, which equal or exceed 3% fines and 25% durability index.

2. Contractual Requirements. After the effective date of this regulation, no affected entity shall execute a contract for the purchase of sanding materials unless the contract includes standards at least as stringent as those set forth in Subsection E.1. of this Section.

((F)) E. Testing

1. Supplier Testing Requirements

a. Suppliers of sanding materials shall have tests performed by an approved laboratory to determine the percent fines and durability index on representative samples of their sanding materials which are supplied to affected entities.

b. The sampling and test frequency and methodology used shall ensure that the samples are representative and enable the supplier to certify to the affected entity that the actual sanding materials supplied for use will meet the requirements of Subsection ((E)) D. of this Section.

2. User Requirements. Affected entities or their contractors, shall have at least one test performed by an approved laboratory to determine the percent fines and durability index on all recycled materials at least once for the first 250 tons of recycled materials used each season and at least once for every 500 tons of recycled materials used thereafter during the same season.

3. Authority Audits. The Authority may enter the site of any affected entity or supplier of sanding materials subject to this Section for the purpose of obtaining a sample of sanding materials to determine if the materials meet the requirements of Subsection ((E)) D. of this Section.

((G)) E. Reporting

1. Supplier Reporting Requirements. Prior to, or upon, delivery of sanding materials, suppliers shall provide affected entities that use their sanding materials a report demonstrating that the supplier has met all testing requirements of this Section applicable to the time period in which deliveries are made. The supplier shall certify in writing to the affected

entity that the sanding materials meet the requirements of Subsection ((E)) D. of this Section.

2. Affected Entity Reporting Requirements

a. Affected entities that use recycled sanding materials shall submit to the Authority copies of the results of testing conducted according to Subsection ((F)) E.2. of this Section no later than 30 days after the tests are conducted.

b. No later than June 30, of each year, affected ((governmental)) entities shall submit a report to the Authority containing information for the preceding season on:

1) the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;

2) the number of lane miles sanded, salted and deiced; and

3) the number of full deployment episodes; and

~~((4) the same information specified in b.(1), b.(2) and b.(3), for all private companies performing sanding, salting, or deicing services under a contract with the affected governmental entity.))~~

~~((e. No later than June 30, of each year, private companies that use 250 tons of sanding materials or more per season for non-governmental applications within the PM10 nonattainment area shall submit a report to the Authority containing information for the preceding season on the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used.))~~

~~((d)) c.~~ Within 7 calendar days of awarding a contract for the purchase of sanding materials to a supplier, an affected entity shall notify the Authority of the supplier's name and location of the aggregate sources from which the materials will be supplied.

((e)) d. Affected entities shall maintain on file reports received under the provisions of Subsection ((G)) E.1. of this Section for a period of three (3) years.

3. Sweeper Reporting Requirements

a. Affected entities shall maintain monthly records to document the information described below. No later than June 30, of each year, each affected ((governmental)) entity shall submit a report to the Authority ((which)) that shall contain the information described below ((for each priority roadway)).

1) Date of each sweeping operation;

2) Priority ((L)) lane miles swept;

3) All other lane miles swept;

~~((3))~~ 4) Type of equipment used;

~~((4))~~ 5) Number of passes on priority roadways.

~~((5) the same information specified in a.(1), a.(2), a.(3) and a.(4), for all private companies performing sweeping under a contract with the affected governmental entity.))~~

4. Authority Audits. All records generated under the provisions of this Section shall be made available for inspection upon request by the Authority.

((H)) G. Alternate Test Methods and Standards. Alternate percent fines and durability index test procedures may be approved by the Authority should they be determined to provide a measure that is equivalent to the test procedures of this Section.

((I)) H. Alternate Sanding Materials. Experimentation with new sanding materials may be approved by the Authority provided the Authority finds that the impact of such

experiments will not cause ~~((or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) for PM10))~~ a failure to maintain the 70% reduction in PM10 emissions from the 1992-93 base season, as described in subsection C.

~~((J. Failure to comply with this Section will subject affected entities and/or suppliers to penalties as provided in Article II of this Regulation.))~~

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 04-18-093
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Dental Hygiene)
 [Filed September 1, 2004, 8:26 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 246-815-990 Dental hygiene fees and renewal cycle.

Hearing Location(s): Department of Health, Point Plaza East, 310 Israel Road S.E., Room 139, Tumwater, WA 98501, on November 2, 2004, at 10:30 a.m.

Date of Intended Adoption: November 2, 2004.

Submit Written Comments to: Vicki Brown, P.O. Box 47867, Olympia, WA 98504-7867, e-mail vicki.brown@doh.wa.gov, fax (360) 236-4865, by October 26, 2004.

Assistance for Persons with Disabilities: Contact Vicki Brown by October 26, 2004, TTY (800) 833-6388 or (360) 236-4052.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: With the passage of legislation (ESSB 6554 Barriers to credentialing), this requires a change to WAC 246-815-990 to change "temporary" to "limited." As the limited license is renewable, the rule needs to be changed to allow the department to charge fees for the limited license and the renewed limited license. This bill reduces barriers to licensing, allowing more applicants to become licensed in Washington.

Reasons Supporting Proposal: This rule reduces barriers to licensing, allowing more dental hygiene applicants to become licensed in Washington state and to ensure the rules are consistent with the statute.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: Chapter 18.29 RCW.

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

Name of Proponent: Department of Health, Dental Hygiene Examining Committee, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicki Brown, Program Manager, Department of Health, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4865.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business eco-

nomie impact statement does not need to be prepared as it does not affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal is exempt under RCW 34.05.328 (5)(b)(vi) because it sets fees according to legislative standards.

September 1, 2004

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 03-07-095, filed 3/19/03, effective 7/1/03)

WAC 246-815-990 Dental hygiene fees and renewal cycle. (1) Licenses must be renewed every 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 examination and reexamination . . .	\$100.00
Renewal	40.00
Late renewal penalty	40.00
Expired license reissuance	40.00
Credentialing application	100.00
((Temporary)) Limited license application . . .	100.00
<u>Limited license renewal</u>	<u>40.00</u>
<u>Limited license late renewal penalty</u>	<u>40.00</u>
<u>Expired limited license reissuance</u>	<u>40.00</u>
Duplicate license	15.00
Certification of license	25.00
Education program evaluation	200.00

WSR 04-18-098
PROPOSED RULES
HORSING RACING COMMISSION
 [Filed September 1, 2004, 9:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-057.

Title of Rule and Other Identifying Information: WAC 260-14-040 Wagering, 260-48-700 Multijurisdictional common pool wagering, 260-48-710 Participation in common pools as a guest, 260-48-720 Participation in common pool wagering as a host, chapter 260-49 WAC, Advance deposit wagering and chapter 260-72 WAC, Communications from grounds.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by September [October] 1, 2004.

PROPOSED

Assistance for Persons with Disabilities: Contact Patty Sorby by October 13, 2004, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To adopt rules to allow the commission to comply with RCW 67.16.270 and 67.16.160, which became effective on April 1, 2004. RCW 67.16.270 and 67.16.160 requires the commission to regulate both advance deposit wagering and full-card simulcast to class 1 racing associations and satellite locations in Washington, and prohibits commissioners from wagering on the outcome of any horse race under their jurisdiction.

Reasons Supporting Proposal: Complies with RCW 67.16.160 and 67.16.270.

Statutory Authority for Adoption: RCW 67.16.020.

Statute Being Implemented: Complies with RCW 67.16.160 and 67.16.270.

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

Name of Proponent: Washington Horse Racing Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

September 1, 2004

R. M. Leichner

Executive Secretary

AMENDATORY SECTION (Amending Order 73.3, filed 6/28/73)

WAC 260-14-040 Wagering. (1) No commission employee shall make any wager at a facility under the jurisdiction of the commission.

(2) No ~~((regulatory))~~ commission employee shall make any wager on the outcome of any horse race at a meeting ~~((at which he is employed))~~ under the jurisdiction of the commission. Commission employee means both regulatory employee and employee as defined in WAC 260-14-010.

(3) No commissioner ~~((or employee))~~ shall make any wager ~~((except through authorized pari-mutuel betting))~~ on the outcome of any horse race at a meeting under the jurisdiction of the commission.

AMENDATORY SECTION (Amending WSR 99-06-026, filed 2/23/99, effective 3/26/99)

WAC 260-48-700 ~~((Interjurisdictional))~~ Multijurisdictional common pool wagering. (1) ~~((definitions))~~ **Definitions.**

(a) The host association is the association conducting a licensed parimutuel meeting from which authorized contests or entire performances are simulcast.

(b) The guest association is the association that offers licensed parimutuel wagering on contests conducted by the host association.

(2)(a) Except as otherwise authorized by the commission, a request for simulcasting must be filed on a form provided by the commission not later than ~~((7))~~ seven business days before the first simulcast race covered by the request. The executive secretary may approve a request for simulcasting, subject to rescission of the approval by the commission at its next regular meeting.

(b) The application must include at a minimum:

(i) The simulcast agreement between the host and guest association;

(ii) The approval by the horsemen's association represented at the host and guest site;

(iii) The alternate jurisdiction approval;

(iv) When acting as the host site, approval also requires a list of all locations that will be receiving and/or wagering on the races under the guest site; and

(v) The executive secretary may require the association to submit additional information if the executive secretary determines the additional information is necessary to effectively evaluate the request.

(3) A class 1 racing association shall not be allowed to simulcast until the following are filed with the commission.

(a) A written agreement with the local horsemen's group.

(b) A description of how simulcast purse ~~((monies))~~ moneys are to be maintained.

(c) A description of how breeder awards are to be maintained.

(d) A monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

(4) The approval of any particular simulcasting or wagering on particular simulcast races or programs is not binding on the commission for other requests for approval of simulcasting or wagering on simulcast races or programs.

(5) In determining whether to approve ~~((an interjurisdiction))~~ a multijurisdiction common pool which does not include the host track or which includes contests from more than one association, the commission shall consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the commission.

(6) No class 1 racing association shall enter a contractual agreement that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC and any federal, state or local law.

(7) The mutuel manager or the mutuel manager's designee shall be present on association grounds at all times that the class 1 racing association is accepting wagers on simulcast races. He/she shall be responsible for communicating all errors or omissions regarding simulcast wagering to the ~~((board of stewards or the commissions on duty mutuel inspector))~~ executive secretary.

(8) There shall be a facsimile machine located in each mutuel area or tote room and a direct, private telephone line to be located in the tote room. Phone access to the tote room shall not require routing through the switchboard.

(9) Every class 1 racing association shall file with the commission an annual report of its simulcast operations including financial data as specified by the commission.

(10) Not less than ~~((30))~~ thirty minutes prior to the commencement of transmission of the performance of parimutuel contests for each day or night, the guest association shall initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.

~~((11))~~ ~~((The audio or the video signals must be present at the start of a wagering event in order for wagering to begin and shall continue to be displayed to the public during the entire wagering card.~~

~~((12))~~ ~~In the event of the loss of both the audio and video signals the class 1 association mutuel manager shall ensure that wagering and racing information is provided through the public address system or totalisator information screens.~~

~~((13))~~ ~~If a guest association is unable to establish or to maintain the audio or video signal from the host association, the guest association may continue to accept wagers while attempting to establish the signal provided:~~

~~(a) An announcement is made to the public informing them of the technical difficulties;~~

~~(b) The totalisator system licensee transmits the odds on the affected race to the video department to be displayed to the patrons; and~~

~~(c) The totalisator system licensee locks all wagering on the affected race at zero minutes to post to ensure the integrity and transfer of the wagering pools.~~

~~((14))~~ ~~Wagering may not take place without the presence of both the audio and the video signals on a performance day following a performance day in which either the audio or the video was missing.~~

~~((15))~~ ~~If the host association loses the ability to transmit the audio or video signal, the host association:~~

~~(a) Shall notify all receiving locations of the technical difficulties being experienced;~~

~~(b) May continue to accept wagers from the receiving location on that days races; and~~

~~(c) May not accept wagers from the receiving locations for subsequent race days until the technical difficulties have been corrected.~~

~~((16))~~ ~~The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interjurisdiction common pool need not be identical to the similar information permitted or required to be displayed under these rules.~~

~~((17))~~ ~~Washington intrack breakage and minus pools shall be prorated based on amounts wagered.~~

~~((18))~~ ~~((12))~~ The commission may permit adjustment of the takeout from the parimutuel pool so that the takeout rate in this jurisdiction is identical to that at the host jurisdiction, or identical to that of other jurisdictions participating in a merged pool.

~~((19))~~ ~~((13))~~ Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.

~~((20))~~ ~~((14))~~ Where takeout rates in the merged pool are not identical, the net price calculation may be the method by which the differing takeout rates are applied.

~~((21))~~ ~~((15))~~ Parimutuel pools may be combined for computing odds and calculating payouts but will be held separate for auditing and all other purposes.

AMENDATORY SECTION (Amending WSR 99-06-026, filed 2/23/99, effective 3/26/99)

WAC 260-48-710 Participation in common pools as guest. (1) With the prior approval of the commission, parimutuel-wagering pools may be combined with corresponding wagering pools in the host jurisdiction, or with corresponding pools established by one or more other jurisdictions.

(2) Rules established in the jurisdiction of the host association designated for a parimutuel pool shall apply.

(3) The guest association and all authorized receivers shall conduct parimutuel wagering pursuant to the applicable jurisdiction rules.

(4) Class 1 racing associations which import races and propose to offer types of wagers other than those currently defined in chapter 260-48 WAC, shall submit to the commission a copy of the host jurisdiction's rule governing the wager.

(5) If, after the close of wagering, ~~((it becomes impossible to successfully merge the bets placed into the interjurisdiction common pool, the association shall make payouts in accordance with payout prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere:))~~ a guest racetrack's wagers cannot be successfully merged in the multijurisdictional common pool via data circuit or manual merge, the mutuel manager shall:

(a) Refund the pools not successfully merged after announcing to the public that the pools were not merged successfully and the pools will be refunded; or

(b) Pay the winning wagers based on the prices established at the host racetrack.

The mutuel manager shall report the failure to merge any common pool to the commission. The report must be made on a form prescribed by the executive secretary and be filed no later than the day after the date the common pool failed to merge.

In the event the host association has offered a wager not covered by chapter 260-48 WAC, the ~~((ARCI))~~ Association of Racing Commissioners International model rules regarding such wager shall govern. Information regarding this emergency procedure shall be posted throughout the class 1 racing association facility and published in its racing program.

(6) An authorized class 1 racing association when acting as a guest association shall provide:

(a) A voice communication system between each guest association and the host association, providing timely voice contact among the commission designees and parimutuel departments.

(b) Parimutuel terminals and odds displays, modems and equipment enabling parimutuel data transmissions, and data communications between the host and guest associations.

(c) Adequate transmitting and receiving equipment of acceptable broadcast quality, which shall not interfere with

the closed circuit TV system of the host association for providing any host facility patron information.

AMENDATORY SECTION (Amending WSR 99-06-026, filed 2/23/99, effective 3/26/99)

WAC 260-48-720 Participation in common pools as host. (1) A host association is responsible for content of the simulcast and shall use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of each performance.

(2) Unless otherwise permitted by the commission, every simulcast will contain in its video content the date, a digital display of actual time of day, the host facility's name from where it emanates and the number of the contest being displayed.

(3) The host association shall maintain such security controls including encryption over its uplink and communications systems as directed or approved by the commission.

(4) Any contract of ~~((interjurisdiction))~~ multijurisdiction common pools entered into by the association shall contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another jurisdiction into the ~~((interjurisdiction))~~ multijurisdiction common pool formed by the class 1 racing association, or if, for any reason, the commission's or the association's representative determines that attempting to effect transfer of pool data from the guest jurisdiction may endanger the association's wagering pool, the association shall have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

(5) If for any reason it becomes impossible to successfully merge pool data into the ~~((interjurisdiction))~~ multijurisdiction common pool of the class 1 racing association, or it is determined that attempting to effect transfer of pool data from the guest jurisdiction may endanger the class 1 racing associations wagering pool, or cause an unreasonable delay of the racing program, the class 1 racing association representative shall determine under the circumstances whether to manually merge guests pools, exclude guests pools or delay the Washington pools.

(6) Scratched horses must be communicated via facsimile machine, telephone or other approved method by the host mutuel manager to all guest mutuel managers except when the operating totalisator protocol performs these functions automatically or when the information is disseminated to the wagering network via satellite or video display. The host mutuel manager must communicate program changes to all guest sites via facsimile machine, telephone or other approved method.

Chapter 260-49 WAC

ADVANCE DEPOSIT WAGERING

NEW SECTION

WAC 260-49-010 Definitions. For the purposes of this chapter, unless otherwise indicated by the context in which the term is used, the following terms shall have the meaning set forth herein:

(1) "Account" shall mean an account for advance deposit wagering with a complete record of credits, wagers and debts established by an account holder and managed by an authorized advance deposit wagering service provider.

(2) "Account holder" shall mean a natural person, at least twenty-one years of age for whom an authorized advance deposit wagering service provider has opened an account.

(3) "Advance deposit wagering" means a form of parimutuel wagering in which an individual deposits money in an account with an entity authorized by the commission to conduct advance deposit wagering and then the account funds are used to pay for parimutuel wagers made in person, by telephone, or through communication by other electronic means.

(4) "Authorized advance deposit wagering service provider" means an entity licensed by the commission, pursuant to this chapter, to conduct advance deposit wagering including such entity's facility location, equipment and staff involved in the management, servicing and operation of advance deposit wagering.

(5) "Applicant" is a natural person, at least twenty-one years of age, who has submitted an application to establish an account with an authorized advance deposit wagering service provider.

(6) "Application" shall mean the form or forms and other required submissions received from an applicant for the purpose of opening an account.

(7) "Class 1 racing association" shall mean any person or entity holding a current and valid license issued by the commission pursuant to chapter 67.16 RCW to hold race meets.

(8) "Commission" means the Washington horse racing commission.

(9) "Communications by other electronic means" includes communications by any electronic communication device or combination of devices including, but not limited to, the following: Personal computers, the internet, private networks, interactive televisions and wireless communication technologies or other technologies approved by the commission.

(10) "Confidential information" shall include the following:

(a) The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

(b) The amount of money wagered by a particular account holder on any race or series of races;

(c) The account number and secure personal identification code of a particular account holder;

(d) The identities of particular entries on which the account holder is wagering or has wagered; and

(e) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of an authorized advance deposit wagering service provider that would identify the account holder to anyone other than the commission, the authorized advance deposit wagering service provider, the regulatory authority in the state that regulates the authorized advance deposit wagering service provider or as otherwise required by state or federal law.

(11) "Credits" shall mean all deposits of money into an account.

(12) "Debits" shall mean all withdrawals of money from an account.

(13) "Deposit" shall mean a payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.

(14) "Foreign jurisdiction" shall mean a jurisdiction of a foreign country or political subdivision thereof.

(15) "Natural person" shall mean any person, at least twenty-one years of age, but does not include any corporation, partnership, limited liability company, trust, or estate.

(16) "Principal residence address" shall mean that place where the natural person submitting an application for an account resides at least fifty percent of the time during the calendar year.

(17) "Proper identification" shall mean a form of identification sufficient to ensure that the person making a transaction is an account holder.

(18) "Secure personal identification code" shall mean an alpha and/or numeric character code chosen by an account holder as a means by which the authorized advance deposit wagering service provider may verify a wager or account transaction as authorized by the account holder.

(19) "Source market fee" shall mean the part of a wager made on any race by a person whose principal residence address is in Washington that is returned to the class 1 racing association and the commission.

(20) "Source market fee area" means the state of Washington.

(21) "Withdrawal" shall mean a payment of money from an account by an authorized advance deposit wagering service provider to the account holder.

NEW SECTION

WAC 260-49-020 Requirements to conduct authorized advance deposit wagering. (1) The advance deposit wagering rules set forth in this chapter shall apply to the establishment and operation of accounts by an authorized advance deposit wagering service provider for applicants whose principal residence address is in the state of Washington.

(2) Advance deposit wagering by any person whose principal residence address is in the state of Washington may be conducted only by an authorized advance deposit wagering service provider licensed by the commission pursuant to this chapter.

(3) A class 1 racing association must obtain commission approval of its contract with an authorized advance deposit wagering service provider.

(4) No advance deposit wagering service provider shall solicit, accept, open or operate an account for any person with a principal residence address in the state of Washington unless the service provider has received a license in good standing from the commission.

(5) The commission may suspend or revoke a license to operate as an authorized advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an authorized advance deposit wagering service provider and/or impose fines, if the authorized

advance deposit wagering service provider, its officers, directors, or employees violate chapter 67.16 RCW or Title 260 WAC.

(6) An authorized advance deposit wagering service provider located within Washington shall not solicit, accept, open or operate advance deposit wagering accounts for persons whose principal residence is outside of the state of Washington, including residents of foreign jurisdictions unless:

(a) The service provider has received a license from the commission in good standing;

(b) Wagering on that same type of live racing is lawful in the jurisdiction which is the person's principal residence; and

(c) The authorized advance deposit wagering service provider complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. §§ 3001 to 3007, and the laws of the jurisdiction, which is the principal place of residence of the applicant.

(7) The authorized advance deposit wagering service provider shall provide a bond or irrevocable letter of credit in an amount set by the commission for the purpose of ensuring that payments to the commission and to Washington account holders are made. In the alternative, a service provider may provide other means of assurance of such payment including, but not limited to, evidence of bond(s), irrevocable letter(s) of credit or other forms of financial guarantees posted and in good standing with regulatory authorities in other jurisdictions, which shall be subject to the approval of the commission. Any bond, letter of credit or other assurance of payment acceptable to the commission provided by the service provider shall run to the Washington horse racing commission as obligee, and shall be for the benefit of the commission and any account holder who suffers a loss by reason of the service provider's violation of chapter 67.16 RCW or these rules. The bond, letter of credit or other assurance of payment shall be conditioned on the obligor as licensee faithfully complying with chapter 67.16 RCW and these rules. The bond shall be continuous and may be canceled by the surety only upon the surety giving written notice to the executive secretary of its intent to cancel the bond. The notice of cancellation shall be effective no sooner than thirty days after the notice is received by the executive secretary. In the event of cancellation of the bond, letter of credit or other assurance of payment the service provider shall file a new bond, letter of credit or other assurance of payment prior to the effective date of the cancellation notice.

(8) Persons whose primary residence is within Washington shall not participate in advance deposit wagering unless such activity is conducted through an authorized advance deposit wagering service provider.

(9) The content and frequency of reports from an authorized advance deposit wagering service provider shall be at the discretion of the commission.

(10) No class 1 racing association shall enter into a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(11) Every class 1 racing association approved under this chapter shall file with the commission a monthly statement

showing amounts contributed to and balances in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than twenty-five days after the end of each month.

(12) In determining whether to approve an application under this chapter, the commission shall consider the following factors:

(a) The impacts on all entities conducting business as part of the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts of the state where the authorized advance deposit wagering service provider is located are sufficient for compliance with applicable laws and for the protection of the public and to ensure the integrity of all operations and financial transactions under the agreement between the class 1 racing association and the authorized advance deposit wagering service provider; and

(c) Any other factor the commission identifies on the record as relevant to its determination.

NEW SECTION

WAC 260-49-030 Advance deposit wagering service provider license for a class 1 racing association. (1) A class 1 racing association licensed under chapter 67.16 RCW and chapter 260-13 WAC may apply for a license from the commission to operate as an advance deposit wagering service provider in accordance with chapter 67.16 RCW and this chapter.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the class 1 racing association shall file with the commission an original and five copies of the application and plan of operation.

(3) As part of the application, the class 1 racing association shall submit a detailed plan of how its proposed advance deposit wagering service provider would operate. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and advance deposit wagering service provider will operate and the regular hours of operation;

(b) Programs for responsible wagering;

(c) A plan for verification of an applicant's identity, age and residence when establishing an account;

(d) Establish a dispute resolution process for account holders who file a claim against the advance deposit wagering service provider;

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington;

(f) The process for an account holder to make withdrawals from the account holder's account;

(g) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live; and

(h) Any additional information required by the commission.

(4) The commission may require changes in a proposed plan of operations as a condition of granting a license.

(5) The commission may conduct investigations or inspections or request additional information from the class 1 racing association, as it deems appropriate in determining whether to license the class 1 racing association to operate as an advance deposit wagering service provider.

(6) A license authorizes only the class 1 racing association to establish, manage and operate an advance deposit wagering service provider. The class 1 racing association shall not subcontract operation of the advance deposit wagering service provider to another person or entity.

(7) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(8) No subsequent changes in the advance deposit wagering service provider's plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(9) The commission, or its staff, shall be given access to review and audit all records and financial information of a class 1 racing association related to the conduct of advance deposit wagering, including resident and nonresident accounts. This information shall be made available to the commission or its staff by the class 1 racing association at its location at reasonable hours. The commission may require the class 1 racing association to annually submit to the commission audited financial statements of the advance deposit wagering service provider.

NEW SECTION

WAC 260-49-040 Advance deposit wagering service provider license for nonclass 1 racing associations. (1) Prior to accepting applications from Washington residents for advance deposit wagering accounts, the advance deposit wagering service provider must have:

(a) An agreement with a class 1 racing association, that has been approved by the commission; and

(b) A license from the commission to conduct advance deposit wagering.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the entity shall file with the commission an original and five copies of the application and plan of operation.

(3) The operator of an advance deposit wagering service provider applying for a license to conduct advance deposit wagering must provide the following information as part of the application:

(a) If the service provider is an individual, his/her legal name and the legal name of his/her spouse and dates of birth and address;

(b) If the service provider is a corporation:

(i) The date and place of incorporation;

(ii) The names and addresses of its shareholders, and the names, addresses and dates of birth of directors and officers who are natural persons; and

(iii) If a shareholder is a corporation then the date and place of its incorporation, and the names and addresses and dates of birth of those corporations' directors and officers. If the service provider is a corporation ultimately owned by a

not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in this subsection shall be required from the directors of the not-for-profit entity, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(c) If the service provider is a general or limited partnership, the names, addresses, and dates of birth of the partners; if a partner is a corporation, the date of incorporation, the place of incorporation and the names and addresses and dates of birth of its directors and officers must be provided;

(d) The commission reserves the right to require fingerprints as part of the license application process;

(e) Information from the service provider that demonstrates whether the service provider has the financial resources to operate as an advance deposit wagering service provider;

(f) A copy of the written agreement between the class 1 association and the advance deposit wagering service provider and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(g) Written approval to conduct advance deposit wagering from the appropriate regulatory authority in the state where the advance deposit wagering service provider is located;

(h) A description of how the state where the service provider is located regulates and monitors the advance deposit wagering facility for compliance with applicable law and protection of the public; and

(i) Any other information required by the commission.

(4) The written agreement between the class 1 racing association and the advance deposit wagering service provider must contain substantially the following terms:

(a) A description of the fee structure and fees to be paid to the class 1 racing association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law or rule.

(5) The commission's approval of a specific agreement under this section is not binding on the commission as to any other agreement.

(6) As part of the application for licensure as an advance deposit wagering service provider, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate and the regular hours of operation;

(b) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live;

(c) Programs for responsible wagering;

(d) A plan for verification of an applicant's identity, age and residence when establishing an account;

(e) Establish a dispute resolution process for account holders who file a claim against the authorized advance deposit wagering service provider;

(f) The process for an account holder to make withdrawals from the account holder's account;

(g) An advance deposit wagering service provider located in Washington must include how the provider will implement the requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington; and

(h) Any other issues as required by the commission.

(7) The commission may require changes to an advance deposit wagering service provider's proposed plan of operations as a condition of granting a license. No subsequent material changes in the plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(8) The advance deposit wagering service provider applying for a license shall provide to the commission the number of Washington accounts on file with its business as of 1:00 p.m. PST April 1, 2004, and the total wagering activity since that time until the date of the application for license in Washington. Any operator of an advance deposit wagering service provider authorized by the commission to conduct advance deposit wagering shall pay the source market fee on all advance deposit wagers for all accounts since 1:00 p.m. PST April 1, 2004, that have Washington as the principal resident address.

(9) The commission may conduct investigations or inspections or request additional information from the applicant for a license under this section as it deems appropriate in determining whether to approve the license application.

(10) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(11) The advance deposit wagering service provider accepting a license from the commission recognizes and accepts the jurisdiction of the state of Washington as provided in RCW 4.28.185. The advance deposit wagering service provider shall provide to the commission or its staff access to review and audit all records and financial information of the advance deposit wagering service provider, including all Washington account information. An advance deposit wagering service provider located in Washington, shall also provide access to the commission, or its staff to review and audit all records and financial information maintained by the advance deposit wagering service provider that relate to applications and accounts for persons whose primary residences are not located in Washington. This information shall be made available to the commission or its staff by the advance deposit wagering service provider at the service provider's location upon notice from the commission or commission staff at all reasonable times. The commission may require the service provider annually submit to the commission audited financial statements of the advance deposit wagering service provider.

NEW SECTION

WAC 260-49-050 Establishing an account. (1) An established account is necessary to place advance deposit wagers. An account may only be established with an authorized advance deposit wagering service provider.

(a) To establish an account, an application form must be signed or otherwise authorized in a manner acceptable to the commission and include:

- (i) The applicant's full legal name;
- (ii) Principal residence address;
- (iii) Telephone number;
- (iv) Proper identification or certification demonstrating that the applicant is at least twenty-one years of age; and
- (v) Any additional information required by the commission.

(b) Each application submitted shall be verified with respect to name, principal residence address, and date of birth by either an independent service provider or another means which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by an independent service provider. If there is a discrepancy between the application submitted and the information provided by the verification described above or if no information on the applicant is available from such verification process, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If the applicant's information cannot be verified, the authorized advance deposit wagering service provider shall not establish an account.

(2) Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the advance deposit wagering service provider provided the account holder is given notice in writing prior to the change.

(3) The applicant shall supply a secure personal identification code when the account holder is placing an advance deposit wager. The account holder has the right to change this code at any time.

(4) The holder of the account shall receive at the time the account is approved:

- (a) Unique account identification number;
- (b) Copy of the advance deposit wagering rules and such other information and material that is pertinent to the operation of the account;

(c) Notice that the account holder must be at least twenty-one years of age, and that individuals under the age of twenty-one shall not have access to the account;

(d) Such other information as the authorized advance deposit wagering service provider or the commission may deem appropriate.

(5) Accounts shall only be accepted in the name of a natural person.

(6) The account is nontransferable between natural persons.

(7) The authorized advance deposit wagering service provider may close or refuse to open an account for what it deems good and sufficient reason, and shall order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules.

(8) Any disputes between an account holder and an authorized advance deposit wagering service provider shall follow the dispute resolution procedures contained in the authorized advance deposit wagering service provider's plan of operations as approved by the commission. If the autho-

rized advance deposit wagering service provider fails to resolve the dispute, the commission may take appropriate action including claims against the bond or other form of financial security.

(9) The authorized advance deposit wagering service provider shall state in all advertising in the state of Washington that residents under the age of twenty-one are not permitted to open, own or have access to an advance deposit wagering account.

(10) If the authorized advance deposit wagering service provider is located in Washington, no account shall be established for any natural person under the age of twenty-one.

NEW SECTION

WAC 260-49-060 Operation of an account. (1) The authorized advance deposit wagering service provider may refuse deposits to an account for what it deems good and sufficient reason.

(2) The authorized advance deposit wagering service provider may suspend any account or close any account at any time provided that when an account is closed, they shall, within seven calendar days, return to the account holder all moneys then on deposit by sending a check to the last known principal residence address.

(3) Credits to an account after the initial establishment of the account may be made as follows:

(a) Deposits to an account by an account holder may be made in the following forms:

(i) Cash, which may be deposited at financial or retail outlets designated by the authorized advance deposit wagering service provider;

(ii) Check, money order or negotiable order of withdrawal given or sent to an authorized advance deposit wagering service provider;

(iii) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, if the use of the card has been approved by the authorized advance deposit wagering service provider;

(iv) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account; or

(v) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the authorized advance deposit wagering service provider.

(4) Debits to an account shall be made as follows:

(a) Upon receipt by the authorized advance deposit wagering service provider of an advance deposit wager, the authorized advance deposit wagering service provider shall debit the account in the amount of the wager;

(b) For fees for service or other transaction-related charges by the authorized advance deposit wagering service provider;

(c) The authorized advance deposit wagering service provider may close accounts in which there has been no activity for at least six months, returning funds remaining therein to the account holder at his/her last known principal residence address; or

(d) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws.

(5) Account holders may communicate instructions concerning advance deposit wagers to the advance deposit wagering service provider in person, by mail, telephone, or other electronic means.

(6) The authorized advance deposit wagering service provider shall not accept wagers from an account holder in an amount in excess of the account balance.

(7) Notwithstanding any other rules, the authorized advance deposit wagering service provider may at any time declare the advance deposit wagering closed for receiving wagers on any parimutuel pool, race, group of races, or closed for all wagering. Any time advance deposit wagering is closed other than coincident with the start of a race, a written report must be filed with the commission within forty-eight hours. Any time the authorized advance deposit wagering service provider is closed during its normal hours of operation a written report must be filed with the commission within forty-eight hours.

(8) The authorized advance deposit wagering service provider has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

(9) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and his/her personal identification code.

(10) Payment on winning parimutuel wagers and credits for advance deposit wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.

(11) The authorized advance deposit wagering service provider shall provide written or electronic statements of an individual's account activity at any time upon the request of the account holder.

(12) No employee or agent of the authorized advance deposit wagering service provider shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the authorized advance deposit wagering service provider, except to the account holder or as required by these rules, the commission, and as otherwise required by state or federal law, or Title 260 WAC.

NEW SECTION

WAC 260-49-070 Distribution of source market fee.

(1) A source market fee shall be paid monthly for the source market fee area on all accounts that have Washington as the principal residence address.

(2) The authorized advance deposit wagering service provider shall, at least monthly, distribute the total source market fee as follows:

(a) Ninety percent of the total source market fee directly to the class 1 racing association and the remaining ten percent directly to the commission.

(b) The class 1 racing association shall distribute two and one-half percent of the total source market fee to the breeders' award fund.

(c) The class 1 racing association and the recognized horsemen's organization shall negotiate a separate agreement for contributions to the purse account from the source market fee and submit the agreement for review and approval by the commission. The class 1 racing association shall distribute the horsemen's share of the source market fee in accordance with the horseman's agreement.

(d) The commission shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus account and one-half of one percent of the total source market fee to the class C purse fund account and seven percent of the total source market fee to the commission's operating account.

(3) The commission shall annually review the distribution of the source market fee. Any changes to the distribution shall be adopted by rule.

NEW SECTION

WAC 260-49-080 Distribution of source market fee—More than one class 1 racing association. (1) The source market fee generated from wagers on a class 1 racing association's live races will be distributed to the class 1 racing association conducting that meet after deducting contributions to the commission, one percent owners bonus, breeders awards, and class C purse fund per WAC 260-49-070. The remaining source market fee from the class 1 racing association's live meet shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association.

(2) The source market fee generated from races conducted outside Washington shall be allocated proportionate to the gross amount of all sources of parimutuel wagering during each twelve-month period derived from the associations' live race meets after deducting contributions to the commission, one percent owners' bonus, breeders awards, and class C purse fund per WAC 260-49-070. The remaining proportional share of the source market fee from races conducted outside Washington shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association. "All sources of parimutuel wagering" shall mean the total of in-state and out-of-state wagering on the associations' live race meet. This percentage must be calculated annually. The commission shall calculate the proportion of the source market fee for each class 1 racing association based upon the preceding calendar year. The commission shall inform the authorized advance deposit wagering service provider(s) of the percentage of source market fee to be distributed to each class 1 racing association. The authorized advance deposit wagering service provider(s) shall distribute the source market fee to

the class 1 racing associations according to the percentages established by the commission.

(3) A class 1 racing association is not entitled to source market fees until it has completed one race meet in accordance with the requirements of RCW 67.16.200.

(4) A class 1 racing association must complete a live race meet in accordance with RCW 67.16.200 within each succeeding twelve-month period to maintain eligibility to continue participating in advance deposit wagering and to receive a proportionate share of the source market fee.

NEW SECTION

WAC 260-49-090 Licensing fees to operate advance deposit wagering. (1) Application fees.

(a) A nonrefundable application fee of five thousand dollars must be submitted with all license applications to conduct authorized advance deposit wagering.

(b) The applicant will be billed and shall be responsible for any costs involved in the background checks, investigation, and review of the application in excess of five thousand dollars.

(2) An annual license fee of one thousand dollars shall be payable to the commission on issuance of the original license. Thereafter, the annual renewal license fee shall be one thousand dollars due thirty days prior to the license expiration. The licensee will be billed and shall be responsible for any costs in excess of one thousand dollars associated with the review and investigation of the annual renewal application.

NEW SECTION

WAC 260-49-100 Enforcement and penalties. (1) Any violations of this chapter shall be referred to the commission. The commission shall have sole authority to ensure compliance with these rules, conduct hearings on violations, and determine penalties for violations.

(2) The commission may suspend or revoke a license issued to an advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an advance deposit wagering service provider and/or impose fines, if the licensee:

(a) Violates any of the requirements of chapter 67.16 RCW or these rules;

(b) Fails to provide a bond or letter of credit or evidence thereof in another jurisdiction to the satisfaction of the commission;

(c) Fails to make payments in a timely manner as required by these rules;

(d) Fails to comply with any conditions on the license imposed by the commission;

(e) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required payments to other state regulatory agencies;

(f) Poses a threat to the effective regulation of wagering or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of wagering activities, as demonstrated through the prior activities, criminal record, reputation, habits, or associations;

(g) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefore by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule, then within thirty days after receiving a written request therefore from the commission or its staff;

(h) Commits, or has committed, any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or approval of agreements.

(3) The commission shall afford a licensee the opportunity for an adjudicative proceeding prior to denial, suspending or revoking a license or imposing fines, and shall provide a class 1 racing association and/or an authorized advance deposit wagering service provider a hearing on refusal of approval or withdrawal of approval of the agreement between the association and the service provider.

(4) The commission shall have authority to ensure compliance with these regulations, including, but not limited to, injunctive relief and the imposition of fines, suspensions and revocation of license and repayment of outstanding source market fees.

AMENDATORY SECTION (Amending WSR 00-20-029, filed 9/27/00, effective 10/28/00)

WAC 260-72-020 Transmission of race results. ~~((1) No association licensed by this commission shall knowingly transmit or allow to be transmitted by telephone, telegraph, teletype, semaphore, signal device, radio, television or other method of electrical, manual or visual communication from the enclosure of its track the result of any race until said race is declared official. Provided, however, associations licensed by this commission may allow radio or television broadcasts of racing programs upon approval of the commission, as stipulated in WAC 260-72-030.~~

((2)) A class 1 racing association may seek approval to broadcast its races for the purpose of satellite wagering as authorized in RCW 67.16.200 Satellite locations—Parimutuel wagering. The class 1 association shall ensure that the audio-visual signal of such broadcast shall be encrypted or manipulated to mask the original video content of the signal and so cause such signal to be indecipherable and unrecognizable to any unauthorized receiver.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-72-030

Transmission or broadcast of information relating to feature races.

WSR 04-18-100
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-062.

Title of Rule and Other Identifying Information: WAC 180-51-061 High school graduation requirements.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: At the time the state board adopted the high school and beyond plan and culminating graduation requirements (beginning with the graduating class of 2008), the board intended to require implementation of both via a written district policy. The written policy requirement was linked only to the culminating project. This amendment will provide the link to the high school and beyond plan.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.230.090.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

September 1, 2004

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 04-04-092, filed 2/3/04, effective 3/5/04)

WAC 180-51-061 Minimum requirements for high school graduation. (1) The statewide minimum subject areas and credits required for high school graduation, beginning July 1, 2004, for students who enter the ninth grade or begin the equivalent of a four-year high school program, shall be as listed below.

(2) State board of education approved private schools under RCW 28A.305.130(6) may, but are not required to, align their curriculums with the state learning goals under RCW 28A.150.210 or the essential academic learning requirements under RCW 28A.665.060.

Subject Area	Essential Content	Minimum State Credits ¹	Assessment Includes
English • Reading • Writing • Communications (Student Learning Goal 1)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	3	Secondary WASL ⁽²⁾ (beginning 2008)
Mathematics (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	2	Secondary WASL ⁽²⁾ (beginning 2008)
Science • Physical • Life • Earth (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content At least one credit in laboratory science, which shall be defined locally	2	((The assessment of achieved competence in this subject area remains at the local levels)) <u>Secondary WASL (beginning 2010)</u>

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Subject Area	Essential Content	Minimum State Credits ¹	Assessment Includes
Social Studies • Civics • History • Geography (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content U.S. history and government, Washington state history and government, and including study of the U.S. and Washington state Constitutions ⁽³⁾ 2 Contemporary world history, geography, and problems ⁽⁴⁾ 3	2.5	The assessment of achieved competence in this subject area remains at the local level ⁽⁵⁾ 4
Health and Fitness⁽⁶⁾ 5 (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content	2	The assessment of achieved competence in this subject area remains at the local level ⁽⁵⁾ 4
Arts (Student Learning Goal 2)	The Essential Academic Learning Requirements through benchmark three, plus content that is determined by the district to be beyond benchmark three level content May be satisfied in the visual or performing arts	1	The assessment of achieved competence in this subject area remains at the local level ⁽⁵⁾ 4
Occupational Education	"Occupational education" means credits resulting from a series of learning experiences designed to assist the student to acquire and demonstrate competency of skills under student learning goal four and which skills are required for success in current and emerging occupations. At a minimum, these competencies shall align with the definition of an exploratory course as proposed or adopted in the career and technical education program standards of the superintendent of public instruction.	1	The assessment of achieved competence in this subject area remains at the local level ⁽⁵⁾ 4
Electives⁽⁷⁾ (6)	See footnote #((7)) (6)	5.5	The assessment of achieved competence in this subject area remains at the local level ⁽⁵⁾ 4
TOTAL		19	
Culminating Project⁽⁸⁾ 7	See footnote #((8)) 7		The assessment of achieved competence in this subject area remains at the local level ⁽⁵⁾ 4

Subject Area	Essential Content	Minimum State Credits ¹	Assessment Includes
High School and Beyond Plan⁽⁹⁾ §	See footnote #((9)) §		The assessment of achieved competence in this subject area remains at the local level ^{((5)) §}
<u>Certificate of Academic Achievement or Certificate of Individual Achievement</u>			<u>Secondary WASL, Washington Alternate Assessment System (WAAS)</u> (See RCW 28A.655.061)

PROPOSED

- ¹ See WAC 180-51-050 for definition of high school credit.
- ² ((See WAC 180-51-063 for effective date.
- ³⁾⁾ The study of Washington state history and government is encouraged to include information on the culture, history, and government of the American Indian people who were the first inhabitants of the state. The study of the U.S. and Washington state Constitutions shall not be waived, but may be fulfilled through an alternative learning experience approved by the school principal pursuant to written district policy. Secondary school students who have completed and passed a state history and government course of study in another state may have the Washington state history and government requirement waived by their principal. For purposes of the Washington state history and government requirement only, the term "secondary school students" shall mean a student who is in one of the grades seven through twelve.
- ^{((4)) §} Courses in economics, sociology, civics, political science, international relations, or related courses with emphasis on current problems may be accepted as equivalencies.
- ^{((5)) §} Locally determined assessment means whatever assessment or assessments, if any, the district determines are necessary.
- ^{((6)) §} The fitness portion of the requirement shall be met by course work in fitness education. The content of fitness courses shall be determined locally pursuant to WAC 180-51-025. Suggested fitness course outlines shall be developed by the office of the superintendent of public instruction. Students may be excused from the physical portion of the fitness requirement pursuant to RCW 28A.230.050. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts, including demonstration of the knowledge portion of the fitness requirement. "Directed athletics" shall be interpreted to include community-based organized athletics.
- ^{((7)) §} Study in a world language other than English or study in a world culture may satisfy any or all of the required electives.
- ^{((8)) §} Each student shall complete a culminating project for graduation. The project consists of the student demonstrating both their learning competencies and preparations related to learning goals three and four. Each district shall define the process to implement this graduation requirement, including assessment criteria, in written district policy.
- ^{((9)) §} Each student shall have an education plan for their high school experience, including what they expect to do the year following graduation.

WSR 04-18-101
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed September 1, 2004, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-056.

Title of Rule and Other Identifying Information: WAC 180-77-120 Out-of-state candidates.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amendment will allow individuals who hold a career and technical education certificate issued by another state, and who have practiced at the P-12 level in that respective role outside the state of Washington for three years, and who have completed competency based teacher training, to obtain a career and technical education certificate in Washington.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

September 1, 2004
Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-77-120 Out-of-state candidates. Out-of-state applicants shall be eligible for Washington career and technical education certificates if they meet the standards in chapter 180-77 WAC or as follows: Provided, That candidates who apply for a career and technical education certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition of the issuance of a career and technical education certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to a candidate who has two thousand hours of paid occupational experience and who meets one of the following:

- (a) Qualifies under provisions of the interstate compact;
- (b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state-approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79A-150(4).

(c) Holds an appropriate career and technical education certificate issued by another state and had practiced at the P-12 level in that respective role outside the state of Washington for three years and has completed competency-based teacher training.

(2) Continuing certificate. The continuing certificate shall be issued on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

WSR 04-18-103
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-114.

Title of Rule and Other Identifying Information: WAC 180-18-055 Alternative high school graduation requirements.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The current rule provides that the waiver can no longer be requested once new state minimum graduation requirements take effect. Since the waiver deals with awarding credit on the basis of competency rather than the carnegie unit, a matter distinct from the graduation requirements themselves, it appears unnecessary to "repeal" the availability of this waiver, especially if a district has not adopted a written policy allowing the awarding of high school credit on the basis of competency (see WAC 180-51-050 (1)(b)).

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.150.220 and 28A.305.140.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

August 31, 2004

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 04-04-093, filed 2/3/04, effective 3/5/04)

WAC 180-18-055 Alternative high school graduation requirements. (1) The shift from a time and credit based system of education to a standards and performance based education system will be a multiyear transition. In order to facilitate the transition and encourage local innovation, the state board of education finds that current credit-based graduation requirements may be a limitation upon the ability of high schools and districts to make the transition with the least amount of difficulty. Therefore, the state board will provide districts and high schools the opportunity to create and implement alternative graduation requirements.

(2) A school district, or high school with permission of the district board of directors, or approved private high school, desiring to implement a local restructuring plan to

provide an effective educational system to enhance the educational program for high school students, may apply to the state board of education for a waiver from one or more of the requirements of chapter 180-51 WAC.

(3) The state board of education may grant the waiver for a period up to four school years ~~((, or until any new graduation requirements the state board of education may adopt take effect, whichever comes first))~~.

(4) The waiver application shall be in the form of a resolution adopted by the district or private school board of directors which includes a request for the waiver and a plan for restructuring the educational program of one or more high schools which consists of at least the following information:

(a) Identification of the requirements of chapter 180-51 WAC to be waived;

(b) Specific standards for increased student learning that the district or school expects to achieve;

(c) How the district or school plans to achieve the higher standards, including timelines for implementation;

(d) How the district or school plans to determine if the higher standards are met;

(e) Evidence that the board of directors, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan;

(f) Evidence that students, families, parents, and citizens were involved in developing the plan; and

(g) Identification of the school years subject to the waiver.

(5) The plan for restructuring the educational program of one or more high schools may consist of the school improvement plans required under WAC 180-16-220, along with the requirements of subsection (4)(a) through (d) of this section.

(6) The application also shall include documentation that the school is successful as demonstrated by indicators such as, but not limited to, the following:

(a) The school has clear expectations for student learning;

(b) The graduation rate of the high school for the last three school years;

(c) Any follow-up employment data for the high school's graduate for the last three years;

(d) The college admission rate of the school's graduates the last three school years;

(e) Use of student portfolios to document student learning;

(f) Student scores on the high school Washington assessments of student learning;

(g) The level and types of family and parent involvement at the school;

(h) The school's annual performance report the last three school years; and

(i) The level of student, family, parent, and public satisfaction and confidence in the school as reflected in any survey done by the school the last three school years.

(7) A waiver of WAC 180-51-060 may be granted only if the district or school provides documentation and rationale that any noncredit based graduation requirements that will replace in whole or in part WAC 180-51-060, will support the state's performance-based education system being implemented pursuant to RCW 28A.630.885, and the noncredit

based requirements meet the minimum college core admissions standards as accepted by the higher education coordinating board for students planning to attend a baccalaureate institution.

(8) A waiver granted under this section may be renewed upon the state board of education receiving a renewal request from the school district board of directors. Before filing the request, the school district shall conduct at least one public meeting to evaluate the educational requirements that were implemented as a result of the waiver. The request to the state board shall include information regarding the activities and programs implemented as a result of the waiver, whether higher standards for students are being achieved, assurances that students in advanced placement or other postsecondary options programs, such as but not limited to: College in the high school, running start, and tech-prep, shall not be disadvantaged, and a summary of the comments received at the public meeting or meetings.

(9) The state board of education shall notify the state board for community and technical colleges ~~((and)),~~ the higher education coordinating board and the council of presidents of any waiver granted under this section.

(10) Any waiver requested under this section will be granted with the understanding that the state board of education will affirm that students who graduate under alternative graduation requirements have in fact completed state requirements for high school graduation in a nontraditional program.

(11) Any school or district granted a waiver under this chapter shall report annually to the state board of education, in a form and manner to be determined by the board, on the progress and effects of implementing the waiver.

WSR 04-18-104

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-056.

Title of Rule and Other Identifying Information: WAC 180-78A-540 Approval standards—Knowledges and skills.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments to these rules will revise criteria and standards, which is needed to clarify language, eliminate redundancy, and to make the professional certificate more candidate friendly.

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Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.305.130 and 28A.410.010.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

August 31, 2004

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

WAC 180-78A-540 Approval standard—Knowledge and skills. (1) **Teacher.** A successful candidate for the teacher professional certificate shall demonstrate:

(a) The knowledge and skills for effective teaching which ensure student learning by:

(i) Using ~~((effective teaching practices, including classroom management))~~ instructional strategies that make learning meaningful and show positive impact on student learning;

(ii) Using a variety of assessment strategies and data to monitor and improve instruction;

(iii) ~~((Establishing and maintaining))~~ Using democratic principles and classroom management to foster a safe, positive, student-focused(;) learning environment;

(iv) Designing and/or adapting challenging curriculum that is ~~((developmentally appropriate))~~ based on the needs of the students;

(v) Demonstrating cultural sensitivity in teaching and in relationships with students, ~~((parents))~~ families, and community members;

(vi) ~~((Using information about student achievement and performance to advise and involve students and families;~~

~~(vii))~~ Integrating technology into instruction and assessment; and

~~((viii))~~ (vii) Informing, involving, and collaborating with ((parents and)) families and community members as partners in the educational process ((instrumental to student success; and

~~(ix) Employing democratic principles in instruction)).~~

(b) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for professional development by:

(i) Evaluating the effects of his/her teaching through feedback and reflection;

(ii) ~~((Designing and implementing professional growth programs, including new directions in career development and goals))~~ Using professional standards and district criteria

to assess professional performance, and plan and implement appropriate growth activities; and

(iii) Remaining current in subject area(s), theories, practice, research and ethical practice.

(c) A successful candidate for the professional certificate shall demonstrate ~~((leadership that contributes))~~ professional contributions to the improvement of the school, community, and the profession by:

(i) ~~((Participating in activities within the school community to improve curriculum and instructional practices;~~

~~(ii) Participating in professional and/or community organizations;~~

~~(iii))~~ Advocating for curriculum, instruction, and learning environments ((which)) that meet the diverse needs of students; and

~~((iv) Demonstrating communication skills and/or strategies that facilitate group decision-making; and~~

~~(v))~~ (ii) Participating collaboratively in school improvement activities and contributing to collegial decision making.

(2) **Principal/program administrator.** A successful candidate for the principal/program administrator professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the six standards pursuant to WAC 180-78A-270 (2)(b).

WSR 04-18-105

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-056.

Title of Rule and Other Identifying Information: WAC 180-82A-204 Endorsement requirements.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment will add Pathway 2 which involves classroom-based observation-demonstration of competencies for those endorsements that differ in instructional methodology from those currently held.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

August 31, 2004

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 03-14-114, filed 6/30/03, effective 7/31/03)

WAC 180-82A-204 Endorsement requirements. (1) Candidates completing endorsements required to obtain a residency certificate, shall complete college/university teacher preparation programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (see WAC 180-78A-264(5)) and field experience/internship (see WAC 180-78A-264(6)) and pursuant to endorsement program approval requirements in this chapter.

(2) In order to add an additional endorsement, the candidate shall:

(a) Have completed a state-approved endorsement program which includes methodology (see WAC 180-78A-264(5)) and addresses all endorsement-specific competencies adopted by the state board of education and published by the superintendent of public instruction. The requirement for field experience shall be at the discretion of the college/university. Provided, that in cases where programs require a field experience/internship, the colleges/universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's teaching schedule; or

(b) Achieve National Board certification in a Washington teaching endorsement area and hold a valid National Board certificate; or

(c) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought. The instructional methodology and content-related skills of the desired subject endorsement must be compatible with one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of Pathway 1 endorsements adopted by the state board of education and published by the superintendent of public instruction. The applicant must document a minimum of ninety days teaching experience, in a public or state approved private school, or state agency providing educational services for students, in the endorsement area that is compatible in instructional methodology and content-related skills to the Pathway 1 endorsement; or

(d)(i) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought and successfully meet all eligibil-

ity criteria and process requirements for Pathway 2 endorsements as adopted by the state board of education and published by the superintendent of public instruction. The desired subject endorsement must be identified as a Pathway 2 endorsement for one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of Pathway 2 endorsements adopted by the state board of education and published by the superintendent of public instruction.

(ii) Teacher preparation programs that offer Pathway 2 endorsement programs shall follow process steps as adopted by the state board of education and published by the superintendent of public instruction to verify successful completion of the Pathway 2 process and to recommend adding the endorsement to the applicant's teacher certificate.

(3) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington endorsement area.

(4) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(5) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(6) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

WSR 04-18-106

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-114.

Title of Rule and Other Identifying Information: WAC 180-16-220 Supplemental basic education program approval requirements and 180-16-225 Waiver—Substantial lack of classroom space.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments move the last section of WAC 180-16-225(3) to 180-16-220(5) to clarify that the certification requirements,

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including current and valid certificates and endorsements, and the school improvement plan may not be waived.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.150.220, 28A.305.140, and 28A.230.130.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

August 31, 2004

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 04-04-093, filed 2/3/04, effective 3/5/04)

WAC 180-16-220 Supplemental basic education program approval requirements. The following requirements are hereby established by the state board of education as related supplemental condition to a school district's entitlement to state basic education allocation funds, as authorized by RCW 28A.150.220(4).

(1) **Current and valid certificates.** Every school district employee required by WAC 180-79A-140 to possess an education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential. In addition, classroom teachers, principals, vice principals, and educational staff associates shall be required to possess endorsements as required by WAC 180-82-105, 180-82-120, and 180-82-125, respectively.

(2) **Annual school building approval.**

(a) Each school in the district shall be approved annually by the school district board of directors under an approval process determined by the district board of directors.

(b) At a minimum the annual approval shall require each school to have a school improvement plan that is data driven, promotes a positive impact on student learning, and includes a continuous improvement process that shall mean the ongoing process used by a school to monitor, adjust, and update its school improvement plan. For the purpose of this section "positive impact on student learning" shall mean:

(i) Supporting the goal of basic education under RCW 28A.150.210, "... to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives...";

(ii) Promoting continuous improvement of student achievement of the state learning goals and essential academic learning requirements; and

(iii) Recognizing nonacademic student learning and growth related, but not limited to: Public speaking, leadership, interpersonal relationship skills, teamwork, self-confidence, and resiliency.

(c) The school improvement plan shall be based on a self-review of the school's program for the purpose of annual building approval by the district. The self-review shall include active participation and input by building staff, students, families, parents, and community members.

(d) The school improvement plan shall address, but is not limited to:

(i) The characteristics of successful schools as identified by the superintendent of public instruction and the educational service districts, including safe and supportive learning environments;

(ii) Educational equity factors such as, but not limited to: Gender, race, ethnicity, culture, language, and physical/mental ability, as these factors relate to having a positive impact on student learning. The state board of education strongly encourages that equity be viewed as giving each student what she or he needs and when and how she or he needs it to reach their achievement potential;

(iii) The use of technology to facilitate instruction and a positive impact on student learning; and

(iv) Parent, family, and community involvement, as these factors relate to having a positive impact on student learning.

(3) Nothing in this section shall prohibit a school improvement plan from focusing on one or more characteristics of effective schools during the ensuing three school years.

(4) School involvement with school improvement assistance under the state accountability system or involvement with school improvement assistance through the federal Elementary and Secondary Education Act shall constitute a sufficient school improvement plan for the purposes of this section.

(5) Nonwaiverable requirements. Certification requirements, including endorsements, and the school improvement plan requirements set forth in subsection (2) of this section may not be waived.

AMENDATORY SECTION (Amending WSR 04-04-093, filed 2/3/04, effective 3/5/04)

WAC 180-16-225 Waiver—Substantial lack of classroom space—Grounds and procedure. (1) **Grounds.** The state board of education may waive one or more of the basic education allocation entitlement requirements set forth in WAC 180-16-200 through 180-16-220(1) only if a school district's failure to comply with such requirement(s) is found by the state board to be caused by substantial lack of classroom space.

As a condition to a waiver based on substantial lack of classroom space the state board will consider and a school district must demonstrate, at least, that the facilities of the school district do not contain enough classroom space or other space that can reasonably be converted into classroom space, and that necessary classroom space may not reason-

ably be acquired by lease or rental to enable the district to comply with the referenced entitlement requirements.

(2) **Waiver procedure.** In order to secure a waiver pursuant to subsection (1) of this section a school district must submit a petition together with a detailed explanation and documentation in support of its request not later than thirty days prior to either:

(a) The state board of education meeting immediately preceding commencement of the school year; or

(b) The March (or such other meeting as the state board shall have established) meeting of the board at which the board will consider certifications of compliance and noncompliance with these entitlement requirements.

A school district that can reasonably foresee an inability to comply with entitlement requirements by reason of substantial lack of classroom space should petition for a waiver as early as the state board meeting immediately preceding commencement of the school year in order to allow for the possibility that the request may be denied.

~~((3) Nonwaiverable requirements. Certification requirements, including endorsements, and the school improvement plan requirement set forth in WAC 180-16-220(2) may not be waived.))~~

WSR 04-18-107
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-111.

Title of Rule and Other Identifying Information: WAC 180-27-100 Special inspections and testing and 180-27-120 Costs to be financed entirely with school district funds.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 180-27-100 Special inspections and testing, various tests are required in the building code to verify the integrity of various structural elements of a building - concrete, steel, welding, anchor bolts, etc. From 1949 to 1997, the prevalent building code in the western United States has been the Uniform Building Code (UBC). In this state, the State Building Code Council (SBCC), a division of the Department of Community Development, developed the statement amendments, which together with the UBC, were adopted by the legislature as the State Building Code. The current rule refers to the Uniform Building Code.

The organization that drafted the Uniform Building Code joined other counterparts in producing the International Building Code (IBC) for consistency. 1997 was the last Uniform Building Code. The legislature has adopted the International Building Code and statement amendments as the State Building Code effective July 1, 2004. By changing the rule from "Uniform Building Code" to "State Building Code," the rule will include not only the IBC, but also any state amendments.

WAC 180-27-120 Costs to be financed entirely with school district funds, this rule lists costs to be borne entirely by the local district, such as site acquisition, central administration buildings, maintenance shops, stadiums, etc. Included in this list is project signs. The state board has expressed interest in having signs at project sites indicating state participating in the construction. This rule change will remove the local district from being responsible for the total cost of project signs.

Statutory Authority for Adoption: RCW 28A.525.020.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

August 31, 2004

Larry Davis

Executive Director

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-100 Special inspections and testing. All special inspections and testing to be performed by independent sources as specified in the construction documents shall be matched in addition to the construction costs subject to the approval of the superintendent of public instruction. For the purposes of this section, special inspections shall be those special inspections required under the ((Uniform)) State Building Code.

AMENDATORY SECTION (Amending WSR 98-19-143, filed 9/23/98, effective 10/24/98)

WAC 180-27-120 Costs to be financed entirely with school district funds. The cost of the following areas, facilities, and items shall not be eligible for the state matching purposes:

- (1) The cost of area in excess of the space allocations as set forth in WAC 180-27-035;
- (2) Acquisition cost of site;
- (3) Maintenance and operation;

(4) Alterations, repair, and demolitions, except alterations necessary to connect new construction to an existing building;

(5) Central administration buildings;

(6) Stadia/grandstands;

(7) Costs incidental to advertising for bids, site surveys, soil testing for site purchase, and costs other than those connected directly with the construction of facilities;

(8) Bus garages, except interdistrict cooperatives;

(9) ~~((Project signs;~~

~~(10)))~~ Sales and/or use taxes levied by local governmental agencies other than those sales and/or use taxes levied by the state of Washington;

~~((11)))~~ ~~(10)~~ All costs in excess of state support level factors established by the state board of education for state participation in financing school construction; and/or

~~((12)))~~ ~~(11)~~ All costs associated with the purchase, installation, and relocation of portable classrooms.

WSR 04-18-108

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-062.

Title of Rule and Other Identifying Information: WAC 180-51-063 Certificate of mastery—High school graduation requirement—Effective date and 180-51-064 Certificate of mastery—Validity and reliability study.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Action by the legislature during the 2004 session established in statute 2008 as the effective date of the Certificate of Academic Achievement (formerly the Certificate of Mastery—CoM), amending preexisting statutory CoM provisions. Also, the CoM Study Committee created by the State Board of Education in 2000 completed its work in May 2003. This will repeal these sections of WAC.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.230.090

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

August 31, 2004

Larry Davis

Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-51-063

Certificate of mastery—High school graduation requirement—Effective date.

WAC 180-51-064

Certificate of mastery—Validity and reliability study.

WSR 04-18-109

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-061.

Title of Rule and Other Identifying Information: WAC 180-57-070 Mandatory high school transcript contents—Items.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: As a result of action by the 2004 legislature, beginning with the graduating class of 2006, students' scores on the WASL and the level of performance achieved must be noted on the state standardized high school transcript.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.305.220.

Statute Being Implemented: RCW 28A.400.301.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

August 31, 2004

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 03-04-055, filed 1/29/03, effective 3/1/03)

WAC 180-57-070 Mandatory high school transcript contents—Items—Timelines. (1)(a) The standardized high school transcript shall contain only the ~~((following))~~ information listed in subsection (2) of this section in order to meet the statutory requirements under RCW 28A.305.220 for a state-wide standardized transcript.

(b) Any other information the district or school may desire to include may be stapled to the transcript or otherwise provided with the transcript. Information that is not listed below shall not be included on the state standardized transcript:

~~((1))~~ (2)(a) Authorized transcript information effective now:

(i) The student's legal name (last name, first name, and middle name(s) or middle initial(s)), and other or former names used;

~~((2))~~ (ii) The name(s) of parent(s) or guardian(s);

~~((3))~~ (iii) The student's birthdate;

~~((4))~~ (iv) The student's school district identification number (if applicable);

~~((5))~~ (v) The school name, address, phone number, and name of the school district issuing the transcript;

~~((6))~~ (vi) A list of previous schools attended where credit was attempted (school name, city, state, and month and year of entrance and exit);

~~((7))~~ (vii) The student's academic history for all high school level courses attempted, including courses taken under RCW 28A.230.090(4) and including those courses where a student has withdrawn, and listed by major reporting period for the grade level (month and year), course code and description, marks/grades earned as defined in WAC 180-57-050 (a mark/grade of "W" will be used to indicate a withdrawal from a course), credits attempted and earned as defined in WAC 180-57-040, ((credits attempted as defined in WAC 180-57-040, and)), grade point average as defined in WAC 180-57-055, and a term and cumulative summary of the student's high school level academic history.

(viii) Credits attempted for courses taken more than once to improve a grade/mark may count only once toward the number of credits required for graduation((-)), except that credits attempted for courses taken more than once to

improve a grade may count toward the number of credits required for graduation on the condition that the letter grades earned for all attempts are included in the calculation of the student's grade point average. Districts and schools shall not convert letter grades to nonnumerical grades/marks for the purpose of this subsection. ~~((The transcript shall include a term and cumulative summary of the student's high school level academic history;~~

~~(8) The transcript shall include notation that the high school + education plan requirement was completed (noting month and year) or not completed by the student;~~

~~(9) The transcript shall include notation that the culminating project requirement was completed (noting month and year) or not completed by the student;~~

~~(10))~~ (b) Authorized and required additional transcript information effective beginning with the graduating class of 2006:

(i) The following courses, for which college credit can be earned, shall be designated on the transcript with the designation coding indicated. Courses completed and credits earned through running start shall be noted with an "R((S))" designation. Courses completed and credits earned through advanced placement shall be noted with an "A((P))" designation. Courses completed and credits earned through college in the high school shall be noted with a "C((HS))" designation. Courses completed and credits earned through an international baccalaureate program shall be noted with an "I((B))" designation. Courses completed which earn college credit through tech((-))prep and/or the corresponding credits or certification earned shall be noted with a "T((P))" designation. Courses that meet or satisfy higher education coordinating board core course requirements shall be noted with a "~~((HC))~~B" designation. Courses completed and credits earned through an honors option shall be noted with an "H" designation;

~~((11)(a) At such time as the state board of education determines that the high school Washington assessments of student learning are sufficiently reliable and valid and that retake opportunities are available, the transcript shall then include notation that the student has met or exceeded (noting the month and year) or not met the standard on each of the required secondary Washington assessments of student learning and/or earned (noting the month and year) or not earned the state certificate of mastery, or that the particular Washington assessment of student learning was waived or not taken;~~

~~(b) For purposes of this subsection, "exceeded" shall mean the performance standard on each of the required high school Washington assessments of student learning as determined by the superintendent of public instruction;)~~ (ii)(A) Notation of the student's actual highest scale score and level achieved for each content area on the Washington assessment of student learning (noting month and year); or

(B) Notation of the student's actual highest earned performance rating on the Washington alternate assessment system (WAAS) that has been taken by a student eligible to take the WAAS (nothing month and year); or

(C) A combination of (b)(ii)(A) and (B) of this subsection.

(c) Authorized and required additional transcript information effective beginning with the graduating class of 2008:

(i) Notation that the high school and beyond plan graduation requirement was completed (noting month and year) or not completed by the student;

(ii) Notation that the culminating project graduation requirement was completed (noting month and year) or not completed by the student; and

(iii) Notation that the certificate of academic achievement graduation requirement was completed in one of the following ways:

(A) Based on the student's scores for each content area of the Washington assessment of student learning (noting month and year). This notation shall be accompanied by a "scholar's designation" for those students who, on their first attempt, pass each content area on the Washington assessment of student learning at level four.

(B) Based in whole or in part on the student's results on an alternative assessment approved by the legislature under section 101(7), chapter 19, Laws of 2004, including the student's actual highest earned performance rating on the alternate assessment (noting month and year);

(C) The student earned a certificate of individual achievement based on the student's results on an assessment of the objectives in the student's individual education plan using the Washington alternate assessment system (WAAS) (noting month and year).

(iv) Notation that the student did not complete the certificate of academic achievement graduation requirement because the applicable assessments were waived or not taken. At a minimum, the term "not taken" may mean the student's parents or guardians did not permit the student to take the Washington assessment of student learning. Other reasons why a student may have not taken the Washington assessment of student learning shall be listed on the state board of education website. Once the list is posted it may not be modified without prior approval of the state board of education.

~~((12))~~ (3) Each issuance of the transcript shall include a report date, version number, end of record, graduation date (noting month and year, if applicable), and page number ('x' of 'y')~~((and))~~.

~~((13))~~ (4) The signature of the authorized school official (name, title, and date) and seal of the district, if available. The signature of the authorized school official may be affixed electronically, subject to a written district policy that addresses signature security and assures that the authorized school official acknowledges, in writing, that affixing their signature electronically to the transcript is a legal and binding action.

~~((14) Subsections (8) and (9) of this section shall take effect for students who begin ninth grade in fall 2004.)~~ (5) For the purposes of this section, the following definition shall apply. "Graduation class" shall mean the cohort of students who begin the ninth grade the same school year and would graduate four years later. A student's class for purposes of graduation is determined by the school year when the student enters ninth grade regardless of the actual number of years the student takes to graduate from high school. The numerical value of "graduation class" shall be associated with June

in the school year which is four years after the student first enters ninth grade.

WSR 04-18-110

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:36 a.m.]

Supplemental Notice to WSR 04-15-111.

Preproposal statement of inquiry was filed as WSR 04-09-064.

Title of Rule and Other Identifying Information: Chapter 180-88 WAC, Definitions of sexual misconduct, verbal abuse, and physical abuse—Mandatory disclosure—Prohibited agreements.

Hearing Location(s): Northwest Educational Service District 189, 1601 R Avenue, Anacortes, WA 98221, on October 20, 2004, at 8:30 a.m.

Date of Intended Adoption: October 22, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by October 6, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by October 6, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adoption of a proposed new chapter to State Board of Education policies: Chapter 180-88 WAC, Definitions of sexual misconduct, verbal abuse, and physical abuse—Mandatory disclosure—Prohibited agreements, as presented herein. RCW 28A.400.301 requires adoption by September 1, 2004.

Reasons Supporting Proposal: This makes permanent a rule adopted on an emergency basis at the August 25-27, 2004, state board meeting in response to legislation passed by the 2004 legislature.

Statutory Authority for Adoption: RCW 28A.400.301.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

August 31, 2004

Larry Davis
Executive Director

PROPOSED

Chapter 180-88 WAC

DEFINITIONS OF SEXUAL MISCONDUCT, VERBAL ABUSE AND PHYSICAL ABUSE—MANDATORY DISCLOSURE—PROHIBITED AGREEMENTSNEW SECTION

WAC 180-88-010 Purpose and authority. (1) The purpose of this chapter is to provide the safest educational environment for children and staff and to implement legislative direction by:

(a) Defining the term "sexual misconduct" for purposes of requiring school districts to forward known information about employee sexual misconduct to prospective school district employers; and

(b) Defining "sexual misconduct," "verbal abuse," and "physical abuse" for purposes of prohibiting school districts from entering into any contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee, or has the effect of expunging such information from employer files.

(2) The authority for this chapter is RCW 28A.400.301.

NEW SECTION

WAC 180-88-020 Employee—Definition. As used in this chapter, the term "employee" means any employee or former employee of a school district, including all classified employees, all certificated employees, and all substitute employees.

NEW SECTION

WAC 180-88-030 Student—Definition. For purposes of this chapter, "student" shall have the same meaning as defined in WAC 180-87-040.

NEW SECTION

WAC 180-88-040 Verbal abuse—Definition. "Verbal abuse" means the use of malicious or hostile language by an employee that results in harm to another if the school district has determined that there is sufficient evidence to conclude that an employee engaged in the conduct and that it resulted in the employee leaving a position with the school district. Under RCW 28A.400.301, a district is prohibited from entering into any contract or agreement that has the effect of suppressing information about the abuse by a present or former employee or has the effect of expunging such information from employer files.

NEW SECTION

WAC 180-88-050 Physical abuse—Definition. (1) "Physical abuse" means the willful action by an employee of inflicting or attempting to inflict bodily injury against another, or using physical force in excess of what is necessary to restrain a person from harming self or others. To constitute physical abuse, a school district must possess suffi-

cient information to conclude that the employee engaged in the conduct and that it resulted in the employee leaving a position with the school district. Under RCW 28A.400.301, a district is prohibited from entering into any contract or agreement that has the effect of suppressing information about the abuse by a present or former employee or has the effect of expunging such information from employer files.

(2) Authorized use of physical restraints or of aversive interventions consistent with chapter 392-172 WAC shall not constitute physical abuse.

NEW SECTION

WAC 180-88-060 Sexual misconduct—Definition. "Sexual misconduct" means:

(1) Any sexually exploitive act with or to a student. Sexually exploitive acts include, but are not limited to, the following:

(a) Any sexual advance, verbal, written or physical.

(b) Sexual intercourse, as defined in RCW 9A.44.010.

(c) Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a student except to the extent necessary and appropriate to attend to the hygienic or health needs of the student.

(d) Any activities determined to be grooming behavior for purposes of establishing a sexual relationship.

(e) The provisions of (a) through (d) of this subsection shall not apply if at the time of the sexual conduct the participants are married to each other.

(2) Indecent exposure, as defined in RCW 9A.88.010.

(3) Sexual harassment of another as defined under local employer policy.

(4) Commission of a criminal sex offense as defined under chapter 9A.44 RCW.

(5) Sexual abuse or sexual exploitation of any minor as found in any dependency action under chapter 13.34 RCW or in any domestic relations proceeding under Title 26 RCW.

(6) For purposes of this section, sexual misconduct occurs only when a school district determines it has sufficient information to conclude that an employee engaged in the sexual misconduct and it resulted in the employee leaving a position with the school district. Under RCW 28A.400.301, a district is prohibited from entering into any contract or agreement that has the effect of suppressing information about the misconduct of a present or former employee or has the effect of expunging such information from employer files, and a district must forward information regarding sexual misconduct to prospective employing districts.

WSR 04-18-111

PROPOSED RULES

GROWTH MANAGEMENT

HEARINGS BOARDS

[Filed September 1, 2004, 9:37 a.m.]

Original Notice.

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

PROPOSED

Title of Rule and Other Identifying Information: Rule changes to chapter 242-02 WAC, Practice and procedure before the Growth Management Hearings Boards. Changes are proposed to WAC 242-02-210, 242-02-230, 242-02-240, 242-02-250, 242-02-270, 242-02-280, 242-02-310, 242-02-320, 242-02-340, 242-02-52001, and 242-02-893.

Hearing Location(s): Eastern Board, 15 West Yakima Avenue, Suite 102, Yakima, WA 98902, on October 7, 2004, at 10:15 a.m.

Date of Intended Adoption: October 7, 2004.

Submit Written Comments to: Margery Hite, 905 24th Way S.W., Suite B-2, Olympia, WA 98504-0953, e-mail mhite@direcway.com, fax (360) 664-8975, by September 26, 2004.

Assistance for Persons with Disabilities: Contact Michele Turner, Western Washington Growth Management Hearings Boards, by September 26, 2004, TTY (711) (360) 664-8966.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule changes are proposed to respond to requests from participants in growth management board proceedings and to issues that have been identified by board members that interfere with the efficacy of board procedures. The following rules are proposed for change: WAC 242-02-210 (1)(d), deleting the requirement to distinguish between types of standing in a petition for review; WAC 242-02-230, clarifying the rules for service and filing of petitions for review on other named parties; WAC 242-02-240, deleting provisions relating to service by telegraph and providing conditions for filing by electronic mail; WAC 242-02-250, adding "e-mail address" to information to be provided in a notice of appearance; WAC 242-02-270, setting conditions for seeking intervention in a case; WAC 242-02-280, setting conditions for amicus participation in a case; WAC 242-02-310, clarifying the time and manner for service of papers on other parties; WAC 242-02-320, deleting provisions for service by telegraph and adding provisions for service by e-mail; WAC 242-02-340, deleting the provision relating to telegraph service; WAC 242-02-52001, changing the rule for exhibits to be provided to the board in an initial hearing on the merits by eliminating the provision relating to exhibit lists, and allowing for costs of copies to be charged by respondents in accordance with RCW 42.17.300; and WAC 242-02-893, specifying requirements for exhibits in compliance proceedings.

Statutory Authority for Adoption: RCW 36.70A.270(7).

Statute Being Implemented: Chapter 36.70A RCW.

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

Name of Proponent: Rules Committee, Joint Growth Management Hearings Boards, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Margery Hite, Rules Coordinator, Western Washington Growth Management Hearings Boards, 905 24th Way S.W., Suite B-2, Olympia, WA 98504-0953, (360) 664-8966.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule changes only apply to practice and procedure before quasijudicial boards, the Growth Management Hearings Boards.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rule changes only apply to practice and procedure before quasijudicial boards, the Growth Management Hearings Boards.

August 31, 2004
Margery Hite
Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

WAC 242-02-210 Petition for review—Forms—Contents. A petition for review shall substantially contain:

(1) A caption in the following form:

BEFORE THE . . . GROWTH MANAGEMENT
HEARINGS BOARD
STATE OF WASHINGTON

Petitioner, Case No.

v.

Respondent. PETITION FOR REVIEW

(2) Numbered paragraphs stating:

(a) Petitioner's name, mailing address and telephone number and those of the attorney or other authorized representative, if any;

(b) Date of the challenged order, determination, publication, or other action or, in the case of an alleged failure to act, the date by which the action was required to be taken;

(c) A detailed statement of the issues presented for resolution by the board that specifies the provision of the act or other statute allegedly being violated and, if applicable, the provision of the document that is being appealed;

(d) A statement specifying the type and the basis of the petitioner's standing before the board pursuant to RCW 36.70A.280(2) (~~Petitioners shall distinguish between participant standing under the act, governor certified standing, standing pursuant to the Administrative Procedure Act, and standing pursuant to the State Environmental Policy Act, as the case may be~~);

(e) The estimated length of the hearing;

(f) The relief sought, including the specific nature and extent;

(g) A statement that the petitioner has read the petition for review and believes the contents to be true, followed by the petitioner's signature or signature of the attorney(s) or other authorized representative(s), if any.

(3) One copy of the applicable provisions of the document being appealed, if any, shall be attached to the petition for review.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

WAC 242-02-230 Petition for review—Service and filing. (1) The original and three copies of the petition for

review shall be filed with a board personally, or by first class, certified, or registered mail. Filings may also be made with a board (~~by telegraph or~~) by electronic telefacsimile transmission as provided in WAC 242-02-240. A copy of the petition for review shall be personally served (~~promptly~~) upon all other named parties or deposited in the mail and postmarked on or before the date filed with the board. When a county is a party, the county auditor shall be served in noncharter counties and the agent designated by the legislative authority in charter counties. The mayor, city manager, or city clerk shall be served when a city is a party. When the state of Washington is a party, the office of the attorney general shall be served at its main office in Olympia unless service upon the state is otherwise provided by law. Proof of service may be filed with the board pursuant to WAC 242-02-340.

(2) A board may dismiss a case for failure to substantially comply with subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-240 Date of filing—Facsimile and ~~(telegraph)~~ electronic mail. (1) The date of filing shall be the date of actual receipt by a board at its office. The date stamp placed on the petition shall be presumptive evidence of the date of receipt.

(2) Filing of any documents with a board by electronic mail or telefacsimile transmission is at the risk of the sender and shall not be deemed complete unless the following procedures are strictly observed:

(a) ~~(A)~~ An electronic mail or facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated by the board's facsimile machine or receiving computer shall be presumptive evidence of the date and time of receipt of transmission.

(b) The original document and three copies must be mailed and postmarked or otherwise transmitted to the board (within twenty-four hours) on or before the date of sending the facsimile transmission or electronic mail.

(c) Documents over fifteen pages in length may not be filed by fax without prior approval of the presiding officer.

(3) A fax or electronic mail copy shall constitute an original solely for the purpose of establishing the date a document was filed.

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

WAC 242-02-250 Notice of appearance and answer.

(1) The respondent shall file a notice of appearance with the board and serve a copy on the petitioner and all other parties promptly after having been served with a petition for review. The notice of appearance shall be dated, signed and contain the respondent's address (~~and~~), telephone and fax numbers, and e-mail address.

(2) The respondent, at its option, may file an answer to the petition for review. The respondent shall file the original and three copies with the board and serve a copy on the peti-

tioner. Answers shall be filed no later than twenty days from the date of service of the petition for review. Answers shall be verified in the same manner as the petition for review.

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

WAC 242-02-270 Intervention. (1) ~~(Any person at any time)~~ Upon timely motion, any person may (~~by motion~~) request status as an intervenor in a case. The motion shall state the applicant's interests relating to the subject of the action, how disposition of the action may impair that interest, and whether that interest is adequately represented by existing parties.

(2) In determining whether a person qualifies as an intervenor, the presiding officer shall apply any applicable provisions of law and may consider the applicable superior court civil rules (CR) of this state. The granting of intervention must be in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.

(3) If the person qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated by the motion;

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(4) The presiding officer shall timely grant or deny each motion and specify conditions, if any.

(5) Pleadings and briefs of an intervenor shall be filed concurrently with pleadings and briefs of the party whose position the intervenor supports.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-280 Amicus. (1) Any person whose interest may be substantially affected by a proceeding before a board may by motion request status as an amicus in the case.

(2) ~~(In determining whether a person qualifies as an amicus, the presiding officer shall apply the applicable rules of appellate procedure (RAP) of the appellate courts of this state.)~~ A motion to file an amicus curiae brief must include a statement of:

(a) Applicant's interest and the person or group applicant represents;

(b) Applicant's familiarity with the issues involved in the matter and with the scope of the argument presented or to be presented by the parties;

(c) Specific issues to which the amicus curiae brief will be directed; and

(d) Applicant's reason for believing that additional argument is necessary on these specific issues. The brief of amicus curiae may be filed with the motion but must be filed

no later than the time set for the filing of the brief for the party whose position the amicus supports.

(3) If the person qualifies for amicus, the presiding officer may impose conditions upon the amicus's participation in the proceedings, either at the time that amicus status is granted or at any subsequent time.

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

WAC 242-02-310 Service of papers. (1) Parties filing pleadings, briefs, exhibits and other documents or papers with a board shall also ~~((promptly))~~ serve copies upon all other parties no later than the date upon which they were filed with the board. Parties served shall be those included on the declaration of service list attached to the board's prehearing order, or amended prehearing order.

(2) Service upon a party's attorney or other authorized representative shall be considered valid service for all purposes upon the party represented.

(3) Final decisions of the board shall be served upon the parties and their attorney or representative of record, if any.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-320 Method of service. Service of papers, specified in WAC 242-02-310(1), shall be made personally or by first class, registered or certified mail, ~~((or by telegraph))~~ or by facsimile transmission. The board may be served by e-mail filings, provided that an original and three copies are deposited in the mail and postmarked no later than the same day.

AMENDATORY SECTION (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

WAC 242-02-340 Proof of service—Certificate. Where proof of service is required by this chapter, by statute, or upon a board's request, filing the original document with the board and serving copies upon all attorneys or other authorized representatives of record and upon parties not represented together with one of the following documents shall constitute proof of service:

(1) An acknowledgement of service;

(2) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon each party or the party's attorney or other authorized representative of record in the proceeding by delivering a copy thereof in person to the named individuals;

(3) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the case by:

(a) Mailing a copy, properly addressed with postage prepaid, to each party or that party's attorney or other authorized representative; or

(b) ~~((Telegraphing a copy, properly addressed with charges prepaid, to each party in the case or that party's attorney, or other authorized representative; or~~

(e)) Transmitting a copy by electronic telefacsimile device, and on the same day mailing a copy to each party in

the case or that party's attorney, or other authorized representative; or

~~((d))~~ (c) Depositing a copy, properly addressed with charges prepaid, with a commercial parcel delivery company or courier service.

AMENDATORY SECTION (Amending WSR 97-04-008, filed 1/24/97, effective 3/1/97)

WAC 242-02-52001 Exhibits ((lists)). (1) ~~((Unless otherwise directed by the board or presiding officer, within fifty days of the filing of the petition for review, each of the parties shall identify those documents listed in the index which the party intends to use as an exhibit. The documents identified in this stage shall be labeled "preliminary list of exhibits." The preliminary list of exhibits shall be filed with the board and a copy served on all parties. In complying with the requirements of this subsection, parties shall not simply designate every document but shall carefully review the index, and designate only those documents that are reasonably necessary for a full and fair determination of the issues presented.~~

(2) ~~The board or the presiding officer may establish a deadline for identifying and filing a final list of exhibits with the board and serving a copy on all other parties. The board or presiding officer may elect not to require the filing of final exhibit lists and instead, require that a) Except as otherwise provided in these rules, the evidence in a case shall consist of the exhibits cited in the briefs and attached thereto. A copy of any document cited in a brief shall be served on the opposing party or parties by the time specified by the board or presiding officer and an original and three copies of the exhibits shall be filed with the board.~~

~~((3) A presiding officer may order the use of a stipulated exhibit list in lieu of or in addition to preliminary and/or final exhibit lists.~~

~~((4) Copies of designated documents from the index that have been certified or stipulated to be true and accurate may be admitted into evidence before a board in lieu of the original document.))~~ (2) Respondents may charge for the cost of copies of documents requested by other parties in accordance with RCW 42.17.300, as amended.

AMENDATORY SECTION (Amending WSR 98-01-144, filed 12/19/97, effective 1/20/98)

WAC 242-02-893 Compliance—Hearing. (1) Upon a motion of a party or participant, the board shall reconsider its final decision and order and decide, if no determination of invalidity had previously been made, whether one should now be made. The procedures at the compliance hearing shall be as set forth by the presiding officer, pursuant to WAC 242-02-891. After a compliance hearing, the board shall determine whether a state agency, county or city is in compliance with the requirements of the act as remanded in the final decision or order and any compliance schedule established by the board.

(2) The evidence in a compliance hearing shall consist of the exhibits cited in the briefs submitted in the compliance proceeding and either attached to the briefs or specifically

identified as exhibits submitted and attached to prior briefs filed in the same case number.

WSR 04-18-115

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF PERSONNEL**

[Filed September 1, 2004, 9:44 a.m.]

The Department of Personnel hereby withdraws the proposed new sections, WAC 357-40-050, 357-40-055, 357-40-060, and 357-40-065. These sections were originally proposed under WSR 04-13-190 filed on June 23, 2004. These sections were assigned new numbers in chapter 357-46 WAC.

E. C. Matt
Director

WSR 04-18-116

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF PERSONNEL**

[Filed September 1, 2004, 9:45 a.m.]

The Department of Personnel hereby withdraws the proposed new section, WAC 357-16-060. This section was proposed under WSR 04-13-183 filed on June 23, 2004.

E. C. Matt
Director

WSR 04-18-117

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF PERSONNEL**

[Filed September 1, 2004, 9:46 a.m.]

The Department of Personnel hereby withdraws the proposed new section WAC 357-43-090 which was originally proposed under WSR 04-13-191 filed on June 23, 2004.

E. C. Matt
Director

WSR 04-18-118

**PROPOSED RULES
DEPARTMENT OF PERSONNEL**

[Filed September 1, 2004, 9:47 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-52-100 How are appeal hearings conducted?, 357-52-105 Can hearings and conferences be conducted by electronic means?, 357-52-110 Who has the burden of proof at hearings?, 357-52-115 How may a party request that a hearing be continued?, 357-52-120 When may a written motion be

filed?, 357-52-125 Must the board consider untimely motions?, 357-52-130 What must be included with a motion?, 357-52-135 How many copies of a motion must be submitted?, 357-52-140 What may the board decide based on a motion?, 357-52-145 Must parties submit prehearing statements?, 357-52-150 When must prehearing statements be filed?, 357-52-155 What should be included in a prehearing statement?, 357-52-160 How many copies of the prehearing statement must be provided?, 357-52-165 Must the board consider untimely prehearing statements?, 357-52-170 What actions may be taken by a hearing officer following a hearing?, 357-52-175 What actions may be taken by the board following a hearing?, 357-52-180 How is a hearing officer's recommended decision served?, 357-52-185 Can a party file exceptions to a hearing officer's recommended decision?, 357-52-190 What must be included in a party's written exceptions?, 357-52-195 When is a written response in opposition to exceptions due?, 357-52-200 When does a hearing officer's recommended decision become final?, 357-52-205 What is the subject of a hearing on exceptions?, 357-52-210 Can a decision by the board be appealed?, 357-52-215 When may the board dismiss an appeal on its own motion?, 357-52-220 Will the parties be given notice of the potential dismissal of an appeal on the board's motion and when must a party respond?, 357-52-225 How must written documents be filed with the board?, 357-52-230 How must written documents be served on the parties?, 357-52-235 How must exhibits for hearings be prepared and exchanged?, 357-52-240 Who may prepare, sign and issue a subpoena?, 357-52-245 What must a subpoena include?, 357-52-250 How must a subpoena be served?, 357-52-260 When and who may make a motion to quash?, and 357-52-265 What actions may the board take when a motion to quash is filed?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address how appeal hearings are conducted before the Washington Personnel Resources Board and the process used before, during and after the appeal hearing.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding appeals.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004

E. C. Matt

Director

NEW SECTION

WAC 357-52-100 How are appeal hearings conducted? Appeal hearings are conducted as follows:

(1) Hearings on all appeals are open to the public unless the board determines there is substantial reason for not having an open hearing, or the employee so requests.

(2) The hearing is informal. Technical rules of evidence do not apply to the proceedings, except for the rules of privilege recognized by law.

(3) All parties may select representatives of their choosing, present and cross-examine witnesses, and give evidence before the board.

(4) All testimony is under oath administered by a member of the board or the hearing officer. Testimony by affidavit is not admitted at a hearing except for good cause shown, or as otherwise permitted in these rules, as provided in a prehearing conference statement or by stipulation of the parties.

(5) One member of the board may hold a hearing and take testimony to be reported for action by the board.

(6) The board prepares an official audio record of the hearing.

(7) The board is not required to transcribe the record. If the proceedings were recorded, a copy of the audio recording may be ordered from the board for a reasonable charge.

NEW SECTION

WAC 357-52-105 Can hearings and conferences be conducted by electronic means? All conferences and hearings before the board may be conducted by telephone or other electronic means as determined by the board.

NEW SECTION

WAC 357-52-110 Who has the burden of proof at hearings? At any hearing on appeal from a dismissal, suspension, demotion, reduction in base salary, or separation, the employer has the burden of supporting the charges upon which the action was initiated. At any other hearing, the party filing the appeal has the burden of proof.

NEW SECTION

WAC 357-52-115 How may a party request that a hearing be continued? (1) Any party to a hearing may make a written motion to the board to continue a hearing for good

cause. The motion must state the specific reason(s) and the period of time for which a continuance is necessary.

(2) Any party desiring a continuance must first orally contact the opposing party to determine whether agreement to a continuance can be reached. The requesting party is responsible for filing a written motion for continuance with the board. The motion must include the reason(s) for the request, the opposing party's response to the request, and a date certain for the hearing on which both parties and the board are available.

(3) The motion for continuance must be filed with the board and the opposing party at least fourteen calendar days before the scheduled hearing date. The board must review the motion, decide whether or not to grant the continuance, and notify the parties of the decision within three working days of receipt of the motion.

(4) In unusual circumstances or emergency situations, and only where the reason(s) for the continuance could not have been foreseen, the board may allow a motion for continuance with less than fourteen calendar day's notice.

NEW SECTION

WAC 357-52-120 When may a written motion be filed? (1) Except as otherwise provided in a prehearing conference statement or as otherwise specifically provided in these rules, written motions and any supporting affidavits must be filed and served not less than thirty calendar days before the hearing date. Any opposing affidavits must be filed and served within fourteen calendar days after the motion is filed. Any reply and counter affidavits by the moving party must be filed and served within seven calendar days after the opposing response is filed.

(2) Time requirements for motions for continuance are found in WAC 357-52-115.

NEW SECTION

WAC 357-52-125 Must the board consider untimely motions? The board may refuse to consider motions that are not filed on time.

NEW SECTION

WAC 357-52-130 What must be included with a motion? Any party submitting documents in support of or in opposition to a motion must include proposed findings, conclusions, and order.

NEW SECTION

WAC 357-52-135 How many copies of a motion must be submitted? When the motion will be considered by the board, the party submitting the documents must provide the original and three copies to the board and one copy to each opposing party. When the motion will be considered by a hearing officer the original will go to the hearing officer, and one copy to each opposing party.

NEW SECTION

WAC 357-52-140 What may the board decide based on a motion? (1) The board or hearing officer may decide all or any part of an appeal by motion if the documents, depositions and affidavits on file show there is no genuine issue as to any material fact and the appeal should be decided or dismissed as a matter of law. The board or hearing officer must allow oral argument on dispositive or summary judgment motions at the request of either party. Oral argument may be presented by telephone or other electronic media.

(2) An order must be issued when an appeal is dismissed or decided on motion.

NEW SECTION

WAC 357-52-145 Must parties submit prehearing statements? (1) The board may require all parties to file a prehearing statement of position.

(2) If the board does not require statements, parties may still choose to file a prehearing statement.

NEW SECTION

WAC 357-52-150 When must prehearing statements be filed? (1) If a party is filing a prehearing statement, the statement must be provided to the board and opposing party at least fourteen calendar days before the scheduled hearing date or at such time as set at the prehearing conference.

(2) Any opposing response to these statements must be provided to the board and opposing party at least seven calendar days before the scheduled hearing date or at such time as set at the prehearing conference.

NEW SECTION

WAC 357-52-155 What should be included in a prehearing statement? The prehearing statements must include a summary of the evidence the party intends to present; a listing of the rules or statutes upon which the party intends to rely; a statement of the remedy requested; and an argument as to why the party is entitled to the requested remedy.

NEW SECTION

WAC 357-52-160 How many copies of the prehearing statement must be provided? A party submitting prehearing statement(s) must provide the original and three copies to the board and one copy to each opposing party. When the prehearing statement will be considered by a hearing officer the original will go to the hearing officer, and one copy to each opposing party.

NEW SECTION

WAC 357-52-165 Must the board consider untimely prehearing statements? The board may refuse to consider prehearing statements that are not filed on time.

NEW SECTION

WAC 357-52-170 What actions may be taken by a hearing officer following a hearing? (1) At the conclusion of a hearing, the hearing officer may require post-hearing briefs.

(2) The hearing officer may affirm, reverse or modify an action of an employer or remand the matter for further proceedings.

(3) When the hearing officer reduces a dismissal to a suspension, the period of suspension is not limited by RCW 41.06.170(1).

NEW SECTION

WAC 357-52-175 What actions may be taken by the board following a hearing? (1) At the conclusion of a hearing, the board may require post-hearing briefs.

(2) The board may affirm, reverse or modify the action of an employer or the recommended decision of the hearing officer or remand the matter for further proceedings.

(3) When the board reduces a dismissal to a suspension, the period of suspension is not limited by RCW 41.06.170(1).

NEW SECTION

WAC 357-52-180 How is a hearing officer's recommended decision served? The hearing officer must provide the recommended decision to the board, to the employer, to the appellant, and to the appellant's representative (if any). The copies to the employer, appellant, and appellant's representative must be sent by certified mail with a return receipt requested.

NEW SECTION

WAC 357-52-185 Can a party file exceptions to a hearing officer's recommended decision? Either party may file written exceptions to the board. The exceptions must be filed within thirty calendar days of the date that notice of the recommended decision was sent by certified mail.

NEW SECTION

WAC 357-52-190 What must be included in a party's written exceptions? The written exceptions must set forth specific exceptions to the recommended decision and any additional errors a party contends were made by the hearing officer. If a party contends that the hearing officer has made an error which requires a review of the record, the party must identify the specific portion(s) of the record that support each claimed error.

NEW SECTION

WAC 357-52-195 When is a written response in opposition to exceptions due? The due date for any written response to the exceptions is thirty calendar days following the date the exceptions were filed.

NEW SECTION

WAC 357-52-200 When does a hearing officer's recommended decision become final? If no exceptions are filed, the recommended decision becomes final thirty calendar days after service, unless the board notifies each party within that thirty-day period that the board on its own motion will reconsider the recommended decision.

NEW SECTION

WAC 357-52-205 What is the subject of a hearing on exceptions? Hearings on exceptions are limited to the contentions set forth in the notice of exceptions unless the board itself chooses to review other matters.

NEW SECTION

WAC 357-52-210 Can a decision by the board be appealed? Decisions and orders of the board are final.

NEW SECTION

WAC 357-52-215 When may the board dismiss an appeal on its own motion? The board may dismiss an appeal on its own motion when:

- (1) An appellant has failed to provide information required under WAC 357-52-020;
- (2) The parties have notified the board that the case has been settled and the appeal has not been withdrawn within thirty calendar days of the notice of settlement;
- (3) An appeal is not filed on time;
- (4) The board lacks jurisdiction over the subject matter or parties to the appeal;
- (5) A party fails to participate in a prehearing conference as described in WAC 357-52-095; or
- (6) The board is unable to contact the appellant at the last address and telephone number provided by the appellant.

NEW SECTION

WAC 357-52-220 Will the parties be given notice of the potential dismissal of an appeal on the board's motion and when must a party respond? The parties must be served with written notice that the appeal will be dismissed unless, within fifteen calendar days following the date of service, a written request is made to the board showing good cause why the appeal should not be dismissed. If no timely request is made, the board must dismiss the appeal.

NEW SECTION

WAC 357-52-225 How must written documents be filed with the board? (1) **Filing generally.** Papers that must be filed with the board are considered to be filed only when the papers are actually received in the board's office in Olympia, Washington.

(2) **Filing by telephone facsimile.**

(a) Written documents filed with the board by telephone facsimile are considered received when a legible copy of the document is reproduced on the board's telephone facsimile equipment in the board's office. If transmission begins after

customary office hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, the document will be deemed filed on the next business day.

(b) Any document filed with the board by telephone facsimile should be preceded by a cover page identifying the addressee; the party making the transmission, including the address, telephone and telephone facsimile number of such party; the appeal to which the document relates; the date of transmission; and the total number of pages included in the transmission.

(c) The party attempting to file papers by telephone facsimile bears the risk that the papers will not be timely received or legibly printed, regardless of the cause. If the telephone facsimile is not legible, it will be considered as if it had never been sent.

(d) The original of any document filed by telephone facsimile should be mailed to the board within twenty-four hours of the time that the telephone facsimile was sent.

(e) The filing of papers by electronic mail ("e-mail") is not authorized without the express prior approval of the board, and only under such circumstances as the board allows.

NEW SECTION

WAC 357-52-230 How must written documents be served on the parties? (1) In matters of appeal the board must serve all orders, notices, and other papers issued by it. Every other notice, document or paper required to be served must be served by the party filing it.

(2) All notices, documents, or papers served by either the board or any other party must be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers must be made by personal delivery; by mail; or by telephone facsimile transmission with same-day mailing of copies. Correspondence between the board and employers may be sent via the state mail service.

(3) Service upon parties will be regarded as completed when personal service has been accomplished; or upon deposit in the mail, properly stamped and addressed; or upon production by telephone facsimile transmission of confirmation of transmission.

(4) Service upon parties by electronic mail ("e-mail") is not authorized without the express prior approval of the board, and only under such circumstances as the board allows.

NEW SECTION

WAC 357-52-235 How must exhibits for hearings be prepared and exchanged? (1) When exhibits are offered at any hearing, one copy must be provided for the official file, sufficient copies must be provided for the board (three copies) or hearing officer (one copy), one copy must be provided to the opposing party, and one copy provided for the witness stand.

(2) The parties must arrive at the hearing location at least thirty minutes before the scheduled hearing for the purpose of exchanging exhibits. The parties must pre-mark their exhib-

its for identification and present copies to the other party and the board's staff before the beginning of the hearing.

(3) The number, scope and timing of exhibits may be limited by the prehearing statement of results.

NEW SECTION

WAC 357-52-240 Who may prepare, sign and issue a subpoena? (1) Subpoenas may be signed and issued by any member of the board, or the board's designee, or the attorney of record of the party requiring the appearance of the witness.

(2) Parties desiring subpoenas to be signed by a member of the board or the board's designee must prepare subpoenas for issuance and submit the subpoenas for signature at least ten calendar days before a hearing or deposition.

NEW SECTION

WAC 357-52-245 What must a subpoena include? Every subpoena must name the board and the title of the proceedings and must command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under the person's control at the specified time and place.

NEW SECTION

WAC 357-52-250 How must a subpoena be served?

(1) Parties requesting subpoenas must make arrangements for and bear the expense of service. It is recommended that all subpoenas be served at least five calendar days before a hearing or deposition.

(2) Subpoenas must be personally served upon the designated individual. The individual where entitled, may demand the fees for one day's attendance and the mileage allowed by law.

(3) A copy of the subpoena must also be provided to the opposing party or the party's representative and to the employer's human resource office.

NEW SECTION

WAC 357-52-255 Which discovery procedures must a party follow? Parties may use discovery procedures in a manner consistent with the civil rules for the superior courts of the state of Washington and as provided in any prehearing statement of results or other order of the board.

NEW SECTION

WAC 357-52-260 When and who may make a motion to quash? A party to the appeal or the person to whom the subpoena or discovery is directed may make a motion to quash. The motion must be filed at least two calendar days following the receipt of a subpoena or discovery request.

NEW SECTION

WAC 357-52-265 What actions may the board take when a motion to quash is filed? When a motion to quash is filed, the board provides notice to the party who issued the

subpoena or discovery and allow the party to provide a response to the motion. After considering the motion and response the board may:

(1) Deny the motion;

(2) Grant the motion if the subpoena or discovery is unreasonable or requires evidence not relevant to any matter in issue; or

(3) Modify the contents of the subpoena or scope of the discovery request for just and reasonable cause.

WSR 04-18-119

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed September 1, 2004, 9:48 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-52-005 May the board waive the procedural rules contained in chapter 357-52 WAC?, 357-52-010 What actions may be appealed?, 357-52-015 By when must an appeal be filed and received in order to be considered timely?, 357-52-020 What information must be submitted with the appeal?, 357-52-025 Who is responsible for notifying the board of any change in address, telephone number or representation?, 357-52-030 Are standardized forms available for filing appeals?, 357-52-035 What happens if the appellant does not submit all the information required by WAC 357-52-020?, 357-52-040 How does the board acknowledge receipt of an appeal?, 357-52-045 Are appeals reviewed for timeliness?, 357-52-050 How does the board notify the parties when the appeal is set for hearing?, 357-52-055 May anyone other than the board adjudicate appeals or conduct prehearing meetings?, 357-52-060 Can appeals be mediated?, 357-52-065 Who mediates appeals?, 357-52-070 How are mediations conducted?, 357-52-075 What happens at the conclusion of mediation conducted by the board?, 357-52-077 What happens when the parties settle an appeal without the assistance of a board mediator?, 357-52-080 What can a prehearing conference be used for?, 357-52-085 How and when may a prehearing conference be held?, 357-52-090 How are the results of a prehearing conference documented?, and 357-52-095 What happens if one of the parties fails to participate in the prehearing conference?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed

rules address when state employees file appeals to the Washington Personnel Resources Board. These rules also address mediation and prehearing conferences for appeals filed to the Washington Personnel Resources Board.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding appeals.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004

E. C. Matt

Director

Chapter 357-52 WAC

Appeals

NEW SECTION

WAC 357-52-005 May the board waive the procedural rules contained in chapter 357-52? In order to prevent hardship, delay, or for other good cause, the board may waive any of the procedural rules contained in chapter 357-52 WAC for any party not represented by legal counsel. The board may not waive a jurisdictional rule.

NEW SECTION

WAC 357-52-010 What actions may be appealed? (1) Any permanent employee subject to the statutory jurisdiction of the board who is dismissed, suspended, demoted, or separated or whose base salary is reduced may appeal to the board.

(2) Any employee, subject to the statutory jurisdiction of the board who is affected by a violation of the state civil service law (chapter 41.06 RCW) or the rules contained in Title 357 WAC, or an employer, may appeal to the board by filing written exceptions to the director's review determination, except as provided in WAC 357-49-010(1).

(3) Through December 31, 2005, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel appeals board by filing written exceptions to the director's review determination in accordance with Title 358 WAC. As of January 1, 2006, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel resources

board by filing written exceptions to the director's review determination.

(4) An employee whose position has been exempted from chapter 41.06 RCW may appeal the exemption to the board.

(5) An individual or the employer may appeal remedial action to the board by filing written exceptions to the director's review determination.

(6) Any permanent Washington management service employee who is dismissed, suspended, demoted, or separated, or whose base salary is reduced may appeal to the board. A determination of which Washington management service positions will be eliminated in a reduction-in-force action is not subject to appeal.

NEW SECTION

WAC 357-52-015 By when must an appeal be filed and received in order to be considered timely? In order to be considered timely, an appeal must be received in writing at the office of the board within thirty calendar days after:

- (1) the effective date of the disciplinary action or separation,
- (2) service of the director's determination unless the rules specifically state that the director's determination is final, or
- (3) the effective date of the exemption of a position or the notice of exemption, whichever is later.

NEW SECTION

WAC 357-52-020 What information must be submitted with the appeal? (1) The appeal must include:

- (a) the name and address of the appellant and if represented the name, address and telephone number of the representative,
- (b) the name of the employer and the department that took the action which is being appealed,
- (c) a telephone number at which the appellant can be reached,
- (d) the job classification or position of the employee at the time of the action which is being appealed,
- (e) a short statement of the grounds or reasons for the appeal, and if applicable, the rule(s) the appellant believes has been violated,
- (f) a short statement of the relief or remedy sought by the appellant, and
- (g) a short statement of whether the appellant believes the case would or would not be appropriate for mediation.

(2) An appeal of a disciplinary action, separation, or exemption must also include the effective date of the action and the employee's appointment status at the time of the action. The appeal must include a short statement of the nature of the action being appealed or a copy of the action letter from the employer.

(3) An appeal on exception to a director's determination must also detail the specific items of the director's determination to which exception is taken and should include a copy of the director's determination.

PROPOSED

NEW SECTION

WAC 357-52-025 Who is responsible for notifying the board of any change in address, telephone number or representation? The appellant is responsible for notifying the board of any change in address, telephone number or representation.

NEW SECTION

WAC 357-52-030 Are standardized forms available for filing appeals? The department makes standardized forms available for filing appeals. Appellants may prepare and use their own appeal documents. Appellants' documents must contain all of the information required by WAC 357-52-020.

NEW SECTION

WAC 357-52-035 What happens if the appellant does not submit all the information required by WAC 357-52-020? (1) When the board receives an appeal, it reviews the document(s) to determine whether the information required by this section has been provided.

(2) If any of the required information is not provided with the appeal, the board directs the appellant to provide the missing information and sends a copy of the notice to all affected parties.

(3) The appellant must provide the missing information as requested within twenty-one calendar days of the date the notification is mailed.

(4) When the board receives the requested information, it sends a copy to the other affected parties.

(5) If the appellant fails to comply with the requirements of this section the board may dismiss the appeal according to WAC 357-52-215).

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

NEW SECTION

WAC 357-52-040 How does the board acknowledge receipt of an appeal? (1) When the board receives an appeal, it sends a written acknowledgement to the appellant and a copy to the other affected parties.

(2) If necessary, the board requests a copy of the action letter from the employer.

NEW SECTION

WAC 357-52-045 Are appeals reviewed for timeliness? (1) The board reviews all appeal(s) for timeliness. When an appeal appears to be untimely, the board directs the parties to submit affidavits and/or written argument addressing the timeliness of the appeal.

(2) In addition, any party to an appeal may submit a motion to dismiss for untimeliness at any time during the appeal process.

NEW SECTION

WAC 357-52-050 How does the board notify the parties when the appeal is set for hearing? The board must notify the parties of record in writing of the time and place of the hearing. The notice of hearing must be mailed at least thirty calendar days before the date of the hearing, unless all parties agree to a shorter notice period.

NEW SECTION

WAC 357-52-055 May anyone other than the board adjudicate appeals or conduct prehearing meetings? The board may designate one or more hearing officers or the director to act as a board designee to mediate appeals, conduct prehearing conferences and/or hearings, and make recommended or final decisions.

NEW SECTION

WAC 357-52-060 Can appeals be mediated? When both parties to an appeal agree, the appeal can be mediated.

NEW SECTION

WAC 357-52-065 Who mediates appeals? The board may assign the case to a mediator. Nothing in this section prevents the parties from selecting their own mediator. However, if a mediator other than the one designated by the board is selected, the parties must pay the cost of the mediator.

NEW SECTION

WAC 357-52-070 How are mediations conducted? (1) After the board assigns a mediator, the parties must meet and confer at least once and engage in a good faith attempt to negotiate a resolution of the appeal. The mediator may decide to hold the mediation by telephone. The appellant and at least one designee of the employer must personally participate in the mediation. If the designee of the employer does not have authority to act on behalf of the employer, a person with the requisite authority must be available by telephone.

(2) Mediation and settlement discussions are privileged and the proceedings must not be reported or recorded in any manner, except for agreements reached by the parties.

NEW SECTION

WAC 357-52-075 What happens at the conclusion of mediation conducted by the board? (1) If a settlement is reached, the agreement must be put in writing. The agreement will be binding on all parties to that agreement. The appellant must sign a request to withdraw the appeal.

(2) If a settlement is not reached, the mediator must inform the board.

NEW SECTION

WAC 357-52-077 What happens when the parties settle an appeal without the assistance of a board mediator? If a settlement is reached, the appellant must inform the

board and must sign and submit a request to withdraw the appeal.

NEW SECTION

WAC 357-52-080 What can a prehearing conference be used for? The board may direct the parties or their representatives to engage in a prehearing conference(s) to consider the following:

- (1) Simplification or limitation of issues;
- (2) Possibility of obtaining stipulations, admissions of fact, and admissions of the genuineness of documents that will avoid unnecessary proof;
- (3) Discovery, discovery methods and discovery deadlines;
- (4) Number of witnesses expected to be called and their names when possible;
- (5) Approximate time necessary for presentation of the evidence of the respective parties;
- (6) Whether or when motions may be brought;
- (7) Exhibits;
- (8) Affidavits; and
- (9) Such other matters as may aid in the prompt disposition of the appeal.

NEW SECTION

WAC 357-52-085 How and when may a prehearing conference be held? (1) A prehearing conference may be held in conjunction with a mediation.

(2) Prehearing conferences may be held by telephone.

(3) The parties are encouraged where possible to resolve their disputes by agreement. To facilitate such resolution, the prehearing conference may be recessed at any time to give the parties time to discuss settlement of their dispute. In the event settlement is reached, the parties must notify the board and the appellant must sign and submit a request to withdraw the appeal.

NEW SECTION

WAC 357-52-090 How are the results of a prehearing conference documented? The results of the prehearing conference must be stated in a written statement of results. The statement must include, where applicable, agreements concerning issues, admissions, stipulations, witnesses, discovery, length of hearing, motions, exhibits, affidavits, and other matters that may expedite the appeal hearing. The statement resulting from the prehearing conference must control the subsequent course of the appeal, subject to modification upon a filing of exceptions to the statement.

NEW SECTION

WAC 357-52-095 What happens if one of the parties fails to participate in the prehearing conference? Failure of a party to participate in a prehearing conference may result in dismissal of the appeal, or other appropriate sanctions.

WSR 04-18-120

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed September 1, 2004, 9:49 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-46-147 What procedure must an employer use to review the removal of an individual from an internal or statewide layoff list under the provisions of WAC 357-46-140?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule addresses the procedure that must be used to review the removal of an individual from an internal or statewide layoff list under the provisions of WAC 357-46-140.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding layoff for state positions. The proposed rule implements this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004

E. C. Matt

Director

NEW SECTION

WAC 357-46-147 What procedure must an employer use to review the removal of an individual from an internal or statewide layoff list under the provisions of WAC 357-46-140? Each employer must develop a review procedure that specifies the procedure the employer will use to review the removal of an individual's name from an internal

or statewide layoff list. The procedure must minimally specify that the review will be conducted by a representative of the employer that was not involved in the action under review.

WSR 04-18-121
PROPOSED RULES
DEPARTMENT OF PERSONNEL
 [Filed September 1, 2004, 9:50 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-16-060 Must employers use a standardized application form when recruiting? and 357-16-177 What procedure must an employer use to review an applicant's or candidate's examination results or the removal of his/her name from an applicant or candidate pool under the provisions of WAC 357-16-170?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules address the application form to be used when individuals apply for state employment and the procedure to be used to review an applicant's or candidate's examination results or their removal from an applicant or candidate pool.

Statutory Authority for Adoption: Chapter 41.06 RCW.
 Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding recruitment, assessment and certification for state positions. The proposed rule implements this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004
 E. C. Matt
 Director

NEW SECTION

WAC 357-16-060 Must employers use a standardized application form when recruiting? General government employers must use the standard application for employment prescribed by the director or an application form approved by the director. Higher education employers may develop their own application forms without director approval.

NEW SECTION

WAC 357-16-177 What procedure must an employer use to review an applicant's or candidate's examination results or the removal of his/her name from an applicant or candidate pool under the provisions of WAC 357-16-170? Each employer must develop a review procedure that specifies the procedure the employer will use to review an applicant's or candidate's examination results or name removal from a pool. The procedure must minimally specify that the review will be conducted by a representative of the employer that was not involved in the action under review.

WSR 04-18-122
PROPOSED RULES
DEPARTMENT OF PERSONNEL
 [Filed September 1, 2004, 9:51 a.m.]

Continuance of WSR 04-13-183.

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

Title of Rule and Other Identifying Information: WAC 357-16-170 Can an applicant or candidate request a review of his/her examination results or the removal of his/her name from an applicant or candidate pool?, 357-16-175 To whom and by when must an applicant or candidate request a review of the results of an examination or removal from an applicant or candidate pool?, and 357-16-180 Are assessment review decisions subject to appeal?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The three new

sections referenced above are being continued to the October 14, 2004, director's meeting. The rest of the sections that were filed under WSR 04-13-183 are not being continued.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004

E. C. Matt

Director

NEW SECTION

WAC 357-16-170 Can an applicant or candidate request a review of his/her examination results or the removal of his/her name from an applicant or candidate pool? An applicant or candidate may request a review of his/her examination results or the removal of his/her name from an applicant or candidate pool.

NEW SECTION

WAC 357-16-175 To whom and by when must an applicant or candidate request a review of the results of an examination or removal from an applicant or candidate pool? If the employer is responsible for the assessment process, requests for reviews under the provisions of WAC 357-16-170 must be made to the employer. If the department is responsible for the assessment process, requests for reviews under the provisions of WAC 357-16-170 must be made to the director.

The request for a review must be received at the employer's office or the director's office within twenty calendar days following notice of the action for which a review is requested.

NEW SECTION

WAC 357-16-180 Are assessment review decisions subject to appeal? Review decisions made under the provisions of WAC 357-16-170 are final and not subject to further review or appeal.

WSR 04-18-123

PROPOSED RULES

DEPARTMENT OF PERSONNEL

[Filed September 1, 2004, 9:52 a.m.]

Continuance of WSR 04-13-191.

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

Title of Rule and Other Identifying Information: WAC 357-43-095 Must an employee business unit have a layoff procedure? and 357-43-100 What layoff rights must be included in the employee business unit's procedure?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The new sections referenced above are being continued to the October 14, 2004, director's meeting. The rest of the sections that were filed under WSR 04-13-191 are not being continued.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004

E. C. Matt

Director

NEW SECTION

WAC 357-43-095 Must an employee business unit have a layoff procedure? Each employee business unit must establish a layoff procedure that describes the process the employee business unit will follow when it is necessary to reduce or eliminate a position in the employee business unit.

NEW SECTION

WAC 357-43-100 What layoff rights must be included in the employee business unit's layoff procedure? The employee business unit layoff procedure must provide employee business unit members layoff rights within the boundaries of employee business unit.

WSR 04-18-124
PROPOSED RULES
DEPARTMENT OF PERSONNEL

[Filed September 1, 2004, 9:53 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-43-007 What provisions apply when an employee's position is eliminated because the employer has awarded a contract through the competitive contracting process?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule addresses what happens when a classified state employee's position is eliminated because the work has been contracted out.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding employee business units. This rule will be in the employee business unit chapter.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; **Implementation and Enforcement:** Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004

E. C. Matt
 Director

NEW SECTION

WAC 357-43-007 What provisions apply when an employee's position is eliminated because of the employer has awarded a contract through the competitive contracting process? WAC 357-46-012 governs layoff actions resulting from the competitive contacting process.

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

WSR 04-18-125
PROPOSED RULES
DEPARTMENT OF PERSONNEL

[Filed September 1, 2004, 9:54 a.m.]

Supplemental Notice to WSR 04-13-030.

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

Title of Rule and Other Identifying Information: WAC 357-46-140 What is the notice requirement when an individual's name has been removed from an internal or statewide layoff list?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Language was added to the new section referenced above since the original filing. The new language states "only individuals who have had their name removed under the provisions of WAC 357-46-135(2) have the right to request a review of the removal."

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The added language since the original filing clarifies and emphasizes that only individuals removed from the internal or statewide layoff list under the provisions of WAC 357-46-135(2) have the right to request a review of the removal.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; **Implementation and Enforcement:** Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004

E. C. Matt
 Director

NEW SECTION

WAC 357-46-140 What is the notice requirement when an individual's name has been removed from an internal or statewide layoff list? An individual whose name has been removed from an internal or statewide layoff list in accordance with 357-46-135(2) must be notified in writing at the time of removal. The notification must provide the specific reason for the removal and inform the individual of the right to request a review of the removal under the provisions of WAC 357-46-145. Only individuals who have had their name removed under the provisions of WAC 357-46-135(2) have the right to request a review of the removal.

For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

WSR 04-18-126**PROPOSED RULES****DEPARTMENT OF PERSONNEL**

[Filed September 1, 2004, 9:55 a.m.]

Continuance of WSR 04-13-192.

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

Title of Rule and Other Identifying Information: WAC 357-49-015 How does an individual or employee request a director's review? and 357-49-020 What process is used to conduct a director's review?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These two sections filed under WSR 04-13-192 are being continued.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004

E. C. Matt

Director

NEW SECTION

WAC 357-49-015 How does an individual or employee request a director's review? (1) Director's review requests must be filed in writing at the office of the director.

(2) Review requests must include:

(a) The name and address of the employee, applicant or candidate;

(b) The name of the employer that took the action for which a review is requested;

(c) A telephone number at which the employee, applicant or candidate can be reached;

(d) The job classification or position of the employee;

(e) A short statement of the grounds or reasons for the request, and if applicable, the rule(s) the employee believes has been violated; and

(f) A short statement of the relief or remedy sought by the employee, applicant or candidate.

(3) The employee, applicant or candidate is responsible for notifying the director of any change in address or telephone number. Employees, applicants or candidates who are represented shall include the name, address and telephone number of their representative.

NEW SECTION

WAC 357-49-020 What process is used to conduct a director's review? (1) The director's review is informal and conducted by the director or designee.

(2) The review may be conducted by review of written documents, by telephone, or by other electronic means as determined by the director or designee.

(3) The director or designee shall prepare a record of the documents reviewed and issue a written determination.

WSR 04-18-127**PROPOSED RULES****DEPARTMENT OF PERSONNEL**

[Filed September 1, 2004, 9:56 a.m.]

Supplemental Notice to WSR 04-13-192.

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

Title of Rule and Other Identifying Information: WAC 357-49-010 A director's review may be requested for what actions?

Hearing Location(s): Department of Personnel, 521 Capitol Way South, Olympia, WA, on October 14, 2004, at 10:00 a.m.

Date of Intended Adoption: October 14, 2004.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS

"FORMAL COMMENT," fax (360) 586-4694, by October 8, 2004.

Assistance for Persons with Disabilities: Contact Department of Personnel by October 8, 2004, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Language was added to the original version that was filed under WSR 04-13-192 that states if the department is responsible for maintaining the layoff list an individual may request a director's review of removal of their name from the list as specified in WAC 357-46-145. Language was also added that states an individual may request a director's review of his/her request for remedial action.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The added language since the original filing clarifies that if the department is responsible for maintaining the layoff list an individual may request a director's review of removal of their name from the list as specified in WAC 357-46-145. Language was also added that states an individual may request a director's review of his/her request for remedial action.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

A cost-benefit analysis is not required under RCW 34.05.328.

August 31, 2004

E. C. Matt
Director

NEW SECTION

WAC 357-49-010 A director's review may be requested for what actions? (1) If the department is responsible for the assessment process, an applicant or candidate may request a director's review of his/her examination results or the removal of his/her name from an applicant or candidate pool as specified in WAC 357-16-175. Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are final and not subject to further review or appeal.

(2) If the department is responsible for maintaining the layoff list, an individual may request a director's review of the removal of his/her name from a layoff list as specified in WAC 357-46-145.

(3) An employee may request a director's review of the following:

(a) Allocation or reallocation per WAC 357-13-080; or

(b) Performance evaluation process or procedure per WAC 357-37-080.

(4) In addition to the subjects listed in section (2) of this rule, an employee may request a director's review of an alleged violation of the civil service laws or rules within thirty (30) calendar days of the date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later. An employee may not request a director's review of allegations arising from the development and adoption of the classification plan under the provisions of WAC 357-10-020 or the actions of reduction, dismissal, suspension, demotion or separation.

(5) An individual may request the director review his/her request for remedial action per WAC 357-19-430 or 357-19-450. Requests for remedial action must be received within thirty (30) calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules.

WSR 04-18-129 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Docket Nos. A-021178 and TO-030288—Filed September 1, 2004, 11:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-20-105, 02-22-030, and 03-07-034.

Title of Rule and Other Identifying Information: Reporting of transactions between regulated utility and transportation companies and their subsidiaries to the commission. See Purpose below for a list of proposed rules identified for adoption, amendment, and repeal.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on October 13, 2004, at 1:30 p.m.

Date of Intended Adoption: October 13, 2004.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504, e-mail records@wutc.wa.gov, fax (360) 586-1150, by September 22, 2004. Please include Docket No. A-021178 or TO-030288 in your communication.

Assistance for Persons with Disabilities: Contact Mary DeYoung by Monday, October 11, 2004, TTY (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The intent of the rule making is to establish rules that would require regulated companies to report to the commission transactions between a regulated company and its subsidiary.

Affected WACs are: **Chapter 480-70 WAC, Solid waste and/or refuse collection companies.**

Amend WAC 480-70-041 Definitions, general.

1. Added definitions for "affiliated interest," "control," and "subsidiary."

PROPOSED

Amend WAC 480-70-051 Exemptions from rules in chapter 480-70 WAC.

1. Amended to reference WAC 480-07-110 Exceptions from and modifications to the rules in this chapter; special rules.

Adopt WAC 480-70-077 Transferring cash or assuming obligations.

1. Require reporting of cash transfers to affiliates and subsidiaries when certain thresholds are exceeded.

Adopt WAC 480-70-078 Affiliated interest—Contracts or arrangements.

1. Adopt rules implementing chapter 81.16 RCW.

Adopt WAC 480-70-079 Affiliated interest and subsidiary transactions report.

1. Adopt rules implementing chapter 81.16 RCW.

Chapter 480-90 WAC, Gas companies—Operations.

Amend WAC 480-90-008 Exemptions from rules in chapter 480-90 WAC.

1. Amended to reference WAC 480-07-110 Exceptions from and modifications to the rules in this chapter; special rules.

Amend WAC 480-90-023 Definitions.

1. Added definitions for "affiliated interest," "control," and "subsidiary."

Adopt WAC 480-90-207 Filing information.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, 480-146-270 Applicant may include information by reference, and 480-146-280 Applicant duty when information is unavailable.

Repeal WAC 480-90-208 Financial reporting requirements.

1. Financial reporting requirements to be incorporated in new sections.

Annual reports - WAC 480-90-252 Federal Energy Regulatory Commission (FERC) Form No. 2.

Commission basis reports (annual) - WAC 480-90-257 Commission basis report.

Quarterly reports - WAC 480-90-275 Actual results for Washington operations report.

Additional reports - WAC 480-90-209 Additional reports.

Adopt WAC 480-90-209 Additional reports.

1. Adopted from proposed repealed WAC 480-90-208 Financial reporting requirements.

Repeal WAC 480-90-218 Securities, affiliated interests, and transfers of property.

1. Incorporated subsection (3) into proposed WAC 480-90-248 Transfers of property.

Adopt WAC 480-90-242 Issuing securities.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed

repealed WAC 480-146-290 Securities statements and applications, and 480-146-300 Filing requirements for securities statements and applications.

2. Require certain information five days in advance.

Adopt WAC 480-90-244 Transferring cash or assuming obligation.

1. Require reporting of cash transfers to affiliates and subsidiaries when certain thresholds are exceeded.

Adopt WAC 480-90-245 Affiliated interests—Contracts or arrangements.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-350 Filing of affiliated interest transactions.

Adopt WAC 480-90-248 Transfers of property.

1. Adopted from proposed repealed WAC 480-90-218 Securities, affiliated interests, and transfers of property.

Adopt WAC 480-90-252 Federal Energy Regulatory Commission (FERC) Form No. 2.

1. Adopted from proposed repealed WAC 480-90-208 Financial reporting requirements.

Adopt WAC 480-90-257 Commission basis report.

1. Adopted from proposed repealed WAC 480-90-208 Financial reporting requirements.

Adopt WAC 480-90-262 Securities report.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-340 Reporting of securities transactions.

2. Revised to obtain pertinent information.

Adopt WAC 480-90-264 Affiliated interest and subsidiary transactions report.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-360 Reporting of affiliated interest transactions.

2. Added subsidiaries to reporting requirement.

Adopt WAC 480-90-268 Essential utilities services contracts report.

1. Require reporting of essential utilities services contract when certain thresholds are exceeded.

Adopt WAC 480-90-275 Actual results for Washington operations report.

1. Adopted from proposed repealed WAC 480-90-208 Financial reporting requirements.

Amend WAC 480-90-999 Adoption by reference.

1. Revised to reflect references to repealed sections and new sections.

Chapter 480-92 WAC, Low-level radioactive waste companies.

Amend WAC 480-92-016 Exemptions from rules in chapter 480-92 WAC.

1. Amended to reference WAC 480-07-110 Exceptions from and modifications to the rules in this chapter; special rules.

Amend WAC 480-92-021 Definitions.

1. Added definitions for "affiliated interest," "control," and "subsidiary."

Amend WAC 480-92-050 Reporting requirements—Annual report.

1. Grammar changes.

Adopt WAC 480-92-055 Reporting requirements—Special reports.

1. Adopt low-level radioactive waste company rules implementing chapter 81.16 RCW.

Chapter 480-100 WAC, Electric companies—Operations.

Amend WAC 480-100-008 Exemptions from rules in chapter 480-90 WAC.

1. Amended to reference WAC 480-07-110 Exceptions from and modifications to the rules in this chapter; special rules.

Amend WAC 480-100-023 Definitions.

1. Added definitions for "affiliated interest," "control," and "subsidiary."

Adopt WAC 480-100-207 Filing information.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, 480-146-270 Applicant may include information by reference, and 480-146-280 Applicant duty when information is unavailable.

Repeal WAC 480-100-208 Financial reporting requirements.

1. Financial reporting requirements to be incorporated in new sections.

Annual reports - WAC 480-100-252 Federal Energy Regulatory Commission (FERC) Form No. 2.

Commission basis reports (annual) - WAC 480-100-257 Commission basis report.

Quarterly reports - WAC 480-100-275 Actual results for Washington operations report.

Additional reports - WAC 480-100-209 Additional reports.

Adopt WAC 480-100-209 Additional reports.

1. Adopted from proposed repealed WAC 480-100-208 Financial reporting requirements.

Repeal WAC 480-100-218 Securities, affiliated interests, and transfers of property.

1. Incorporated subsection (3) into proposed WAC 480-100-248 Transfers of property.

Adopt WAC 480-100-242 Issuing securities.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-290 Securities statements and applications, and 480-146-300 Filing requirements for securities statements and applications.

2. Require certain information five days in advance.

Adopt WAC 480-100-244 Transferring cash or assuming obligation.

1. Require reporting of cash transfers to affiliates and subsidiaries when certain thresholds are exceeded.

Adopt WAC 480-100-245 Affiliated interests—Contracts or arrangements.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-350 Filing of affiliated interest transactions.

Adopt WAC 480-100-248 Transfers of property.

1. Adopted from proposed repealed WAC 480-90-218 Securities, affiliated interests, and transfers of property.

Adopt WAC 480-100-252 Federal Energy Regulatory Commission (FERC) Form No. 1.

1. Adopted from proposed repealed WAC 480-90-208 Financial reporting requirements.

Adopt WAC 480-100-257 Commission basis report.

1. Adopted from proposed repealed WAC 480-100-208 Financial reporting requirements.

Adopt WAC 480-100-262 Securities report.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-340 Reporting of securities transactions.

2. Revised to obtain pertinent information.

Adopt WAC 480-100-264 Affiliated interest and subsidiary transactions report.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted chapter from proposed repealed WAC 480-146-360 Reporting of affiliated interest transactions.

2. Added subsidiaries to reporting requirement.

Adopt WAC 480-100-268 Essential utilities services contracts report.

1. Require reporting of essential utilities services contract when certain thresholds are exceeded.

Adopt WAC 480-100-275 Actual results for Washington operations report.

1. Adopted from proposed repealed WAC 480-100-208 Financial reporting requirements.

Adopt WAC 480-100-282 Application for approval of lease of utility facilities.

PROPOSED

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-370 Application for approval of lease of utility facilities.

Adopt WAC 480-100-287 Form of lease application.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-380 Form of lease application.

Amend WAC 480-100-999 Adoption by reference.

1. Revised to reflect references to repealed sections and new sections.

Chapter 480-110 WAC, Water companies.

Amend WAC 480-110-205 Application of rules.

1. Grammar changes.

Amend WAC 480-110-215 Exemption from rules in chapter 480-110 WAC.

1. Amended to reference WAC 480-07-110 Exceptions from and modifications to the rules in this chapter; special rules.

Amend WAC 480-110-225 Additional requirements.

1. Added new standard language for section that replaced previous language.

Adopt WAC 480-110-227 Severability.

1. Added new standard language for section.

Amend WAC 480-110-235 Definition of control.

1. Grammar change.

Amend WAC 480-110-245 Glossary.

1. Grammar change.

Repeal WAC 480-110-495 Maps.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-110-261 Maps.

1. Adopted to reflect new numbering of chapter parts.

Amend WAC 480-110-335 Establishing credit and deposits.

1. Clarified interest on deposit calculation.

Amend WAC 480-110-355 Discontinuing of service.

1. Grammar change.

Amend WAC 480-110-365 Service responsibilities.

1. Grammar change.

Amend WAC 480-110-375 Form of bills.

1. Grammar change.

Amend WAC 480-110-385 Water company responsibility for complaints and disputes.

1. Grammar change.

Amend WAC 480-110-395 Water quality refunds.

1. Grammar change.

2. Changed statutory authority reference.

Amend WAC 480-110-415 Meters.

1. Grammar change.

Amend WAC 480-110-425 Water company customer notice requirements.

1. Grammar change.

Repeal WAC 480-110-265 Tariffs.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-110-431 Tariffs.

1. Adopted to reflect new numbering of chapter parts.

Repeal WAC 480-110-295 Adopted and initial tariffs.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-110-433 Adopted and initial tariffs.

1. Adopted to reflect new numbering of chapter parts.

Amend WAC 480-110-445 Service connections and customer service lines.

1. Grammar change.

Adopt WAC 480-110-456 Definitions.

1. Added definitions for "affiliated interest," "control," and "subsidiary."

Adopt WAC 480-110-457 Filing information.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, 480-146-270 Applicant may include information by reference, and 480-146-280 Applicant duty when information is unavailable.

Adopt WAC 480-110-459 Additional reports.

1. Added new standard language for section.

Amend WAC 480-110-465 Expenditures for political or legislative activities.

1. Added new standard language for section.

Amend WAC 480-110-485 Retaining and preserving records and reports.

1. Changed title to standard commission format.

Repeal WAC 480-110-275 Accounting and reporting requirements, and regulatory fees.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-110-505 Accounting and reporting requirements and regulatory fees.

1. Adopted to reflect new numbering of chapter parts.

Repeal WAC 480-110-475 Reports of accidents.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-110-515 Reports of accidents.

1. Adopted to reflect new numbering of chapter parts.

Adopt WAC 480-110-525 Issuing securities.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-290 Securities statements and applications and 480-146-300 Filing requirements for securities statements and applications.

2. Require certain information five days in advance.

Adopt WAC 480-110-535 Transferring cash or assuming obligation.

1. Require reporting of cash transfers to affiliates and subsidiaries when certain thresholds are exceeded.

Adopt WAC 480-110-545 Affiliated interests—Contracts or arrangements.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-350 Filing of affiliated interest transactions.

Repeal WAC 480-110-285 Securities, affiliated interest, transfer of property.

1. Incorporated into proposed WAC 480-110-555 Transfers of property.

Adopt WAC 480-110-555 Transfers of property.

1. Adopted from proposed repealed WAC 480-110-285 Securities, affiliated interests, and transfers of property.

Adopt WAC 480-110-565 Securities report.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-340 Reporting of securities transactions.

2. Revised to obtain pertinent information.

Adopt WAC 480-110-575 Affiliated interest and subsidiary transactions report.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-360 Reporting of affiliated interest transactions.

2. Added subsidiaries to reporting requirement.

Amend WAC 480-110-999 Adoption by reference.

1. Grammar change.

Chapter 480-120 WAC, Telecommunications operations.

Amend WAC 480-120-015 Exemptions from rules in chapter 480-120 WAC.

1. Amended to reference WAC 480-07-110 Exceptions from and modifications to the rules in this chapter; special rules.

Adopt WAC 480-120-325 Definitions.

1. Added definitions for "affiliated interest," "control," and "subsidiary."

Adopt WAC 480-120-331 Filing information.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-250 Filing, 480-146-260 Commission may require additional information, and 480-146-270 Applicant may include information by reference.

Adopt WAC 480-120-335 Additional reports.

1. Added new standard language for section.

Repeal WAC 480-120-305 Streamlined filing requirements for Class B telecommunications company rate increase.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-120-339 Streamlined filing requirements for Class B telecommunications company rate increase.

1. Adopted to reflect new numbering of chapter parts.

Repeal WAC 480-120-321 Expenditures for political or legislative activities.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-120-344 Expenditures for political or legislative activities.

1. Adopted to reflect new numbering of chapter parts.

Repeal WAC 480-120-322 Retaining and preserving records and reports.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-120-349 Retaining and preserving records and reports.

1. Adopted to reflect new numbering of chapter parts.

Repeal WAC 480-120-323 Washington Exchange Carrier Association (WECA).

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-120-352 Washington Exchange Carrier Association (WECA).

1. Adopted to reflect new numbering of chapter parts.

Repeal WAC 480-120-301 Accounting requirements for competitively classified companies.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-120-355 Competitively classified companies.

1. Adopted to reflect new numbering of chapter parts.

Adopt WAC 480-120-365 Issuing securities.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-290 Securities statements and applications and 480-146-300 Filing requirements for securities statements and applications.

2. Require certain information five days in advance.

Adopt WAC 480-120-369 Transferring cash or assuming obligation.

1. Require reporting of cash transfers to affiliates and subsidiaries when certain thresholds are exceeded.

Adopt WAC 480-120-375 Affiliated interests—Contracts or arrangements.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-350 Filing of affiliated interest transactions.

Adopt WAC 480-120-379 Transfers of property.

1. Adopted to incorporate language concerning transfers of property.

Repeal WAC 480-120-303 Reporting requirements for competitively classified companies.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-120-382 Annual report for competitively classified companies.

1. Adopted to reflect new numbering of chapter parts.

Repeal WAC 480-120-304 Reporting requirements for companies not classified as competitive.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-120-385 Annual report and quarterly results of operations reports for companies not classified as competitive.

1. Adopted to reflect new numbering of chapter parts.

Adopt WAC 480-120-389 Securities report.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-340 Reporting of securities transactions.

2. Revised to obtain pertinent information.

Adopt WAC 480-120-395 Affiliated interest and subsidiary transactions report.

1. Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities proposed for repeal. Adopted from proposed repealed WAC 480-146-360 Reporting of affiliated interest transactions.

2. Added subsidiaries to reporting requirement.

Repeal WAC 480-120-311 Access charge and universal service reporting.

1. Repealed to reflect new numbering of chapter parts.

Adopt WAC 480-120-399 Access charge and universal service reporting.

1. Adopted to reflect new numbering of chapter parts.

Chapter 480-121 WAC, Registration, competitive classification and price lists of telecommunications companies.

Amend WAC 480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies.

1. Revised to reflect references to repealed sections, adopted sections, and new numbering of chapter 480-120 WAC.

Chapter 480-146 WAC, Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities.

Repeal WAC 480-146-240 Application of rules.

Repeal WAC 480-146-250 Filing.

1. This section adopted in proposed WAC 480-90-207 Filing information, 480-100-207 Filing information, 480-110-457 Filing information, and 480-120-335 Filing information.

Repeal WAC 480-146-260 Commission may require additional information.

1. This section adopted in proposed WAC 480-90-207 Filing information, 480-100-207 Filing information, 480-110-457 Filing information, and 480-120-335 Filing information.

Repeal WAC 480-146-270 Applicant may include information by reference.

1. This section adopted in proposed WAC 480-90-207 Filing information, 480-100-207 Filing information, 480-110-457 Filing information, and 480-120-335 Filing information.

Repeal WAC 480-146-280 Applicant duty when information is unavailable.

1. This section adopted in proposed WAC 480-90-207 Filing information 480-100-207 Filing information 480-110-457 Filing information 480-120-335 Filing information.

Repeal WAC 480-146-290 Securities statements and applications.

1. This section adopted in proposed WAC 480-90-242 Issuing securities, 480-100-242 Issuing securities, 480-110-525 Issuing securities, and 480-120-365 Issuing securities.

Repeal WAC 480-146-300 Filing requirements for securities statements and applications.

1. This section adopted in proposed WAC 480-90-242 Issuing securities, 480-100-242 Issuing securities, 480-110-525 Issuing securities, and 480-120-365 Issuing securities.

Repeal WAC 480-146-310 Commission may set securities application or statement for public hearing.

1. Repealed - No longer relevant.

Repeal WAC 480-146-320 Minimum time required for commission order.

1. This section adopted in proposed WAC 480-90-242 Issuing securities, 480-100-242 Issuing securities, 480-110-525 Issuing securities, and 480-120-365 Issuing securities.

Repeal WAC 480-146-330 Supplemental securities filing may be exempt from time limitations.

1. Repealed - No longer relevant.

Repeal WAC 480-146-340 Reporting of securities transactions.

1. This section adopted in proposed WAC 480-90-262 Securities report, 480-100-262 Securities report, and 480-110-565 Securities report.

Repeal WAC 480-146-350 Filing of affiliated interest transactions.

1. This section adopted in proposed WAC 480-70-078 Affiliated interests—Contracts or arrangements, 480-90-245 Affiliated interests—Contracts or arrangements, 480-92-055 Reporting requirements—Special reports subsection (1) Affiliated interests—Contracts or arrangements, 480-100-245 Affiliated interests—Contracts or arrangements, 480-110-545 Affiliated interests—Contracts or arrangements, and 480-120-375 Affiliated interests—Contracts or arrangements.

Repeal WAC 480-146-360 Reporting of affiliated interest transactions.

1. This section adopted in proposed WAC 480-70-079 Affiliated interest and subsidiary transactions report, 480-90-264 Affiliated interest and subsidiary transactions report, 480-92-055 Reporting requirements—Special reports subsection (3) Affiliated interest and subsidiary transactions report, 480-100-264 Affiliated interest and subsidiary transactions report, 480-110-575 Affiliated interest and subsidiary transactions report, and 480-120-395 Affiliated interest and subsidiary transactions report.

Repeal WAC 480-146-370 Application for approval of lease of utility facilities.

1. This section adopted in proposed WAC 480-100-282 Application for approval of lease of utility facilities.

Repeal WAC 480-146-380 Form of lease application.

1. This section adopted in proposed WAC 480-100-287 Form of lease application.

Chapter 480-73 WAC, Hazardous liquid pipeline companies.

1. This proposed new chapter would create reporting rules for hazardous liquid pipeline companies consistent with those for other utility and transportation industries. The following sections are proposed for adoption: WAC 480-73-010 Application of rules, 480-73-020 Exemptions from rules in chapter 480-73 WAC, 480-73-030 Additional requirements, 480-73-040 Severability, 480-73-050 Tariffs, 480-73-060 Definitions, 480-73-110 Filing information, 480-73-120 Additional reports, 480-73-130 Accounting system requirements, 480-73-140 Expenditures for political or legislative activities, 480-73-150 Retaining and preserving records and reports, 480-73-160 Annual reports, 480-73-170 Issuing securities, 480-73-180 Transferring cash or assuming obligation, 480-73-190 Affiliated interests—Contracts or arrangements, 480-73-200 Securities report, 480-73-210 Affiliated interest and subsidiary transactions report, and 480-73-999 Adoption by reference.

Reasons Supporting Proposal: The regulated transportation and utility business environments have undergone a number of significant developments that include corporate and industry restructuring, competition, bankruptcy, financial rating downgrades, volatile commodity supply and demand, volatile pricing, and concern with the accuracy of corporate financial statements and reports. In this new environment, transactions between regulated companies and their affiliates and subsidiaries may significantly impact ratepayers. Transactions with affiliated interests are covered by existing law, but there are no rules covering some types of subsidiaries. Establishing reporting requirements regarding transactions between regulated companies and their subsidiaries would provide the commission with more timely identification and disclosure of intercompany transactions that pose difficult regulatory issues.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 81.04.060.

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

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Fred Ottavelli, 1300 South Evergreen Park Drive S.W.,

Olympia, WA 98504, (360) 664-1297; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed corrections and changes to rules will not result in or impose an increase in costs. Because there will not be any increase in costs resulting from the proposed rule changes, a small business economic impact statement is not required under RCW 19.85.030(1).

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not an agency to which RCW 34.05.328 applies. The proposed rule is not a significant legislative rule of the sort referenced in RCW 34.05.328(5).

September 1, 2004

Carole J. Washburn
Executive Secretary

PART ((#)) I—GENERAL ADMINISTRATIVE RULES

AMENDATORY SECTION (Amending General Order No. R-479, Docket No. A-010648, filed 3/23/01, effective 4/23/01)

WAC 480-70-041 Definitions, general. (See WAC 480-70-226 (Tariffs, definitions used in) for definition of terms used primarily in tariff filings.) Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases mean:

"Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

"Application docket" means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

"Biomedical waste" means the following types of waste:

"Animal waste" means waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

"Biosafety level 4 disease waste" means waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, *Biosafety in Microbiological and Biomedical Laboratories*, current edition.

"Cultures and stocks" means wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes, but is not limited to, culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

"Human blood and blood products" means discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

"Pathological waste" means waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

"Sharps waste" means all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Note: Certificates issued prior to the effective date of these rules may contain the terms "biohazardous waste" or "infectious waste" in describing services authorized. From the effective date of these rules, those permits shall be understood to allow the transportation of "biomedical waste."

"Biohazardous or biomedical waste generator" means any person, by site, whose act or process produces infectious waste, or whose act first caused an infectious waste to become subject to regulation. In the case where more than one person, e.g., doctors with separate medical practices, are located in the same building, each individual business entity is a separate generator for the purposes of these rules.

"Biohazardous or biomedical waste transporter" means any person who transports infectious waste over the highways in a quantity equal to or exceeding one hundred pounds per month for compensation.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process.

"Business of transporting solid waste for collection and/or disposal for compensation" means those carriers who are primarily in the specialized business of solid waste for collection and/or disposal.

"Cancellation" means an act by the commission to terminate a solid waste collection company certificate; or an act by a carrier to discontinue the application of a tariff, a tariff supplement, or a tariff item.

"Certificate" means the certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW for the operation of solid waste collection companies.

"Certificated authority" means the territory and services granted by the commission and described in a company's certificate of public convenience and necessity.

"City regulation" means regulation of the operations of a solid waste collection company by a city through issuance of a contract.

"Classes of companies":

"Class A company" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of five million dollars or more.

"Class B company" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of less than five million dollars.

"Class C company" means a solid waste collection company that does not provide traditional residential or commercial solid waste operations. This class includes specialized carriers generally hauling specific waste products for

specific customers or providing only on-call or nonscheduled service.

"Classes of service" means either commercial, specialized, drop box, or residential service.

"Company" means a solid waste collection company.

"Commercial authority" means authority to provide solid waste collection service to business, institutional, or industrial generators.

"Commercial recycling service" means transportation of recyclable commodities from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than landfill disposal or incineration. Commercial recycling is regulated under chapter 81.80 RCW.

"Commercial service" means solid waste collection service provided to a business, institutional, or industrial generator.

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports solid waste by motor vehicle for compensation.

"Construction debris" or **"construction waste"** means solid waste resulting from the building or renovation of buildings, roads and other man-made structures. Construction debris includes, but is not limited to, materials such as plasterboard, cement, dirt, wood, and brush.

"Contract carrier" means a person holding a certificate issued by the commission authorizing transportation of solid waste for collection and/or disposal under special and individual contracts or agreements.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Demolition waste" or **"demolition debris"** means solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste includes, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper.

"Disinfect" means to cleanse by destroying harmful microorganisms.

"Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs. This term includes, but is not limited to, landfills, transfer stations, and incinerators.

"Dump truck operator" means a carrier holding a permit under chapter 81.80 RCW engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except solid waste. Dump truck operations are usually conducted during the daytime; are local in character; are somewhat seasonal, especially in connection with building or construction projects; and the value of the commodity transported is usually low.

"Filing" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"Garbage" means those materials of solid waste that are putrescible.

"Garbage and refuse." Whenever the phrase "garbage and refuse" is used as a qualifying phrase, it means either garbage or refuse, or both garbage and refuse.

"Hazardous waste" means any material that is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR Part 262.

"Incineration" means to reduce the volume of solid waste by use of an enclosed device using controlled flame combustion.

"Incinerator" means a site where solid waste is reduced in volume by use of an enclosed device using controlled flame combustion.

"Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land-treatment facility.

"Land-treatment facility" means the site on which the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose takes place. The term does not include applying waste onto or into the soil surface for the purpose of soil sweetening or soil amendment.

"Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Motor vehicle" means any truck, trailer, semi-trailer, tractor or any self-propelled or motor-driven vehicle used on any public highway of this state for the purpose of transporting solid waste for collection and/or disposal.

"Multiple-family residence" or **"multifamily residence"** means any structure housing two or more dwelling units.

"Multifamily service" means residential service provided to multifamily structures or locations including, but not limited to, duplexes, apartments, mobile home courts, and condominiums.

"Nonputrescible" means not capable of being readily decomposed by microorganisms.

"Occasional" means occurring at irregular and infrequent intervals. The term is qualitative, not quantitative, in that the term applies to services that are only performed from time-to-time, not that the solid waste hauling is only a small part of services offered.

"Packer" means a device or vehicle specially designed to compress loose materials.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Private carrier" means a person who transports solid waste in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

EXCEPTION: A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.

"Private road" means a road not normally available for use by the public.

"Public highway" means every street, road, or highway in this state normally available for use by the public.

"Putrescible" means capable of being readily decomposed by microorganisms.

"Recyclable materials" means materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose.

"Recycling" means transforming or remanufacturing materials into usable or marketable materials for use other than landfill disposal or incineration.

"Refuse" means those materials of solid waste that are not putrescible.

"Residence" means the regular dwelling place of an individual or individuals.

"Residential authority" means authority to provide solid waste collection from residences.

"Residential recycling service" means collection of those solid wastes that are separated for recycling or reuse, such as paper, plastic, metals, and glass, that are identified as recyclable materials pursuant to a local comprehensive solid waste plan.

"Residential service" means solid waste collection from residences.

"Sewer sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW, and is transported to a site for disposal.

"Shipping paper" means a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose and containing the information required in WAC 480-70-401 (Payment options).

"Small business" means any company that has fifty or fewer employees.

"Solid waste" or **"solid wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to:

- Garbage;
- Rubbish;
- Refuse;
- Swill;
- Ashes;
- Industrial wastes;
- Sewage sludge;
- Demolition and construction wastes;
- Abandoned vehicles or parts of abandoned vehicles;

and

- Source-separated recyclable materials collected from single and multifamily residences.

"Solid waste collection" means collecting solid waste from residential or commercial customers and transporting the solid waste, using a motor vehicle, for collection and/or disposal over the highways of the state of Washington for compensation.

"Solid waste collection company" means every common carrier, including a contract carrier, who provides solid waste collection service.

"**Source separation**" means the separation of different kinds of solid waste at the place where the waste originates.

"**Specialized solid waste collection company**" means a company providing other than traditional solid waste collection service. Specialized companies generally haul specific waste products for specific customers, provide only on-call or nonscheduled service, or provide accessorial services not normally provided by traditional solid waste collection companies.

"**State**" means the state of Washington.

"**Subsidiary**" means any company in which the solid waste company owns directly or indirectly five percent or more of the voting securities, unless the solid waste company demonstrates it does not have control.

"**Suspension**" means an act by the commission to temporarily withhold a solid waste collection company's certificated authority; or an act by the commission to withhold approval of a company's tariff filing.

"**Tariff**" means a document issued by a company, and approved by the commission, containing the services provided, the rates and charges the company bills its customers for those services, and the rules describing how the rates and charges apply.

"**Tariff service territory**" means a company-defined geographic division of its certificated authority in which a specific tariff applies.

"**Third-party waste broker**" means a person or company acting on behalf of a generator of solid waste, usually an industrial or commercial generator, to arrange for collection and/or disposal of solid waste.

"**Traditional solid waste collection company**" means a company engaged in collecting and removing solid waste and recyclable materials from private homes, and/or removing solid waste from commercial establishments, industrial facilities, and other sites. Solid waste is normally picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside residential solid waste or transport cans or containers for commercial businesses. Unless the company's certificate is restricted against doing so, a traditional solid waste collection company may also perform specialized solid waste collection service.

"**Transfer station**" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. The definition does not usually include detachable containers. However, in counties with a population of less than seventy thousand, and in any county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, if detachable containers are securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, and tipping fees that cover the cost of providing the containers and the use of the facility are charged, then such detachable containers constitute a transfer station. (Refer to RCW 36.58-.030.)

"**Treatment**" means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease by making it noninfectious.

Any waste, except sharps, that has been treated is not considered biohazardous or biomedical waste, and may be considered to be solid waste for purposes and handling.

"**Vehicle**" means every device capable of transporting solid waste on a public highway. The term "vehicle" does not include devices moved by human or animal power or used exclusively on stationary rails or tracks.

"**Yard waste**" or "**yard debris**" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping, or similar activities. Yard waste includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

WAC 480-70-051 Exemptions from rules in chapter 480-70 WAC. ~~((1) The commission may grant an exemption of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.~~

~~(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.~~

~~(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.~~

~~(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.~~

~~(5) The commission will issue an order granting or denying the request or setting it for hearing pursuant to chapter 480-07 WAC.) The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).~~

PART ((2)) II—ACCOUNTING REQUIREMENTS, REPORTING REQUIREMENTS AND REGULATORY FEES

NEW SECTION

WAC 480-70-077 Transferring cash or assuming obligations. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a Class A company or the subsidiary of a Class A company transfers cash to any of its affiliated interests or subsidiaries or assumes an obliga-

tion or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(2) The reporting requirement in this section does not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court; or

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the utility and its subsidiary or affiliate.

NEW SECTION

WAC 480-70-078 Affiliated interest—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 81.16.020, each solid waste collection company must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with affiliated interests. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-70-079 Affiliated interest and subsidiary transactions report. (1) By June 1 of each year each Class A company must file a report summarizing all transactions that occurred between the company and its affiliated interests, and the company and its subsidiaries, during the period January 1 through December 31 of the preceding year.

(2) The information required in this subsection must be for total company and for total state of Washington. The

report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(3) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the company must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the solid waste company and each such affiliated interest or subsidiary, along with their titles in each organization.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-70-078 (Affiliated interests—Contracts or arrangements).

PART ((3)) III—CERTIFICATES

PART ((4)) IV—INSURANCE

PART ((5)) V—EQUIPMENT AND DRIVERS

PART ((6)) VI—COMPLIANCE

PART ((7)) VII—TARIFFS, RATES, AND RATE FILINGS

PART ((8)) VIII—CONSUMER RULES

PART ((9)) IX—BIOMEDICAL WASTE RULES

PART ((10)) X—HAZARDOUS WASTE RULES

PART ((11)) XI—ADOPTION BY REFERENCE

PART ((1)) I—GENERAL ((RULES)) PROVISIONS

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

WAC 480-90-008 Exemptions from rules in chapter 480-90 WAC. ~~((1) The commission may grant an exemption from the provisions of any rule in this chapter if consistent with the public interest, the purposes underlying regulation, and applicable statutes.~~

~~(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.~~

~~(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.~~

~~(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.~~

~~(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-07 WAC.)~~ The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-484, filed 5/3/01, effective 6/3/01)

WAC 480-90-023 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"Applicant" means any person, corporation, partnership, government agency, or other entity that applies for service with a gas utility or who reapplies for service at a new or existing location after service has been discontinued.

"British thermal unit" (Btu) means the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.

"Business day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"Commission" means the Washington utilities and transportation commission.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Customer" means any person, corporation, partnership, government agency, or other entity that applied for, has been accepted for, and is currently receiving service.

"Cubic foot of gas" means a volumetric unit of measure used in sales and testing.

"Sales volume" means a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.

"Testing volume" means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.

"Gas" means any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

"Liquefied petroleum gas" means a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

"Manufactured gas" means any gas produced artificially by any process.

"Natural gas" means a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.

"Subsidiary" means any company in which the gas utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

"Therm" means a unit of heat equal to 100,000 Btus.

"Gas utility" (utility) means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:

Owens, controls, operates, or manages any gas plant in Washington state;

Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and

Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the gas industry, or their ordinary meaning if there is no meaning generally accepted in the gas industry.

PART ((2)) II—CONSUMER RULES

PART ((3)) III—FINANCIAL RECORDS AND REPORTING RULES

Subpart A: General Rules

NEW SECTION

WAC 480-90-207 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-90-242 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part III

in person, by mail, or when procedures are in place, electronic mail message.

(2) Commission may require additional information.

The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) Information by reference. When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) When information is unavailable. If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-90-209 Additional reports. Part III does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

**Subpart B: Financial Transaction
Reporting Requirements**

NEW SECTION

WAC 480-90-242 Issuing securities. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a gas utility issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, or assumes any obligation or liability as guarantor, the utility must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) Before issuance of the proposed security, the utility must file with the commission the terms of financing.

(3) A commission order is not required for such a filing. The utility may request a written order affirming that the utility has complied with the requirements of RCW 80.08.040. The utility must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. The utility must file the information required in subsection (2) of this section with the commission before the commission enters a written order.

(4) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(5) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(6) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(7) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a utility must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

NEW SECTION

WAC 480-90-244 Transferring cash or assuming obligation. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a gas utility or the subsidiary of a gas utility transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the utility must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds described in (a) or (b) of this subsection.

(a) The utility must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of two percent, which is based on the utility's common shareholders equity.

(b) When the threshold in (a) of this subsection has been reached, the utility must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the utility's common shareholders equity.

A utility's common shareholder equity is determined according to the latest annual report filed pursuant to WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1). Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999 (Adoption by reference).

(2) The reporting requirement in this section does not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities, including fuel supplies (e.g., gas, coal, or oil);

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(d) Dividends to the extent the level of such dividends over a twelve-month period do not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the utility and its subsidiary or affiliate.

NEW SECTION

WAC 480-90-245 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each gas utility must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the utility must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the utility must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the utility has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-90-248 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a gas utility must obtain from the commission an order authorizing such transaction in accordance with chapter 80.12 RCW (Transfers of property) and chapter 480-143 WAC (Commission general—Transfers of property).

Subpart C: Annual Reporting Requirements

NEW SECTION

WAC 480-90-252 Federal Energy Regulatory Commission (FERC) Form No. 2. (1) Each gas utility must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of this report to the commission. Data required by RCW 80.04.080 (Annual reports), but not included in the FERC Form No. 2, must also be submitted with the annual report. The utility must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form No. 2, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999 (Adoption by reference).

(2) Each utility must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The

report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales.

(3) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation methods for rate-making purposes is accomplished only by commission order.

(4) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

NEW SECTION

WAC 480-90-257 Commission basis report. (1) Commission basis reports are due within four months of the end of a utility's fiscal year.

(2) The intent of the commission basis report is to depict the gas operations of a gas utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include:

(a) Booked results of gas operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(b) Results of operations adjusted for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(c) Booked revenues and power supply expenses adjusted to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated.

(3) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(4) Each utility must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington.

NEW SECTION

WAC 480-90-262 Securities report. Each gas utility that has issued securities must file with the commission an annual securities transaction report. The report is due five months from the end of the utility's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the utility's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

NEW SECTION

WAC 480-90-264 Affiliated interest and subsidiary transactions report. (1) Each gas utility must file an annual report summarizing all transactions that occurred between the utility and its affiliated interests, and the utility and its subsidiaries. The report is due one hundred twenty days from the end of the utility's fiscal or calendar year (reporting period). The report must include a corporate organization chart of the utility and its affiliated interests and subsidiaries.

(2) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the utility must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the utility must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the utility and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the utility and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the utility for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the utility has transactions; and

(g) A list of all common officers and directors between the gas utility and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The utility is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-90-245 (Affiliated interest—Contracts and arrangements).

NEW SECTION

WAC 480-90-268 Essential utilities services contracts report. (1) When the annual value to a vendor exceeds one and one-half percent of total company sales to ultimate customers as reported in the utility's most recent Federal Energy Regulatory Commission (FERC) Form No. 2 (or

combined Forms No. 1 and No. 2 for combined utilities), each gas utility must report the total contracts with that vendor for essential utility services specifying the relevant terms of the contract or contracts, along with anticipated associated charges. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999 (Adoption by reference).

(2) The report of essential service vendors is due one hundred twenty days from the end of each reporting period, whether a fiscal or calendar year.

(3) For each vendor the report must include:

(a) The parties to the contract;

(b) The type of contract;

(c) The essential obligations of each party to the contract;

(d) The length of the contract;

(e) The budgeted annual dollar value of the contract during the reporting period; and

(f) The actual payments for services rendered under the contract during the reporting period.

(4) Essential utility services are those services necessary to provide gas service such as:

(a) Operation or maintenance of gas system infrastructure;

(b) Operation or maintenance of computer systems;

(c) Purchase of gas for classes of customer service regulated by the commission; and

(d) Construction of gas system infrastructure.

(5) The requirements under this section may be satisfied in whole or in part by cross-reference to the applicable portions of other documents that the utility has on file with the commission.

Subpart D: Quarterly Reporting Requirement

NEW SECTION

WAC 480-90-275 Actual results for Washington operations report. Within forty-five days of the end of each quarter, each gas utility must file a report of actual results for Washington operations. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

PART ((4)) IV—GAS METERING AND STANDARDS RULES

PART ((5)) V—ADOPTION BY REFERENCE

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-90-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington

state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2003.

(b) This publication is referenced in WAC 480-90-203 (Accounting system requirements) (~~and WAC 480-90-208 (Financial reporting requirements)~~), WAC 480-90-244 (Transferring cash or assuming obligation), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-90-208	Financial reporting requirements.
WAC 480-90-218	Securities, affiliated interests, and transfers of property.

AMENDATORY SECTION (Amending Order R-458, Docket No. UR-980080, filed 2/5/99, effective 3/8/99)

WAC 480-92-016 ((Waiver)) Exemptions from rules in chapter 480-92 WAC. ~~((1) The commission may grant a waiver of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying regulation, and sound public policy, and is not inconsistent with applicable statutes.~~

~~((2) To request a rule waiver, a site operator must file a written request with the commission identifying the rule for which a waiver is sought, and giving a full explanation of the reason for requesting the waiver.))~~ The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

AMENDATORY SECTION (Amending Order R-458, Docket No. UR-980080, filed 2/5/99, effective 3/8/99)

WAC 480-92-021 Definitions. The definitions contained in chapter 81.108 RCW and RCW 81.04.010 are incorporated by reference in this section. To the extent that any of the definitions in this chapter differ from statutory definitions, the statutory definitions shall control.

"Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

"Commission" means the Washington utilities and transportation commission.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Effective rate" means the highest permissible rate, for the disposal of low-level radioactive waste, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to RCW 81.108.040.

"Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

"Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume among all generators and the generator responsible for such extraordinary volume as described in RCW 81.108.070.

"Generator" means a person, partnership, association, corporation, or any other entity that, as a part of its activities, produces low-level radioactive waste.

"Inflation adjustment" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in RCW 81.108.040.

"Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than ten nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations nor naturally occurring or accelerator produced radioactive material.

"Maximum disposal rate" the maximum disposal is the rate a site operator may charge generators as provided in RCW 81.108.050.

"Site" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

"Site operator" means a low-level radioactive waste site operating company, which includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or

managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Subsidiary" means any company in which the low-level waste company owns directly or indirectly five percent or more of the voting securities, unless the low-level waste company demonstrates it does not have control.

"Volume adjustment" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

AMENDATORY SECTION (Amending Order R-458, Docket No. UR-980080, filed 2/5/99, effective 3/8/99)

WAC 480-92-050 Reporting requirements—Annual report. ~~((The commission will distribute an annual report form to site operators each year. The site operator must complete the form, file it with the commission, and pay regulatory fees for the preceding calendar year by May 1.~~

~~A site operator may request in writing prior to May 1, an extension of time to file its annual report, stating the reasons for the request and the extension date. The commission will not grant extensions for payment of regulatory fees.)) An annual report is an end-of-the-year summary of financial and operational activity that each site operator is required to file with the commission.~~

(1) Each year the commission provides an annual report form and instructions to each site operator at its address of record. Failure to receive the form does not relieve a company of its obligation to complete and file its annual report. A site operator that does not receive an annual report form must contact the commission to request a copy of the form.

(2) A site operator must file a complete, accurate annual report showing all requested information by May 1 of the succeeding year. Information provided on the annual report must agree with source documents maintained at site operator offices.

NEW SECTION

WAC 480-92-055 Reporting requirements—Special reports. (1) **Affiliated interests—Contracts or arrangements.** Prior to the effective date of any contract or arrangement described in RCW 81.16.020, each site operator must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the site operator must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the site operator must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the site operator has failed to prove that it is reasonable and consistent with the public interest.

(2) **Transferring cash or assuming obligations.**

(a) At least five business days, as defined in WAC 480-07-120 (Office hours), before a site operator or the subsidiary of a site operator transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of

any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a)(i) or (ii) of this subsection.

(i) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(ii) When the threshold in (a)(i) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) The reporting requirement in this section does not include payments for:

(i) Federal and state taxes;

(ii) Goods, services, or commodities;

(iii) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(iv) Dividends to the extent the level of such dividends over a twelve-month period do not exceed the larger of:

(A) Net income during such period; or

(B) The average level of dividends over the preceding three years; or

(v) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the site operator and its subsidiary or affiliate.

(3) **Affiliated interest and subsidiary transactions report.**

(a) By June 1 of each year, each site operator must file a report summarizing all transactions that occurred between the site operator and its affiliated interests, and the site operator and its subsidiaries, during the period January 1 through December 31 of the preceding year. The information required in this subsection must be for total company and for total state of Washington. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(b) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the site operator must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the site operator must provide:

(i) A balance sheet and income statement for such affiliated interest;

(ii) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(iii) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

PROPOSED

(iv) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(v) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(vi) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(vii) A list of all common officers and directors between the low-level waste company and each such affiliated interest or subsidiary, along with their titles in each organization.

PART ((4)) I—GENERAL ((RULES)) PROVISIONS

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

WAC 480-100-008 Exemptions from rules in chapter 480-100 WAC. ~~((1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.~~

~~(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.~~

~~(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.~~

~~(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.~~

~~(5) The commission will enter an order granting or denying the request, or setting it for hearing, pursuant to chapter 480-07 WAC.) The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).~~

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-482, filed 5/3/01, effective 6/3/01)

WAC 480-100-023 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"**Applicant**" means any person, corporation, partnership, government agency, or other entity that applies for service with an electric utility or who reapplies for service at a new or existing location after service has been discontinued.

"**Business day**" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"**Commission**" means the Washington utilities and transportation commission.

"**Control**" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"**Customer**" means any person, corporation, partnership, government agency, or other entity that has applied for, has been accepted, and is currently receiving service.

"**Electric utility (utility)**" means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver that meets the following conditions:

Owns, controls, operates, or manages any electric plant for hire in Washington state; and

Is subject to the commission's jurisdiction.

"**Subsidiary**" means any company in which the electric utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

PART ((2)) II—CONSUMER RULES

PART ((3)) III—FINANCIAL RECORDS AND REPORTING RULES

Subpart A: General Rules

NEW SECTION

WAC 480-100-207 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-100-242 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part III in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-100-209 Additional reports. Part III does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

Subpart B: Financial Transaction Reporting Requirements

NEW SECTION

WAC 480-100-242 Issuing securities. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before an electric utility issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, or assumes any obligation or liability as guarantor, the utility must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) Before issuance of the proposed security, the utility must file with the commission the terms of financing.

(3) A commission order is not required for such a filing. The utility may request a written order affirming that the utility has complied with the requirements of RCW 80.08.040. The utility must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. The utility must file the information required in subsection (2) of this section with the commission before the commission enters a written order.

(4) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(5) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(6) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(7) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a utility must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

NEW SECTION

WAC 480-100-244 Transferring cash or assuming obligation. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before an electric utility or the subsidiary of an electric utility transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the utility must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds described in (a) or (b) of this subsection.

(a) The utility must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of two percent, which is based on the utility's common shareholders equity.

(b) When the threshold in (a) of this subsection has been reached, the utility must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the utility's common shareholders equity.

A utility's common shareholder equity is determined according to the latest annual report filed pursuant to WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1). Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999 (Adoption by reference).

(2) The reporting requirements in subsection (1) in this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities, including fuel supplies (e.g., gas, coal, or oil);

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(d) Dividends to the extent the level of such dividends over a twelve-month period do not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the utility and its subsidiary or affiliate.

NEW SECTION

WAC 480-100-245 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each electric utility must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the utility must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract

or arrangement is unwritten, the utility must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the utility has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-100-248 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, an electric utility must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

Subpart C: Annual Reporting Requirements

NEW SECTION

WAC 480-100-252 Federal Energy Regulatory Commission (FERC) Form No. 1. (1) Each electric utility must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of this report to the commission. Data required by RCW 80.04.080 (Annual reports), but not included in the FERC Form No. 1, must also be submitted with the annual report. The utility must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form No. 1, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999 (Adoption by reference).

(2) Each utility must also submit to this commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales.

(3) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation methods for rate-making purposes is accomplished only by commission order.

(4) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

NEW SECTION

WAC 480-100-257 Commission basis report. (1) Commission basis reports are due within four months of the end of a utility's fiscal year.

(2) The intent of the commission basis report is to depict the electric operations of an electric utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include:

(a) Booked results of electric operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(b) Results of operations adjusted for out-of-period, non-operating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(c) Booked revenues and power supply expenses adjusted to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated.

(3) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(4) Each utility must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of electric operations for the state of Washington.

NEW SECTION

WAC 480-100-262 Securities report. Each electric utility that has issued securities must file with the commission an annual securities transaction report. The report is due five months from the end of the utility's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the utility's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

NEW SECTION

WAC 480-100-264 Affiliated interest and subsidiary transactions report. (1) Each electric utility must file an annual report summarizing all transactions that occurred between the utility and its affiliated interests, and the utility and its subsidiaries. The report is due one hundred fifty days from the end of each reporting period, whether a fiscal or cal-

endar year. The report must include a corporate organization chart of the utility and its affiliated interests and subsidiaries.

(2) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the utility must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the utility must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the utility and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the utility and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the utility for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the utility has transactions; and

(g) A list of all common officers and directors between the electric utility and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The utility is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-100-245 (Affiliated interest—Contracts and arrangements).

NEW SECTION

WAC 480-100-268 Essential utilities services contracts report. (1) When the annual transactions with a vendor exceed one and one-half percent of total company sales to ultimate customers as reported in the utility's most recent Federal Energy Regulatory Commission (FERC) Form No. 1 (or combined Forms No. 1 and No. 2 for combined utilities), each electric utility must report the total contracts with that vendor for essential utility services specifying the relevant terms of the contract or contracts, along with anticipated associated charges. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999 (Adoption by reference).

(2) The report of essential service vendors is due one hundred twenty days from the end of each reporting period, whether a fiscal or calendar year.

(3) For each vendor the report must include:

(a) The parties to the contract;

(b) The type of contract;

(c) The essential obligations of each party to the contract;

(d) The length of the contract;

(e) The budgeted annual dollar value of the contract during the reporting period; and

(f) The actual payments for services rendered under the contract during the reporting period.

(4) Essential utility services are those services necessary to provide electric service such as:

(a) Operation or maintenance of electric system infrastructure;

(b) Operation or maintenance of computer systems;

(c) Purchase of electricity for classes of customer service regulated by the commission; and

(d) Construction of electric system infrastructure.

(5) The requirements under this section may be satisfied in whole or in part by cross-reference to the applicable portions of other documents that the utility has on file with the commission.

Subpart D: Quarterly Reporting Requirement

NEW SECTION

WAC 480-100-275 Actual results for Washington operations report. Within sixty days of the end of each quarter, each electric utility must file a report of actual results for Washington operations. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

PART IV—LEASE OF UTILITY FACILITIES

PART ((4)) V—METERING RULES

PART ((5)) VI—SAFETY AND STANDARDS RULES

NEW SECTION

WAC 480-100-282 Application for approval of lease of utility facilities. Under the provisions of RCW 80.04.520, the applicant must certify that the requested approval of lease of utility facilities is necessary to exempt any owner of the facilities from being a public utility company under the Public Utility Holding Company Act of 1935.

NEW SECTION

WAC 480-100-287 Form of lease application. A filing for approval of lease of utility facilities must be submitted in the following form:

Before The Washington Utilities And Transportation Commission

EXHIBIT "D"

Economic and financial justification for entering into the proposed lease including a lease versus purchase analysis.

EXHIBIT "E"

Show such other facts that may be pertinent to the application.

The undersigned applicant requests that the Washington Utilities and Transportation Commission enter an order granting this application.

Dated this _____ day of _____, 20__.

By _____
(Applicant/Title)

In the Matter of the Application of (insert name) for an Order Approving the Lease of Utility Facilities.

No. . . .
(Number to be inserted by Commission)

PROPOSED

Application is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the lease of utility facilities. The following general information and exhibits are furnished in support:

GENERAL INFORMATION

1. Name of applicant.
2. Address of principal office of applicant.
3. Name and address of attorney or agent.
4. State or states under which applicant is organized and form of organization.
5. A general description of the property owned by applicant and the field of its operations.

PART ((6)) VII—ADOPTION BY REFERENCE

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2003.

(b) This publication is referenced in WAC 480-100-203 (Accounting system requirements) (~~and WAC 480-100-208 (Financial reporting requirements)~~), WAC 480-100-244 (Transferring cash or assuming obligation), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC in Washington, D.C.

(3) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 2002.

EXHIBIT "A"

A statement by applicant certifying that the requested approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

EXHIBIT "B"

Detailed unconsolidated balance sheet as of three months before the date the application is filed, and a pro forma balance sheet as of the same date showing the effect of the proposed lease. Indicate separately the amount of intangibles and the amount reflected in plant acquisition adjustment account if such items are included in the fixed capital or utility plant accounts of the balance sheet.

EXHIBIT "B-1"

(A) Detailed income and profit-and-loss statement for the twelve months ended as of the date of the balance sheet submitted as Exhibit "B."

(B) Reconciliation of the retained earnings account for the period covered by the income and profit-and-loss statement. Retained earnings should be segregated from other surplus accounts.

EXHIBIT "C"

1. A description of the property to be leased.
2. The historical or original cost of the property to be leased and the related accrued depreciation. (Estimated in both cases if actual amounts are not known.)
3. The amount of contributions in aid of construction.
4. Terms of the lease.

(b) This publication is referenced in WAC 480-100-163 (Service entrance facilities).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA in Quincy, Massachusetts.

(4) The American National Standard for Electric Meters: Code for Electricity Metering, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 2001.

(b) This publication is referenced in WAC 480-100-318 (Meter readings, multipliers, and test constants), WAC 480-100-338 (Accuracy requirements for electric meters), and WAC 480-100-343 (Statement of meter test procedures).

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-100-208	Financial reporting requirements.
WAC 480-100-218	Securities, affiliated interests, and transfers of property.

PART I—GENERAL RULES

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-205 Application of rules. The rules in this chapter apply to any water company that distributes, sells, or supplies water, and that meets requirements for commission regulation or jurisdiction under RCW 80.04.010 and WAC 480-110-255 (Jurisdiction). This includes investor-owned water companies that meet the jurisdictional threshold of serving one hundred or more customers or receive average revenue of four hundred twenty-nine dollars or more per customer per year.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

WAC 480-110-215 Exemptions from rules in chapter 480-110 WAC. ~~((1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.~~

~~(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.~~

~~(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The~~

~~commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.~~

~~(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-07 WAC.) The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).~~

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-225 ~~((Saving clause.))~~ **Additional requirements.** ~~((The commission may impose additional or different requirements on any water company in response to a complaint or on its own motion. These rules do not relieve any water company from any of its duties and obligations under the laws of the state of Washington.))~~ (1) These rules do not relieve any company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any company in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-110-227 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-235 Definition of control. (1) For purposes of determining commission jurisdiction over a water company as defined in RCW 80.04.010, "control" means the water system operator or manager has discretion over the property or finances or operations of a water company which is normally exercised by an owner. Factors indicating control include, but are not limited to, whether the operator or manager:

(a) May authorize the purchase or sale of all or part of the water system or its water rights;

(b) May authorize capital additions or improvements to the system;

(c) May accept contributed plant;

(d) May authorize the expenditure or acquisition of funds ~~((which))~~ that encumber any asset of the company;

(e) May authorize the expenditure of funds for nonwater company purposes;

(f) Receives compensation of a type or amount having no reasonable relationship to the work performed or to be performed.

(2) Control does not include management by a satellite agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-245 Glossary. "Applicant" means any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., that has completed a water company's application for water service.

"Commission" means the Washington utilities and transportation commission.

"Contributions in aid of construction" means any money, services or property received by a water company to fund capital investments at no cost to the company with no obligation to repay.

"Customer" means:

- Anyone who has paid water company fees and/or has an accepted application for service; or
- Anyone whose service connection is installed and is currently paying a ready-to-serve charge; or
- Anyone who is actually receiving water service from the company with the knowledge of the company.

"Extension" means the water mains and equipment necessary to extend the company's transmission and distribution infrastructure. An extension may also be called a distribution extension, a main extension, or a line extension.

"Facilities charge" means a one-time fee that a new customer must pay, consistent with WAC 480-110-455 (Water company funding mechanisms), before the company will connect the customer's property to the water system.

"Initial tariff" means:

- The tariff filed by a water company when it first becomes subject to the jurisdiction of the commission; or
- The tariff filed by a water company that was formerly subject to commission jurisdiction, and has once again become jurisdictional. It does not mean a tariff filed to add a newly acquired system or company to the tariff of a currently jurisdictional company.

"Jurisdictional customer" means anyone who is actually receiving water service.

"Potential customer" means anyone to whom the water company has given a letter agreeing to provide service; and

- The letter is currently enforceable and has not expired by its own terms; and
- The property is not yet receiving any type of service.

"Primary contaminants" means substances that, when present in drinking water at levels exceeding designated maximum contaminant levels (MCL), may adversely affect the health of consumers. These MCLs are established as water quality "primary standards" and are based on chronic, non-acute, or acute human health effects.

"Rate increase filing" means any filing by the company that would:

- Increase gross annual revenues of the company from activities regulated by the commission; or
- Restructure tariffs so that one class of customer would provide more gross revenue than under the prior tariff structure. The term does not mean filings designed only to recover governmentally imposed taxes or periodic rate adjustments that have been authorized by commission order.

"Ready-to-serve charge" means the charge assessed by the water company when:

- The water company has the ability to provide water service;
- The water company has committed to provide water service; and
- There is an installed service connection at the customer's property.

"Reconnect charge" means the charge specified in the company's tariff for restoring water service that has been disconnected:

- At the customer's request; or
- For nonpayment; or
- For failure to comply with the company's rules.

"Service area" means the geographic area to which the company intends to provide water service using current plant.

"Service connection" means the pipes, valves, and fittings between the water company's distribution system and the customer's service line.

"Standby charge" means a charge imposed by some unregulated companies for having transmission and distribution infrastructure installed but without the current ability to provide water. It is also sometimes referred to as a system-readiness fee. The commission does not authorize this type of charge for regulated water companies.

"Surcharge" means a monthly charge or fee paid to the water company for plant or expenses. The surcharge is in addition to regular monthly service fees and typically has an expiration date or dollar limit and is subject to specific accounting requirements.

"Water company" or "company" means any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatever, owning, controlling, operating or managing any water plant within the state of Washington for the purpose of furnishing water service to the public for hire and subject to the jurisdiction of the commission. It does not include management by a satellite management agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

"Water system" means all plant, equipment, and other assets used to provide water service for a specific location.

NEW SECTION

WAC 480-110-261 Maps. Each water company shall maintain a current map of each of its water systems showing the current service area. The company must provide the current maps to the commission for review within five business days of a request. The maps must contain enough detail to answer questions related to rates and charges and obligations to serve.

PART II—COMMON RULES

AMENDATORY SECTION (Amending Docket No. A-020405, General Order No. R-504, filed 10/16/02, effective 1/1/03)

WAC 480-110-335 Establishing credit and deposits.
(1) **Establishing credit - residential.** A company may not collect a security deposit if an applicant for residential ser-

vice can establish satisfactory credit by any one of the following:

(a) The applicant had prior service with the company or another water company for twelve months before the application date and:

(i) Service was not disconnected for nonpayment;
(ii) The customer received no more than one delinquency notice; and

(iii) References with the other company (if applicable) can quickly and easily be checked. The company may request that the references from the previous company be in writing.

(b) The applicant had consecutive employment during the prior twelve months with no more than two employers and is currently employed or has a regular source of income.

(c) The applicant owns or has a legal interest in the premises being served.

(d) The applicant can furnish a satisfactory guarantor who will be responsible for payment of water service bills in the event of disconnection or default by the customer, in a specified amount, not to exceed the amount of the cash deposit required.

(e) The applicant personally produces at the company's business office two major credit cards, or other credit references that the company can quickly and easily check, that demonstrate a satisfactory payment history.

(2) **Establishing credit - nonresidential.** A company may require an applicant for nonresidential water service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A company may require a deposit if:

(a) The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) or (2) of this section;

(b) The applicant's service from another water company was disconnected for failure to pay amounts owing when due during the twelve months before the application date;

(c) The applicant has an unpaid, overdue balance owing for similar service from the water company to which application is being made or from any other water company;

(d) Two or more delinquency notices have been served on the applicant by any water company during the prior twelve months; or

(e) The application is for beginning or continuing service to a residence where a prior customer still lives and owes a past due bill to the company.

(4) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for companies billing monthly;

(b) Three-twelfths of estimated annual billings for companies billing bimonthly;

(c) Four-twelfths of estimated annual billings for companies billing trimonthly.

(5) **Transfer of deposit.** When a customer moves to a new address within the company's service territory, the deposit plus accrued interest, less any outstanding past-due balance owing from the old address, must be transferred to the new address or refunded.

(6) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) (~~For each calendar~~) Effective February 1 of each year, at the rate for the one-year Business Day Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next (~~following~~) business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **Deposit payment arrangements.** The company must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the company. The company and applicant or customer may make other mutually acceptable deposit payment arrangements.

(8) **Receipt for deposit.** A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) **When refund of deposits is required.** A company must refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

(a) "Satisfactory payment" means a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The company has not started a disconnection process against the customer; and

(ii) The company has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, the company must return to the customer the deposit amount plus accrued interest, less any amounts due the company by the customer.

(10) **How deposits are refunded.** The company must refund any deposit plus accrued interest, as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using one of the following methods:

(a) A check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment, as described above; or

(b) A credit applied to the customer's account for service beginning in the thirteenth month.

(11) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsections (1) and (2) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

PROPOSED

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-355 (~~Discontinuance~~) **Discontinuing of service.** (1) **Service may be disconnected either by customer direction or by company action:**

(a) **Customer-directed**(~~(—)~~). Customers wanting to discontinue service must notify the water company. The company must disconnect the service as requested by the customer. If the customer fails to request disconnection of service the customer will be responsible to continue paying for water service at the company's tariff rate until the company becomes aware that the customer vacated the property.

(b) **Company-directed: Notice requirements** - After properly notifying the customer, as explained in subsection (3) of this section, the water company may discontinue service to its customers for:

(i) Unpaid bills, as provided for in WAC 480-110-375 (**Form of bills**);

(ii) Water use for purposes or properties other than those specified in the customer's application for service;

(iii) Willful waste of water through improper or defective piping, equipment, or otherwise;

(iv) Piping or equipment that does not meet the company's standards or fails to comply with other applicable codes and regulations;

(v) Tampering with the company's property;

(vi) Vacating the premises;

(vii) Nonpayment of any proper charges, including deposit, as provided in the company's tariff;

(viii) Refusing to allow access as required in WAC 480-110-305 (**Access to premises**);

(ix) Violating rules, service agreements, or effective tariffs, including violation of outdoor watering instructions given to customers in order to curtail water use during time of shortage;

(x) Use of equipment that detrimentally affects the company's service to its other customers.

(c) **Service obtained by fraud: No notice required before termination** - A water company may terminate service without notice when it discovers that a customer has obtained service fraudulently. Examples of fraud include: When service is connected without the company's knowledge, when service is obtained by fraudulent means or representations, or when service is used to provide service to other persons who are required to obtain their own service.

(i) **First offense:** The company may disconnect service immediately and without prior notice when it discovers fraud, unless the customer immediately pays:

(A) The tariff rate for service that the company estimates was taken fraudulently; plus

(B) All company costs resulting from the fraudulent use and all applicable fees; plus

(C) Any applicable required deposit.

(ii) **Second offense:** The company may disconnect service immediately and without prior notice when it discovers further fraud. The company may refuse to reconnect service to a customer who has been disconnected for further fraud.

(iii) **Commission review:** A customer may ask the commission to review any company determination of fraud through an informal or formal complaint. The company has

the burden of proving that fraud occurred. However, this rule does not relieve any person who has committed fraud from civil or criminal responsibility.

(2) **Medical emergencies**(~~(—)~~). When a water company has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. In cases of actual emergencies when service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of service.

(a) The company may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of water service would significantly endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may require that the certification include some or all of the following information:

(i) Residence location;

(ii) An explanation of how the physical health of the person will be endangered by disconnection of local service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature and telephone number of the person certifying the condition.

(b) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that the customer do the following within the five business day grace period: Pay a minimum of twenty-five percent of the delinquent balance and enter into an agreement to pay the remaining delinquent balance within ninety days and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the customer to pay more than this subsection prescribes. The company must send a notice to the customer confirming the payment arrangements within two business days.

(c) If within the five-day grace period the customer fails to provide an acceptable payment arrangement, the company may disconnect service without further notice.

(d) If the customer fails to abide by the terms of the payment agreement the company may disconnect service without further notice.

(e) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than six months unless renewed.

(3) **Required notice prior to disconnecting service**(~~(—Water companies)~~). Each water company must notify customers before disconnecting their service except in case of danger to life or property, fraudulent use, impairment of service, or violation of law. In all other cases, the company must not disconnect service until it has met the following requirements:

(a) The company must serve a written disconnection notice on the customer, either by mail, or, at the company's option, by personal delivery of the notice to the customer's address, attached to the primary door. Each disconnection notice must include:

(i) A delinquent date that is no less than eight business days after the date of personal delivery or mailing if mailed from inside the state of Washington or a delinquent date that is no less than eleven days if mailed from outside of the state of Washington; and

(ii) All pertinent information about the reason for the disconnection notice and how to correct the problem; and

(iii) The company's name, address, and telephone number by which a customer may contact the company to discuss the pending disconnection of service.

(b) In addition to (a) of this subsection, a second notice must be provided by one of the two options listed below:

(i) **Delivered notice**(~~(—)~~). The company must deliver a second notice to the customer and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than twenty-four hours after the time of delivery that allows the customer until 5:00 p.m. of the following day to comply; or

(ii) **Mailed notice**(~~(—)~~). The company must mail a second notice, which must include a deadline for compliance that is no less than three business days after the date of mailing if mailed from within the state of Washington or six days if mailed outside the state of Washington.

(c) Disconnection notices must:

(i) Include detailed information pertinent to the situation; and

(ii) Include the company's name, address and telephone number by which the customer may contact the company to discuss the pending disconnection of service; and

(iii) Expire after ten business days from the first day that the company may disconnect service, unless other mutually agreed upon arrangements have been made and confirmed in writing by the company. If mutually accepted arrangements are not kept, the company may disconnect service without further notice.

(d) Except in case of danger to life or property, companies may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the company cannot reestablish service on the same or following day.

(e) A company employee dispatched to disconnect service must accept payment of a delinquent account at the service address if tendered in cash, but is not required to give change for cash tendered in excess of the amount due and owing. The company must credit any excess payment to the customer's account. When disconnection does not take place due to payment made by the customer, the company may assess a fee for the disconnection visit to the service address as provided in the company's tariff. The disconnection notice must describe the disconnection visit charge, the amount, and the circumstances under which the charge will be made.

(f) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the company must undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of

one or more service users, where service is to other than the customer of record, a minimum period of five days must be allowed to permit the service users to arrange for continued service.

(g) When service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the director of the Washington department of health, and to the customer. Upon request to the company from the Washington department of health director or designee, an additional five business days must be allowed before disconnecting service to allow the department to take whatever steps are necessary to protect the interests of resident patients who are responsibilities of the Washington department of health.

(h) Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the company's representatives or with the commission. However, any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected.

(4) **Payments at a payment agency**(~~(—)~~). Payment of any past due amounts to a designated payment agency of the water company constitutes payment when the customer informs the company of the payment and the company has verified the payment with the payment agency.

(5) **Reconnecting water service after disconnection**(~~(—)~~). The water company must restore disconnected service when the customer has paid, or the company has agreed to bill, any reconnection charge and:

(a) The causes of disconnection are removed; or

(b) The customer pays all proper charges; or

(c) The customer pays any applicable deposit as provided for in the company tariff in accordance with WAC 480-110-335 (Establishing credit and deposits).

The commission may order reconnection pending resolution of any bona fide dispute between the company and the customer over the propriety of disconnection.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-365 Service responsibilities. (1) **Customer responsibility** - Customers must notify the water company in writing prior to making a change in equipment or usage that will materially affect the service being provided by the company. The customer must:

(a) Provide the company adequate time to install necessary additional facilities or supply; and

(b) Pay an equitable share of the cost of necessary additional facilities, if any, as provided in the company's tariff or through a contract submitted to the commission for approval.

(2) **Water company responsibility**(~~(—Water companies)~~). Each water company must:

(a) Install and maintain all equipment at appropriate locations necessary to operate the system;

(b) Install additional equipment as required by the commission in connection with performing special investigations; and

(c) Notify all affected customers when changes to the service will require customers to adjust their equipment.

(i) If the customer has been advised of the needed change prior to taking service, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(ii) If the change in service is required by law, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(iii) Otherwise when equipment must be adjusted to permit use under the changed conditions, the cost of any necessary adjustments must be equitably shared by the company and customer.

(3) **Maintenance**~~((---))~~₂. Each water company must maintain its plant and system in a condition that enables it to furnish adequate service and meet its obligation under chapter 246-290 WAC, Public water supplies or chapter 246-291 WAC, Group B public water systems, as applicable.

(4) **Quality of water**~~((---))~~₂. Each water company must meet Washington department of health requirements under chapter 246-290 or 246-291 WAC, as applicable.

(5) **Protection of water supply**~~((---))~~₂. Each water company must protect its sources of supply, as required by Washington department of health under chapter 246-290 or 246-291 WAC, as applicable.

(6) **Operations and maintenance**~~((---))~~₂. Each water company must comply with Washington department of health rules regarding operation and maintenance, as required under chapter 246-290 or 246-291 WAC as applicable, and by good engineering practices.

(7) **Test records**~~((---))~~₂. Each water company must:

(a) Keep a complete record of each test made for quality and service conditions as required under these rules. The records must contain complete information concerning the test, including such items as the commission may require;

(b) Provide the records to the commission staff upon request.

(8) **Interruption of service and service outages:**

(a) Each water ((companies)) company must make all reasonable efforts to avoid outage of service but are not insurers in the event of emergency, acts of God, or similar event. When outages do occur, the company must make reasonable efforts to reestablish service with a minimum of delay.

(b) When making necessary repairs or changes to its facilities, a water company:

(i) May interrupt service for a period of time as reasonably necessary and in a manner that minimizes the inconvenience to the customers; and

(ii) Must attempt to do the work during working hours regularly maintained by the company.

(c) A water company may interrupt service without incurring any liability.

(9) **Notice of service interruptions**~~((---Water companies))~~₂. Each water company must:

(a) Notify its customers of a scheduled interruption twenty-four hours in advance through newspapers, radio announcements, or other means;

(b) Notify police and fire departments affected by the interruption individually;

(c) Keep a record of all interruptions of service affecting a substantial number of customers, including in such records:

(i) The location;

(ii) The date and time;

(iii) The duration; and

(iv) The cause of each interruption, if known.

(d) Provide copies of records to the commission staff, upon request;

(e) Notify the Washington department of health.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-375 Form of bills. (1) Customer bills must:

(a) Be issued at intervals not to exceed three months and identify if the water company is billing in arrears or advance;

(b) Show a reference to the applicable rate schedule;

(c) Identify and show each separate charge as a line item;

(d) Show the total amount of the bill;

(e) Include enough information that, together with tariff rates, the customer can calculate his or her bill (a copy of the tariff is available for review at company or from the commission upon request);

(f) Show the date the bill becomes delinquent if not paid. The minimum specified time must be fifteen days after the bill's mailing date, if mailed from within the state of Washington, or eighteen days if mailed from outside the state of Washington, after the bill's mailing date.

A customer may request to pay by a certain date that is not the normally designated payment date when showing good cause. Good cause may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income. The preferred payment date must be prior to the next invoice date.

(g) Include the water company's name, business address, and telephone number and/or emergency telephone number by which a customer may contact the company;

(h) If the customer is metered, include the current and previous meter readings, the current read date, and the number and kind of units consumed;

(i) Show taxes and any tax percentage rate that the taxes are computed from. Taxes must be totaled to show a total taxed amount. Upon request, the company must provide a detail of the computation of the tax amount. Taxes, as used here, represent municipal occupation, business and excise taxes that have been levied by a municipality against the company, and are being passed on to the customer as a part of the charge for water service; and

(j) Clearly identify when a bill has been estimated.

(2) ~~((Water companies))~~ Each water company may prorate bills for customers who have taken service for a fraction of the billing period. If the company does not have its method of prorating bills in its tariff, the company must prorate bills in the following manner:

(a) For flat rate service, the charge must be prorated on the basis of the proportionate part of the period during which service was rendered.

(b) For metered service the charge will be equal to:

(i) The applicable minimum charge as shown in the company's tariff must be prorated on the basis of the proportionate part of the period during which service was rendered; plus

(ii) Any water usage charge computed using rates and allowances shown in the company's tariff.

(3) The water company must include its method for estimating bills in its tariff. Estimating of bills is allowed for no more than two consecutive billing cycles.

(4) When a company has cause to back-bill a customer, the company must allow the customer payment arrangements, if requested, for the same number of months to pay equal to the cumulative total of months being back-billed. (Example: If the company is back-billing for a one-year period, the company must allow the customer twelve months of equal payments to pay the total amount of the back billing.) These payments will be in addition to current billings.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

WAC 480-110-385 Water company responsibility for complaints and disputes. (1) If a water company receives a complaint or dispute from a customer or an applicant for service it must:

- (a) Acknowledge the complaint;
- (b) Investigate promptly;
- (c) Report the results of the investigation to the complainant;
- (d) Take corrective action, if warranted, as soon as appropriate under the circumstances;
- (e) Inform the complainant that the decision may be appealed to a higher level representative at the company, if any;
- (f) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and
- (g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives, may file with the commission:

- (a) An informal complaint against the company as set forth in WAC 480-07-910 (Informal complaints); and/or
- (b) A formal complaint against the company as set forth in WAC 480-07-370 (Pleadings—General).

(3) When commission consumer affairs staff refers an informal complaint to the company, the company must:

- (a) Investigate and report the results to the commission consumer affairs staff within two business days. The commission consumer affairs staff may grant an extension of time for responding to the complaint, if requested and warranted;
- (b) Keep the commission consumer affairs staff informed of progress toward the solution and the final result.

(4) Each water company must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

- (a) Complainant's name and address;
- (b) Date and nature of the complaint;
- (c) Action taken; and
- (d) Final result.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-395 Water quality refunds. (1) (~~Water companies~~) Each water company may be required to refund water charges due to poor water quality only:

(a) Upon commission order resulting from a formal proceeding before the commission; and

(b) When there are violations of the Washington department of health water quality standards in WAC 246-290-310 (~~(primary contaminants)~~) (Maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs)); and

(c) If the company does not take follow up steps outlined in WAC 246-290-320 (Follow-up action).

(2) The amount of the refund will be determined in a formal proceeding before the commission and is not recoverable through rates or charges.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-415 Meters. (1) **Water company rights and responsibilities:**

(a) (~~The~~) Each water company must:

- (i) Bear the cost of the meter and meter installation.
- (ii) Install water meters that are in working order and accurately measure water flow.
- (iii) Record meter serial numbers and identify location of installation.
- (iv) Repair or replace a malfunctioning meter at its expense unless a customer causes the malfunction.

(b) The water company may:

- (i) Install meters and charge the tariff meter rate after thirty days notice to affected customers.
- (ii) Install any apparatus to detect fraud or waste without notifying the customer.

(2) **Water customer rights and responsibilities:**

(a) A customer may request that a standard residential meter as defined in the company's tariff be installed, provided that metered rates are in effect.

(b) When a customer requests a meter installation, the water company may charge the customer in advance for the meter cost and meter installation, if such charge is included in the company's tariff. The company must reimburse the customer, by bill credit, at least ten percent of the meter and installation charge each month until fully paid.

(c) The water company has thirty days from the date of request to install the meter.

(d) If the water company fails to install the meter within the time limit in (c) of this subsection, the customer must be charged only the meter minimum charge until the meter is installed.

(e) If a customer tampers with a meter, the customer will be liable to the company for any repair or replacement costs.

(f) If the customer requests assistance in reading a meter, the water company must provide information on how to read the meter.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-425 Water company customer notice requirements. (1) Each water company must submit a draft customer notice~~((s must be submitted))~~ to the commission for review at least one week ~~((prior to))~~ before the company's planned printing date for distribution.

(2) At a minimum, the water company must notify:

(a) Customers and potential customers who may be affected by the water company's proposal; and

(b) The public affairs section of the commission.

(3) Customers must receive notice thirty days ~~((prior to))~~ before the requested effective date when a water company proposes to:

(a) Increase rates;

(b) Change terms and/or conditions of an existing service;

(c) Change the ownership or control of the operating company (see WAC 480-143-210 Transfer customer notice requirements) for content of notice);

(d) Institute a charge for a service that was formerly provided without charge; or

(e) Eliminate or grandfather any service.

(4) Content of notice for rate change - The notice to customers must contain, at a minimum, the following:

IMPORTANT NOTICE

(a) Date

(b) (Insert water company name) has filed for approval from the Washington utilities and transportation commission to increase rates (insert total annual revenue). If approved, the rates will be effective on (insert effective date).

(c) (Clearly explain the reason for the proposal - be specific.)

Current Rates/Services	Proposed Rates
\$	\$

(d) If you have questions about the proposed filing and how it will affect you, please call (insert company name & office phone number). If you have questions about the rate making process, you may contact the Washington Utilities and Transportation Commission at the following address: WUTC, 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll-free) or by e-mail comments@wutc.wa.gov.

(e) If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be included as part of the formal record. The commission is interested in receiving your views regarding this proposal whether in favor or not. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date, please call 1-800-562-6150 and leave your name, complete mailing address, the water company's name, and a description of the proposal you are interested in.

Sincerely,
(Company Name/Representative)

(5) Notice after commission action is permitted only when the commission approves an increase in federal, state, county or city-imposed taxes, fees or surcharges, and when credits are issued.

(a) At a minimum, notice after commission action must include the effective date, a clear description of changes to rates or services resulting from the commission's decision, and a company contact number where customers may seek additional information.

(b) Any notice after commission action may be accomplished by a bill message, bill insert, printed in a company newsletter, or mailed separately to customers.

(c) The commission may require other notification to the public as it determines necessary.

PART III—RATES AND CHARGES RULES

NEW SECTION

WAC 480-110-431 Tariffs. Tariffs filed by a water company must conform to the rules of this section and chapter 480-80 WAC Utilities general—Tariffs, unless the commission has authorized deviation from the rules in writing.

NEW SECTION

WAC 480-110-433 Adopted and initial tariffs. A water company must file revisions to its filed tariff within thirty days of its acquisition of new service area, whether by acquisition of another regulated water company or by acquiring one or more previously unregulated water systems.

(1) **Adopted tariffs - when a regulated company acquires another regulated company.** Any regulated water company acquiring a regulated water company must adopt the latter's tariff. An adoption form must be completed and filed with the commission by the acquiring water company within thirty days of the acquisition. The commission will supply an adoption form upon request.

(2) **Incorporate into existing tariff - when a regulated water company acquires a nonregulated company.**

(a) When a regulated water company acquires a nonregulated water company or water system, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges that were in existence before the acquisition.

(b) If the acquired nonregulated company or water system was previously subject to commission jurisdiction, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges in effect for the acquired company at the time the acquired company was removed from regulation.

(c) No other rates and charges may apply to the customers on the newly acquired system except those specifically shown on the new tariff page unless the company obtains the commission's approval to charge a different rate.

(3) **Initial tariffs - when a company becomes jurisdictional.**

PROPOSED

(a) An initial tariff must be filed in a standard tariff format. The commission will provide illustrations of the standard format upon request.

(b) The tariff must be accompanied by a cover letter describing the filing as an initial tariff.

(c) Customers must be notified before the commission receives the filing.

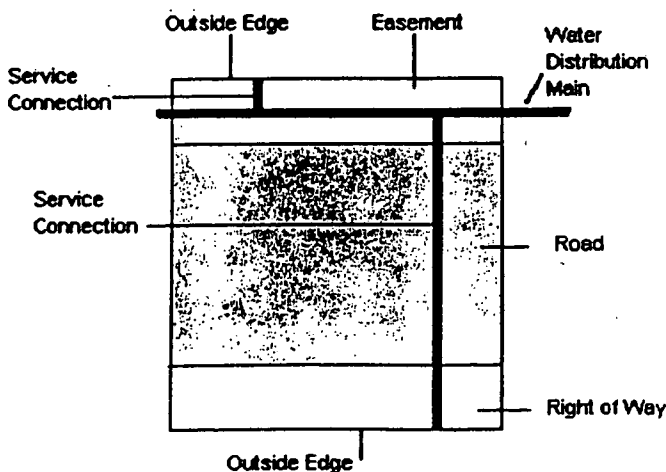
(d) The filing must be accompanied by supporting financial data justifying the proposed rates. See WAC 480-07-530 (General rate proceedings—Water companies).

(4) **Initial tariffs - a company that was previously subject to commission jurisdiction.** If a company or water system was previously subject to commission jurisdiction and once again becomes jurisdictional, the company must file a tariff with the rates and charges in effect at the time the company was last removed from regulation.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-445 Service connections and customer service lines. A service connection is the pipes, valves, and fittings between the water company's distribution system and the customer's service line. The customer's service line is the water line from the customer's points of usage to the water company's service connection.

(1) **Service connection charge and service connection length.** The length of a service connection can vary depending on where the customer's service line is or will be located. A tariffed service connection charge may be assessed for the cost of a new service connection. However, if the service connection is longer than the distance from the water distribution main to the outside edge of the right of way or easement that runs along or parallel to the water distribution main and closest to the customer's property line, the cost of such an extension may be financed as line extension, at the option of the company. The related line extension contract is subject to approval by the commission under WAC 480-110-435 (Extension contracts).



(2) Service connections may be installed when the system is built or at a later date, after the system is operational. A service connection charge may be based on the average installation cost for new service connections in subsection (3)(a) and (b) of this section. The service connection must be owned and maintained by the water company.

(3) A water company may assess a service connection charge, if named in its tariff, to recover the cost of the service connection:

(a) Installed by the water company during construction of the water system; or

(b) Installed after the distribution system had been buried and in service; or

(c) When the service connection has been previously removed for good cause and must be reinstalled to provide water service.

(4) A service connection charge must not be assessed if:

(a) The water company did not incur any cost to install the service connection (e.g., the service connection is a contribution in aid of construction);

(b) The water company is just installing a meter; or

(c) The water company is merely opening a valve to connect the company's distribution system to the customer's service line.

(5) The company may install the service connection to the property line, property corner, or to a location on the property mutually agreed upon. The company may install a meter or valve at any point along the service connection line or at a different mutually agreed location provided that in such event the property line will nevertheless be deemed the point of delivery.

(6) The customer's service line must be installed to provide easy access to the water company's distribution system. If there is doubt as to where the proper location should be, the customer must consult with the water company and agree on a location.

(7) The water company may request that the trench be left open and customer's service line exposed in order to inspect the connection for potential problems. The water company must complete the inspection within two business days after notification that the trench is open.

PART IV—FINANCIAL RECORDS AND REPORTING RULES

Subpart A: General Rules

NEW SECTION

WAC 480-110-456 Definitions. The definitions in this section apply to Part IV of this chapter.

"**Affiliated interest**" means a person or corporation as defined in RCW 80.16.010.

"**Control**" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"**Subsidiary**" means any company in which the water company owns directly or indirectly five percent or more of

the voting securities, unless the water company demonstrates it does not have control.

NEW SECTION

WAC 480-110-457 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-110-525 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part IV in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-110-459 Additional reports. Part IV does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-465 Expenditures for political (~~information and political education~~) or legislative activities. (~~(1) The commission will not allow expenses for political information or political education activities for ratemaking purposes.~~

~~(2) Political information and political education activities include, but are not limited to:~~

~~(a) Encouraging support or opposition to ballot measures, legislation, candidates for an office, or current public office holders.~~

~~(b) Soliciting support for political action committees.~~

~~(c) Gathering data for political mailing lists.~~

~~(d) Soliciting political contributions or recruiting political volunteers.)~~ (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for ratemaking purposes.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or cur-

rent office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

AMENDATORY SECTION (Amending Docket No. A-0203379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-110-485 (~~Retention and preservation of~~) Retaining and preserving records and reports. (1) The water company must retain all records and reports for three years unless otherwise specified in subsection (2) of this section.

(2) *The Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. Information about the *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-110-999, Adoption by reference.

Subpart B: Reporting Requirements

NEW SECTION

WAC 480-110-505 Accounting and reporting requirements and regulatory fees. (1) Water companies must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). Information about the USOA regarding the version adopted and where to obtain it is set out in WAC 480-110-999 (Adoption by reference). The USOA sets out the accounting requirements for Class A, B, and C water companies.

Water companies are classified by revenues.

Class	Annual Gross Operating Revenue
A	\$1,000,000 or more
B	\$200,000 to \$999,999
C	Less than \$200,000

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The commission does not grant an extension of time for payment of regulatory fees.

NEW SECTION

WAC 480-110-515 Reports of accidents. Each water company must notify the commission within seventy-two hours after every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. At a minimum, the report must include the name of the injured person, time and place of the accident, and an explanation of the accident. The water company may notify the commission by phone, but must provide a written report within five business days.

NEW SECTION

WAC 480-110-525 Issuing securities. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a water company issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, or assumes any obligation or liability as guarantor, the company must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) Before issuance of the proposed security, the company must file with the commission the terms of financing.

(3) A commission order is not required for such a filing. The company may request a written order affirming that the company has complied with the requirements of RCW 80.08.040. The company must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. The company must file the information required in subsection (2) of this section with the commission before the commission enters a written order.

(4) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(5) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(6) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(7) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

NEW SECTION

WAC 480-110-535 Transferring cash or assuming obligation. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a water company or the subsidiary of a water company transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(2) The reporting requirement in this section does not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court; or

(d) Dividends to the extent the level of such dividends over a twelve-month period do not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the company and its subsidiary or affiliate.

NEW SECTION

WAC 480-110-545 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each water company must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrange-

ments. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-110-555 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a water company must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

NEW SECTION

WAC 480-110-565 Securities report. Each water company that has issued securities must file with the commission an annual securities transaction report. The report is due ninety days from the end of the company's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

- (1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;
- (2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;
- (3) The level of expenses for each of the securities transactions for the reporting period;
- (4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the company's capitalization; and
- (5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

NEW SECTION

WAC 480-110-575 Affiliated interest and subsidiary transactions report. (1) Each Class A water company must file an annual report summarizing all transactions that occurred between the company and its affiliated interests, and the company and its subsidiaries. The report is due one hundred twenty days from the end of the company's reporting period, whether a fiscal or calendar year. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(2) When total transactions with an affiliated interest or a subsidiary are less than twenty-five thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed twenty-five thousand dollars for the reporting period, the company must provide:

- (a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the water company and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-110-545 (Affiliated interests—Contracts and arrangements).

PART V—ADOPTION BY REFERENCE

AMENDATORY SECTION (Amending Docket No. A-020379, General Order No. R-501, filed 8/26/02, effective 9/26/02)

WAC 480-110-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The *Uniform System of Accounts for Water Utilities* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1996.

(b) This publication is referenced in WAC ((480-110-275,)) 480-110-505 (Accounting, and reporting requirements and regulatory fees).

(c) The *Uniform System of Account for Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-110-485((-Retention and preservation of)) (Retaining and preserving records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-110-265	Tariffs.
WAC 480-110-275	Accounting and reporting requirements, and regulatory fees.
WAC 480-110-285	Securities, affiliated interest, transfer of property.
WAC 480-110-295	Adopted and initial tariffs.
WAC 480-110-475	Reports of accidents.
WAC 480-110-495	Maps.

AMENDATORY SECTION (Amending General Order R-510, Docket No. A-010648, filed 11/24/03, effective 1/1/04)

WAC 480-120-015 Exemptions from rules in chapter 480-120 WAC. ~~((1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.~~

~~(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, and provide a full explanation of the reason for requesting the exemption. In addition to any other reason, parties may allege force majeure was the factor leading to the request for waiver.~~

~~(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.~~

~~(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the requesting person, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.~~

~~(5) The commission will enter an order granting or denying the request, or setting it for hearing, pursuant to chapter 480-07 WAC.)~~ The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

Subpart A: General Rules

NEW SECTION

WAC 480-120-325 Definitions. The definitions in this section apply to Part VIII of this chapter.

"**Affiliated interest**" means a person or corporation as defined in RCW 80.16.010.

"**Control**" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"**Subsidiary**" means any company in which the telecommunications company owns directly or indirectly five percent or more of the voting securities, unless the telecommunications company demonstrates it does not have control.

NEW SECTION

WAC 480-120-331 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-120-242 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part VIII in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-120-335 Additional reports. Part VIII does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

NEW SECTION

WAC 480-120-339 Streamlined filing requirements for Class B telecommunications company rate increases.

(1) A Class B company, as defined in WAC 480-120-021 (Definitions), may use the streamlined treatment described in this section for seeking a general rate increase, as an alternative to the requirements in WAC 480-07-510 (General rate proceedings—Electric, natural gas, pipeline, and telecommunications companies).

(2) **General information required.** A Class B company seeking streamlined treatment for a proposed general rate increase must submit the following information at the time of filing or prior to its first notice to customers, whichever occurs first:

(a) A copy of its customer notice as specified in subsection (6) of this section.

(b) A results-of-operations statement, on a commission basis, demonstrating that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase must be reduced accordingly.

(c) All supporting documentation used to develop the results-of-operations statement, including supporting documentation for all adjustments.

(d) The results-of-operations statement filed under this subsection must include Washington intrastate results of operations. If a company cannot provide Washington intrastate results of operations with reasonable accuracy, the commission may consider the total Washington results of operations including the interstate jurisdiction.

(3) Adjustments provided for in the results of operations.

(a) The results-of-operations statement must provide restating actual adjustments and pro forma adjustments in accordance with (b) of this subsection.

(b) Before the achieved return is calculated, a company must adjust the booked results of operations for restating actual and pro forma adjustments, including the following:

- (i) Nonoperating items;
- (ii) Extraordinary items;
- (iii) Nonregulated operating items; and
- (iv) All other items that materially distort the test period.

(4) **Rate of return.** The authorized overall rate-of-return (for purposes of this section only) is eleven and twenty-five one-hundredths percent.

(5) **Rate design.** A Class B company filing pursuant to this section must clearly describe the basis for allocating any revenue requirement change proposed by customer class (e.g., residential, business, and interexchange).

(6) **Customer notice.** The company must notify customers consistent with the manner outlined in WAC 480-120-194 (Publication of proposed tariff changes to increase charges or restrict access to services), and must include the following information:

- (a) The proposed increase expressed in:
 - (i) Total dollars and average percentage terms; and
 - (ii) The average monthly increases the customers in each category or subcategory of service might reasonably expect;
- (b) The name and mailing address of the commission and public counsel;
- (c) A statement that customers may contact the commission or public counsel with respect to the proposed rate change; and

(d) The date, time, and place of the public meeting, if known.

(7) **Public meeting(s).** The commission will ordinarily hold at least one public meeting in the area affected by the rate increase within forty-five days after the date of filing.

(8) **Final action.** The commission will ordinarily take final action on a filing under this section within ninety days after the date of filing.

(9) The commission may decline to apply the procedures outlined in this section if it has reason to believe that:

(a) The quality of the company's service is not consistent with its public service obligations; or

(b) A more extensive review is required of the company's results of operations or proposed rate design.

(10) Nothing in this rule will be construed to prevent any company, the commission, any customer, or any other party from using any other procedures that are otherwise permitted by law.

NEW SECTION

WAC 480-120-344 Expenditures for political or legislative activities. (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for ratemaking purposes.

(2) For purposes of this rule political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

NEW SECTION

WAC 480-120-349 Retaining and preserving records and reports. (1) Each company must keep all records and reports required by these rules or commission order for three years unless otherwise specified in subsection (2) of this section. No records may be destroyed before the expiration of three years or the time specified in subsection (2) of this section, whichever is applicable.

(2) Each company must adhere to the retention requirements of Title 47, Code of Federal Regulations, Part 42, Preservation of Records of Communication Common Carriers published by the Federal Communications Commission. The effective date is stated in WAC 480-120-999 (Adoption by reference).

NEW SECTION

WAC 480-120-352 Washington Exchange Carrier Association (WECA). (1) The Washington Exchange Carrier Association (WECA) may:

(a) File petitions with the commission;

(b) Publish and file tariffs with the commission; and

(c) Represent before the commission those members that so authorize. WECA's rules of procedure are on file with the commission under Docket No. UT-920373, and may be obtained by contacting the commission's records center.

(2) Subject to all the procedural requirements and protections associated with company filings before the commission, WECA must submit to the commission:

- (a) All initial WECA tariffs; and
 - (b) All changes to the tariffs.
- (3) A member of WECA may file directly with the commission:

- (a) Tariffs, price lists, and contracts;
- (b) Revenue requirement computations;
- (c) Revenue objectives;
- (d) Universal service support cost calculations;
- (e) Total service long run incremental cost studies;
- (f) Competitive classification petition;
- (g) Other reports; or
- (h) Any other item it or the commission deems necessary.

(4) The commission has the authority to supervise the activities of WECA. However, such supervision will not compromise the independent evaluation by the commission of any filing or proposal that must be submitted to the commission for approval.

(5) To the extent that WECA is involved in the collection and redistribution of funds under commission orders authorizing certain revenue sharing arrangements under common tariff, it must maintain, provide, and report to the commission annual financial reports, by July 1 of each year, relating to the arrangements. Annual financial reports must include:

- (a) Actual fund collections and distributions to each member company;
- (b) The basis upon which the collection and distribution is made;
- (c) Board membership;
- (d) Special committee membership; and
- (e) The status and description of any open WECA docket proceedings.

(6) Each local exchange company in the state of Washington has the option of using WECA as its filing agent, tariff bureau, or both. Companies using WECA collectively may file intrastate rates, tariffs, or service proposals.

(7) Nothing in this section will be construed as amending or modifying WECA's current methods of administration. WECA's access charge pooling administration plan is on file with the commission and may be obtained by contacting the commission's records center and requesting the "Ninth Supplemental Order in Docket No. UT-971140 with Attachment" dated June 28, 2000.

Subpart B: Accounting Requirements

NEW SECTION

WAC 480-120-355 Competitively classified companies. Competitively classified companies must keep accounts using generally accepted accounting principles (GAAP), or any other accounting method acceptable to the commission. In addition, the accounts must allow for identification of revenues for Washington intrastate operations subject to commission jurisdiction.

Subpart C: Financial Reporting Requirements

NEW SECTION

WAC 480-120-365 Issuing securities. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a telecommunications company subject to the provisions of chapter 80.08 RCW issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, or assumes any obligation or liability as guarantor, the company must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) Before issuance of the proposed security, the company must file with the commission the terms of financing.

(3) A commission order is not required for such a filing. The company may request a written order affirming that the company has complied with the requirements of RCW 80.08.040. The company must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. The company must file the information required in subsection (2) of this section with the commission before the commission enters a written order.

(4) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(5) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(6) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(7) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

NEW SECTION

WAC 480-120-369 Transferring cash or assuming obligation. This section does not apply to a company classified as competitive pursuant to RCW 80.36.320.

(1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a telecommunications company or the subsidiary of a telecommunications company transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(2) The reporting requirement in this section does not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(d) Dividends to the extent the level of such dividends over a twelve-month period do not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the company and its subsidiary or affiliate.

NEW SECTION

WAC 480-120-375 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each telecommunications company subject to the provisions of chapter 80.16 RCW must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation

and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-120-379 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a telecommunications company subject to the provisions of chapter 80.12 RCW must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

NEW SECTION

WAC 480-120-382 Annual report for competitively classified companies. The commission will distribute an annual report form including a regulatory fee form. A competitively classified company must:

(1) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;

(2) Provide total number of access lines as required on the annual report form;

(3) Provide income statement and balance sheet for total company; and

(4) Provide revenues for Washington and Washington intrastate operations subject to commission jurisdiction.

NEW SECTION

WAC 480-120-385 Annual report and quarterly results of operations reports for companies not classified as competitive. (1) Annual reports for companies not classified as competitive. The commission will distribute an annual report form as specified in (c)(i), (ii), and (iii) of this subsection, and a regulatory fee form. A company not classified as competitive must:

(a) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;

(b) Provide total number of access lines as required on the annual report form; and

(c) Provide income statement and balance sheet for total company and results of operations for Washington and Washington intrastate.

(i) Class A companies that the FCC classified as Tier 1 telecommunications companies in Docket No. 86-182 must file annual report forms adopted by the FCC.

(ii) All other Class A companies must file annual reports on the form prescribed by the commission.

(iii) Class B companies must file annual reports as prescribed by RCW 80.04.530(2).

(2) Quarterly reports for companies not classified as competitive:

(a) All Class A companies must file results of operations quarterly.

(b) Each report will show monthly and twelve-months-ended data for each month of the quarter reported.

(c) The reports are due ninety days after the close of the period being reported, except for the fourth-quarter report which is due no later than May 1 of the following year.

(3) Methods used to determine Washington intrastate results of operations must be acceptable to the commission.

(4) This rule does not supersede any reporting requirements specified in a commission rule or order, or limit the commission's authority to request additional information.

NEW SECTION

WAC 480-120-389 Securities report. (1) Each telecommunications company subject to the provisions of chapter 80.08 RCW that has issued securities during the prior year, must file with the commission by April 1 of each year an annual securities transaction report for the period January 1 through December 31 of the preceding year. At a minimum, the report must contain:

(a) A description of the final agreements;

(b) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(c) The level of expenses for each of the securities transactions;

(d) Information to determine the individual and collective impact on capital structure; and

(e) The pro forma cost of money for the securities transactions.

(2) The company may provide by reference the information required in subsection (1)(a), (b), and (c) of this section if the information has previously been filed with the commission.

NEW SECTION

WAC 480-120-395 Affiliated interest and subsidiary transactions report. (1) By June 1 of each year, each telecommunications company subject to the provisions of chapter 80.16 RCW must file a report summarizing all transactions that occurred between the company and its affiliated interests, and the company and its subsidiaries, during the period January 1 through December 31 of the preceding year.

(2) The information required in this subsection must be for total company, total state of Washington, and Washington intrastate. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(3) When total company transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total company transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the company must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the company and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-120-375 (Affiliated interests—Contracts or arrangements).

NEW SECTION

WAC 480-120-399 Access charge and universal service reporting. (1) **Intrastate mechanism reporting.**

(a) Until legislation creating a new universal service fund is adopted and effective and commission rules to implement the legislation are adopted and effective, each Class A company in the state of Washington and the Washington Exchange Carrier Association, must provide annually:

(i) The actual demand units for the previous calendar year for each switched access tariff rate element (or category of switched access tariff rate elements, both originating and terminating) it has on file with the commission.

(ii) Primary toll carriers (PTCs) must file, in addition to the information required in (a)(i) of this subsection, the annual imputed demand units for the previous calendar year that the company would have had to purchase from itself if it had been an unaffiliated toll carrier using feature group D switched access service (including intraLATA and interLATA, both originating and terminating demand units). For purposes of this subsection, a PTC means a local exchange company offering interexchange service(s) to retail customers using feature group C switched access service for the origination or termination of any such service(s).

(b) The report containing the information required in (a) of this subsection must be filed by July 1 of each year.

(c) Each company providing information required by this section must include complete work papers and sufficient data for the commission to review the accuracy of the report.

(2) **Annual state certification requirements for interstate (federal) mechanism.** Each eligible telecommunications carrier (ETC) in Washington receiving federal high-cost universal service support funds must provide the following to the commission not later than August 31 of each year:

PROPOSED

(a) A certification that, during the calendar year preceding the year in which certification is made, the ETC provided the supported services required by 47 U.S.C. § 214(e) and described in the commission order granting it ETC status;

(b) A certification that, during the calendar year preceding the year in which certification is made, the ETC advertised the availability of supported services and the charges for them as required by 47 U.S.C. § 214(e) and as described in the commission order granting it ETC status;

(c) A certification that funds received by it from the federal high-cost universal service support fund will be used only for the provision, maintenance, and upgrading of the facilities and services for which the support is intended;

(d) The amount of all federal high-cost universal service fund support received for the calendar year preceding the year in which the filing must be made (this includes, but is not limited to, high cost loop support or "HCL," local switching support or "LSS," long term support or "LTS," interstate access support or "IAS," and interstate common line support or "ICLS");

(e) The loop counts on which federal high-cost universal service support was based for support received during the calendar year preceding the year in which the filing must be made;

(f) The certifications required in (a) through (e) of this subsection must be made in the same manner as required by RCW 9A.72.085.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-120-301	Accounting requirements for competitively classified companies.
WAC 480-120-303	Reporting requirements for competitively classified companies.
WAC 480-120-304	Reporting requirements for companies not classified as competitive.
WAC 480-120-305	Streamlined filing requirements for Class B telecommunications company rate increases.
WAC 480-120-311	Access charge and universal service reporting.
WAC 480-120-321	Expenditures for political or legislative activities.
WAC 480-120-322	Retaining and preserving records and reports.
WAC 480-120-323	Washington Exchange Carrier Association (WECA).

AMENDATORY SECTION (Amending Docket No. A-030832, General Order No. R-509, filed 10/29/03, effective 11/29/03)

WAC 480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies. (1) The following regulatory requirements are waived for competitively classified companies:

- (a) RCW 80.04.300 (Budgets to be filed by companies—Supplementary budgets);
- (b) RCW 80.04.310 (Commission's control over expenditures);
- (c) RCW 80.04.320 (Budget rules);
- (d) RCW 80.04.330 (Effect of unauthorized expenditure—Emergencies);
- (e) RCW 80.04.360 (Earnings in excess of reasonable rate—Consideration in fixing rates);
- (f) RCW 80.04.460 (Investigation of accidents);
- (g) RCW 80.04.520 (Approval of lease of utility facilities);
- (h) RCW 80.36.100 (Tariff schedules to be filed and open to public);
- (i) RCW 80.36.110 (Tariff changes—Statutory notice—Exception);
- (j) Chapter 80.08 RCW (Securities) (except RCW 80.08.140, State not obligated);
- (k) Chapter 80.12 RCW (Transfers of property);
- (l) Chapter 80.16 RCW (Affiliated interests);
- (m) WAC 480-80-101 Tariff requirements through WAC 480-80-143 Special contracts for gas, electric, and water companies;
- (n) Chapter 480-140 WAC (Commission general—Budgets);
- (o) Chapter 480-143 WAC (Commission general—Transfers of property);
- (p) ~~((Chapter 480-146 WAC (Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities);~~
- ~~((q))~~ WAC 480-120-102 (Service offered);
- ~~((r))~~ ~~WAC 480-120-305))~~ (q) WAC 480-120-339 (Streamlined filing requirements for Class B telecommunications company rate increases);
- ~~((s))~~ ~~(r) WAC 480-120-311~~ (Access charge and universal service reporting);
- ~~((t))~~ ~~WAC 480-120-321))~~ (s) WAC 480-120-344 (Expenditures for political or legislative activities); ~~((and~~
- ~~(u) WAC 480-120-323))~~ (t) WAC 480-120-352 (Washington Exchange Carrier Association (WECA));
- (u) WAC 480-120-365 (Issuing securities);
- (v) WAC 480-120-369 (Transferring cash or assuming obligation);
- (w) WAC 480-120-375 (Affiliated interests—Contracts or arrangements);
- (x) WAC 480-120-389 (Securities report); and
- (y) WAC 480-120-395 (Affiliated interest and subsidiary transactions report).

This rule supersedes all waivers of regulatory requirements for competitively classified companies granted by the commission at the time of a company's competitive classification. However, subsequent to the adoption of this rule, the commission may revoke the waiver of any regulatory

requirement set forth in (a) through ((~~(a)~~)) (y) of this subsection or may waive any regulatory requirement not included in (a) through ((~~(a)~~)) (y) of this subsection.

(2) The commission may by order revoke waivers of regulatory requirements if it determines that revocation is necessary to protect the public interest.

(3) In addition, the commission may waive regulatory requirements for telecommunications companies that it has classified as competitive if it determines that competition with the regulatory waiver will serve the same purposes as public interest regulation.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 480-146-240	Application of rules.
WAC 480-146-250	Filing.
WAC 480-146-260	Commission may require additional information.
WAC 480-146-270	Applicant may include information by reference.
WAC 480-146-280	Applicant duty when information is unavailable.
WAC 480-146-290	Securities statements and applications.
WAC 480-146-300	Filing requirements for securities statements and applications.
WAC 480-146-310	Commission may set securities application or statement for public hearing.
WAC 480-146-320	Minimum time required for commission order.
WAC 480-146-330	Supplemental securities filings may be exempt from time limitations.
WAC 480-146-340	Reporting of securities transactions.
WAC 480-146-350	Filing of affiliated interest transactions.
WAC 480-146-360	Reporting of affiliated interest transactions.
WAC 480-146-370	Application for approval of lease of utility facilities.
WAC 480-146-380	Form of lease application.

Chapter 480-73 WAC

PART I—GENERAL PROVISIONS

NEW SECTION

WAC 480-73-010 Application of rules. The rules in this chapter apply to hazardous liquid pipeline companies regulated as common carriers under Title 81 RCW. The purpose of these rules is to address the economic regulation of liquid pipeline companies regulated as common carriers.

NEW SECTION

WAC 480-73-020 Exemptions from rules in chapter 480-73 WAC. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

NEW SECTION

WAC 480-73-030 Additional requirements. (1) These rules do not relieve any company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any company in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-73-040 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-73-050 Tariffs. (1) Each pipeline company must file tariffs in accordance with the requirements set out in chapter 480-149 WAC titled Tariff Circular No. 6.

(2) In addition to the tariff filing requirements in subsection (1) of this section, the tariff must include the pipeline company's nomination and proration policies and procedures.

NEW SECTION

WAC 480-73-060 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Hazardous liquid pipeline companies" or "pipeline company" means any hazardous liquid pipeline company regulated as a common carrier under Title 81 RCW.

"Nominations" means the method a shipper uses to reserve pipeline capacity for shipments.

PROPOSED

"Proration" means the method the carrier uses to allocate space to shippers when nominations exceed the pipeline capacity.

"Subsidiary" means any company in which the pipeline company owns directly or indirectly five percent or more of the voting securities, unless the pipeline company demonstrates it does not have control.

PART II—FINANCIAL RECORDS AND REPORTING RULES

NEW SECTION

WAC 480-73-110 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-73-170 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part II in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

NEW SECTION

WAC 480-73-120 Additional reports. Part II does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

NEW SECTION

WAC 480-73-130 Accounting system requirements. (1) Each pipeline company must use the uniform system of accounts applicable to pipeline companies as published by the Federal Energy Regulatory Commission (FERC) in Title 18 of the Code of Federal Regulations (18 CFR), Part 352 - Uniform System of Accounts Prescribed for Oil Pipeline Companies Subject to the Provisions of the Interstate Commerce Act. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-73-999 (Adoption by reference).

(2) Each pipeline company having multistate operations must maintain records in such detail that the costs of property located and business done in Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

(4) This rule does not supersede any commission order regarding accounting treatments.

NEW SECTION

WAC 480-73-140 Expenditures for political or legislative activities. (1) For ratemaking purposes, the commission will not allow recovery of either direct or indirect expenditures by a pipeline company for political or legislative activities.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the pipeline company's operations.

NEW SECTION

WAC 480-73-150 Retaining and preserving records and reports. Each pipeline company must retain records and reports in accordance with the 18 CFR, Part 356, Preservation of Records for Oil Pipeline Companies, which the commission adopts by reference. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-73-999 (Adoption by reference).

NEW SECTION

WAC 480-73-160 Annual reports. (1) Each pipeline company must use the commission's annual report form and attach FERC Form No. 6 promulgated by the Federal Energy Regulatory Commission in 18 CFR, Part 357 (Annual, Special or Periodic Reports), for purposes of annual reporting to this commission. Information about the FERC Form No. 6 regarding the version adopted and where to obtain it is set out in WAC 480-73-999 (Adoption by reference).

(2) Each pipeline company must also submit to the commission, in essentially the same format and content as the FERC Form No. 6, a report that documents the costs incurred and the property necessary to provide service to its customers and the revenues obtained in the state of Washington.

(3) Combination and multistate pipeline companies must submit with the annual report their cost allocation methods necessary to develop results of operations in the state of Washington. Approval of cost allocation methods for ratemaking purposes is accomplished only by commission order.

(4) The pipeline company must submit the annual report for the preceding calendar year by May 1 of each year.

(5) Economic regulatory fees. An economic regulatory fee is an annual assessment paid by each company to cover the costs of economic regulation of the industry. The economic regulatory fee is separate from the pipeline safety fee identified in WAC 480-75-240 (Annual pipeline safety fee methodology). The maximum economic regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross operating revenue plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars.

(a) The maximum economic regulatory fee is assessed each year, unless the commission issues an order establishing the economic regulatory fee at an amount less than the statutory maximum.

(b) The minimum economic regulatory fee that a pipeline company must pay is twenty dollars.

(c) The twenty-dollar minimum economic regulatory fee is waived for any pipeline company that reports less than twenty thousand dollars in gross operating revenue.

(d) A pipeline company must pay its economic regulatory fee by May 1 each year.

(e) The commission does not grant extensions for payment of regulatory fees.

(f) If a company does not pay its economic regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(g) The commission may issue penalty assessments or take other administrative action if a company fails to pay its regulatory fee.

NEW SECTION

WAC 480-73-170 Issuing securities. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a pipeline company issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, or assumes any obligation or liability as guarantor, the company must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 81.08.030;

(b) A description of the proposed issuance, including the estimated terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) Before issuance of the proposed security, the company must file with the commission the terms of financing.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 81.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the infor-

mation is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(5) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a pipeline company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 81.08.030.

NEW SECTION

WAC 480-73-180 Transferring cash or assuming obligation. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a pipeline company or the subsidiary of a pipeline company transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue.

(2) The reporting requirement in this section does not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court; or

(d) Dividends to the extent the level of such dividends over a twelve-month period do not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Payments for sweep or cash management accounts. The foregoing provisions will have no application to sweep and cash management account transfers used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the pipeline company and its subsidiary or affiliate.

NEW SECTION

WAC 480-73-190 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or

arrangement described in RCW 81.16.020, each pipeline company must file a verified copy or a verified summary, if unwritten, of contracts or arrangements with any affiliated interest. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

NEW SECTION

WAC 480-73-200 Securities report. Each pipeline company that has issued securities must file with the commission an annual securities transaction report. The report is due ninety days from the end of the company's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

- (1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;
- (2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 81.08.030;
- (3) The level of expenses for each of the securities transactions for the reporting period;
- (4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the company's capitalization; and
- (5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

NEW SECTION

WAC 480-73-210 Affiliated interest and subsidiary transactions report. (1) By June 1 of each year, each pipeline company must file a report summarizing all transactions, except transactions provided at tariff rates, which occurred between the company and each of its affiliated interests, and the company and each of its subsidiaries, during the period January 1 through December 31 of the preceding year.

(2) The information required in this section must be provided for total company and for total state of Washington. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(3) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the company must provide:

- (a) A balance sheet and income statement for such affiliated interest;
- (b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the pipeline company and each such affiliated interest or subsidiary, along with their titles in each organization.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-73-190 (Affiliated interest—Contracts and arrangements).

PART III—ADOPTION BY REFERENCE

NEW SECTION

WAC 480-73-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(2) The commission adopts the version in effect on April 1, 2003.

(3) This publication is referenced in WAC 480-73-130 (Accounting system requirements), WAC 480-73-150 (Retaining and preserving records and reports), and WAC 480-73-160 (Annual reports).

(4) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

WSR 04-18-132

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed September 1, 2004, 2:01 p.m.]

Continuance of WSR 04-07-194.

Title of Rule and Other Identifying Information: Washington Red Raspberry Commission, chapter 16-561 WAC.

Date of Intended Adoption: January 28, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal is to continue the adoption date.

September 1, 2004
William E. Brookreson
Deputy Director

NEW SECTION

WAC 16-561-005 Marketing order for Washington red raspberries—Policy statement. (1) The marketing of red raspberries within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its red raspberries be properly promoted by:

(a) Enabling producers of red raspberries to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing of the red raspberries they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of red raspberries within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the red raspberries industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that red raspberries be promoted individually, and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's red raspberries.

(b) Increase the sale and use of Washington state's red raspberries in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's red raspberries.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's red raspberries and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of red raspberries produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state red raspberry commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to red raspberries under the provisions of this marketing order.

NEW SECTION

WAC 16-561-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; increasing production efficiency; ensuring a fair regulatory environment; or increasing per capita consumption of red raspberries grown in Washington state. The Washington state red raspberry commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

(1) To carry out the purposes of the marketing order, the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for marketing, sales, promotion, and/or other programs for maintaining

present markets and/or creating new or larger markets for raspberries. Programs shall be directed toward increasing the sale of raspberries without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims on behalf of raspberries nor disparage the quality, value, sale, or use of any other agricultural commodity. The board may also engage in cooperative efforts in the domestic or foreign marketing of red raspberries.

(b) Provide for research in the production, processing, irrigation, transportation, handling, and/or marketing of raspberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Conduct programs for the purpose of providing information and education including:

(i) Marketing information and services to affected producers, for the verification of weights, tests, and sampling of quality and quantity of raspberries purchased by handlers from affected producers;

(ii) Information and services enabling producers to meet their resource conservation objectives;

(iii) Red raspberry-related education and training.

(d) Subject to the provisions of the act, provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of red raspberries produced in Washington state to any elected official or officer or employee of any agency.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of red raspberries; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of the affected commodity may be encouraged, expanded, improved, or made more efficient.

(3) The Washington state red raspberry commodity commission will not develop and adopt rules relating to grades and standards.

AMENDATORY SECTION (Amending Order 1888, filed 6/6/86)

WAC 16-561-010 Definition ((of terms)). Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this marketing order, the following additional definitions shall apply:

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

(2) "Department" means the department of agriculture of the state of Washington.

PROPOSED

(3) "Act" means the Washington State Agricultural ((Enabling Act of 1964)) Commodity Boards Act or chapter 15.65 RCW.

(4) "Person" means any ((person)) individual, firm, (association, or) corporation, limited liability company, trust, association, partnership, society or any other organization of individuals or any unit or agency of local or state government.

(5) "Affected producer" means any person who produces or stores in the state of Washington raspberries in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any raspberries produced or stored in quantities of three tons (6,000 pounds) or more, in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing raspberries not produced by him/her. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(8) "Red raspberry commodity board," hereinafter referred to as "board((;))" or "commission" means the commodity board formed under the provisions of WAC 16-561-020.

(9) "Raspberries" means and includes all kinds, varieties, and hybrids of "*rubus idaeus*" of red color.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to raspberries. A producer-handler shall be deemed to be a producer with respect to the raspberries which he/she produces and a handler with respect to the raspberries which he/she handles, including those produced by himself/herself. "To produce" means to act as a producer. For the purposes of the red raspberry marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of raspberries.

AMENDATORY SECTION (Amending WSR 92-12-003, filed 5/21/92, effective 6/21/92)

WAC 16-561-020 Red raspberry commodity board.

(1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ((eleven)) nine members. ((Ten)) Eight members shall be affected producers appointed

or elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the ((department and the public)) director. The position representing the director shall be a voting member.

There shall be a minimum of two producer board members per district, with additional producer board members added based on acreage; using two thousand acres as the baseline, every one thousand acres, or increment thereof, would entitle a district to another board member, so long as no single district had an over-all majority of representatives.

(b) Director-appointed producer positions on the board shall be designated as position 1, position 2, position 7, and position 8.

(c) Elected producer positions on the board shall be designated as position 3, position 4, position 5, and position 6.

(d) The position representing the director who is neither an affected producer nor a handler shall be designated as position 9.

(e) For the purpose of nomination, appointment, and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into ((four)) three representative districts as follows:

(i) District I shall have four board members, being positions 2, 3, 4, and 8, and shall be Whatcom County.

(ii) District II shall have two board members, being positions 1((;)) and ((7)) 6, and shall include the counties of Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pierce, San Juan, Skagit, Snohomish, and Thurston.

(iii) District III shall have two board members, being positions 5 and ((9)) 7, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum.

((iv)) District IV shall have two members, being positions 6 and 10, and shall include the counties of San Juan, Skagit, and Snohomish.)

(3) **Board membership qualifications.** The ((affected)) producer members of the board ((shall)) must be practical producers of raspberries and each shall be a citizen((s)) and resident((s)) of ((the)) this state ((of Washington)), over the age of twenty-five years((, each of whom is and has)). Each producer board member must be and have been actually engaged in producing raspberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of appointment or election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year. These terms shall expire on November 30.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ((ten)) eight and the member ((appointed by)) representing the director, position ((eleven)) nine.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - one year;

Positions three, four, five, and nine - two years;

Positions six, seven, eight, and ten(~~(, and eleven)~~) - three years.

(d) ~~(No elected member of the board may serve more than two full consecutive three-year terms.)~~ The term of office for board members serving at the time of the effective date of this amended marketing order shall be as follows:

Positions one, two and eight - until November 30, 2004;

Positions three, four, and five - until November 30, 2005;

Positions six and seven - until November 30, 2006.

(e) Except for the director's representative, no appointed or elected member of the board may serve more than two full consecutive three-year terms. Any previous board member may be reelected to a qualified position after such term limits, if at least one full three-year period has passed since the last date of the second consecutive term in office.

(f) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in position 2, position 8, position 9, and position 10 shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order. The current board members in position 9 and position 10 will be reappointed to position 1 and position 7.

(5) Nomination (~~(and election)~~) of elected or director-appointed board members. Each year the director shall call ~~((for))~~ a nomination meeting for elected or director-appointed producer board members. ~~((Such))~~ The meeting(s) shall be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(a) Notice of ~~((every such))~~ a nomination meeting shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area according to the list maintained by the ~~((director pursuant to RCW 15.65.200 of the act))~~ board pursuant to RCW 15.65.295.

(b) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(c) Any qualified affected producer may be nominated orally for membership on the board at ~~((such))~~ a nomination meeting. Nominations may also be made within five days after ~~((any such))~~ the meeting by written petition filed with the director, signed by not less than five affected producers. ~~((At the inception of this order, nominations may be made at the issuance hearing.))~~

(d) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

(6) Election or advisory vote of board members.

(a) ~~((Members of the board shall be elected by secret mail ballot within the month of October))~~ An election or advisory vote shall be conducted by secret ballot under the supervision of the director within the month of October. Each affected producer shall be entitled to one vote. ((Affected producer))

(b) Elected members of the board shall be elected by a majority of the votes cast by the affected producers within the affected area. ~~((Each affected producer within the affected area shall be entitled to one vote.~~

~~((b))~~ If a nominee for an elected position does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) An advisory vote shall be conducted for producer board members appointed by the director under the provisions of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of ~~((such))~~ the election. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of ~~((such))~~ affected producers within the affected area maintained by the ~~((director in accordance with RCW 15.65.200))~~ board pursuant to RCW 15.65.295. Any affected producer entitled to vote may obtain a ballot application to the director upon establishing his/her qualifications.

(e) Nonreceipt of a ballot by any affected producer shall not invalidate the election or advisory vote of any members.

(7) Vacancies (~~(prior to election)~~).

(a) In the event of a vacancy on the board in an position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member ~~((shall receive \$35.00 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees))~~ may be compensated in accordance with RCW 43.03.230 and shall be reimbursed for subsistence, lodging, and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270. The board may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "raspberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, shall be deposited as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year. The board, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

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

(k) To adopt rules (~~and regulations~~) of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(q) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(r) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(s) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of red raspberries.

(t) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(u) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(v) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of red raspberries including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(w) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the units of each producer's production pursuant to RCW 15.65.295. This list may be compiled from information used to collect producer assessments for a three-year period.

(x) To maintain a list of the names and addresses of persons who handle red raspberries within the affected area and data on the amount of the red raspberries handled by each person pursuant to RCW 15.65.295 for a minimum three-year period.

(y) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(z) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) **Procedures for board.**

(a) The board shall hold regular meetings, at least four times annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change of the meeting schedule shall be published in the *State Register* at least twenty days prior to the rescheduled meeting date.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news service.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver ~~((thereof by each))~~ from that member of the board. Notice of special meetings shall be in compliance with chapter 42.30 RCW.

AMENDATORY SECTION (Amending Order 1888, filed 6/6/86)

WAC 16-561-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of raspberries shall be one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment; or

(iii) Require in the case of assessments against affected units stored in frozen condition:

(A) Cold storage facilities storing ~~((such))~~ the commodity to file information and reports with the commission regarding the amount of commodity in storage, the date of receipt, and the name and address of each such owner; and

(B) That ~~((such))~~ the commodity not be shipped from a cold storage facility until the facility has been notified by the commission that the commodity owner has paid the commission for any assessments imposed by the marketing order.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped, stored, or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of ~~((the))~~ this order during or with respect to any season or year, may be refunded on a pro rata basis at the close of ~~((such))~~ the season or year or at the close of such longer period as the board determines to be

reasonably adapted to effectuate the declared policies of this act and the purposes of ~~((such))~~ this marketing ~~((agreement or))~~ order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in ~~((such))~~ a specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of ~~((such))~~ the assessment or ~~((such))~~ other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of ~~((the same))~~ it. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent ~~((thereon))~~, and ~~((such))~~ the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

AMENDATORY SECTION (Amending Order 1478, filed 7/29/76)

WAC 16-561-060 Termination of the order. ~~((The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.))~~ Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-561-030

Marketing order purposes.



WSR 04-18-097
EXPEDITED RULES
DEPARTMENT OF HEALTH
 [Filed September 1, 2004, 8:31 a.m.]

Title of Rule and Other Identifying Information: WAC 246-976-010, definition section of the EMS and trauma system WAC.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Tami Schweppe, Department of Health, P.O. Box 47853, Olympia, WA 98504-7853, AND RECEIVED BY November 2, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 246-976-010 is an existing WAC. The words and phrases identified in this section clarify the meaning of existing language used within the EMS and trauma system WAC, chapter 246-976 WAC. Recent amendments to the designation standards and the adoption of rule language for the advanced life support (ALS)/intermediate life support (ILS) ongoing training and evaluation program (OTEP) have identified the need for additions, deletions and amendments to words and phrases within WAC 246-976-010. The proposed changes only clarify existing language within the designation standards and the ALS/ILS OTEP rule without changing the existing language's effect.

The proposed language amends the following existing definitions to further clarify language within chapter 246-976 WAC:

- Adolescent.
- Board certified.
- CME.
- Continuing medical education (CME).
- Ongoing training and evaluation program (OTEP).
- Practical examination.
- Quality assurance (QA).
- Senior EMS instructor (SEI).

The proposed language also adds the following definitions to WAC 246-976-010 to clarify language used within chapter 246-976 WAC:

- Diversion.
- Pediatric education requirements.
- Physician with specific delineation of surgical privileges.
- Postgraduate year.
- Quality improvement.
- Trauma service.

Reasons Supporting Proposal: The proposed changes enhance customer service by clarifying existing language. Without proper clarification of words and phrases the rules

within chapter 246-976 WAC may be misinterpreted and could lead to confusion.

Statutory Authority for Adoption: Chapters 18.71, 18.73, and 70.168 RCW.

Statute Being Implemented: Chapters 18.71, 18.73, and 70.168 RCW.

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

Name of Proponent: Department of Health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathy Schmitt/Dane Kessler, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2828.

September 1, 2004

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-010 Definitions. Definitions in RCW 18.71.200, 18.71.205, 18.73.030, and 70.168.015 apply to this chapter. In addition, unless the context plainly requires a different meaning, the following words and phrases used in this chapter mean:

"ACLS" means advanced cardiac life support, a course developed by the American Heart Association.

"Activation of the trauma system" means mobilizing resources to care for a trauma patient in accordance with regional patient care procedures. When the prehospital provider identifies a major trauma patient, using approved prehospital trauma triage procedures, he or she notifies both dispatch and medical control from the field.

(("Adolescence")) "**Adolescent**" means the period of physical and psychological development from the onset of puberty to maturity, approximately twelve to eighteen years of age.

"Advanced first aid," for the purposes of RCW 18.73-120, 18.73.150, and 18.73.170, means a course of at least twenty-four hours of instruction, which includes at least:

- CPR;
- Airway management;
- Trauma/wound care;
- Immobilization.

"Agency response time" means the interval from agency notification to arrival on the scene. It is the combination of activation and enroute times defined under system response times in this section.

"Aid service" means an agency licensed by the department to operate one or more aid vehicles, consistent with regional and state plans.

"Airway technician" means a person who:

- Has been trained in an approved program to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an MPD or approved physician delegate; and
- Has been examined and certified as an airway technician by the department or by the University of Washington's school of medicine.

"ALS" means advanced life support.

"Ambulance service" means an agency licensed by the department to operate one or more ground or air ambulances. Ground ambulance service operation must be consistent with regional and state plans. Air ambulance service operation must be consistent with the state plan.

"Approved" means approved by the department of health.

"ATLS" means advanced trauma life support, a course developed by the American College of Surgeons.

"Attending surgeon" means a physician who is board-certified or board-qualified in general surgery, and who has surgical privileges delineated by the facility's medical staff. The attending surgeon is responsible for care of the trauma patient, participates in all major therapeutic decisions, and is present during operative procedures.

"Available" for designated trauma services described in WAC 246-976-485 through 246-976-890 means physically present in the facility and able to deliver care to the patient within the time specified. If no time is specified, the equipment or personnel must be available as reasonable and appropriate for the needs of the patient.

"BLS" means basic life support.

"Basic life support" means emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.

"Board certified" or "board-certified" means that a physician has been certified by the appropriate specialty board recognized by the American Board of Medical Specialties. For the purposes of this chapter, references to "board certified" include physicians who are board-qualified.

"Board-qualified" means physicians who have graduated less than five years previously from a residency program accredited for the appropriate specialty by the accreditation council for graduate medical education.

"BP" means blood pressure.

"Certification" means the department recognizes that an individual has met predetermined qualifications, and authorizes the individual to perform certain procedures.

(~~"CME" means continuing medical education.~~)

"Consumer" means an individual who is not associated with the EMS/TC system, either for pay or as a volunteer, except for service on the steering committee, licensing and certification committee, or regional or local EMS/TC councils.

"Continuing medical education (CME) method" (~~means ongoing~~) or "continuing medical education method" or "CME" or "CME method" is the completion of recertification education requirements after initial certification to maintain and enhance skill and knowledge. CME requires the successful completion of a written and practical skills examination to recertify.

"CPR" means cardiopulmonary resuscitation.

"Dispatch" means to identify and direct an emergency response unit to an incident location.

"Diversion" for trauma care means the EMS transport of a trauma patient past the usual receiving trauma service to another trauma service due to temporary unavailability of trauma care resources at the usual receiving trauma service.

"E-code" means external cause code, an etiology included in the International Classification of Diseases (ICD).

"ED" means emergency department.

"Emergency medical services and trauma care (EMS/TC) system" means an organized approach to providing personnel, facilities, and equipment for effective and coordinated medical treatment of patients with a medical emergency or injury requiring immediate medical or surgical intervention to prevent death or disability. The emergency medical service and trauma care system includes prevention activities, prehospital care, hospital care, and rehabilitation.

"EMS" means emergency medical services.

"EMS/TC" means emergency medical services and trauma care.

"EMT" means emergency medical technician.

"General surgeon" means a licensed physician who has completed a residency program in surgery and who has surgical privileges delineated by the facility.

"ICD" means the international classification of diseases, a coding system developed by the World Health Organization.

"ILS" means intermediate life support.

"Injury prevention" means any combination of educational, legislative, enforcement, engineering and emergency response initiatives used to reduce the number and severity of injuries.

"Interfacility transport" means medical transport of a patient between recognized medical treatment facilities requested by a licensed health care provider.

"Intermediate life support (ILS) technician" means a person who:

- Has been trained in an approved program to perform specific phases of advanced cardiac and trauma life support as specified in this chapter, under written or oral direction of an MPD or approved physician delegate; and

- Has been examined and certified as an ILS technician by the department or by the University of Washington's school of medicine.

"Intravenous therapy technician" means a person who:

- Has been trained in an approved program to initiate IV access and administer intravenous solutions under written or oral authorization of an MPD or approved physician delegate; and

- Has been examined and certified as an intravenous therapy technician by the department or by the University of Washington's school of medicine.

"IV" means intravenous.

"Licensing and certification committee (L&C committee)" means the emergency medical services licensing and certification advisory committee created by RCW 18.73.040.

"Local council" means a local EMS/TC council authorized by RCW 70.168.120(1).

"Local medical community" means the organized local medical society existing in a county or counties; or in the absence of an organized medical society, majority physician consensus in the county or counties.

"Medical control" means MPD authority to direct the medical care provided by certified EMS personnel in the pre-hospital EMS system.

"Medical control agreement" means a written agreement between two or more MPDs, using similar protocols that are consistent with regional plans, to assure continuity of patient care between counties, and to facilitate assistance.

"MPD" means medical program director.

"Must" means shall.

~~"Ongoing training and evaluation((("OTEP" means a course of education authorized for first responders and EMTs in RCW 18.73.081 (3)(b))) program" or "ongoing training and evaluation program (OTEP)" or "OTEP" or "OTEP program" or "OTEP method" is a program of education for EMS personnel that is approved by the MPD and the department to meet the education requirements and core topic content for recertification. OTEP includes cognitive, affective and psychomotor evaluations following completion of each topic presentation to determine student competence of topic content.~~

"PALS" means pediatric advanced life support, a course developed by the American Heart Association.

"Paramedic" means a person who:

- Has been trained in an approved program to perform all phases of prehospital emergency medical care, including advanced life support, under written or oral authorization of an MPD or approved physician delegate; and
- Has been examined and certified as a paramedic by the department or by the University of Washington's school of medicine.

"Pediatric education requirement" or "PER" means the pediatric education and training standards required for certain specialty physicians and nurses who care for pediatric patients in designated trauma services as identified in WAC 246-976-886 and 246-976-887.

"Physician" means an individual licensed under the provisions of chapters 18.71 or 18.57 RCW.

"Physician with specific delineation of surgical privileges" means a physician with surgical privileges delineated for emergency/life-saving surgical intervention and stabilization of a trauma patient prior to transfer to a higher level of care. Surgery privileges are awarded by the facility's credentialing process.

"Postgraduate year" means the classification system for residents who are undergoing postgraduate training. The number indicates the year the resident is in during his/her postmedical school residency program.

"Practical skills examination" means a test conducted in an initial course, or a test or series of evaluations during a recertification period, to determine competence in each of the practical skills specified by the department.

"Prehospital agencies" means providers of prehospital care or interfacility ambulance transport.

"Prehospital index" means a scoring system used to activate a hospital trauma resuscitation team.

"Prehospital patient care protocols" means the written procedures adopted by the MPD under RCW 18.73.030(13) and 70.168.015(26) which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These protocols are related only to delivery and documentation of direct patient treatment.

"Prehospital trauma care services" means agencies that are verified to provide prehospital trauma care.

"Prehospital trauma triage procedures" means the method used by prehospital providers to evaluate injured patients and determine whether to activate the trauma system from the field. It is described in WAC 246-976-930(2).

"Public education" means education of the population at large, targeted groups or individuals, in preventive measures and efforts to alter specific injury-related behaviors.

~~("Quality assurance (QA)" means an organized quality assessment and improvement program to audit and evaluate care provided in EMS/TC systems, with the goal of improving patient outcomes.) "Quality improvement" or "QI" or "quality assurance" means a process/program to monitor and evaluate care provided in trauma services and EMS/TC systems.~~

"Regional council" means the regional EMS/TC council established by RCW 70.168.100.

"Regional patient care procedures (RPCP)" means procedures adopted by a regional council under RCW 18.73.030(14) and 70.168.015(23), and approved by the department. Regional patient care procedures do not relate to direct patient care.

"Regional plan" means the plan defined in WAC 246-976-960 (1)(b) that has been approved by the department.

"Registered nurse" means an individual licensed under the provisions of chapter 18.79 RCW.

"Response area" means a service coverage zone identified in an approved regional plan.

"Rural" means unincorporated or incorporated areas with total populations less than ten thousand people, or with a population density of less than one thousand people per square mile.

~~("Senior EMT instructor (SEI)")~~ SEI((?))" means an individual approved to be responsible for the quality of instruction and the conduct of basic life support training courses.

"Special competence" means that an individual has been deemed competent and committed to a medical specialty area with documented training, board certification and/or experience, which has been reviewed and accepted as evidence of a practitioner's expertise:

- For physicians, by the facility's medical staff;
- For registered nurses, by the facility's department of nursing;
- For physician assistants and advanced registered nurse practitioners, as defined in the facility's bylaws.

"Specialized training" means approved training of certified EMS personnel to use a skill, technique, or equipment that is not included in the standard course curriculum.

"State plan" means the emergency medical services and trauma care system plan described in RCW 70.168.015(7), adopted by the department under RCW 70.168.060(10).

"Steering committee" means the EMS/TC steering committee created by RCW 70.168.020.

"Suburban" means an incorporated or unincorporated area with a population of ten thousand to twenty-nine thousand nine hundred ninety nine or any area with a population density of one thousand to two thousand people per square mile.

"System response time" for trauma means the interval from discovery of an injury until the patient arrives at a designated trauma facility. It includes:

"Discovery time": The interval from injury to discovery of the injury;

"System access time": The interval from discovery to call received;

"911 time": The interval from call received to dispatch notified, including the time it takes the call answerer to:

- Process the call, including citizen interview; and
- Give the information to the dispatcher;

"Dispatch time": The interval from call received by the dispatcher to agency notification;

• "Activation time": The interval from agency notification to start of response;

• "Enroute time": The interval from the end of activation time to the beginning of on-scene time;

• "Patient access time": The interval from the end of enroute time to the beginning of patient care;

• "On scene time": The interval from arrival at the scene to departure from the scene. This includes extrication, resuscitation, treatment, and loading;

• "Transport time": The interval from leaving the scene to arrival at a health care facility;

"Training agency" means an organization or individual that is approved to be responsible for specified aspects of training of EMS personnel.

"Training physician" means a physician delegated by the MPD and approved by the department to be responsible for specified aspects of training of EMS personnel.

"Trauma rehabilitation coordinator" means a person designated to facilitate early rehabilitation interventions and the trauma patient's access to a designated rehabilitation center.

"Trauma service" means the clinical service within a hospital or clinic that is designated by the department to provide care to trauma patients.

"Urban" means:

- An incorporated area over thirty thousand; or
- An incorporated or unincorporated area of at least ten thousand people and a population density over two thousand people per square mile.

"Wilderness" means any rural area not readily accessible by public or private maintained road.

WSR 04-17-118
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed August 17, 2004, 1:51 p.m., effective September 17, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is adopting amended and new rules to improve readability, clarify policy regarding emergency transportation services, and streamline program administration by making MAA's policy more consistent with Medicare's policy where practicable.

Citation of Existing Rules Affected by this Order: Amending WAC 388-546-0001, 388-546-0100, 388-546-0150, 388-546-0200, 388-546-0250, 388-546-0300, 388-546-0400, 388-546-0450, 388-546-0500, 388-546-0600, 388-546-0700, 388-546-0800, and 388-546-1000.

Statutory Authority for Adoption: RCW 74.04.057, 74.08.090, and 74.09.510.

Adopted under notice filed as WSR 04-12-103 on June 2, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes, other than editing changes, have been made to the rules as proposed (Additions indicated by underlined text, deletions indicated by ~~strike through text~~):

REVISED SECTIONS:

WAC 388-546-0001 Definitions. "Bordering ~~area~~ city hospital" means a licensed hospital in a designated bordering city (see WAC 388-501-0175).

WAC 388-546-2500 Transportation to or from out-of-state treatment facilities—Coordination of benefits. (1) The medical assistance administration (MAA) does not pay for a client's transportation to or from an out-of-state treatment facility when the medical service, treatment, or procedure sought by the client is available from an in-state facility or in a designated bordering city, whether or not the client has other insurance coverage.

(2) For clients who are otherwise eligible for out-of-state coverage under WAC 388-546-0150, but have other third-party insurance, MAA does not pay for transportation to or from out-of-state treatment facilities when the client's primary insurance:

(a) Denies the client's request for medical services out-of-state for lack of medical necessity; or

(b) Denies the client's request for transportation for lack of medical necessity.

(3) For clients who are otherwise eligible for out-of-state coverage under WAC 388-546-0150, but have other third-party insurance, MAA does not consider requests for transportation to or from out-of-state treatment facilities unless the client has tried all of the following:

(a) Requested coverage of the benefit from his/her primary insurer and been denied;

(b) Appealed the denial of coverage by the primary insurer; and

(c) Exhausted his/her administrative remedies through the primary insurer.

(4) If MAA authorizes transportation to or from an out-of-state treatment facility for a client with other third-party insurance, MAA's liability is limited to the cost of the least costly means of transportation that does not jeopardize the client's health, as determined by MAA in consultation with the client's referring physician.

(5) For clients eligible for out-of-state coverage but have other third-party insurance, MAA considers requests for transportation to or from out-of-state treatment facilities under the provisions of WAC 388-501-0165.

A final cost-benefit analysis is available by contacting Wendy Boedigheimer, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, e-mail boediwl@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 13, 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 6, Amended 13, Repealed 0.

Date Adopted: August 13, 2004.

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0001 Definitions. The following definitions and abbreviations, and those found in WAC 388-500-0005, apply to (~~sections WAC 388-546-0150 through 388-546-4000. Defined words and phrases are bolded the first time they are used in the text.~~) this chapter unless otherwise specified.

"Advanced life support (ALS)" means that level of care that calls for invasive emergency medical services requiring advanced medical treatment skills.

"Advanced life support (ALS) assessment" means an assessment performed by an ALS crew as part of an emergency response that was necessary because the client's reported condition at the time of dispatch was such that only an ALS crew was qualified to perform the assessment. An ALS assessment does not necessarily result in a determination that the client requires an ALS level of service.

"Advanced life support (ALS) intervention" means a procedure that is beyond the scope of care of an emergency medical technician (EMT).

"Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical (~~procedure~~) procedures.

"Air ambulance" means a ~~((rotary-blade-))~~helicopter(~~(s))~~) or ~~((fixed-wing-aircraft-))~~airplane(~~(s))~~) designed and used to provide transportation for the ill and injured, and to provide personnel, facilities, and equipment to treat ~~((patients))~~ clients before and during transportation. Air ambulance is considered an ALS service.

"Ambulance" means a ground or air vehicle designed ~~((; licensed per RCW 18.73.140))~~ and used to provide transportation to the ill and injured; and to provide personnel, facilities, and equipment to treat ~~((patients))~~ clients before and during transportation; and licensed per RCW 18.73.140.

"Base rate" means the medical assistance administration's (MAA) minimum ~~((reimbursement))~~ payment amount per covered trip, which includes allowances for emergency medical personnel and their services, the costs of standing orders, reusable supplies and equipment, hardware, stretchers, ~~((some))~~ oxygen and oxygen administration, intravenous supplies and IV administration, disposable supplies, normal waiting time, and the normal overhead costs of doing business. The base rate excludes mileage ~~((and MAA specified disposable supplies that can be billed separately)).~~

"Basic life support (BLS)" means that level of care that justifies ambulance transportation but requires only basic medical treatment skills. It does not include the need for or delivery of invasive medical procedures/services.

"Bed-confined" means the client is unable to perform all of the following actions:

- (1) Get up from bed without assistance;
- (2) Ambulate; and
- (3) Sit in a chair or wheelchair.

"Bordering city hospital" means a licensed hospital in a designated bordering city (see WAC 388-501-0175).

"Broker" (see "transportation broker").

"Brokered transportation" means ~~((nonemergency))~~ nonemergency transportation arranged by a broker, under contract with MAA, to or from covered medical services for an eligible client (also, see "transportation broker").

~~(("Border area hospitals" (see WAC 388-501-0175).))~~

"By report" means a method of payment in which MAA determines the amount it will pay for a service that is covered but does not have an established maximum allowable fee. Providers must submit a report describing the nature, extent, time, effort, and/or equipment necessary to deliver the service.

"Emergency medical service" means medical treatment and care that may be rendered at the scene of any medical emergency or while transporting any ~~((patient))~~ client in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

"Emergency medical transportation" means ambulance transportation during which a client receives needed emergency medical services en route to an appropriate medical facility.

~~(("Fixed-wing aircraft" means an airplane.))~~

"Ground ambulance" means a ground vehicle (including a water ambulance) designed and ~~((primarily))~~ used to provide transportation to the ill and injured and to provide personnel, facilities, and equipment to treat ~~((patients))~~ clients before and during transportation.

"Invasive procedure" means a medical intervention that intrudes on the client's person or breaks the skin barrier.

"Lift-off fee" means either of the two base rates MAA pays to air ambulance providers for transporting a client. MAA establishes ~~((one lift-off fee for rotary aircraft and one lift-off fee for fixed-wing aircraft))~~ separate lift-off fees for helicopters and airplanes.

"Loaded mileage" means the number of miles the client is transported in the ambulance vehicle.

"Medical control" means the medical authority upon whom an ambulance provider relies to coordinate prehospital emergency services, triage and trauma center assignment/destination for the person being transported. The medical control is designated in the trauma care plan by the approved medical program director of the region in which the service is provided.

"~~((Nonemergency))~~ Nonemergency ambulance transportation" means the use of a ground ambulance to carry a client who may be confined to a stretcher but typically does not require the provision of emergency medical services en route, or the use of an air ambulance when prior authorized by MAA. ~~((Nonemergency))~~ Nonemergency ambulance transportation is usually scheduled or prearranged. See also "prone or supine transportation," and "scheduled transportation."

"Point of destination" means a facility generally equipped to provide the needed medical or nursing care for the injury, illness, symptoms, or complaint involved.

"Point of pick-up" means the location of the client at the time he or she is placed on board the ambulance or transport vehicle.

"Prone or supine transportation" means transporting a client confined to a stretcher or gurney, with or without emergency medical services being provided en route.

~~(("Rotary-blade aircraft" means a helicopter.))~~

"Scheduled transportation" means prearranged transportation for an eligible client, typically in a vehicle other than an ambulance, with no emergency medical services being required or provided en route to ~~((and))~~ or from a covered medical service.

"Specialty care transport (SCT)" means interfacility transportation of a critically injured or ill client by a ground ambulance vehicle, including medically necessary supplies and services, at a level of service beyond the scope of the paramedic.

"Standing order" means an order remaining in effect indefinitely until canceled or modified by an approved medical program director (regional trauma system) or the ambulance provider's medical control.

"Transportation broker" means a person or organization contracted by MAA to arrange, coordinate and manage the provision of necessary but ~~((nonemergency))~~ nonemergency transportation services for eligible clients to and from covered medical services.

"Trip" means transportation one-way from the point of pick-up to the point of destination by an authorized transportation provider.

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0100 The MAA ambulance transportation program. (1) The provisions of this chapter take precedence with respect to ambulance coverage in cases of ambiguity in, or conflict with, other rules governing eligibility for medical services.

(2) The medical assistance administration (MAA) covers medically necessary ambulance transportation to and from the provider of MAA covered services that is closest and most appropriate to meet the client's medical need. See WAC 388-546-0150 through ((388-546-1000)) 388-546-4000 for ambulance transportation and WAC 388-546-5000 through 388-546-5600 for brokered/nonemergency transportation. ((See WAC 388-546-0150 for client eligibility for ambulance transportation. See WAC 388-546-5100 for client eligibility for brokered/nonemergency transportation.))

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0150 Client eligibility for ((ground and air)) ambulance transportation. (1) ((MAA covers medically necessary ambulance transportation to MAA covered services for medical assistance clients, including clients enrolled in MAA's managed care program(s) (e.g., Healthy Options). The exception is that MAA does not cover ambulance services for clients eligible for "family planning only."

(2) MAA does not cover out-of-state ambulance services for clients who are eligible for:

(a) The medically indigent program; or

(b) The general assistance—unemployable program))

Except for clients in the Family Planning Only program, MAA fee-for-service clients are eligible for ambulance transportation to MAA covered services with the following limitations:

(a) Clients in the following programs are eligible for ambulance services within Washington state or bordering cities only, as designated in WAC 388-501-0175:

(i) General assistance-unemployable (GA-U);

(ii) General assistance-expedited medical (GA-X);

(iii) General assistance-pregnancy (GA-S);

(iv) Alcoholism and Drug Addiction Treatment and Support Act (ADATSA);

(v) Emergency medical programs, including alien emergency medical (AEM);

(vi) LCP-MNP emergency medical only; and

(vii) State Children's Health Insurance Program (CHIP) when the client is not enrolled in a managed care plan.

(b) Clients in the categorically needy/qualified Medicare beneficiary (CN/OMB) and medically needy/qualified Medicare beneficiary (MN/OMB) programs are covered by Medicare and Medicaid, with the payment limitations described in WAC 388-546-0400(5).

(2) Clients enrolled in an MAA managed care plan receive all ambulance services through their designated plan, subject to the plan's coverages and limitations.

(3) Clients enrolled in MAA's primary care case management (PCCM) program are eligible for ambulance services that are emergency medical services or that are

approved by the PCCM in accordance with MAA requirements. MAA pays for covered services for these clients according to MAA's published billing instructions.

(4) Clients under the Involuntary Treatment Act (ITA) are not eligible for ambulance transportation coverage outside the state of Washington. This exclusion from coverage applies to individuals who are being detained involuntarily for mental health treatment and being transported to or from bordering cities. See also WAC 388-546-4000.

(5) See WAC 388-546-0800 and 388-546-2500 for additional limitations on out-of-state coverage and coverage for clients with other insurance.

(6) Jail inmates and persons living in a correctional facility are not eligible for MAA ambulance coverage. See WAC 388-503-0505(5).

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0200 Scope of coverage for ((ground and air)) ambulance transportation. (1) ((AH)) The ambulance program is a medical transportation service. The medical assistance administration (MAA) pays for ambulance transportation to and from covered medical services ((covered under the client's medical assistance program must be)) when the transportation is:

(a) Within the scope of an eligible client's medical care program (see chapter 388-529 WAC, Scope of medical services);

(b) Medically necessary as defined in WAC 388-500-0005 based on the client's condition at the time of the ambulance trip and as documented in the client's record;

((b)) (c) Appropriate to the client's actual medical need;

((c) Documented in the provider's client record as to medical necessity;)) and

(d) To one of the following destinations:

(i) The ((closest)) nearest appropriate MAA-contracted medical provider of MAA-covered services; or

(ii) The designated trauma facility as identified in the emergency medical services and trauma regional patient care procedures manual.

(2) MAA limits coverage to ((that)) medically necessary ambulance transportation that is required because the client cannot be safely or legally transported any other way. If a client can safely travel by car, van, taxi, or other means, the ambulance trip is not medically necessary and the ambulance service is not covered by MAA. See WAC 388-546-0250 (1) and (2) for ((MAA's process for determining medical necessity)) noncovered ambulance services.

(3) If Medicare or another third party is the client's primary health insurer and that primary ((party)) insurer denies coverage of an ambulance trip due to a lack of medical necessity, MAA requires the provider ((to report)) when billing MAA for that trip to:

(a) ((That)) Report the third party determination on the ((billing to MAA)) claim; and

(b) ((A justification for the trip)) Submit documentation showing that the trip meets the medical necessity criteria of

MAA. See WAC 388-546-1000 and 388-546-1500 for requirements for nonemergency ambulance coverage.

(4) MAA covers the following ambulance transportation ~~((for its eligible clients))~~:

(a) ~~((Emergency medical transportation by air ambulance when justified under the conditions of this chapter; and (b) Medical transportation by))~~ Ground ambulance when the eligible client:

(i) Has an emergency medical need for the transportation;

(ii) Needs medical attention to be available during the trip; or

(iii) Must be transported by stretcher or gurney.

(b) Air ambulance when justified under the conditions of this chapter or when MAA determines that air ambulance is less costly than ground ambulance in a particular case. In the latter case, the air ambulance transportation must be prior authorized by MAA. See WAC 388-546-1500 for nonemergency air ambulance coverage.

~~((5) MAA covers (through the healthy options managed care plan) medically necessary ambulance transportation for clients enrolled in the plan. This coverage is included in the prepaid plan premium (see WAC 388-546-0400(2)).~~

(6) MAA covers medically necessary ambulance transportation for clients enrolled in MAA's primary care case management (PCCM) program. Ambulance services that are emergency medical services or that are approved by the PCCM in accordance with MAA requirements are reimbursed by MAA according to MAA's published billing instructions.

~~(7) MAA covers ambulance trips transporting patients from one hospital to another when the transferring or discharging hospital has inadequate facilities to provide the necessary medical services required. MAA covers air ambulance transportation for hospital transfers only if transportation by ground ambulance would endanger the client's life or health.)~~

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0250 Ambulance services that MAA does not cover. (1) ~~((MAA evaluates a request for any service that is listed as noncovered in this section under the provisions of WAC 388-501-0165.~~

~~(2) For ambulance services that are otherwise covered under this chapter but are subject to one or more limitations or other restrictions, MAA evaluates, on a case-by-case basis, requests to exceed the specified limits or restrictions. MAA approves such requests when medically necessary, in accordance with WAC 388-501-0165.~~

~~(3)) The medical assistance administration (MAA) does not cover ambulance services when the transportation is:~~

~~(a) Not medically necessary based on the client's condition at the time of service (see exception at WAC 388-546-1000);~~

~~(b) Refused by the client (see exception for ITA clients in WAC 388-546-4000(2));~~

~~(c) For a client who is deceased at the time the ambulance arrives ~~((on))~~ at the scene;~~

~~(d) For a client who dies after the ambulance arrives ~~((on))~~ at the scene but prior to transport and the ambulance crew ~~((did not provide significant))~~ provided minimal to no medical ~~((services on))~~ interventions/supplies at the scene (see WAC 388-546-0500(2));~~

~~(e) Requested for the convenience of the client or the client's family;~~

~~(f) More expensive than ~~((arranging to bring))~~ bringing the necessary medical ~~((service))~~ service(s) to the client's location in nonemergency situations;~~

~~(g) To transfer a client from a medical facility to the client's ~~((home (see exception at WAC 388-546-1000)))~~ residence (except when the residence is a nursing facility);~~

~~(h) Requested solely because a client has no other means of transportation;~~

~~(i) Provided by other than licensed ambulance providers (e.g., wheelchair vans, cabulance, stretcher cars); or~~

~~(j) Not to the nearest appropriate medical facility ~~((e.g., the client's destination is an urgent care clinic or freestanding outpatient facility rather than a hospital emergency room) (see exception at WAC 388-546-1000).~~~~

(4) MAA does not cover ambulance services for hospital to hospital transportation if the transportation is requested:

~~(a) To accommodate a physician's or other health care provider preference for facilities;~~

~~(b) To move the client closer to family or home (e.g., for personal convenience); or~~

~~(c) To meet insurance requirements or hospital/insurance agreements).~~

(2) If transport does not occur, MAA does not cover the ambulance service, except as provided in WAC 388-546-0500(2).

(3) MAA evaluates requests for services that are listed as noncovered in this chapter under the provisions of WAC 388-501-0160.

(4) For ambulance services that are otherwise covered under this chapter but are subject to one or more limitations or other restrictions, MAA evaluates, on a case-by-case basis, requests to exceed the specified limits or restrictions. MAA approves such requests when medically necessary, in accordance with WAC 388-501-0165.

(5) An ambulance provider may bill a client for noncovered services as described in this section, if the requirements of WAC 388-502-0160 are met.

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0300 General requirements for ~~((air and ground))~~ ambulance providers. (1) ~~((Air and ground))~~ Ambulances must be licensed, operated, and equipped according to federal, state, and local statutes, ordinances and regulations.

(2) ~~((Air and ground))~~ Ambulances must be staffed and operated by appropriately trained and certified personnel. Personnel who provide any invasive procedure/emergency medical services for a client during an ambulance trip must be properly authorized and trained per RCW 18.73.150 and 18.73.170.

(3) The medical assistance administration (MAA) requires providers of ambulance services to ((show)) document medical justification ((on-billing documents)) for transportation and related services((supplies)) billed to MAA. Documentation in the provider's client record must include adequate descriptions of the severity and complexity of the client's condition (including the circumstances that made the conditions acute and emergent) at the time of the transportation. MAA may review the client record to ensure MAA's criteria ((are)) were met.

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0400 General limitations ((to)) on payment for ((ground and air)) ambulance services. (1) ((MAA reimburses providers of covered ambulance transportation services on the basis of)) In accordance with WAC 388-502-0100(8), the medical assistance administration (MAA) pays providers the lesser of the provider's usual and customary charges or the ((rates)) maximum allowable rate established by MAA((, whichever is lower)). MAA's fee schedule payment for ambulance services includes a base rate or lift-off fee plus mileage.

(2) MAA does not ((reimburse)) pay providers ((directly)) under fee-for-service for ambulance services provided to a client who is enrolled in an MAA ((Healthy Options)) managed care plan. Payment in such cases is the responsibility of the prepaid managed care plan.

(3) MAA ((includes certain covered ambulance services in its payments to inpatient hospitals. MAA does not reimburse ambulance providers for ambulance transportation services if the client remains as an inpatient in a hospital and the transportation is for temporary transfer to another facility for diagnostic or treatment services (e.g., MRI scanning, kidney dialysis). Transportation of an inpatient for such services is included in MAA's payment to the hospital. It is the responsibility of the hospital where the client is an inpatient to reimburse ambulance providers for these transports.

(4) MAA reimburses for the actual mileage incurred for covered trips by paying from the client's point of origin to the point of destination. MAA does not reimburse mileage for any distances traveled to the pick-up point or any other distances traveled when the client is not on board the ambulance.

(5)) does not pay providers for mileage incurred traveling to the point of pick-up or any other distances traveled when the client is not on board the ambulance. MAA pays for loaded mileage only as follows:

(a) MAA pays ground ambulance providers for the actual mileage incurred for covered trips by paying from the client's point of pick-up to the point of destination.

(b) MAA pays air ambulance providers for the statute miles incurred for covered trips by paying from the client's point of pick-up to the point of destination.

(4) MAA does not ((reimburse)) pay for ambulance services if:

(a) The client is not transported ((to an appropriate treatment facility)); ((or))

(b) The client is transported but not to an appropriate treatment facility; or

(c) The client dies before the ambulance trip begins (see the single exception for ground ambulance providers at WAC 388-546-0500(2)).

(5) For clients in the categorically needy/qualified Medicare beneficiary (CN/QMB) and medically needy/qualified Medicare beneficiary (MN/QMB) programs MAA's payment is as follows:

(a) If Medicare covers the service, MAA will pay the lesser of:

(i) The full coinsurance and deductible amounts due, based upon Medicaid's allowed amount; or

(ii) MAA's maximum allowable for that service minus the amount paid by Medicare.

(b) If Medicare does not cover or denies ambulance services that MAA covers according to this chapter, MAA pays at MAA's maximum allowable; except MAA does not pay for clients on the qualified Medicare beneficiaries (QMB) only program.

NEW SECTION

WAC 388-546-0425 Ambulance coverage during inpatient hospital stays. (1) The medical assistance administration (MAA) does not cover ambulance transportation services under fee-for-service when a client remains as an inpatient client in a hospital and the transportation to and/or from another facility is for diagnostic or treatment services (e.g., MRI scanning, kidney dialysis). Transportation of an inpatient client for such services is the responsibility of the hospital, whether MAA pays the hospital under the diagnosis-related group (DRG) or ratio of costs-to-charges (RCC) method.

(2) Except as provided in subsections (3) and (5) of this section, MAA does not cover hospital to hospital transfers of clients under fee-for-service when ambulance transportation is requested solely to:

(a) Accommodate a physician's or other health care provider's preference for facilities;

(b) Move the client closer to family or home (i.e., for personal convenience); or

(c) Meet insurance requirements or hospital/insurance agreements.

(3) MAA covers under fee-for-service ambulance transportation for a client being transferred from one hospital to another when the transferring or discharging hospital has inadequate facilities to provide the necessary medical services required by the client. MAA covers air ambulance transportation for hospital transfers only if transportation by ground ambulance would endanger the client's life or health. The reason for transferring a client from one hospital to another, as well as the need for air ambulance transport, if applicable, must be clearly documented in the client's hospital chart and in the ambulance trip report.

(4) MAA does not cover under fee-for-service ambulance transportation for a client being transferred from a hospital providing a higher level of care to a hospital providing a lower level of care, except as allowed under subsection (5) of this section.

PERMANENT

(5) MAA considers requests for fee-for-service ambulance coverage under the provisions of WAC 388-501-0160 (exception to rule) for transportation of a client from an intervening hospital to the discharging hospital. MAA evaluates such requests based on clinical considerations and cost-effectiveness. MAA's decision under the provisions of WAC 388-501-0160 is final. The reason for transferring a client from a hospital to another medical facility must be clearly documented in the client's hospital chart and in the ambulance trip record.

(6) Specialty care transport (SCT) is hospital-to-hospital transportation by ground ambulance of a critically injured or ill client, at a level of service beyond the scope of a paramedic. MAA pays an ambulance provider the advanced life support (ALS) rate for an SCT-level transport, provided:

(a) The criteria for covered hospital transfers under fee-for-service are met; and

(b) There is a written reimbursement agreement between the ambulance provider and SCT personnel. If there is no written reimbursement agreement between the ambulance provider and SCT personnel, MAA pays the provider at the basic life support (BLS) rate.

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0450 Payment for ground ambulance (levels of service and other reimbursement) services. (1) ~~(MAA reimburses at)~~ The medical assistance administration (MAA) pays for two levels of service for ground ambulance ((emergency)) transportation: Basic life support (BLS) and advanced life support (ALS):

(a) A BLS ~~((emergency))~~ ambulance trip is one in which the client requires and receives basic medical services ~~((on))~~ at the scene and/or en route from the scene of the acute and emergent illness or injury to a hospital or other appropriate treatment facility. Examples of basic medical services are: Controlling bleeding, splinting fracture(s), treating for shock, and performing cardiopulmonary resuscitation (CPR).

(b) An ALS trip is one in which the client requires and receives more complex services ~~((on))~~ at the scene and/or en route from the scene of the acute and emergent illness or injury to a hospital. To qualify for payment at the ALS level, certified paramedics or other ALS-qualified personnel on board must provide the advanced medical services in a properly equipped vehicle as defined by chapter 18.83 RCW. Examples of ~~((more))~~ complex medical services or ALS procedures are: ~~((the initiation of intravenous therapy, airway intubation, or heart defibrillation. To qualify for reimbursement at the ALS level, certified paramedics or other ALS-qualified personnel on board must provide the advanced medical services in a properly equipped vehicle.))~~

(i) Administration of medication by intravenous push/bolus or by continuous infusion;

(ii) Airway intubation;

(iii) Cardiac pacing;

(iv) Chemical restraint;

(v) Chest decompression;

(vi) Creation of surgical airway;

(vii) Initiation of intravenous therapy;

(viii) Manual defibrillation/cardioversion;

(ix) Placement of central venous line; and

(x) Placement of intraosseous line.

(2) MAA ~~((reimburses))~~ pays for ambulance services (BLS or ALS) based on the client's actual medical condition and the level of medical services needed and provided during the trip.

(a) Local ordinances or standing orders that require all ambulance ((trips)) vehicles be ALS-equipped do not qualify a trip for MAA ((reimbursement)) payment at the ALS level of service unless ALS services were provided.

(b) A ground ambulance trip is classified and paid at a BLS level, even if certified paramedics or ALS-qualified personnel are on board the ambulance, if no ALS-type interventions were provided en route.

(c) An ALS assessment does not qualify as an ALS transport if no ALS-type interventions were provided to the client en route to the treatment facility.

(3) ~~((MAA reimburses separately for:))~~ MAA's base rate includes: Necessary personnel and services; oxygen and oxygen administration; ((and/or)) intravenous supplies and IV administration((-All other)) reusable supplies, disposable supplies, required equipment ((and up to thirty minutes of waiting time are included in MAA's base rate. MAA includes in the base rate equipment and/or supplies that are not specifically listed as separately payable in the medical transportation-billing instructions)), and waiting time. MAA does not ((reimburse for)) pay separately for chargeable items/services that are provided to the client based on standing orders.

~~((The provider must document each trip to reflect the level of care needed by the patient, the training and qualifications of the personnel on board and the types of medical interventions provided by the personnel on board. A ground ambulance trip is classified and paid at a BLS level, even if certified paramedics or ALS-qualified personnel are on board the ambulance, if no ALS-type interventions are needed and provided en route.~~

(5) ~~((reimburses))~~ pays ground ambulance providers ~~((one))~~ the same mileage ~~((reimbursement))~~ rate, regardless of the level of service. Ground ambulance mileage is ~~((reimbursed))~~ paid when the client is transported to and from medical services within the local community only, unless necessary medical care is not available locally. The provider must fully document in the client's record the circumstances that make medical care outside of the client's local community necessary.

(5) MAA pays for extra mileage when sufficient justification is documented in the client's record and the ambulance trip report. Acceptable reasons for allowable extra mileage include, but are not limited to:

(a) A hospital was on "divert" status and not accepting patients; or

(b) A construction site caused a detour, or had to be avoided to save time.

(6) When multiple ambulance providers respond to an emergency call, MAA pays only the ambulance provider that actually furnishes the transportation.

(7) MAA ((reimburses)) pays for an extra attendant, when the ground ambulance provider ((submits)) documents in the client's file the justification ((to MAA for an)) for the

extra attendant (~~(along with the claim for trip reimbursement)~~), and that the extra attendant is on-board for the trip because of one or more of the following:

- (a) The client weighs three hundred pounds or more;
- (b) The client is violent or difficult to ~~((control))~~ move safely;

(c) The client is being transported for Involuntary Treatment Act (ITA) purposes and the client must be restrained during the trip; or

(d) More than one client is being transported, and each requires medical attention and/or close monitoring.

~~((7))~~ The first thirty minutes of waiting time is included in MAA's base rate. MAA reimburses ground ambulance providers for additional waiting time if the time:

- ~~(a) Is extensive;~~
- ~~(b) Constitutes unusual circumstances; and~~
- ~~(c) Is documented in the provider's records and on the billing form. Documentation must include the reason for the wait, the total length of time spent waiting and the amount of waiting time being billed to MAA.~~

~~(8) MAA does not reimburse providers for waiting time if:~~

- ~~(a) The waiting time is to provide a return trip pickup; or~~
- ~~(b) The waiting time is to provide a second trip for the same client for the same date of service.~~

~~(9))~~ (8) MAA ((reimburses)) pays ambulance providers "by report" for ferry and bridge tolls incurred when transporting MAA clients. ((The ferry toll(s) must be thoroughly documented on the claim form. MAA reimburses:

- ~~(a) One standard reimbursement rate for all Puget Sound ferry trips (each way); and~~
- ~~(b) Actual cost, based on invoice, for all San Juan Island ferry trips.~~

~~(10) MAA reimburses ambulance providers for bridge tolls based on actual cost. To be reimbursed, the provider must submit the receipt(s) for the bridge toll(s) incurred during the trip)) To be paid, providers must document the toll(s) by attaching the receipt(s) for the toll(s) to the claim.~~

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0500 ((Special circumstances and) Payment ((limits)) for ground ambulance services in special circumstances. (1) When more than one client is transported in the same ground ambulance at the same time, the provider must bill the medical assistance administration (MAA):

- (a) At a reduced base rate for the additional client, and
- (b) No mileage charge for the additional client.

(2) MAA ~~((reimburses a))~~ pays an ambulance provider at the appropriate base rate ((no mileage and no separate supplies if there is)) (BLS or ALS) if no transportation ((provided)) takes place because the client died ((on scene. MAA allows reimbursement only if)) at the scene of the illness or injury but the ambulance crew ((provides necessary and substantial)) provided medical ~~((care))~~ interventions/supplies to the client ((on)) at the scene ((and)) prior to the client's death. See WAC 388-546-0450(1) for examples of medical interventions associated with each base rate. The interven-

tion(s)/supplies provided must be documented in the client's record. No mileage charge is allowed with the base rate when the client dies at the scene of the illness or injury after medical interventions/supplies are provided but before transport takes place.

(3) In situations where a BLS entity provides the transport of the client and an ALS entity provides a service that meets MAA's fee schedule definition of an ALS intervention, the BLS provider may bill MAA the ALS rate for the transport, provided a written reimbursement agreement between the BLS and ALS entities exists. The provider must give MAA a copy of the agreement upon request. If there is no written agreement between the BLS and ALS entities, MAA will pay only for the BLS level of service.

(4) In areas that distinguish between residents and non-residents, MAA must be billed the same rate for ambulance services provided to a client in a particular jurisdiction as would be billed by that provider to the general public in the same jurisdiction.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0600 Procedure code modifiers. ~~((Ground))~~ Ambulance providers must use procedure code modifiers published by MAA when billing MAA for ((ground)) ambulance trips. The ((same)) appropriate modifiers ((that describe the ambulance trip's place of origin and the client's destination)) must be used for all services related to the same trip for the same client.

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0700 ((Specific)) Payment limitations for air ambulance services. (1) MAA ~~((reimburses))~~ pays for air ambulance services only when all of the following apply:

(a) The necessary medical treatment is not available locally or the client's ~~((pick up))~~ point of pick up is not accessible by ground ambulance;

(b) The vehicle and crew meet the provider requirements in WAC 388-546-0300 and 388-546-0800;

(c) The client's destination is an acute care hospital; and

(d) The client's physical/medical condition requires immediate and rapid ambulance transportation that cannot be provided by ground ambulance; or

(e) The client's physical or medical condition is such that traveling on a commercial flight is not safe.

(2) MAA ~~((reimburses))~~ pays providers for one lift-off fee per client, per trip.

(3) ~~((MAA reimburses mileage for air ambulance services based on air miles and not on highway mileage charts))~~ Air mileage is based on loaded miles flown, as expressed in statute miles.

(4) Except as provided in WAC 388-546-0800(6), MAA pays for extra air mileage with sufficient justification. The

reason for the added mileage must be documented in the client's record and the ambulance trip report. Acceptable reasons include, but are not limited to:

(a) Having to avoid a "no fly zone"; or

(b) Being forced to land at an alternate destination due to severe weather.

(5) MAA ((reimburses)) pays a lift-off fee for each client when two or more clients are transported on a single air ambulance trip. In such a case, the provider must divide equally the total air mileage by the number of clients transported and bill MAA for the mileage portion attributable to each eligible client.

((5)) (6) If a client's transportation requires use of more than one ambulance to complete the trip to the hospital or other approved facility, MAA limits its ((reimbursement)) payment as follows:

(a) If ((more than one)) air ambulance is used and the trip involves more than one lift-off, MAA ((reimburses)) pays only one lift-off fee per client and the total of air miles. If an air ambulance transport for the same client involves both rotary and fixed wing aircraft, the lift-off fee and mileage ((reimbursement)) payment will be based on the mode of air transport used for the greater distance traveled.

(b) If both air and ground ambulances ((must be)) are used, MAA ((reimburses)) pays one lift-off fee and total air miles to the air ambulance provider, and the applicable base rate and ground mileage to each ground ambulance provider involved in the trip((-The one exception to this rule is when the)), except when ground ambulance ((fee(s)-is)) fees are included in the negotiated trip payment as provided in WAC 388-546-0800 ((4(b))) (6).

((6)) (7) MAA does not ((reimburse)) pay separately for individual services or an extra attendant for air ambulance transportation. MAA's lift-off fee and mileage ((reimbursement)) payment includes all personnel, services, supplies, and equipment related to the ((trip)) transport.

((7)) (8) MAA does not ((reimburse)) pay private organizations for volunteer medical air ambulance transportation services, unless the organization has MAA's prior authorization for the transportation services and fees ((are prior authorized by MAA)). If authorized, MAA's ((reimbursement)) payment is based on the actual cost to provide the service or at MAA's established rates, whichever is lower. MAA does not ((reimburse)) pay separately for items or services that MAA includes in the established rate(s).

((8)) (9) If MAA determines, upon review, that an air ambulance trip was not:

(a) Medically necessary, MAA may deny or recoup its payment and/or limit ((reimbursement)) payment based on MAA's established rate for a ground ambulance trip ((if that would result in a lower cost to MAA)) provided ground ambulance transportation was medically necessary; or

(b) To the nearest available and appropriate hospital, MAA may deny or recoup its payment ((and impose a maximum reimbursement)) and/or limit its maximum payment for the trip based on the ((nearest)) nearest available and appropriate facility.

((9)) (10) Providers must have prior authorization from MAA for any nonemergency air transportation, whether by air ambulance or other mode of air transportation. Nonemer-

gency air transportation includes scheduled transports to or from out-of-state treatment facilities.

((10)) (11) MAA uses commercial airline companies (i.e., ((limits)) MAA does not authorize air ambulance ((services)) transports) whenever the client's medical condition permits the client to be transported by nonmedical and/or scheduled carriers.

((11)) (12) MAA does not ((reimburse)) pay for air ambulance services if ((there is)) no transportation is provided.

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-0800 Payment for ((ground and air)) ambulance services outside the state of Washington. ((MAA reimburses)) (1) The medical assistance administration (MAA) pays for emergency transportation provided to MAA's eligible fee-for-service clients who are out-of-state at the time of service (see WAC 388-546-0150((2)) for exceptions).

((1)) MAA requires ((any)) out-of-state ((ground or air)) ambulance ((provider who provides)) providers who provide covered medical services to ((an)) eligible MAA ((client)) clients to:

(a) Meet the licensing requirements of the ambulance provider's home state (United States of America and its territories only); and

(b) Complete and sign an MAA core provider agreement.

(2) MAA does not ((reimburse for an interstate trip if the client is eligible for in-state services, only)) pay for an out-of-state ambulance transport for a fee-for-service client when:

(a) The client's medical eligibility program covers medical services within Washington state and/or designated bordering cities only. See WAC 388-546-0150 and 388-546-0200(5);

(b) The ambulance transport is taking the client to an out-of-state treatment facility for a medical service, treatment or procedure that is available from a facility within Washington state or in a designated bordering city; or

(c) The transport was nonemergent and was not prior authorized by MAA.

(3) Except as provided in subsection (6) of this section, MAA ((reimburses)) pays out-of-state medical transportation ambulance providers at the lower of:

(a) The provider's billed amount; or

(b) The rate established by MAA.

(4) MAA requires any out-of-state ground ambulance provider who is transporting MAA clients within the state of Washington to comply with RCW 18.73.180 regarding stretcher transportation.

(5) ((Air)) Ambulance providers who provide ((emergency)) medical transportation that takes a client out-of-state or that brings a client in state from an out-of-state location must obtain MAA's prior authorization. Under no circumstances are such transports covered for clients under the Involuntary Treatment Act (ITA).

(6) MAA ((reimburses air)) pays ambulance providers the agreed upon ((rate)) amount for each medically necessary

interstate ((air)) ambulance trip that has MAA's prior authorization. The provider is responsible for ensuring that all necessary services associated with the transport are available and provided to the client. In transports involving negotiated rates, the provider is responsible for the costs of all services included in the contractual amount. The contractual amount for an air ambulance transport may include ground ambulance fees at the point of pick-up and the point of destination.

NEW SECTION

WAC 388-546-0900 Ambulance coverage in Canada, Mexico, and other countries. The medical assistance administration (MAA) covers ambulance transportation for eligible fee-for-service clients traveling outside of the United States and U.S. territories, subject to the provisions and limitations of this chapter.

AMENDATORY SECTION (Amending WSR 01-03-084, filed 1/16/01, effective 2/16/01)

WAC 388-546-1000 Coverage for nonemergency ground ambulance transportation. (1) ((MAA reimburses)) The medical assistance administration (MAA) pays for nonemergency ground ambulance transportation at the BLS ambulance level of service under the following conditions:

(a) ~~((The client needs to have basic ambulance level medical attention available during transportation; or~~

~~(b)) The client is bed-confined and must be transported by stretcher or gurney (in the prone or supine position) for medical or safety reasons. Justification for stretcher or gurney must be documented in the client's record; or~~

~~(b) The client's medical condition requires that he or she have basic ambulance level medical attention available during transportation, regardless of bed confinement.~~

(2) MAA requires ambulance providers to thoroughly document the circumstances requiring nonemergency ground ambulance transportation((-)) as follows:

(a) For nonemergency, scheduled ambulance services that are repetitive in nature, the ambulance provider must obtain a written physician certification statement (PCS) from the client's attending physician certifying that the ambulance services are medically necessary. The PCS must specify the expected duration of treatment or span of dates during which the client requires repetitive nonemergency ambulance services. The PCS must be dated no earlier than sixty days before the first date of service. A PCS for repetitive, non-emergency ambulance services is valid for sixty days as long as the client's medical condition does not improve. Kidney dialysis clients may receive nonemergency ground ambulance transportation to and from outpatient kidney dialysis services for up to three months per authorization span.

(b) For nonemergency ambulance services that are either unscheduled or scheduled on a nonrepetitive basis, the ambulance provider must obtain from the client's attending physician a signed PCS within forty-eight hours after the transport. The PCS must certify that the ambulance services are medically necessary.

(c) If the ambulance provider is not able to obtain a signed PCS from the attending physician, a signed certificate

of medical necessity form must be obtained from a qualified provider who is employed by the client's attending physician or by the hospital or facility where the client is being treated and who has personal knowledge of the client's medical condition at the time the ambulance service was furnished. In lieu of the attending physician, one of the following may sign the certification form: a physician assistant, a nurse practitioner, a registered nurse, a clinical nurse specialist, or a hospital discharge planner. The signed certificate must be obtained from the alternate provider no later than twenty-one calendar days from the date of service.

(d) If, after twenty-one days, the ambulance provider is unable to obtain the signed PCS from the attending physician or alternate provider for nonemergency ambulance services that are either unscheduled or scheduled on a nonrepetitive basis, the ambulance provider may submit a claim to MAA, as long as the provider is able to show acceptable documentation of the attempts to obtain the PCS.

(e) In addition to the signed certification statement of medical necessity, all other program criteria must be met in order for MAA to pay for the service.

(3) Ground ambulance providers may choose to enter into contracts with MAA's transportation brokers to provide nonemergency transportation at a negotiated payment rate. Any such subcontracted rate may not exceed the costs MAA would incur under subsection (1) of this section.

NEW SECTION

WAC 388-546-1500 Coverage for nonemergency air ambulance transportation. (1) The medical assistance administration (MAA) pays for a nonemergency air ambulance transport only when the transport is prior authorized by MAA.

(2) MAA authorizes a nonemergency air ambulance transport only when the following conditions are met:

(a) The client's destination is an acute care hospital or approved rehabilitation facility; and

(b) The client's physical or medical condition is such that travel by any other means endangers the client's health; or

(c) Air ambulance is less costly than ground ambulance under the circumstances.

(3) MAA requires providers to thoroughly document the circumstances requiring a nonemergency air ambulance transport. The medical justification must be submitted to MAA prior to transport and must be documented in the client's medical record and ambulance trip report. Documentation must include adequate descriptions of the severity and complexity of the client's condition at the time of transportation.

NEW SECTION

WAC 388-546-2500 Transportation to or from out-of-state treatment facilities—Coordination of benefits. (1) The medical assistance administration (MAA) does not pay for a client's transportation to or from an out-of-state treatment facility when the medical service, treatment, or procedure sought by the client is available from an in-state facility or in a designated bordering city, whether or not the client has other insurance coverage.

(2) For clients who are otherwise eligible for out-of-state coverage under WAC 388-546-0150, but have other third-party insurance, MAA does not pay for transportation to or from out-of-state treatment facilities when the client's primary insurance:

(a) Denies the client's request for medical services out-of-state for lack of medical necessity; or

(b) Denies the client's request for transportation for lack of medical necessity.

(3) For clients who are otherwise eligible for out-of-state coverage under WAC 388-546-0150, but have other third-party insurance, MAA does not consider requests for transportation to or from out-of-state treatment facilities unless the client has tried all of the following:

(a) Requested coverage of the benefit from his/her primary insurer and been denied;

(b) Appealed the denial of coverage by the primary insurer; and

(c) Exhausted his/her administrative remedies through the primary insurer.

(4) If MAA authorizes transportation to or from an out-of-state treatment facility for a client with other third-party insurance, MAA's liability is limited to the cost of the least costly means of transportation that does not jeopardize the client's health, as determined by MAA in consultation with the client's referring physician.

(5) For clients eligible for out-of-state coverage but have other third-party insurance, MAA considers requests for transportation to or from out-of-state treatment facilities under the provisions of WAC 388-501-0165.

NEW SECTION

WAC 388-546-3000 Transporting qualified trauma cases. (1) The medical assistance administration (MAA) does not pay ambulance providers an additional amount for transports involving qualified trauma cases described in WAC 388-550-5450.

(2) Ambulance providers may apply to the department of health (DOH) for possible grants related to transports of qualified trauma cases.

NEW SECTION

WAC 388-546-4000 Transportation coverage under the Involuntary Treatment Act (ITA). (1) For purposes of this section, the following definitions apply:

(a) "Nearest and most appropriate destination" means the nearest facility able and willing to accept the involuntarily detained individual for treatment, not the closest facility based solely on driving distance.

(b) "County-designated mental health professional (CD-MHP)" means a person who, under the guidelines specified by the Involuntary Treatment Act (ITA):

(i) Assesses a client's level of need for transportation according to procedures established by the county in which the client being assessed resides; and

(ii) Decides, following the assessment, how a client should be transported to an inpatient psychiatric treatment facility.

(c) "Involuntary Treatment Act" means, for adults, chapter 71.05 RCW; for juveniles, chapter 71.34 RCW. See also chapter 388-865 WAC.

(d) "Regional support network (RSN)" means a county authority or group of county authorities recognized by the secretary of the department of social and health services (DSHS) and which contracts with DSHS to implement a locally managed community mental health program.

(2) The medical assistance administration (MAA) covers transportation under ITA for an individual who is being involuntarily detained for mental health treatment, after that individual has been assessed by a CD-MHP and found to be:

(a) A danger to self;

(b) A danger to others; or

(c) Gravely disabled.

(3) Transportation under ITA may be provided to an eligible individual by an organization designated as an ITA provider by the local community mental health center and/or RSN. Designated ITA providers must comply with the department's requirements for drivers, driver training, vehicle and equipment standards and maintenance.

(4) Transportation under the ITA for an individual described in subsection (2) is covered from:

(a) The site of the initial detention;

(b) An evaluation and treatment facility designated by the department; or

(c) A court hearing.

(5) Transportation under the ITA for an individual described in subsection (2) is covered when provided to:

(a) An evaluation and treatment facility;

(b) A less restrictive alternative setting, except when ambulance transport to a client's home is not covered; or

(c) A court hearing.

(6) The CD-MHP authorizes the level of transportation provided under ITA to and from covered facilities based on the individual's need. A copy of the authorization by the CD-MHP must be kept in the individual's file.

(7) MAA pays for ITA transports to the nearest and most appropriate destination. The reason for the diversion to a more distant facility must be clearly documented in the individual's file.

(8) The department's mental health division (MHD) establishes payment for ITA transports. Providers must clearly identify ITA transports on the claim form when submitting claims to MAA.

WSR 04-17-119

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 17, 2004, 1:52 p.m., effective September 17, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This filing amends WAC 388-14A-1020 (definitions section), 388-14A-4100 and other related sections and adopts new rules as well. See below for a listing of all rules covered by this notice. These rules describe how the

DSHS Division of Child Support (DCS) enforces medical child support obligations using a federal form called the national medical support notice (NMSN).

DCS has adopted emergency rules under WSR 04-07-057, effective March 22, 2004, and then under WSR 04-14-054, effective June 30, 2004, so that we could start using the NMSN as soon as possible. These emergency rules will be superseded by this permanent rule on the effective date.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement?, 388-14A-4040 DCS can serve some collection actions by electronic service, 388-14A-4100 How does ((Can))the division of child support ((make me)) enforce my obligation to provide health insurance for my children?, 388-14A-4110 If my support order requires me to provide health insurance for my children, what do I have to do?, 388-14A-4120 DCS ((serves a)) uses the National Medical Support Notice ((of enrollment)) to enforce an obligation to provide health insurance coverage and 388-14A-4130 What must ((an employer or union who receives a notice of enrollment do)) a plan administrator do after receiving a National Medical Support Notice from the division of child support?; and new sections WAC 388-14A-4121 Can a Washington employer assume that every National Medical Support Notice that the employer receives is from the division of child support?, 388-14A-4122 What kind of information is included in the National Medical Support Notice?, 388-14A-4123 What can happen if the employer fails to comply with the terms of the National Medical Support Notice?, 388-14A-4124 Who are the parties involved with the National Medical Support Notice?, 388-14A-4125 What must an employer do after receiving a National Medical Support Notice?, 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice?, 388-14A-4135 What must the plan administrator do when the noncustodial parent has health insurance but the children are not included in the coverage?, 388-14A-4140 What must the plan administrator do when the noncustodial parent is eligible for health insurance but is not yet enrolled?, 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the noncustodial parent is not yet eligible for coverage?, 388-14A-4145 What must the plan administrator do when the insurance plan in which the noncustodial parent is enrolled does not provide coverage which is accessible to the children?, 388-14A-4150 What must the plan administrator do when the noncustodial parent has more than one family?, 388-14A-4160 Are there any limits on the amount a noncustodial parent may be required to pay for health insurance premiums?, 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium?, 388-14A-4170 How long does a National Medical Support Notice or other notice of enrollment remain in effect?, and 388-14A-4175 Is an employer obligated to notify the division of child support when insurance coverage for the children ends?

Statutory Authority for Adoption: RCW 74.08.090 and 74.20A.310.

Other Authority: RCW 26.18.170; 42 U.S.C. 666 (a)(19), Child Support Performance and Incentives Act of 1998; 45 C.F.R. 303.31; and 45 C.F.R. 303.32.

Adopted under notice filed as WSR 04-13-139 on June 22, 2004.

Changes Other than Editing from Proposed to Adopted Version: Editorial changes only.

Number of Sections Adopted in Order to Comply with Federal Statute: New 15, Amended 6, 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 15, Amended 6, Repealed 0.

Date Adopted: August 11, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement? For purposes of this chapter, the following definitions apply:

"**Absence of a court order**" means that there is no court order setting a support obligation for the noncustodial parent (NCP), or specifically relieving the NCP of a support obligation, for a particular child.

"**Absent parent**" is a term used for a noncustodial parent.

"**Accessible coverage**" means health insurance coverage which provides primary care services to the children with reasonable effort by the custodian.

"**Accrued debt**" means past-due child support which has not been paid.

"**Administrative order**" means a determination, finding, decree or order for support issued under RCW 74.20A.055, 74.20A.056, or 74.20A.059 or by another state's agency under an administrative process, establishing the existence of a support obligation (including medical support) and ordering the payment of a set or determinable amount of money for current support and/or a support debt. Administrative orders include:

- (1) An order entered under chapter 34.05 RCW;
- (2) An agreed settlement or consent order entered under WAC 388-14A-3600; and
- (3) A support establishment notice which has become final by operation of law.

"**Agency**" means the Title IV-D provider of a state. In Washington, this is DCS.

"Agreed settlement" is an administrative order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. An agreed settlement does not require the approval of an administrative law judge.

"Aid" or **"public assistance"** means cash assistance under the temporary assistance for needy families (TANF) program, the aid for families with dependent children (AFDC) program, federally-funded or state-funded foster care, and includes day care benefits and medical benefits provided to families as an alternative or supplement to TANF.

"Alternate recipient" means a child of the employee or retiree named within a support order as being entitled to coverage under an employer's group health plan.

"Applicant/custodian" means a person who applies for nonassistance support enforcement services on behalf of a child or children residing in their household.

"Applicant/recipient," "applicant," and **"recipient"** means a person who receives public assistance on behalf of a child or children residing in their household.

"Arrears" means the debt amount owed for a period of time before the current month.

"Assistance" means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

"Birth costs" means medical expenses incurred by the custodial parent or the state for the birth of a child.

"Conference board" means a method used by the division of child support for resolving complaints regarding DCS cases and for granting exceptional or extraordinary relief from debt.

"Consent order" means a support order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. A consent order requires the approval of an administrative law judge.

"Court order" means a judgment, decree or order of a Washington state superior court, another state's court of comparable jurisdiction, or a tribal court.

"Current support" or **"current and future support"** means the amount of child support which is owed for each month.

"Custodial parent" means the person, whether a parent or not, with whom a dependent child resides the majority of the time period for which the division of child support seeks to establish or enforce a support obligation.

"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date that the TANF or AFDC program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public assistance terminates, or support enforcement services end, whichever occurs later.

"Delinquency" means failure to pay current child support when due.

"Department" means the Washington state department of social and health services (DSHS).

"Dependent child" means a person:

(1) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;

(2) Eighteen years of age or older for whom a court order requires support payments past age eighteen;

(3) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is:

(a) A full-time student; and

(b) Reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the end of the month in which the child turns nineteen.

"Disposable earnings" means the amount of earnings remaining after the deduction of amounts required by law to be withheld.

"Earnings" means compensation paid or payable for personal service. Earnings include:

(1) Wages or salary;

(2) Commissions and bonuses;

(3) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

(4) Disability payments under Title 51 RCW;

(5) Unemployment compensation under RCW 50.40.-020, 50.40.050 and Title 74 RCW;

(6) Gains from capital, labor, or a combination of the two; and

(7) The fair value of nonmonetary compensation received in exchange for personal services.

"Employee" means a person to whom an employer is paying, owes, or anticipates paying earnings in exchange for services performed for the employer.

"Employer" means any person or organization having an employment relationship with any person. This includes:

(1) Partnerships and associations;

(2) Trusts and estates;

(3) Joint stock companies and insurance companies;

(4) Domestic and foreign corporations;

(5) The receiver or trustee in bankruptcy; and

(6) The trustee or legal representative of a deceased person.

"Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. Such a contract may be written or oral, express or implied.

"Family" means the person or persons on whose behalf support is sought, which may include a custodial parent and one or more children, or a child or children in foster care placement. The family is sometimes called the assistance unit.

"Family member" means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.

"Foreign order" means a court or administrative order entered by a tribunal other than one in the state of Washington.

"Foster care case" means a case referred to the Title IV-D agency by the Title IV-E agency, which is the state division of child and family services (DCFS).

"Fraud," for the purposes of vacating an agreed settlement or consent order, means:

(1) The representation of the existence or the nonexistence of a fact;

(2) The representation's materiality;

- (3) The representation's falsity;
- (4) The speaker's knowledge that the representation is false;
- (5) The speaker's intent that the representation should be acted on by the person to whom it is made;
- (6) Ignorance of the falsity on the part of the person to whom it is made;
- (7) The latter's:
 - (a) Reliance on the truth of the representation;
 - (b) Right to rely on it; and
 - (c) Subsequent damage.

"Full support enforcement services" means the entire range of services available in a Title IV-D case.

"Good cause" for the purposes of late hearing requests and petitions to vacate orders on default means a substantial reason or legal justification for delay, including but not limited to the grounds listed in civil rule 60. The time periods used in civil rule 60 apply to good cause determinations in this chapter.

"Head of household" means the parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

"Health care costs":

(1) For the purpose of establishing support obligations under RCW 74.20A.055 and 74.20A.056, means medical, dental and optometrical expenses; and(;))

(2) For the purpose of enforcement action under chapters 26.23, 74.20 and 74.20A RCW, including the notice of support debt and the notice of support owed, means medical, dental and optometrical costs stated as a fixed dollar amount by a support order.

"Health insurance" means insurance coverage for all medical services related to an individual's general health and well being. These services include, but are not limited to: Medical/surgical (inpatient, outpatient, physician) care, medical equipment (crutches, wheel chairs, prosthesis, etc.), pharmacy products, optometric care, dental care, orthodontic care, preventive care, mental health care, and physical therapy.

"Hearing" means an adjudicative proceeding authorized by this chapter, or chapters 26.23, 74.20 and 74.20A RCW, conducted under chapter 388-02 WAC and chapter 34.05 RCW.

"I/Me" means the person asking the question which appears as the title of a rule.

"Income" includes:

- (1) All gains in real or personal property;
- (2) Net proceeds from the sale or exchange of real or personal property;
- (3) Earnings;
- (4) Interest and dividends;
- (5) Proceeds of insurance policies;
- (6) Other periodic entitlement to money from any source; and
- (7) Any other property subject to withholding for support under the laws of this state.

"Income withholding action" includes all withholding actions which DCS is authorized to take, and includes but is not limited to the following actions:

- (1) Asserting liens under RCW 74.20A.060;

(2) Serving and enforcing liens under chapter 74.20A RCW;

(3) Issuing orders to withhold and deliver under chapter 74.20A RCW;

(4) Issuing notices of payroll deduction under chapter 26.23 RCW; and

(5) Obtaining wage assignment orders under RCW 26.18.080.

"Locate" can mean efforts to obtain service of a support establishment notice in the manner prescribed by WAC 388-14A-3105.

"Medical support" means either or both:

(1) Health care costs stated as a fixed dollar amount in a support order; and

(2) Health insurance coverage for a dependent child.

"National Medical Support Notice" or "NMSN" is a federally-mandated form that DCS uses to enforce a health insurance support obligation; the NMSN is a notice of enrollment as described in RCW 26.18.170.

"Noncustodial parent" means the natural parent, adoptive parent, responsible stepparent or person who signed and filed an affidavit acknowledging paternity, from whom the state seeks support for a dependent child. Also called the NCP. A parent is considered to be an NCP when for the majority of the time during the period for which support is sought, the dependent child resided somewhere other than with that parent.

"Other ordinary expense" means an expense incurred by a parent which:

(1) Directly benefits the dependent child; and

(2) Relates to the parent's residential time or visitation with the child.

"Participant" means an employee or retiree who is eligible for coverage under an employer group health plan.

"Past support" means support arrears.

"Paternity testing" means blood testing or genetic tests of blood, tissue or bodily fluids. This is also called genetic testing.

"Payment services only" or "PSO" means a case on which the division of child support's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not a IV-D case.

"Permanently assigned arrearages" means those arrears which the state may collect and retain up to the amount of unreimbursed assistance.

"Physical custodian" means custodial parent (CP).

"Plan administrator" means the person or entity which performs those duties specified under 29 USC 1002 (16)(A) for a health plan. If no plan administrator is specifically so designated by the plan's organizational documents, the plan's sponsor is the administrator of the plan. Sometimes an employer acts as its own plan administrator.

"Putative father" includes all men who may possibly be the father of the child or children on whose behalf the application for assistance or support enforcement services is made.

"Reasonable efforts to locate" means any of the following actions performed by the division of child support:

(1) Mailing a support establishment notice to the noncustodial parent in the manner described in WAC 388-14A-3105;

(2) Referral to a sheriff or other server of process, or to a locate service or department employee for locate activities;

(3) Tracing activity such as:

(a) Checking local telephone directories and attempts by telephone or mail to contact the custodial parent, relatives of the noncustodial parent, past or present employers, or the post office;

(b) Contacting state agencies, unions, financial institutions or fraternal organizations;

(c) Searching periodically for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record-keeping agencies or entities; or

(d) Maintaining a case in the division of child support's automated locate program, which is a continuous search process.

(4) Referral to the state or federal parent locator service;

(5) Referral to the attorney general, prosecuting attorney, the IV-D agency of another state, or the Department of the Treasury for specific legal or collection action;

(6) Attempting to confirm the existence of and to obtain a copy of a paternity acknowledgment; or

(7) Conducting other actions reasonably calculated to produce information regarding the NCP's whereabouts.

"Required support obligation for the current month" means the amount set by a superior court order, tribal court order, or administrative order for support which is due in the month in question.

"Resident" means a person physically present in the state of Washington who intends to make their home in this state. A temporary absence from the state does not destroy residency once it is established.

"Residential care" means foster care, either state or federally funded.

"Residential parent" means the custodial parent (CP), or the person with whom the child resides that majority of the time.

"Responsible parent" is a term sometimes used for a noncustodial parent.

"Responsible stepparent" means a stepparent who has established an in loco parentis relationship with the dependent child.

"Retained support" means a debt owed to the division of child support by anyone other than a noncustodial parent.

"Satisfaction of judgment" means payment in full of a court-ordered support obligation, or a determination that such an obligation is no longer enforceable.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized Indian tribe or a foreign country.

"Superior court order" means a judgment, decree or order of a Washington state superior court, or of another state's court of comparable jurisdiction.

"Support debt" means support which was due under a support order but has not been paid. This includes:

(1) Delinquent support;

(2) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance including health care costs, birth costs, child care costs, and special child rearing expenses of a dependent child or other person;

(3) A debt under RCW 74.20A.100 or 74.20A.270; or

(4) Accrued interest, fees, or penalties charged on a support debt, and attorney's fees and other litigation costs awarded in an action under Title IV-D to establish or enforce a support obligation.

"Support enforcement services" means all actions the Title IV-D agency is required to perform under Title IV-D of the Social Security Act and state law.

"Support establishment notice" means a notice and finding of financial responsibility under WAC 388-14A-3115, a notice and finding of parental responsibility under WAC 388-14A-3120, or a notice and finding of medical responsibility under WAC 388-14A-3125.

"Support money" means money paid to satisfy a support obligation, whether it is called child support, spousal support, alimony, maintenance, medical support, or birth costs.

"Support obligation" means the obligation to provide for the necessary care, support and maintenance of a dependent child or other person as required by law, including health insurance coverage, health care costs, birth costs, and child care or special child rearing expenses.

"Temporarily assigned arrearages" means those arrears which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997.

"Title IV-A" means Title IV-A of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"Title IV-A agency" means the part of the department of social and health services which carries out the state's responsibilities under the temporary assistance for needy families (TANF) program (and the aid for dependent children (AFDC) program when it existed).

"Title IV-D" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"Title IV-D agency" or **"IV-D agency"** means the division of child support, which is the agency responsible for carrying out the Title IV-D plan in the state of Washington. Also refers to the Washington state support registry (WSSR).

"Title IV-D case" is a case in which the division of child support provides services which qualifies for funding under the Title IV-D plan.

"Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

"Title IV-E" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-E case" means a foster care case.

"Tribunal" means a state court, tribal court, administrative agency, or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

"Unreimbursed assistance" means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

"We" means the division of child support, part of the department of social and health services of the state of Washington.

"WSSR" is the Washington state support registry.

"You" means the reader of the rules, a member of the public, or a recipient of support enforcement services.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4040 DCS can serve some collection actions by electronic service. (1) An employer, or any other person, firm, corporation or political subdivision, or any department of the state or federal government may agree with the division of child support (DCS) to accept electronic data transmission (EDT) as service of the following documents:

- (a) Notice of payroll deduction under RCW 26.23.060;
- (b) Order to withhold and deliver under RCW 74.20A.080;
- (c) Assignment of earnings under RCW 74.20A.240;
- (d) Notice of enrollment or National Medical Support Notice (NMSN) under RCW 26.18.170 (2)(a)(iv);
- ~~(e)~~ Releases of any of these collection documents; and
- ~~((e))~~ ~~(f)~~ Amendments in the amount to be withheld under any of these collection documents.

(2) Agreements for service by EDT must be in writing. The employer, person, firm, corporation, political subdivision or department must agree to accept EDT as:

- (a) Personal service of the withholding documents; and
- (b) A written document for the purposes of chapters 26.23 and 74.20A RCW.

(3) DCS provides the party accepting EDT with copies of the current forms listed in subsection (2) above, as well as any updates to those forms. If DCS fails to provide an updated form, this does not excuse noncompliance with withholding documents served under the EDT agreement.

(4) An agreement to accept service by EDT does not alter the rights, duties and responsibilities related to income withholding action under chapters 26.23, 74.20 or 74.20A.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4100 ((Can)) How does the division of child support ((make me)) enforce my obligation to provide health insurance for my children? (1) If a child support order requires the noncustodial parent (NCP) to provide health insurance for the children, the division of child support (DCS) attempts to enforce that requirement according to the terms of the order. The following subsections describe the different types of premium limitations that could apply to a support order.

(2) ~~((Unless the support order specifies differently, an NCP is obligated to provide health insurance for dependent children if coverage is:~~

- ~~(a) Available or becomes available through the NCP's employment or union; and~~

~~(b) Available at a cost of not greater than twenty-five percent of the NCP's basic support obligation))~~ When DCS is enforcing a support order which contains a specific dollar limit for the cost of health insurance premiums or provides for coverage which is available at no cost to the NCP, DCS does not require the NCP to provide health insurance if coverage is not available within the limitations of the order.

(3) When DCS is enforcing a support order entered on or after May 13, 1989, unless the support order specifies differently, the NCP must provide health insurance for dependent children if coverage is:

(a) Available or becomes available through the NCP's employment or union; and

(b) Available at a cost of not greater than twenty-five percent of the NCP's basic support obligation.

(4) When DCS is enforcing a support order entered prior to May 13, 1989, unless the support order specifies differently, the NCP must provide health insurance for dependent children if coverage is available or becomes available through the NCP's employment or union:

(a) For a maximum of twenty-five dollars per month, if the order specifies that the NCP must provide coverage only if it is available at a reasonable cost; or

(b) For any premium amount whatsoever, if the order does not specify reasonable cost.

(5) DCS serves a notice of intent to enforce a health insurance obligation if the support order:

(a) Requires the NCP either to provide health insurance coverage or prove that coverage is not available; and

(b) Does not inform the NCP that failure to provide health insurance or prove it is not available may result in enforcement of the order without notice to the NCP.

~~((4))~~ (6) DCS serves the notice of intent to enforce a health insurance obligation on the NCP by certified mail, return receipt requested, or by personal service.

~~((5))~~ (7) The notice advises the NCP that the NCP must submit proof of coverage, proof that coverage is not available, or proof that the NCP has applied for coverage, within twenty days of the date((+)

~~(+)) of service of the notice((+or~~

~~(b) When health insurance coverage becomes available through the NCP's employer or union)).~~

(8) The notice advises the NCP that, if health insurance is not yet available, the NCP must immediately notify DCS if health insurance coverage becomes available through the NCP's employer or union.

(9) When DCS enforces an NCP's health insurance obligation, such enforcement may include asking the employer and the plan administrator to enroll the NCP in a health insurance plan available through the employer.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4110 If my support order requires me to provide health insurance for my children, what do I have to do? (1) Once ~~((an administrative))~~ a support order is entered requiring health insurance, the noncustodial parent (NCP) must take the following actions within twenty days:

- (a) Provide health insurance coverage; and

(b) Provide proof of coverage to the division of child support (DCS), such as:

- (i) The name of the insurer providing the health insurance coverage;
- (ii) The names of the beneficiaries covered;
- (iii) The policy number;
- (iv) That coverage is current; and
- (v) The name and address of the NCP's employer.

(2) If health insurance coverage ~~((is not immediately))~~ that is accessible to the children named in the order is available, the NCP must:

(a) Provide for coverage ~~((during the next))~~ for the children without waiting for an open enrollment period, as provided under RCW 48.01.235 (4)(a); and ~~((then))~~

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(3) If health insurance is not immediately available to the NCP, as soon as health insurance becomes available, the NCP must:

(a) Provide for coverage for the children named in the order; and

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(4) Medical assistance provided by the department under chapter 74.09 RCW does not substitute for ~~((medical))~~ health insurance.

~~((4))~~ (5) A child's enrollment in Indian health services satisfies the requirements of this section.

(6) See WAC 388-14A-4165 for a description of what happens when the combined total of NCP's current support obligation, arrears payment and health insurance premiums to be withheld by the employer exceeds the fifty per cent limitation for withholding.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4120 DCS ~~((serves a))~~ uses the National Medical Support Notice ~~((of enrollment))~~ to enforce an obligation to provide health insurance coverage. (1) The division of child support (DCS) ~~((serves))~~ uses a notice of enrollment called the National Medical Support Notice (NMSN) to enforce a noncustodial parent's obligation to provide health insurance coverage under chapter 26.18 RCW.

(2) DCS ~~((serves the notice of enrollment on))~~ sends the NMSN to the ~~((NCP's))~~ noncustodial parent's employer ~~((or union))~~ in one of the following ways:

(a) In the same manner as a summons in a civil action, ~~((or))~~

(b) By certified mail, return receipt requested,

(c) By regular mail, or

(d) By electronic means as provided in WAC 388-14A-4040 (1)(d).

(3) DCS ~~((serves the notice of enrollment))~~ sends the NMSN without notice to the noncustodial parent (NCP) when:

(a) A court or administrative order requires the NCP to provide insurance coverage for a dependent child;

(b) The NCP fails to provide health insurance (either by not covering the child or by letting the coverage lapse) or fails to provide proof of coverage;

(c) The requirements of RCW 26.23.050 are met; and

(d) DCS has reason to believe that coverage is available through the NCP's employer or union.

~~((4)) The notice of enrollment advises the employer or union that:~~

~~((a)) The NCP is required to provide health insurance coverage for the children named in the notice;~~

~~((b)) The employer or union is required to enroll the children in a health insurance plan offered by the employer or union if insurance the children can use is or will become available as provided in subsection (d) below;~~

~~((c)) The employer or union must answer the notice of enrollment by completing the answer form and returning it to DCS within thirty five days;~~

~~((d)) The answer must confirm that the employer or union:~~

~~((i)) Has enrolled the children in a health insurance plan which provides accessible coverage;~~

~~((ii)) Will enroll the children in a health insurance plan providing accessible coverage during the next open enrollment period; or~~

~~((iii)) Cannot enroll the children in a plan which provides accessible coverage, stating the specific reasons why coverage cannot be provided.~~

~~((e)) The employer or union must provide:~~

~~((i)) Information about the health insurance plan and policy as requested in the notice; and~~

~~((ii)) Any necessary claim forms or membership cards as soon as they are available.~~

~~((f)) The employer or union must withhold premiums from the NCP's net earnings if the NCP is required to pay part or all of the premiums for coverage under the health insurance plan.~~

~~((g)) Noncompliance with the notice of enrollment subjects the employer or union to a fine of up to one thousand dollars under RCW 74.20A.270.~~

(5) DCS may take action under RCW 74.20A.270 to impose fines if the employer or union fails to comply with the terms of the notice of enrollment. For each failure to comply, DCS may assess a fine of:

(a) Two hundred dollars for the first month in which the employer or union fails to comply;

(b) Three hundred dollars for the second month of non-compliance; and

(c) Five hundred dollars for the third month of non-compliance.

(d) The maximum fine based on a single notice of enrollment is one thousand dollars.)

NEW SECTION

WAC 388-14A-4121 Can a Washington employer assume that every National Medical Support Notice that the employer receives is from the division of child support? (1) The National Medical Support Notice (NMSN) is a federally-mandated form which is used by child support enforcement agencies all over the United States, not just the division of child support (DCS).

(2) Each NMSN form contains information advising the employer which child support enforcement agency sent the NMSN.

NEW SECTION

WAC 388-14A-4122 What kind of information is included in the National Medical Support Notice? The National Medical Support Notice (NMSN) and its cover letter advise the noncustodial parent's employer and the plan administrator that:

(1) The noncustodial parent (NCP) is required to provide health insurance coverage for the children named in the notice;

(2) Information regarding the custodial parent and children, especially address information, is confidential and may not be released to anyone, including the NCP;

(3) Within twenty business days of the date on the notice, the employer must either:

(a) Respond to the NMSN by completing the response form and returning it to DCS; or

(b) Forward Part B of the NMSN to the plan administrator.

(4) The employer or plan administrator is required to enroll the children in a health insurance plan offered by the employer or the union if insurance the children can use is or will become available as provided in WAC 388-14A-4130;

(5) The employer or plan administrator must provide:

(a) Information about the health insurance plan and policy as requested in the notice; and

(b) Any necessary claim forms or membership cards as soon as they are available.

(6) The employer or union must withhold premiums from the NCP's net earnings if the NCP is required to pay part or all of the premiums for coverage under the health insurance plan.

(7) Noncompliance with the NMSN subjects the employer or union to a fine of up to one thousand dollars under RCW 74.20A.350. See WAC 388-14A-4123 for a description of noncompliance penalties.

NEW SECTION

WAC 388-14A-4123 What can happen if the employer fails to comply with the terms of the National Medical Support Notice? (1) If an employer fails to comply with the terms of a National Medical Support Notice (NMSN) sent by the division of child support (DCS), the employer may be liable for a fine of up to one thousand dollars under RCW 74.20A.350.

(2) DCS may take action under RCW 74.20A.350 to impose fines if the employer fails to comply with the terms of the NMSN. For each failure to comply, DCS may assess a fine of:

(a) Two hundred dollars for the first month in which the employer or union fails to comply;

(b) Three hundred dollars for the second month of non-compliance; and

(c) Five hundred dollars for the third month of non-compliance.

(d) The maximum fine based on a single notice of enrollment is one thousand dollars.

NEW SECTION

WAC 388-14A-4124 Who are the parties involved with the National Medical Support Notice? (1) The National Medical Support Notice (NMSN) is a federally-mandated form used by child support enforcement agencies to enforce a noncustodial parent's medical support obligation. The division of child support (DCS) uses the NMSN as provided in WAC 388-14A-4120.

(2) DCS sends an NMSN when there is a support order requiring the noncustodial parent (NCP) to provide health insurance coverage for the children.

(3) DCS sends the NMSN to the NCP's employer.

(4) If the employer provides health insurance coverage, the employer forwards the NMSN to the appropriate plan administrator.

(5) The plan administrator is the entity which handles the ministerial functions for the group health plan maintained by the employer or a group health plan to which the employer contributes.

(6) In some cases, the employer performs the duties of the plan administrator.

(7) In some cases, the NCP's union either acts as or contracts with the plan administrator.

(8) The plan administrator sends coverage information to both DCS and the custodial parent (CP).

NEW SECTION

WAC 388-14A-4125 What must an employer do after receiving a National Medical Support Notice? (1) Within twenty business days after the date on the National Medical Support Notice (NMSN), the employer must either send Part B to the plan administrator or send the employer response to the division of child support (DCS).

(2) The employer need take no action beyond responding to the NMSN if:

(a) The employer does not maintain or contribute to plans providing dependent or family health care coverage;

(b) The employee is among a class of employees (for example, part-time or nonunion) that are not eligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes; or

(c) The employee either is no longer, or never has been, employed by this employer.

(3) If subsection (2) of this section does not apply, the employer must respond to the NMSN and must:

(a) Forward Part B of the NMSN to the plan administrator of each group health plan identified by the employer to enroll the noncustodial parent's eligible children (see WAC 388-14A-4130 for what the plan administrator must do after receiving an NMSN); and

(b) When notified by the plan administrator that the children are enrolled:

(i) Withhold any employee contributions required for health insurance premiums and transfer those premiums to the appropriate plan; or

(ii) Notify DCS that enrollment cannot be completed because the noncustodial parent's net earnings are not high enough to allow withholding of child support and health insurance premiums; in this situation, the employer must notify DCS of the amount of the premium required to cover the children.

(c) When notified by the plan administrator that the non-custodial parent NCP is subject to a waiting period, notify the plan administrator when the NCP is eligible to enroll in the plan, and that the NMSN requires the enrollment of the children named in the NMSN.

NEW SECTION

WAC 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice? An employer or plan administrator who receives a National Medical Support Notice (NMSN) from the division of child support (DCS) may do one or more of the following to get help with the form:

(1) Visit the DCS internet web site at <http://www.dshs.wa.gov/dcs/employers.shtml>;

(2) Call the DCS Employer Hotline at 1-800-591-2760; or (3) Contact the DCS field office which issued the NMSN.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4130 What must ~~((an employer or union who receives a notice of enrollment do))~~ a plan administrator do after receiving a National Medical Support Notice from the division of child support? (1) ~~((An employer or union who receives a notice of enrollment from the division of child support (DCS) must answer the notice within thirty five days of receipt, as provided in WAC 388-14A-4120(4).~~

~~(2) The employer or union must enroll the children named in the notice in a health insurance plan which the employer or union offers to the noncustodial parent (NCP) and which provides coverage accessible to the children, unless the NCP's current support obligation:~~

~~(a) Equals or exceeds fifty percent of the NCP's net earnings; or~~

~~(b) Plus the amount of the insurance premium for the children named in the notice exceeds fifty percent of the NCP's net earnings.~~

~~(3) Except for the limitation in subsection (2) above, the employer or union must enroll the children named in the notice in a health insurance plan which the employer or union offers to the noncustodial parent (NCP) and which provides coverage accessible to the children:~~

~~(a) Upon receipt of the notice of enrollment, even if the plan prevents immediate enrollment; or~~

~~(b) When accessible coverage becomes available, if coverage is not available at the time of the notice.~~

~~(4) If the employer or union offers more than one health insurance plan which could cover the children named in the notice, the employer or union must enroll the children in:~~

~~(a) The NCP's plan, unless accessible coverage is not available to the children under that plan; or~~

~~(b) The least expensive plan which provides accessible coverage for the children.~~

~~(5) The notice of enrollment remains in effect until:~~

~~(a) DCS withdraws the notice; or~~

~~(b) Health insurance coverage is no longer available through the employer or union.~~

~~(6) If coverage for the children is terminated, the employer or union must notify DCS within thirty days of the date coverage ends.)~~ A plan administrator who receives a National Medical Support Notice (NMSN) must respond to the NMSN within forty business days after the date on the NMSN.

(2) If the noncustodial parent (NCP) and the children are to be enrolled in a health insurance plan, the plan administrator must:

(a) Notify the NCP, each child, and the custodial parent (CP) that coverage of the children is or will become available (notifying the CP is considered the same as notifying the child if they live at the same address); and

(b) If not previously provided, send the CP a description of the coverage available, including the effective date of coverage, a summary plan description and any forms or information necessary to start coverage, and information on how to submit claims for benefits.

(3) If there is more than one option available under the plan and the NCP is not yet enrolled, the plan administrator must:

(a) Provide to the division of child support (DCS) copies of applicable summary plan descriptions for available coverage, including the additional participant contribution necessary to obtain coverage for the children under each option and whether any option has a limited service area; and

(b) If the plan has a default option, enroll the children in the plan's default option if the plan administrator has not received DCS' election within twenty business days of the date the plan administrator returned the response to DCS; or

(c) If the plan does not have a default option, enroll the children in the option selected by DCS.

(4) If the NCP is subject to a waiting period that expires within ninety days from the date the plan administrator receives the NMSN, the plan administrator must enroll the children named in the NMSN immediately.

(5) If the NCP is subject to a waiting period that expires more than ninety days from the date the plan administrator receives the NMSN, the plan administrator must notify the employer, DCS, the NCP and the CP of the waiting period. When the waiting period has expired, the plan administrator must:

(a) Enroll the NCP and the children named in the NMSN, as provided in subsection (2) or (3) above; and

(b) Notify the employer of enrollment so that the employer may determine if the NCP's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (3)(b).

(6) If the NCP is subject to a waiting period whose duration is determined by a measure other than the passage of time (for example, the completion of a certain number of

hours worked), the plan administrator must notify the employer, DCS, the NCP and the CP of the waiting period. When the waiting period has expired, the plan administrator must:

(a) Enroll the NCP and the children named in the NMSN, as provided in subsection (2) or (3) above; and

(b) Notify the employer of enrollment so that the employer may determine if the NCP's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (3)(b).

(7) If the plan administrator determines that the NMSN does not constitute a qualified medical child support order as defined by ERISA, the plan administrator must:

(a) Notify DCS using the part of the NMSN called the plan administrator response; and

(b) Notify the NCP, the CP and the children of the specific reasons for the determination. A copy of the plan administrator response is considered sufficient notice under this section.

NEW SECTION

WAC 388-14A-4135 What must the plan administrator do when the noncustodial parent has health insurance but the children are not included in the coverage? (1) If the noncustodial parent (NCP) is enrolled in a health insurance plan through the employer but has not enrolled the children named in the National Medical Support Notice (NMSN), the plan administrator must follow the steps outlined in WAC 388-14A-4130(2) and:

(a) Enroll the child(ren) named in the NMSN under the NCP's health insurance plan; and

(b) Notify the employer and the division of child support (DCS) that the child(ren) have been enrolled.

(2) Under RCW 48.01.235 (4)(a), the plan administrator must enroll a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions.

(3) WAC 388-14A-4145 discusses what the plan administrator must do if the NCP's health insurance plan is not accessible to the children.

NEW SECTION

WAC 388-14A-4140 What must the plan administrator do when the noncustodial parent is eligible for health insurance but is not yet enrolled? (1) If the noncustodial parent (NCP) is eligible for health insurance through the employer but has not enrolled on his or her own, the plan administrator must proceed under WAC 388-14A-4130(3) and:

(a) enroll the NCP and the children in the least expensive plan which provides accessible coverage for the children named in the National Medical Support Notice (NMSN); and

(b) notify the employer and the division of child support (DCS) that the NCP and the children have been enrolled.

(2) The plan administrator notifies DCS of all health insurance plans for which the NCP is eligible, and notifies DCS which plan is the default option.

(3) If DCS does not specify otherwise within twenty business days of the date the plan administrator responds to

DCS, the plan administrator must enroll the NCP and the children in the default plan.

(4) Under RCW 48.01.235 (4)(a), the plan administrator must enroll, under the family coverage, a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions. In order to obtain coverage for the children, the plan administrator must enroll an otherwise eligible NCP without regard to any enrollment season restrictions.

NEW SECTION

WAC 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the noncustodial parent is not yet eligible for coverage? If the noncustodial parent is subject to a waiting period before being eligible for coverage under a health insurance plan provided by the employer, the plan administrator must proceed as follows:

(1) If the NCP is subject to a waiting period that expires ninety days or less from the date of receipt of the National Medical Support Notice (NMSN), see WAC 388-14A-4130(4);

(2) If the NCP is subject to a waiting period that expires more than ninety days from the date of receipt of the NMSN, see WAC 388-14A-4130(5); and

(3) If the NCP is subject to a waiting period whose duration is determined by a measure other than the passage of time, see WAC 388-14A-4130(6).

NEW SECTION

WAC 388-14A-4145 What must the plan administrator do when the insurance plan in which the noncustodial parent is enrolled does not provide coverage which is accessible to the children? (1) If more than one insurance plan is offered by the employer or union, and each plan may be extended to cover the child, then the plan administrator must enroll the children named in the national medical support notice (NMSN) in the plan in which the noncustodial parent (NCP) is enrolled.

(2) If the NCP's plan does not provide coverage which is accessible to the child, the plan administrator:

(a) May give the NCP the opportunity to change plans so that NCP and the children may be enrolled in a plan which provides accessible coverage for the children; but

(b) Is not required to change the NCP's plan to one which provides accessible coverage for the children.

NEW SECTION

WAC 388-14A-4150 What must the plan administrator do when the noncustodial parent has more than one family? (1) When a noncustodial parent (NCP) has a health insurance obligation for more than one family, the division of child support (DCS) sends one national medical support notice (NMSN) for each family to the NCP's employer.

(2) If the NCP is already enrolled in a health insurance plan, the plan administrator must attempt to enroll all children named in all of the NMSNs in the NCP's plan.

(3) If the NCP is not already enrolled in a health insurance plan, and the employer offers a health insurance plan which would cover all children named in all of the NMSNs, the plan administrator must enroll the children in that plan. See WAC 388-14A-4140.

(4) If the employer offers only one health insurance plan, or multiple plans which would cover some, but not all of the children named in the NMSNs, the plan administrator must so notify DCS.

(5) DCS chooses the appropriate health insurance plan by considering the following factors:

- (a) The wishes of the custodial parent of each family;
 - (b) The premium limits set by the support orders;
 - (c) The relative ages of all the children;
 - (d) How many of NCP's children live in Washington and how many live elsewhere;
 - (e) How many of NCP's children receive Medicaid;
 - (f) How many of NCP's children are already covered by private health insurance;
 - (g) Which plan covers the most children; and
 - (h) Other factors as may be developed in DCS policy.
- (6) The factors listed in subsection (5) are not exclusive, nor are they equally weighted.

(7) Nothing in this section requires the plan administrator to take action to change the NCP's plan unless the NCP requests a change.

NEW SECTION

WAC 388-14A-4160 Are there any limits on the amount a noncustodial parent may be required to pay for health insurance premiums? (1) The National Medical Support Notice (NMSN) advises the employer of any limitations on the amount a noncustodial parent (NCP) may be required to pay for health insurance premiums to cover the children.

(2) Often the support order which contains the health insurance obligation determines the limitation on premium amounts, or states that there is no limitation. See WAC 388-14A-4100 for a discussion of premium limitation amounts.

(3) The premium limitation amount stated in the NMSN:

- (a) Describes the premium amount required to cover the children named in the notice; and
- (b) Does not include any amounts required to cover the NCP.

(4) Even if the medical insurance premium is within the limits set by the order or by WAC 388-14A-4100, the fifty percent limitation on withholding found in RCW 26.23.060 (3) still applies. See WAC 388-14A-4165 for a description of what happens when the fifty percent limitation is exceeded.

(5) When calculating the fifty percent limitation for withholding purposes:

- (a) The premium attributable to coverage for the children is always included in this calculation; but
- (b) The premium attributable to coverage for the NCP is included only when DCS requires the employer or plan administrator to enroll the NCP in a health insurance plan in order to obtain coverage for the NCP's children. See also WAC 388-14A-4165(3).

NEW SECTION

WAC 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium? (1) Under RCW 26.23.060(3), a payroll deduction may not exceed fifty percent of the noncustodial parent's disposable earnings in each pay period.

(2) When the division of child support (DCS) enforces a child support obligation through an income withholding action and also enforces a health insurance obligation, the noncustodial parent's employer often must withhold amounts for:

- (a) Current child support;
- (b) Child support arrears; and
- (c) Health insurance premiums.

(3) When the employer or plan administrator must enroll the noncustodial parent (NCP) in a health insurance plan in order to enroll the children (see WAC 388-14A-4140), the premium amount for the NCP's coverage is included in the amounts to withhold under subsection (2) above. If the NCP is already enrolled in a plan, the premium amount for the NCP's coverage is not included the amounts to withhold under that subsection.

(4) If the combined amounts for current support, support arrears and health insurance premiums are more than fifty percent of the noncustodial parent's disposable earnings, the employer must notify DCS immediately.

(5) In certain circumstances, DCS may adjust the amount to be withheld for support arrears so that the total amount withheld does not exceed fifty percent of the noncustodial parent's disposable earnings.

(6) If the noncustodial parent's current support obligation plus health insurance premiums exceeds fifty percent of the noncustodial parent's disposable earnings, DCS:

- (a) Enforces the child support obligation through income withholding; but
- (b) Is not able to enforce the noncustodial parent's health insurance obligation at that time.

NEW SECTION

WAC 388-14A-4170 How long does a National Medical Support Notice or other notice of enrollment remain in effect? (1) The National Medical Support Notice (NMSN) is a Qualified Medical Child Support Order.

(2) The NMSN or earlier notice of enrollment served by the division of child support (DCS) remains in effect until:

- (a) DCS withdraws the notice in writing; or
- (b) Health insurance coverage is no longer available through the employer or union.

NEW SECTION

WAC 388-14A-4175 Is an employer obligated to notify the division of child support when insurance coverage for the children ends? (1) Once the division of child support (DCS) has notified an employer that the noncustodial parent (NCP) is obligated by a support order to provide health insurance coverage for the children named in the order, the national medical support notice (NMSN) or other notice of

enrollment remains in effect as specified in WAC 388-14A-4170.

(2) If coverage for the children is terminated, the employer must notify DCS within thirty days of the date coverage ends.

WSR 04-18-001

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 19, 2004, 4:18 p.m., effective September 19, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: **This order corrects only the following sections of chapter 388-110 WAC, Contracted residential care services, filed as WSR 04-16-063 on July 30, 2004: WAC 388-110-020, 388-110-140, and 388-110-220.**

All other sections filed as WSR 04-16-063 are not affected by this correction. Those sections will take effect as filed.

WSR 04-16-063 explained changes intended to be made to these three sections from the proposed to the permanent rule. However, the rule text filed with WSR 04-16-063 omitted the changes noted to the sections listed above. This corrected filing is needed to clarify the rule and to assure that changes to the rule made by the department in response to public comments are accurately reflected in the permanent rules. See below for the text changes to these permanent rules as compared to the rules proposed as WSR 04-13-021.

Citation of Existing Rules Affected by this Order: Amending WAC 388-110-020, 388-110-140, and 388-110-220.

Statutory Authority for Adoption: RCW 74.39A.010, 74.39A.020, 74.39A.060, and 74.39A.070.

Other Authority: Chapter 74.39A RCW.

Adopted under notice filed as WSR 04-13-021 on June 7, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes have been made to the proposed rule based upon suggestions and comments received, as well as technical and editing changes noted during the process.

WAC 388-110-020 Definitions, the definition of "personal care services" has been revised to clarify that "instrumental activities of daily living" are not included in the definition.

WAC 388-110-140 Assisted living services facility structural requirements, subsection (1) has been revised to clarify the definition of "type 'B' dwelling unit" defined by the International Code Council has been adopted into rule by the Washington State Building Code Council.

WAC 388-110-220 Enhanced adult residential care service standards, subsection (3)(a) deleted "re-assessment" and replaced with "assessment."

A final cost-benefit analysis is available by contacting Denny McKee, Program Manager, P.O. Box 45600, Olym-

pia, WA 98504-5600, phone (360) 725-2590, e-mail McKeeDD@dshs.wa.gov, fax (360) 438-7903.

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.

Date Adopted: August 19, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

WAC 388-110-020 Definitions. "Adult residential care" is a package of services (~~(, including)~~) provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services (~~(, that the department contracts with a licensed boarding home to provide)~~) in accordance with Parts I and IV of this chapter.

~~("Aging in place" means being in a care environment that can accommodate a resident's progressive disability or changing needs without relocating. For aging in place to occur, needed services are adjusted to meet the changing needs of the resident.)~~

"**Applicant**" means the individual, partnership, corporation or other entity which has applied for a contract with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care to state funded residents in a licensed boarding home.

"**Assisted living services**" is a package of services (~~(, including)~~) provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care (~~(and limited)~~) services, intermittent nursing services, and medication administration services (~~(that the department contracts with a licensed boarding home to provide)~~) in accordance with Parts I and II of this chapter. Assisted living services include housing for the resident in a private apartment-like unit.

"**Boarding home**" means the same as the definition found in RCW 18.20.020 (~~((2))~~), or a boarding home located within the boundaries of a federally recognized Indian reservation and licensed by the tribe.

~~("Caregiver" means any person responsible for providing direct personal care services to a resident and may include but is not limited to the contractor, employee, volunteer, or student.)~~

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"Case manager" means the department staff person or designee assigned to negotiate, monitor, and facilitate a service plan for residents receiving services fully or partially paid for by the department.

"Contractor" means the individual, partnership, corporation, or other entity which is licensed by the department or tribe to operate the boarding home and contracts with the department to provide assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care to state funded residents in a licensed boarding home.

"Department" means the Washington state department of social and health services (DSHS).

"Dignity" means the quality or condition of being esteemed and respected in such a way as to validate the self-worth of the resident.

"Enhanced adult residential care" is a package of services (~~(including)~~) provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department to provide personal care ((and limited)) services, intermittent nursing services, and medication administration services ((that the department contracts with a licensed boarding home to provide)) in accordance with Parts I and III of this chapter.

~~("Frail older or vulnerable adult" means the same as the definition found in RCW 74.34.020 or 43.43.830.)~~

"Enhanced adult residential care-specialized dementia care services" is a package of service, including specialized dementia care assessment and care planning, personal care services, intermittent nursing services, medication administration services, specialized environmental features and accommodations, and activity programming. Enhanced adult residential care-specialized dementia care services are delivered only within:

(1) Contracted boarding homes that are dedicated solely to the care of individuals with dementia, including Alzheimer's disease, and that meet the requirements of parts I and III of this chapter; or

(2) Designated, separate units located within contracted boarding homes that are dedicated solely to the care of individuals with dementia, including Alzheimer's disease, and that meet the requirements of parts I and III of this chapter.

"Homelike" means an environment having the qualities of a home, including privacy, comfortable surroundings, and the opportunity to ~~((modify))~~ decorate one's living area and arrange furnishings to suit one's individual preferences. A homelike environment provides residents with an opportunity for self-expression, and encourages interaction with the community, family and friends.

"Independence" means free from the control of others and being able to assert one's own will, personality and preferences.

"Individuality" means the quality of being unique; the aggregate of qualities and characteristics that distinguishes one from others. Individuality is supported by modifying services to suit the needs or wishes of a specific individual.

~~("Limited nursing services" means the same as the definition found in WAC 246-316-265.)~~

"Medication administration" means the direct application of a prescribed medication, whether by injection, inha-

lation, ingestion, or any other means, to the body of a resident by a person legally authorized to do so.

"Personal care services" means ~~((both physical assistance and/or prompting and supervising the performance of direct personal care tasks as determined by the resident's needs as defined in WAC 388-71-202.))~~ the same as physical or verbal assistance with activities of daily living included under "personal care services" described in WAC 388-72A-0035(1). Personal care services do not include assistance with instrumental activities of daily living described in WAC 388-72A-0035(2), nor assistance with tasks that must be performed by a licensed health professional.

"Resident" means a person residing in a boarding home for whom services are paid for, in whole or in part, by the department under a contract for assisted living services, enhanced adult residential care, enhanced adult residential care-specialized dementia care services, or adult residential care. **"Resident"** includes former residents when examining complaints about admissions, re-admissions, transfers or discharges. For decision-making purposes, the term **"resident"** includes the resident's surrogate decision maker in accordance with state law or at the resident's request.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-140 Assisted living services facility structural requirements. (1) In a boarding home with an assisted living services contract, the contractor must ensure each resident ((shall have)) has a private apartment-like unit ((with a private bathroom. Each unit shall)) meeting the requirements of a type 'B' dwelling unit as defined by the International Code Council A117.1 as adopted by the Washington State Building Code Council. Except as provided in subsection (3) of this section, each unit must have at least the following:

(a) ~~((In an existing facility, an individual unit with))~~ A minimum area of one hundred eighty square feet ((including counters, closets and built-ins, and excluding the bathroom. In a new facility, an individual unit with a minimum of)) in an existing boarding home, and two hundred twenty square feet ((including)) in a new boarding home. The minimum area may include counters, closets and built-ins, ((and excluding)) but must exclude the bathroom;

(b) A separate private bathroom, which includes a sink, toilet, and a shower or bathtub. In a new ~~((facility, a minimum of fifty percent of resident bathrooms shall be wheelchair accessible and have a roll-in shower))~~ boarding home, the contractor must provide a minimum of one wheelchair accessible bathroom with a roll-in shower that is at least forty-eight inches by thirty inches for every two residents whose care is partially or fully funded by the department through the assisted living contract;

(c) A lockable entry door;

(d) A kitchen area equipped ~~((, at a minimum,))~~ with a refrigerator, a microwave oven or stovetop, and a counter or table for food preparation. In a new ((facility, a)) boarding home, the kitchen area must also be equipped with a ((sink and counter area, and)) storage space for utensils and supplies, and a counter surface, a minimum of thirty inches wide

by twenty-four inches in depth, a maximum height of thirty-four inches, and a knee space beneath at least twenty-seven inches in height; and

(e) A living area wired for telephone and, where available in the geographic location, wired for television service.

(2)(a) For purposes of this section, a new boarding home is:

(i) A new building to be used as a boarding home or part of a boarding home, for which plans are submitted to the department of health for construction review on or after June 8, 1996; or

(ii) An addition, modification, or alteration to an existing licensed boarding home, for which plans are submitted to the department of health for construction review on or after June 8, 1996.

(A) The department may, in consultation with the office of construction review services in the department of health, exempt from selected new boarding home contract construction requirements, a limited addition, modification, or alteration to an existing licensed boarding home that will improve the quality of life for residents, if compliance with all new boarding home contract construction requirements would otherwise make the limited addition, modification, or alteration cost prohibitive. A limited addition, modification, or alteration means any physical change to an existing licensed boarding home that does not affect the structural integrity of the building, does not affect fire and life safety, and does not increase the boarding home's maximum facility capacity as defined in WAC 388-78A-2020.

(B) A major addition, modification, or alteration to an existing licensed boarding home must meet new boarding home contract construction requirements for applicable portions of the building. A major addition, modification, or alteration means any physical change within a room or area in an existing licensed boarding home that results in reconstruction to structural or other building systems.

(b) All boarding homes that are not new boarding homes under subsection (2)(a) of this section, are existing boarding homes. An existing building, or portion thereof, that is converted to boarding home use must be considered an existing boarding home unless there is an addition, modification or alteration to the existing building.

(3) If a boarding home submitted plans to the department of health for construction review on or after June 8, 1996, and the boarding home had an assisted living contract as of September 1, 2004, then the boarding home is "grandfathered" under the contracting rules for structural requirements that were in effect at the time of contracting and is considered to meet the assisted living structural requirements of subsection (1) of this section. However, if the same boarding home submits plans to the department of health for construction review for an addition, modification or alteration of the boarding home after September 1, 2004, then the boarding home must meet the current new boarding home requirements of subsection (1) for the applicable portions of the building.

(4) Married couples may share an apartment-like unit under an assisted living contract if:

(a) Both residents understand they are each entitled to live in a separate private unit; and

(b) Both residents mutually request to share a single apartment-like unit.

(5) In a new ((facility)) boarding home, the contractor ((shall)) must provide a private accessible mailbox in which the resident may receive mail.

((3)) (6) The contractor ((shall)) must provide home-like smoke-free common areas with sufficient space for socialization designed to meet resident needs. Common areas ((shall)) must be available for resident use at any time provided such use does not disturb the health or safety of other residents. ((When possible,)) The contractor must make access to outdoor areas ((shall be made)) available to all residents.

((4)) (7) The contractor ((shall)) must provide a space for residents to meet with family and friends outside the resident's living unit.

((5)(a) For purposes of this section, a new facility is:

(i) A new building to be used as a boarding home or part of a boarding home, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter; or

(ii) An addition, modification, or alteration to an existing building, for which plans are submitted to the department of health for construction review, as required by WAC 246-316-070, on or after the effective date of this chapter.

(b) All facilities that are not new facilities under subsection (5)(a) of this section, are existing facilities. An existing building, or portion thereof, that is converted to boarding home use shall be considered an existing facility unless there is an addition, modification or alteration to the existing building.)

(8) The department may grant an exemption to the requirements of this section as they apply to a specified resident when it is in the best interest of the specific resident.

AMENDATORY SECTION (Amending Order 3979, filed 5/8/96, effective 6/8/96)

WAC 388-110-220 Enhanced adult residential care service standards. (1) ((The contractor shall complete a negotiated service agreement within thirty days of move-in with participation from the resident and the department's case manager, consistent with the general service standards set forth in WAC 388-110-070.

(2) The agreement shall include what services shall be provided, who will provide the services, and when and how the services will be provided.

(3) The service agreement shall support the principles of dignity, privacy, choice in decision making, individuality, and independence.

(4) At a minimum, the contractor shall review and update the negotiated service agreement semi-annually, give a copy of the agreement to the resident and case manager, and keep a copy in the resident's record.

(5) The contractor shall provide personal care services based on the resident's negotiated service agreement.

(6) The contractor shall provide or arrange for limited nursing services to meet the needs of residents who require nursing services, at no additional cost to the resident.

(7) The contractor shall allow a maximum of two residents per room)) In a boarding home with an enhanced adult residential care contract, the contractor must meet the requirements of parts I and III of this chapter, and for residents served under the enhanced adult residential care contract:

(a) Develop for each resident a negotiated service agreement that supports the principles of dignity, privacy, choice in decision making, individuality, and independence.

(b) Provide or arrange for, at no additional cost to the resident and consistent with the resident's negotiated service agreement and chapter 388-78A WAC:

(i) Intermittent nursing services;

(ii) Medication administration;

(iii) Personal care services; and

(iv) Supportive services that promote independence and self-sufficiency; and

(c) Not allow more than two residents per room.

(2) An enhanced adult residential care-specialized dementia care services contract is a distinct contract, separate from an enhanced adult residential care contract. In a boarding home with an enhanced adult residential care-specialized dementia care services contract, the contractor must:

(a) Meet the requirements of parts I and III of this chapter.

(b) Meet the requirements of subsection (1) of this section, and

(c) Maintain an enhanced adult residential care services contract or an assisted living services contract in addition to the enhanced adult residential care-specialized dementia care services contract.

(3) In a boarding home with an enhanced adult residential care-specialized dementia care services contract, for residents served under that contract, the contractor must:

(a) Complete a full assessment of residents as specified in chapter 388-78A WAC, at a minimum, on a semi-annual basis;

(b) Maintain awake staff twenty-four hours per day. The contractor must provide staffing that is adequate to respond to the assessed sleeping and waking patterns and needs of residents;

(c) Develop and implement policies and procedures:

(i) To manage residents who may wander;

(ii) To outline actions to be taken in case a resident elopes; and

(iii) To obtain consultative resources to address behavioral issues for residents. The contractor must include a plan that identifies the professional (i.e., clinical psychologist, psychiatrist, psychiatric nurse practitioner, or other behavioral specialist familiar with care of persons with dementia with complex or severe problems) who will provide the consultation, and when and how the consultation will be utilized.

(d) Ensure that each staff who works directly with residents has at least six hours of continuing education per year related to dementia, including Alzheimer's disease. This six hours of continuing education may be part of the ten hours of continuing education required by WAC 388-112-0205. Appropriate topics include, but are not limited to:

(i) Aggressive behaviors and catastrophic reactions;

(ii) Agitation: Caregiving strategies;

(iii) Delusions and hallucinations;

(iv) Dementia problem-solving strategies;

(v) Depression and dementia;

(vi) Fall prevention for dementia;

(vii) Personal care as meaningful activity;

(viii) Promoting pleasant and purposeful activity; and

(ix) Resistance to care: Caregiving strategies.

(e) Provide all necessary physical assistance with bathing and toilet use for residents who require caregivers to perform these activities and subtasks of these activities, and required oversight and supervision, encouragement and cuing. For the purposes of this subsection:

(i) "Bathing" has the same meaning as described in WAC 388-72A-0035; and

(ii) "Toilet use" has the same meaning as described in WAC 388-72A-0035.

(f) Provide extensive assistance with eating as necessary, including required oversight and supervision, encouragement and cuing. The contractor must also provide all necessary physical assistance with eating on an occasional basis for residents who require total feeding assistance. However, the contractor is not required to provide tube feedings or intravenous nutrition nor provide total feeding assistance for an extended or indefinite period.

(i) "Eating" has the same meaning as described in WAC 388-72A-0035, except that the contractor is not required to provide tube feedings or intravenous nutrition;

(ii) "Extensive assistance" has the same meaning as described in WAC 388-72A-0040.

(g) Provide daily activities consistent with the functional abilities, interests, habits and preferences of the individual residents. The contractor must support the participation of residents and the resident council, if there is one, in the development of recreational and activity programs that reflect the needs and choices of residents. On a daily basis, the contractor must provide residents access to:

(i) Opportunities for independent, self-directed, activities.

(ii) Individual activities, in which a staff person or volunteer engages the resident in a planned and/or spontaneous activity of interest. Activities may include personal care activities that provide opportunities for purposeful and positive interactions; and

(iii) Group activities.

(h) Offer opportunities for activities that accommodate variations in a resident's mood, energy and preferences. The contractor must make appropriate activities available based upon the resident's individual schedule and interests. For example, individuals up at night must have access to staff support, food and appropriate activities;

(i) Make available multiple common areas, at least one of which is outdoors, that vary by size and arrangement such as: various size furniture groupings that encourage social interaction; areas with environmental cues that may stimulate activity, such as a resident kitchen or workshop; areas with activity supplies and props to stimulate conversation; a garden area; and paths and walkways that encourage exploration and walking. These areas must accommodate and offer opportunities for individual or group activity;

(j) Ensure that the outdoor area for residents:

- (i) Is accessible to residents without staff assistance;
- (ii) Is surrounded by walls or fences at least seventy-two inches high;
- (iii) Has areas protected from direct sunshine and rain throughout the day;
- (iv) Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes, and are suitable for individuals using wheelchairs and walkers;
- (v) Has suitable outdoor furniture;
- (vi) Has plants that are not poisonous or toxic to humans; and
- (vii) Has areas for appropriate outdoor activities of interest to residents, such as walking paths, raised garden or flower beds, bird feeders, etc.

(k) Ensure that areas used by residents have a residential atmosphere, and residents have opportunities for privacy, socialization, and wandering behaviors;

(l) Ensure any public address system in the area of specialized dementia care services is used only for emergencies;

(m) Encourage residents' individualized spaces to be furnished and or decorated with personal items based on resident needs and preferences;

(n) Ensure residents have access to their own rooms at all times without staff assistance; and

(o) Make available and offer at no additional cost to the resident generic personal care items needed by the resident such as soap, shampoo, toilet paper, toothbrush, toothpaste, deodorant, sanitary napkins, and disposable razors. This does not include items covered by medical coupons or preclude residents from choosing to purchase their own personal care items.

WSR 04-18-002
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed August 19, 2004, 4:20 p.m., effective September 19, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-442-0010 How being a felon impacts your eligibility for benefits, to clarify the requirements for eligibility for persons with certain felon status, and to amend the rule to be consistent with eligibility requirements for persons convicted of a drug-related felony as directed by the legislature under ESB 6411 (chapter 54, Laws of 2004). The permanent rule, when effective, will replace emergency rules filed as WSR 04-14-041.

Citation of Existing Rules Affected by this Order: Amending WAC 388-442-0010.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Other Authority: ESB 6411 (chapter 54, Laws of 2004). Adopted under notice filed as WSR 04-14-042 on June 29, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 16, 2004.

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-05-007, filed 2/4/00, effective 3/6/00)

WAC 388-442-0010 How does being a fleeing felon (~~(impacts your))~~ or having a conviction for a drug-related felony impact my eligibility for benefits(~~(:))~~? (1) You are (~~(not eligible for TANF/SFA, GA and/or food assistance))~~) a fleeing felon if you are(~~(:~~

~~(a)) fleeing to avoid prosecution, custody, or confinement ((after conviction of)) for a crime(~~(:))~~) or an attempt to commit a crime ((which)) that is considered a felony in the place from which you are fleeing(~~(: or~~~~

~~(b) Violating a condition of probation or parole as determined by an administrative body or court that has the authority to make this decision)).~~

(2) If you are a fleeing felon, or violating a condition of probation or parole as determined by an administrative body or court that has the authority to make this decision, you are not eligible for TANF/SFA ((and/or food assistance)), GA, or Basic Food benefits.

(3) You are a drug-related felon if you were convicted of a felony committed after August 21, 1996 (~~(involving))~~) that has an element of possession, use(~~(:))~~ or distribution of ((an illegal drug, unless you:

~~(a) Were convicted only of possession or use of an illegal drug; and~~

~~(b) Were not convicted of a felony for illegal drugs within three years of the latest conviction; and~~

~~(c) Were assessed as chemically dependent by a program certified by the division of alcohol and substance abuse (DASA); and~~

~~(d) Are taking part in or have completed a rehabilitation plan consisting of chemical dependency treatment and job services.~~

(~~3~~)) a controlled substance as defined in Title 21 of the U.S. Code, Section 802(6). When we determine you are a drug-related felon:

(a) If you were convicted in the state of Washington, we use the Felony Offender Reporting System (FORS) to verify the date of your conviction and to determine if your conviction is for a drug-related felony.

(b) If you were convicted of a felony outside of Washington, we contact the jurisdiction where you were convicted

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to verify the date of your conviction and determine if the conviction is for a drug-related felony.

(c) We consider a felony conviction for attempt or conspiracy to possess, use or distribute a controlled substance as a conviction for a drug-related felony.

(4) If you are a drug-related felon, you are not eligible for TANF/SFA (cash) benefits unless you meet the conditions under subsection (5) of this section.

(5) If you are a drug-related felon, you may be eligible for TANF/SFA benefits if you meet all of the following conditions:

(a) You were convicted only of possession or use, but not distribution of a controlled substance;

(b) You were not convicted of a felony involving a controlled substance within the three-year period before your most recent conviction;

(c) You were assessed as chemically dependent by a program certified by the Division of Alcohol and Substance Abuse (DASA); and

(d) You are taking part in or have completed a DASA certified program's rehabilitation plan consisting of chemical dependency treatment and job services.

(6) If you are pregnant, but cannot get TANF/SFA because you were convicted of a drug-related felony, you can get SFA while you are pregnant if you meet all other TANF/SFA eligibility criteria under WAC 388-400-0005 or 388-400-0010.

WSR 04-18-019

PERMANENT RULES

EXECUTIVE ETHICS BOARD

[Filed August 23, 2004, 3:24 p.m., effective September 23, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To revise and clarify current agency rules regarding board approval of noncompetitive contracts or grants between state agencies and state officers and employees.

Citation of Existing Rules Affected by this Order: Amending WAC 292-110-060.

Statutory Authority for Adoption: RCW 42.52.360 (2)(b).

Other Authority: RCW 42.52.120(2).

Adopted under notice filed as WSR 04-12-077 on June 1, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 9, 2004.

Brian R. Malarky
Executive Director

AMENDATORY SECTION (Amending WSR 01-13-080, filed 6/19/01, effective 7/20/01)

WAC 292-110-060 ((Compensation for outside activities and)) Current state officers and employees contracting with state agencies. (1) ((The primary purpose of the Ethics in Public Service Act is to prevent conflicts of interest that impair the impartial and independent judgment of state officers and employees. A conflict of interest may occur when a state officer or state employee accepts compensation for outside activities, and acceptance conflicts with the performance of official duties on behalf of the state and the citizens of Washington. Conflicts of interest occur whenever a state officer or state employee has a beneficial interest in a transaction with the state; accepts outside compensation for the performance or nonperformance of an official duty; or, accepts or seeks outside compensation relating to a matter in which the officer or employee participated in an official capacity. A conflict of interest extends to those matters in which a state officer or employee exercises responsibility. Potential conflicts of interest relating to the receipt of compensation for outside activities may be resolved by seeking the review and prior approval of the executive ethics board.

(2) A state officer or employee may not receive anything of economic value under a contract or grant outside his or her official duties unless each of the following conditions is met:

(a) The contract or grant is legitimate and actually performed;

(b) The contract or grant is not within the state officer's or employee's official duties, is not under his or her supervision, is not created or authorized by the state officer or employee in an official capacity, and is not within an area of his or her official responsibility;

(c) The contract or grant is not performed for nor compensated by a person from whom the state officer or employee would not be able to accept a gift; and,

(d) The contract or grant would not require the disclosure of confidential or nonpublic information.

(3) A state officer or employee may not engage in a business or transaction or professional activity, or incur an obligation of any nature if such activities may conflict with the proper discharge of official duties.

(4) A state officer or employee may not enter into a contract or receive a grant, or have a beneficial interest in a contract or grant with a state agency unless all conditions in section two are met, and one of the following conditions are satisfied:

(a) The contract bid or grant application is awarded through an open and competitive bidding process and more than one bid or grant application is received; or

(b) If only one bid or application is received, or the process for awarding the contract or grant was not open and competitive, and the executive ethics board has advised that the employee's interest in the contract or grant is not in con-

~~fluct with the proper discharge of the employee's official duties.~~

~~(5) Provided that the conditions in sections two and three are met, the following contracts are approved by the executive ethics board:~~

~~(a) A contract or grant whereby the state officer or state employee receives assistance through state programs or federal programs administered by the state when they are entitled to receive such assistance by law and on the same basis as similarly situated citizens, and when the officer or employee does not exercise discretionary judgement with regard to an assistance program for which he or she is otherwise eligible;~~

~~(b) A contract to perform teaching duties at a bona fide community college, vocational technical school, or institution of higher learning, provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use his or her official position to influence the contract of employment; and,~~

~~(c) A contract held by a spouse, in which the officer or employee has a beneficial interest, with a state agency, provided that the officer or employee did not participate in the contract.~~

~~(d) An employee who has a contract or grant or a beneficial interest therein which is approved by the board under section (5)(a) (e) of this rule is not required to file a separate application for approval of the contract under section (6). However, the employee is responsible for determining that the criteria in sections (2) and (3) are satisfied.~~

~~(e) An employee who is awarded a contract or grant under section (5)(a) (e) of this rule shall file a copy of the contract with the board. However, if the employee's only interest is a beneficial interest, the contract need not be filed with the board.~~

~~(6)) **Purpose** - The primary purposes of the Ethics in Public Service Act are to prevent conflicts of interest that impair the impartial and independent judgment of state officers and employees and the misuse of state position for private gain. Conflicts of interest occur whenever a state officer or state employee:~~

~~(a) Has a beneficial interest relating to a matter in which the officer or employee participated in an official capacity;~~

~~(b) Accepts outside compensation for the performance or nonperformance of official duties; or~~

~~(c) Accepts or seeks outside compensation from persons that they regulate or conduct state business with.~~

~~A misuse of state position occurs whenever a state officer or employee:~~

~~(i) Uses his or her official position to influence a contract award; or~~

~~(ii) Uses state resources to engage in private work that is not part of official duties.~~

~~(2) **Applicable law, standards of review** - RCW 42.52.020 prohibits financial and other interests that conflict with official duties. RCW 42.52.030 prohibits financial and beneficial interests in transactions involving the state. RCW 42.52.030(2) provides alternate conflict of interest provisions related to research and technology transfer agreements at certain institutions of higher education. RCW 42.52.160(1) pro-~~

hibits the use of state resources for private benefit or gain. RCW 42.52.120(1) prohibits compensation outside of official duties unless certain conditions are met. RCW 42.52.120 (2) requires prior board approval of noncompetitive contracts between state officers and employees and any state agency. RCW 42.52.120(3) requires that contracts approved by the board must also be filed with the board within thirty days of execution.

(3) **Approval required** - A state officer or employee must receive board approval before entering into, or obtaining a beneficial interest in, a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or, whenever only one bid or application was received.

(4) **Application for approval** - State officers and employees seeking the approval of the board for a contract, grant application, or outside employment with a state agency shall provide the following information to the executive director no later than thirty days prior to the commencement of the contract:

(a) A description of current official duties and responsibilities;

(b) A statement of the work to be performed and((;)) a copy of the contract;

(c) The duration and dollar value of the contract, if applicable;

(d) A statement that no state resources will be used to perform the outside employment or to fulfill the contract or grant; ((and,))

(e) A description of how the work will be performed without the use of state resources; and

(f) A statement that the employing agency has reviewed or approved the outside contract under applicable rules or policies, except when requesting a conditional approval as provided in subsection (5)(b) of this section.

((7)) (5) **Approval process** - The executive director shall review the contract or grant application terms and related documents and may determine whether there could be a potential conflict with RCW 42.52.120(1) or other applicable provisions of the Ethics in Public Service Act as noted in subsection (2) of this section. If the ((board secretary)) executive director determines:

(a) There would be no potential conflict under ((sections two and three of this rule)) RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the executive director shall approve the contract or grant application.

(b) There would be no potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW but the contract or grant has not been approved by the appointing authority pending a board review, the executive director may conditionally approve the contract or grant application; or

(c) There could be a potential conflict under ((sections two and three of this rule)) RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the executive director shall refer the contract or grant application to the board for approval or disapproval.

((8)) (6) **Contract amendments** - If a contract has been amended or the scope of work altered, and the effect of the amendment or alteration may create a potential conflict of

interest under ~~((sections two and three of this rule))~~ RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the employee must resubmit the contract to the board at least fifteen days prior to commencement of work under the amended or altered contract.

~~((9)-H)~~ (7) Series of similar contracts - If a state officer or employee anticipates receiving a series of substantially identical contracts or grants with a state agency is anticipated, ~~((the state officer or employee))~~ they may request that the board preapprove such contracts or grants. Preapproval shall be effective for the period of one calendar year, after which the state officer or employee shall resubmit the request.

(8) Exemptions, preapproved contracts or grants - An employee who has a contract or grant or a beneficial interest therein which is preapproved by the board under this section is not required to file an application for approval of the contract. However, the employee is responsible for determining that the contract or grant would not conflict with RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW. Provided that the applicable conditions in RCW 42.52.120(1) are met, the following contracts are approved by the executive ethics board:

(a) A contract or grant whereby the state officer or state employee receives assistance through state programs or federal programs administered by the state when they are entitled to receive such assistance by law and on the same basis as similarly situated citizens, and when the officer or employee does not exercise discretionary judgment with regard to an assistance program for which he or she is otherwise eligible;

(b) A contract to perform teaching duties at a bona fide community college, vocational-technical school, or institution of higher learning, provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use his or her official position to influence the contract of employment;

(c) A contract held by a spouse, in which the officer or employee has a beneficial interest, with a state agency, provided that the officer or employee did not participate in the contract;

(d) A contract that was received by an officer or employee of an institution of higher education to provide expert witness services in state litigation provided no higher education resources are used to perform the duties; there is no conflict with the performance of official duties; and the officer or employee did not use his or her official position to influence the contract; and

(e) A contract or grant that was received by an officer or employee of an institution of higher education or of the Spokane Intercollegiate Research and Technology Institute under conditions that complied with RCW 42.52.030(2). At the request of the institution the board may advise the institution if a specific contract or grant would raise significant conflict of interest concerns under applicable provisions of chapter 42.52 RCW.

(9) Filing required - Final contracts reviewed under this rule shall be filed with the executive director within thirty days of execution. An employee who is awarded a contract

or grant preapproved under subsection (8)(a) through (c) of this section shall file a copy of the contract with the board.

~~(10) ((The executive director shall provide written notice of any action on a contract bid, grant application or request for outside employment within fifteen working days of the board's action.~~

~~(11) Final contracts reviewed under this rule shall be filed with the executive director within thirty days of execution.)~~ Filing exemptions - An officer or employee of an institution of higher education or of the Spokane Intercollegiate Research and Technology Institute who is awarded a contract or grant preapproved under subsection (8)(d) or (e) of this section is not required to file a copy of the contract or grant with the board. A copy of all expert witness contracts awarded under subsection (8)(d) of this section shall be maintained by the office of the attorney general subject to review by board staff. Those state institutions of higher education or the Spokane Intercollegiate Research and Technology Institute who award contracts or grants under RCW 42.52.030(2) shall maintain copies of all contracts or grants approved under subsection (8)(e) of this section. In lieu of filing the contracts with the board, these institutions shall provide the board by September 1 of each year a brief summary of all such contracts or grants awarded in the previous fiscal year.

WSR 04-18-023

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 24, 2004, 8:22 a.m., effective September 24, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To meet the law changing the license plate transfer fee of RCW 46.16.316 of 58th legislative (2004) regular session and to clarify and make more comprehensible.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-070, 308-96A-071, and 308-96A-175.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.16.316.

Adopted under notice filed as WSR 04-12-072 on June 1, 2004.

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 3, 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 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 24, 2004.

Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-070 Amateur radio operator special license plates. (1) **Who may apply for amateur radio operator vehicle special license plate(s)?** Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (FCC). These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters.

(2) **What documents are required to receive an amateur radio operator vehicle special license plate?** In addition to all other license fees required by law, the amateur radio operator must attach a copy of the current FCC license to the application. The operator must notify the department when the FCC license is canceled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator must send a copy of the new FCC license to the department.

(3) **How will the amateur radio operator license plates be displayed?** The amateur radio operator license plates must be displayed on a motor vehicle owned by the amateur radio operator unless the plates were issued and assigned to a vehicle prior to January 1, 1991. Prior to the January 1, 1991, date, the amateur radio operator license plates are allowed to be installed on any motor vehicle qualified under RCW 46.16.305.

(4) **Are there any special fees required to obtain the amateur radio operator license plates?** In addition to all other license fees required by law, each applicant for amateur radio operator license plates must pay an additional license plate fee of five dollars for the plate and ~~((an additional five dollars))~~ applicable fees as stated in RCW 46.16.316 any time the plates are transferred to another vehicle.

(5) **When are the amateur radio operator special license plates canceled?** The effective date of the plate cancellation is the date the FCC license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid FCC license and paying the five-dollar fee for a new plate and applicable fees as stated in RCW 46.16.316.

(6) **Will I ever have to exchange my amateur radio operator special license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your amateur radio operator special license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-071 Military affiliate radio system special license plates. (1) **Who may apply for the military affiliate radio system station special license plates?** Any

person having a valid military affiliate radio system (MARS) station license may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters and can only be displayed on a motor vehicle registered to the MARS station license holder.

(2) **Can a MARS special license plate be issued for my motorcycle?** No. Motorcycle license plates accommodate a maximum of six characters. MARS call letters consist of seven characters.

(3) **What documents are required to receive MARS special license plates?** In addition to all other license fees required by law, an applicant for MARS license plates must attach a copy of the current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The recipient of these plates must notify the department when the MARS station license has been canceled.

(4) **Are there any special fees required to obtain the MARS license plates?** In addition to all other license fees required by law, each applicant for MARS license plates must pay an additional license plate fee of five dollars for the plate and ~~((an additional five dollars))~~ applicable fees as stated in RCW 46.16.316 any time the plates are transferred to another vehicle.

(5) **When are the MARS license plates canceled?** The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate and applicable fees as stated in RCW 46.16.316.

(6) **Will I ever have to exchange my MARS license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your MARS license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-175 Ride-sharing vehicles. (1) **When may the department issue a ride share special license plate?** Ride share special license plates may be issued when:

The owner of a passenger motor vehicle is primarily used as a commute ride-sharing vehicle defined in RCW 46.74.010(1). The vehicle owner may be issued special ride-share license plates by satisfying the provisions of RCW 46.16.023. Any person desiring the special ride-share license plates must make application on a form approved by the department and pay all fees required by chapter 46.12 RCW and the special ride-share license plate fee required by RCW 46.16.023. The owner must then provide:

(a) For privately owned vehicles, a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures of the riders and driver. For five and six passenger vehicles being used in a commute trip reduc-

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tion program, the list must be a copy of the certification of registration in a commute trip reduction program either with a public transportation agency or a major employer; or

(b) For vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the vehicle is used as a commuter ride-sharing vehicle.

(c) A written statement that the vehicle is used for commuter ride-sharing if the passenger motor vehicle is owned, rented or leased by a government agency ((may be issued special ride share license plates for the vehicle described on the approved ride sharing application)).

(2) **Can the ride-share license plate be transferred to another vehicle?** To transfer license plates to another vehicle, the owner must ((~~make~~)):

(a) Make application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Pay ~~((a five dollar license plate transfer fee and any other appropriate licensing fees))~~ applicable fees stated in RCW 46.16.316.

(3) **What happens when I remove or transfer special ride-share plates from my vehicle?** When you remove or transfer special ride-share license plates from one vehicle to another, you must:

(a) Purchase replacement license plates if the vehicle will be operated on public highways; and

(b) Pay applicable RTA excise tax for the remaining license registration period for the vehicle, if the registered owner resides in the RTA taxing district.

(c) If use/sales tax was exempted but the vehicle was used less than thirty-six consecutive months as a ride-share vehicle, use tax is due and payable to the department of revenue.

(4) **What happens when the ride-share vehicle is sold or transferred to another person?**

(a) When a ride-share vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-share vehicle, the new owner must:

(i) Apply for a certificate of ownership under chapter 46.12 RCW;

(ii) Apply for commuter ride-share exemption; and

(iii) Pay all required fees and taxes including the special license plate fee.

(b) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles must:

(i) Recertify that the vehicle is used as a commuter ride-share vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(ii) Submit a completed recertification form, approved by the department, including names, addresses, and signatures of current passengers and drivers. If the registered owner fails to file a completed recertification form, the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

(5) **Will I ever have to replace my ride-share vehicle license plate?** Yes, the ride-share vehicle license plates are

subject to the seven-year vehicle license plate replacement schedule.

WSR 04-18-023A

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed August 24, 2004, 8:34 a.m., effective September 24, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This order repeals WAC 16-230-250 through 16-230-290 rules relating to the use of microencapsulated methyl parathion. Language prohibiting the use of microencapsulated methyl parathion on blossoming plants and pollen shedding corn was incorporated into WAC 16-228-1220 of the general pesticide rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-230-250, 16-230-260, 16-230-270, 16-230-281, and 16-230-290.

Statutory Authority for Adoption: Chapters 17.21, 15.58, and 34.05 RCW.

Adopted under notice filed as WSR 04-13-058 on June 11, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 5.

Date Adopted: August 24, 2004.

Valoria Loveland
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-230-250	Microencapsulated methyl parathion—Area under order.
WAC 16-230-260	Microencapsulated methyl parathion—Definitions.
WAC 16-230-270	Microencapsulated methyl parathion—Restrictions.
WAC 16-230-281	Microencapsulated methyl parathion—Emergency clause—Permits.

WAC 16-230-290

Microencapsulated methyl parathion—Distribution.

WSR 04-18-024**PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed August 24, 2004, 8:37 a.m., effective September 24, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This order repeals WAC 16-219-010, rules relating to Restricted use pesticides—Ziram. Language regarding restrictions on ziram for use on Bosc pears was incorporated into WAC 16-228-1238 of the general pesticide rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-219-010.

Statutory Authority for Adoption: Chapters 17.21, 15.58, and 34.05 RCW.

Adopted under notice filed as WSR 04-13-059 on June 11, 2004.

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 1.

Date Adopted: August 24, 2004.

Valoria Loveland
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-219-010

Ziram—Bosc pears.

Paul Trause
Director

WSR 04-18-025**PERMANENT RULES****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Filed August 24, 2004, 10:14 a.m., effective October 1, 2004]

Effective Date of Rule: October 1, 2004.

Purpose: Classification of home healthcare, the legislature passed chapter 278, Laws of 2004 (EHB 1777) which implemented a collective bargaining agreement between the

Home Care Quality Authority and individual home care providers. EHB 1777 provides industrial insurance for thousands of home care providers not previously covered by the industrial insurance system. To assist in the implementation of this legislation, labor and industries added a new subclassification called Home care services/home care quality authority to risk classification 6511, Chore services/home care assistants.

Also, to increase clarity the following risk classification definitions have been amended:

1. 0607-19, Advertising or merchandise display - non-pertinent references to other risk classifications have been removed; and

2. 4900-00, Construction superintendent or project manager - a statement was added to the special note clarifying that this is a special exception classification not subject to normal rules in the construction industry.

Lastly, references to "policy" manager were changed to the new working title "account" manager in the rule.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-31002, 296-17-31025, 296-17-31009, 296-17-527, 296-17-31013, 296-17-64999, 296-17-31014, 296-17-72202, and 296-17-31024.

Statutory Authority for Adoption: RCW 51.04.020 General authority.

Other Authority: RCW 51.16.035 Classification plan/base rate.

Adopted under notice filed as WSR 04-13-128 on June 22, 2004.

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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, 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.

Date Adopted: August 24, 2004.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-31002 General rule definitions. In developing the general reporting rules and classifications which govern Washington's workers' compensation classification plan, we have used certain words or phrases which could have several meanings. Many of these words or phrases are defined by law in the Revised Code of Washington (*Title 51 RCW*) and can be found in **Appendix A** of this manual. Some words, however, are not defined by law. To reduce the

misunderstanding which can result by our use of certain words or phrases not defined in law (*Title 51 RCW*), we have developed definitions which will govern what these words and phrases mean for purposes of this chapter (*chapter 296-17 WAC*).

The following words or phrases mean:

Account: A unique numerical reference that we assign to you that identifies your business or businesses and allows us to track exposure that you report to us and losses (*claims*) which we pay on your behalf.

Account manager: An individual who works in the underwriting section of the department of labor and industries and manages an employer's workers' compensation insurance account. An account manager is also referred to as an underwriter.

Actual hours worked: A worker's composite work period beginning with the starting time of day that the employee's work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by an employee. The following example is provided to illustrate how work hours are to be reported. If you have questions on reporting please contact our underwriting section at ((6))360((3))-902-4817.

Example: *A carpet installer arrives at the employer's place of business at 8:00 a.m. to pick up supplies, carpet, and the job assignment. The carpet installer arrives at the job site at 9:00 a.m. and works until 12 noon. The installer takes a half hour nonpaid lunch period and resumes working from 12:30 p.m. until 4:00 p.m. The installer then returns to the employer's premise to drop off supplies and carpet waste. The installer leaves the employer's premise at 5:30 p.m. The employer is to report nine hours of work time regardless of whether the employee is paid by the hour or by the number of yards of carpet installed.*

All: When a classification contains a descriptive phrase beginning with "all" such as in "all employees," "all other employees," "all operations," or "all work to completion," it includes all operations and employments which are normally associated with the type of business covered by the classification. This condition applies even if the operations or employments are physically separated or conducted at a separate location. Operations or employments are to be classified separately when the classification wording requires it, or when the operations or employments are not incidental to, and not usually associated with, the business described by the classification.

And: When this word is contained in any rule it is to be considered the same as the phrase "and/or."

Basic classification: A grouping of businesses or industries having common or similar exposure to loss without regard to the separate employments, occupations or operations which are normally associated with the business or industry. Basic classifications describe a specific type of business operation or industry such as mechanical logging, sawmills, aircraft manufacturing, or restaurants. In most business operations some workers are exposed to very little hazard, while others are exposed to greater hazard. Since a basic classification reflects the liability (*exposure to hazard*) of a given business or industry, all the operations and occupa-

tions that are common to an industry are blended together and included in the classification. The rate for a basic classification represents the average of the hazards within the classification. All classifications contained in this manual are considered basic classifications with the exception of classifications 4806, 4900, 4904, 5206, 6301, 6302, 6303, 7101, and temporary help classifications 7104 through 7121. Classification descriptions contained in WAC 296-17-501 through 296-17-779, establish the intended purpose or scope of each classification. These descriptions will routinely include types of businesses, operations, processes or employments which are either included or excluded from the classification. These references are not to be considered an all inclusive listing unless the classification wording so specifies.

But not limited to: When this phrase is used in any rule in this manual it is not to be interpreted as an all inclusive list. Such a list is meant to provide examples of operations, employments, processes, equipment or types of businesses which are either included or excluded from the scope of the classification.

Excludes or excluding: When a classification contains a descriptive phrase beginning with "excludes" or "excluding" such as "excluding drivers or delivery," "excluding second hand appliance stores," or "excludes construction operations," you must report those operations in a separate classification. If a business fails to keep the records required in the auditing recordkeeping section of this manual and we discover this, we will assign all workers hours for which records were not maintained to the highest rated classification applicable to the work which was performed.

Exposure: Worker hours, worker days, licenses, material, payroll or other measurement which we use to determine the extent to which an employer's workers have been exposed to the hazards found within a particular business or industry classification.

Governing classification: Is the basic classification assigned to a business that produces the largest number of worker hours during a calendar year (*twelve months*). The governing classification rule applies only to situations where a business has been assigned two or more basic classifications and is used for the sole purpose of determining what classification applies to employees and covered owners who support two or more operations. The governing classification rule is not to be used to determine the basic classification of a business.

Includes or including: When a classification contains a descriptive phrase beginning with "includes" or "including" such as "including clerical office," "including meter readers," or "includes new construction or extension of lines," you must report these operations in that basic classification even though they may be specifically described by some other classification contained in this manual or may be conducted at a separate location.

Industrial insurance: Refer to the definition of "workers' compensation insurance."

N.O.C.: This abbreviation stands for not otherwise classified. Classifications are often worded in this way when there are many variations of the same general type of business and it would be nearly impossible to list all the variations. Before a classification designated with N.O.C. is used,

all other related classifications must be reviewed to determine if the business or industry is specified in another classification.

Example: *You operate a retail store that sells greeting cards. In our search to classify your business we come across a classification that covers retail stores N.O.C. Before our underwriter assigns this classification to your business, they would look at other retail store classifications to see if a more precise classification could be found. In our review we note several classifications such as grocery and department stores where greeting cards are sold. None of these classifications, however, specify that they include stores that exclusively sell greeting cards. Classification 6406 "Retail stores, N.O.C.," on the other hand, contains language in its description that states it includes stores that sell items such as greeting cards, table top appliances, tropical fish and birds, and quick print shops. We would assign classification 6406 "Retail stores, N.O.C." to your business.*

Or: Refer to the definition of the word "and."

~~((Policy manager: An individual who works in the underwriting section of the department of labor and industries and manages an employer's workers' compensation insurance account. A policy manager is also referred to as an underwriter.))~~

Premium: The total amount of money owed to the department of labor and industries as calculated by multiplying the assigned classification composite rate by the total units of exposure.

Rate: The amount of premium due for each unit of exposure. All rates are composite rates per worker hour except as otherwise provided for by other rules in this manual.

Risk: All insured operations of one employer within the state of Washington.

Temporary help: The term "temporary help" means the same as temporary service contractors defined in (Title 19 RCW) and applies to any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

Underwriter: Refer to the definition of ((a)) an "((policy)) account manager."

Work day: Any consecutive twenty-four hour period.

Work hour: Refer to the definition of "actual hours worked."

Workers' compensation insurance: The obligation imposed on an employer by the industrial insurance laws (Title 51 RCW) of the state of Washington to insure the payment of benefits prescribed by such laws.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-31009 Reciprocal agreements. (1) Occasionally one of my Washington employees will do some work for me in another state. Do I need to buy workers' compensation insurance in the state where they are working?

In some cases, we can provide workers' compensation insurance coverage for your Washington based employees

working for you on a temporary assignment in another state. We have formal written agreements with some states which detail coverage and jurisdiction issues. We refer to these formal agreements as "reciprocal agreements." If you have questions regarding temporary coverage in another state you should contact your ((policy)) account manager for assistance. The name and telephone number of your ((policy)) account manager can be found on your quarterly premium report or annual rate notice. For your convenience you can call us at ((6))360((7))-902-4817 for assistance and we will put you in contact with your assigned ((policy)) account manager.

(2) What is a reciprocal agreement?

A reciprocal agreement is a contract between the department of labor and industries acting on behalf of the state of Washington and another state. The primary purpose of the agreement is to identify which state will be responsible for paying benefits if one of your employees is injured. This also limits your insurance costs. If you employ only Washington workers you need to buy workers' compensation insurance only from us.

(3) You mentioned that there are circumstances when you can provide insurance coverage. What are the circumstances?

The actual circumstances will vary by state. In most cases we will look at:

- The work to be performed,
- The location where the work is to be performed,
- Where the employee was first hired to work,
- How long the employee will be working in the other state.

(4) Which states have reciprocal agreements with Washington? We currently have reciprocal agreements with the following states:

• IDAHO

RECIPROCITY AGREEMENT BETWEEN IDAHO INDUSTRIAL ACCIDENT BOARD AND WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES IN REGARD TO EXTRATERRITORIAL JURISDICTION

This agreement is made between the industrial accident board of the state of Idaho (herein, for convenience, abbreviated Idaho IAB) and the department of labor and industries of the state of Washington (DOLAI), as administrators of the worker's compensation (WC) laws of their respective states, each of said parties being authorized to enter into reciprocity agreements with other states in matters involving their respective extraterritorial jurisdictional powers and duties.

PREMISES:

1. Employers in each state on occasion find it necessary or expedient to have their workers perform services in the other state. The parties are desirous of entering into an agreement whereby the employers and workers of each of the respective states may continue to be entitled to the protection and benefits provided by the WC laws of their respective home states.

DEFINITIONS:

2. For the purposes of this agreement: Person whose employment is "principally localized" in Idaho shall be deemed to be an Idaho worker. A person's employment is "principally localized" in Idaho when:

(1) His/her employer has a place of business in Idaho and he/she regularly works (or it is contemplated that he/she shall regularly work) at or from such place of business; or

(2) If clause (1) foregoing is not applicable, he/she is domiciled and spends a substantial part of his/her working time in the service of his/her employer in Idaho.

A person whose employment is "principally localized" in Washington shall be deemed to be a Washington worker. A person's employment is "principally localized" in Washington when:

(1) His/her employer has a place of business in Washington and he/she regularly works (or it is contemplated that he/she shall regularly work) at or from such place of business; or

(2) If clause (1) foregoing is not applicable, he/she is domiciled and spends a substantial part of his/her working time in the service of his/her employer in Washington.

An employee whose duties require him/her to travel regularly in the service of his/her employer in more than one state may, by written agreement with his/her employer, designate the state in which his/her employment shall be "principally localized." Unless the state so designated refuses jurisdiction, such agreement shall be given effect under the instant agreement.

In cases where none of the foregoing tests can be made to apply, the person shall be deemed to be a worker of whichever jurisdiction in which his/her contract of hire was made.

3. This agreement shall not apply to Washington workers of an Idaho employer working in the state of Washington, nor to Idaho workers of a Washington employer working in the state of Idaho: Provided, however, That the right and remedies of both Idaho and Washington workers engaged in the construction and maintenance of interstate structures such as dams, bridges, trestles and similar structures between the two states, may be regulated by specific separate reciprocity agreements.

THE PARTIES AGREE:

4. The Idaho IAB in keeping with the provision of the Idaho WC law will assume and exercise extraterritorial jurisdiction of compensation claims on any Idaho worker injured in the state of Washington and of his/her dependents upon any Idaho employer under its jurisdiction and the latter's surety or insurance carrier.

5. The Washington DOLAI in keeping with the provisions of the Washington WC law will provide protection of any Washington employer under its jurisdiction and benefits to any Washington worker injured in the course of his/her employment while working in the state of Idaho.

6. A Washington employer while performing work in the state of Idaho shall be subject to the safety codes of the state of Idaho, AND an Idaho employer working in the state of Washington shall be subject to the safety codes of the state of Washington.

7. Employers' premium payments on the out-of-state earnings of Idaho workers shall be due and payable to the respective employers' insurance carriers AND premium payments of the out-of-state earnings of Washington workers shall be made to the Washington DOLAI.

8. For the purpose of implementing the terms of the agreement, the parties agreed upon the following procedures:

The Idaho IAB will upon request and on behalf of an Idaho employer issue a certificate of extraterritorial coverage to the Washington DOLAI AND the latter upon request and on behalf of a Washington employer will issue a certificate of extraterritorial coverage to the Idaho IAB. Such certificates may be canceled or revoked at the discretion of the issuing agency. Due notice of issuance, modification and cancellation of any such certificate shall be given to the employer and to his/her insurance carrier, if any.

9. This agreement shall be effective January 1, 1971, and shall remain in full force and effect until superseded or modified by the parties hereto.

• MONTANA

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE DEPARTMENT OF LABOR OF THE STATE OF MONTANA, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and Montana's workers' compensation laws, and workers must be considered workers under both Washington's and Montana's workers' compensation laws.

BASIC RULE:

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of Montana will be subject to the safety codes of the state of Montana. Any Montana employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

Washington and Montana both agree to notify the other state in writing of any changes to their law that may affect this agreement within thirty days of that law change.

EXCLUSIONS FROM THE BASIC RULE:

This agreement does not apply to Washington workers of Montana employers while working in the state of Washington nor to Montana workers of Washington employers while working in the state of Montana.

Washington employers engaged in the construction industry as defined in Section 39-71-116 MCA and working in Montana must obtain coverage for workers so employed in Montana under the provisions of Montana's Workers' Compensation Act.

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Montana employers engaged in the construction industry and working in Washington must obtain coverage for workers so employed in Washington under the provisions of Washington's Industrial Insurance Act.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

AGREEMENT:

This agreement retroactively supersedes the previous agreement between Washington and Montana in effect July 1, 1968. This agreement is effective November 1, 2000, and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or Montana and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• NEVADA

RECIPROcity AGREEMENT BETWEEN THE DEPARTMENT OF LABOR AND INDUSTRIES OF THE STATE OF WASHINGTON AND THE NEVADA INDUSTRIAL COMMISSIONS OF THE STATE OF NEVADA REGARDING EXTRATERRITORIAL RECIPROcity

WHEREAS, The worker's compensation law of the state of Washington authorizes the director of labor and industries to enter into agreement of reciprocity for worker's compensation purposes with other states; and

WHEREAS, The worker's compensation law of the state of Nevada authorizes the Nevada industrial commission to enter into agreements of reciprocity for worker's compensation purposes with other states; and

WHEREAS, Employers who conduct operations in the state of Washington are required on occasion to have Washington workers perform services in the state of Nevada; and

WHEREAS, Employers who conduct operations in the state of Nevada are required on occasion to have Nevada workers perform services in the state of Washington; and

WHEREAS, The department of labor and industries of the state of Washington and the Nevada industrial commission of the state of Nevada are desirous of entering into an agreement whereby the employers and workers of each of the respective states may continue to be entitled to the protection and benefits provided by the worker's compensation laws of their respective home state.

IT IS HEREBY AGREED That for the purpose of this agreement of reciprocity, a Washington worker is a person hired to work in the state of Washington, and a Nevada worker is a person hired to work in the state of Nevada.

IT IS FURTHER AGREED BETWEEN The department of labor and industries of the state of Washington and the Nevada industrial commission of the state of Nevada.

That the department of labor and industries of the state of Washington in keeping with the provisions of the Washington worker's compensation law will provide protection for any Washington employer under its jurisdiction and benefits to any of the Washington workers who may be injured in the course of employment while working temporarily in the state of Nevada. In the event of an injury to one of these workers, his/her exclusive remedy would be that provided by the worker's compensation law of the state of Washington.

That the Nevada industrial commission of the state of Nevada in keeping with the provisions of the Nevada worker's compensation law will provide protection for any Nevada employer under its jurisdiction, and benefits to any of its workers who may be injured in the course of employment while working temporarily in the state of Washington. In the event of injury to one of these workers, his/her exclusive remedy would be that provided by the worker's compensation law of the state of Nevada.

That the department of labor and industries of the state of Washington will upon request and on behalf of the Washington employer issue a certificate of extraterritorial coverage to the Nevada industrial commission of the state of Nevada, and that the Nevada industrial commission of the state of Nevada will upon request and on behalf of the Nevada employer issue a certificate of extraterritorial coverage to the department of labor and industries of the state of Washington.

That these certificates of extraterritorial coverage shall be issued and/or canceled at the discretion of the Washington department of labor and industries or the Nevada industrial commission.

That the Nevada employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington, and that the Washington employer while performing work in the state of Nevada will be subject to the safety codes of the state of Nevada.

IT IS MUTUALLY UNDERSTOOD, That this agreement will not apply to Nevada workers of the Washington employer working in the state of Nevada, nor to the Washington workers of the Nevada employer working in the state of Washington.

IT IS ALSO MUTUALLY UNDERSTOOD, That premium payments on the out-of-state earnings of Washington workers will be made to the Washington department of labor and industries, and that premium payments on the out-of-state earnings of Nevada workers will be made to the Nevada industrial commission of the state of Nevada.

IT IS FURTHER AGREED That this statement of extraterritorial reciprocity shall be effective April 1, 1970, and further that this agreement shall remain in full force and effect until superseded or modified by the parties to this agreement.

• NORTH DAKOTA

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE NORTH DAKOTA WORKERS COMPENSATION, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one

state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and North Dakota's workers' compensation laws, and workers must be considered workers under both Washington's and North Dakota's workers' compensation laws.

BASIC RULE:

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of North Dakota will be subject to the safety codes of the state of North Dakota. Any North Dakota employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

EXCLUSION FROM THE BASIC RULE:

This agreement does not apply to Washington workers of North Dakota employers while working in the state of Washington or to North Dakota workers of Washington employers while working in the state of North Dakota.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extra-territorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

AGREEMENT:

This agreement is effective March 1, 2001, and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or North Dakota, and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• OREGON

THE STATE OF WASHINGTON, ACTING BY AND THROUGH THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF CONSUMER AND BUSINESS SERVICES, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT (THE "AGREEMENT"):

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in Washington and the worker is temporarily working in Oregon, or when the contract of employment arises in Oregon and the worker is temporarily working in Washington. To be covered by this agreement, an employer must be considered an employer under both Washington's and Oregon's workers' compensation laws, and workers must be considered workers under both Washington's and Oregon's workers' compensation laws.

BASIC RULE:

When a contract of employment arises in Washington and the worker is temporarily working in Oregon or when the contract of employment arises in Oregon and the worker is temporarily working in Washington:

Employers shall be required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contract of employment arose in, and pay premiums or be self-insured in that state for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state shall be payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

In determining whether a worker is temporarily working in another state, Washington and Oregon agree to consider:

1. The extent to which the worker's work within the state is of a temporary duration;
2. The intent of the employer in regard to the worker's employment status;
3. The understanding of the worker in regard to the employment status with the employer;
4. The permanent location of the employer and its permanent facilities;
5. The extent to which the employer's contract in the state is of a temporary duration, established by a beginning date and expected ending date of the employer's contract;
6. The circumstances and directives surrounding the worker's work assignment;
7. The state laws and regulations to which the employer is otherwise subject;
8. The residence of the worker; and
9. Other information relevant to the determination.

• Washington and Oregon both agree to notify the other state of any changes to their law that may affect this agreement within thirty days of that law change.

• Any Washington employer while performing work in the state of Oregon will be subject to the safety codes of the state of Oregon. Any Oregon employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

EXCLUSION FROM THE BASIC RULE:

This agreement does not apply to any Washington worker of an Oregon employer while working in the state of Washington nor to any Oregon worker of a Washington employer while working in the state of Oregon. It is understood that an employer from either Oregon or Washington

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may have a contract in the other state where they may have both Oregon and Washington workers which may require obtaining coverage in both states for that same contract.

This agreement does not apply to employees of an employer working for stevedoring or steamship companies.

This agreement does not supersede separate agreements made regarding workers employed in the construction or maintenance of interstate structures such as dams, bridges, trestles, etc. between Oregon and Washington.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extra-territorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

MERGER:

This agreement replaces and supersedes the previous agreement on the same subject matter entered into between Washington and Oregon in effect since October 5, 1997.

EFFECTIVE DATE:

This agreement shall take effect immediately upon completion of all of the following requirements:

- (1) Execution by both parties;
- (2) Public notification in compliance with Oregon law; and
- (3) Adoption as a rule in compliance with Washington law. This agreement will remain in effect unless terminated, modified, amended or replaced in writing between the parties.

TERMINATION:

Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

NOTICE:

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• SOUTH DAKOTA

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE SOUTH DAKOTA DEPARTMENT OF LABOR, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and South Dakota's workers' compensation laws, and workers must be considered workers under both Washington's and South Dakota's workers' compensation laws.

BASIC RULE:

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay

premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of South Dakota will be subject to the safety codes of the state of South Dakota. Any South Dakota employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

EXCLUSION FROM THE BASIC RULE:

This agreement does not apply to Washington workers of South Dakota employers while working in the state of Washington or to South Dakota workers of Washington employers while working in the state of South Dakota.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extra-territorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

AGREEMENT:

This agreement is effective March 1, 2001 and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or South Dakota, and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• UTAH

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE UTAH LABOR COMMISSION, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and Utah's workers' compensation laws, and workers must be considered workers under both Washington's and Utah's workers' compensation laws.

BASIC RULE:

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay

premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of Utah will be subject to the safety codes of the state of Utah. Any Utah employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

Washington and Utah both agree to notify the other state in writing of any changes to their law that may affect this agreement within thirty days of that law change.

EXCLUSION FROM THE BASIC RULE:

This agreement does not apply to Washington workers of Utah employers while working in the state of Washington nor to Utah workers of Washington employers while working in the state of Utah.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

AGREEMENT:

This agreement is effective March 1, 2001, and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or Utah and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• WYOMING

AGREEMENT BETWEEN THE DEPARTMENT OF LABOR AND INDUSTRIES OF THE STATE OF WASHINGTON AND THE WORKMEN'S COMPENSATION DEPARTMENT OF THE STATE OF WYOMING REGARDING EXTRATERRITORIAL RECIPROCITY

WHEREAS, The workmen's compensation law of the state of Washington authorized the director of labor and industries to enter into agreements of reciprocity for workmen's compensation purposes with other states; and

WHEREAS, The workmen's compensation law of the state of Wyoming authorizes the workmen's compensation department to enter into agreements of reciprocity for workmen's compensation purposes with other states; and

WHEREAS, Employers who conduct operations in the state of Washington are required on occasion to have Washington-hired workers perform services in the state of Wyoming; and

WHEREAS, Employers who conduct operations in the state of Wyoming are required on occasion to have Wyoming-hired workers perform services in the state of Washington; and

WHEREAS, The department of labor and industries of the state of Washington and the workmen's compensation department of the state of Wyoming are desirous of entering into an agreement whereby the employers and workers of each of the respective states may continue to be entitled to the protection and benefits provided by the workmen's compensation laws of their respective home states.

IT IS HEREBY AGREED BETWEEN The department of labor and industries of the state of Washington and the workmen's compensation department of the state of Wyoming:

That the department of labor and industries of the state of Washington in keeping with the provisions of the Washington workmen's compensation law will provide protection for any Washington employer under its jurisdiction and benefits to any of his/her workers who may be hired in the state of Washington and injured in the course of employment while working temporarily in the state of Wyoming. In the event of injury to one of these workers, his/her exclusive remedy would be that provided by the workmen's compensation law of the state of Washington.

That the workmen's compensation department of the state of Wyoming in keeping with the provision of the Wyoming workmen's compensation law will provide protection for any Wyoming employer under its jurisdiction, and benefits to any of his/her workers who may be hired in the state of Wyoming and injured in the course of employment while working temporarily in the state of Washington. In the event of injury to one of these workers, his/her exclusive remedy would be that provided by the workmen's compensation law of the state of Wyoming.

That for the purpose of this agreement "temporary" shall mean a period not to exceed six months.

That the department of labor and industries of the state of Washington will, upon request and on behalf of the Washington employer, issue a certificate of extraterritorial coverage to the workmen's compensation department of the state of Wyoming, and that the workmen's compensation department of the state of Wyoming will, upon request and on behalf of the Wyoming employers, issue a certificate of extraterritorial coverage to the department of labor and industries of the state of Washington.

That these certificates of extraterritorial coverage shall be issued for a maximum period of six months subject to renewal upon request by the affected employers and at the discretion of the Washington department of labor and industries, or the Wyoming workmen's compensation department.

That the Wyoming employer and his/her workers while performing work in the state of Washington under this agreement will be subject to the safety codes of the state of Washington, and that the Washington employer and his/her workers while performing work in the state of Wyoming under this agreement will be subject to the safety codes of the state of Wyoming.

IT IS MUTUALLY UNDERSTOOD That this agreement will not apply to workers of the Washington employer who may be hired in the state of Wyoming, nor to the workers of the

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Wyoming employer who may be hired in the state of Washington.

IT IS ALSO MUTUALLY UNDERSTOOD That premium payments on the out-of-state earnings of Washington-hired workers will be made to the Washington department of labor and industries, and that premium payments on the out-of-state earning of Wyoming-hired workers will be made to the workmen's compensation department of the state of Wyoming.

IT IS FURTHER AGREED That this agreement of extraterritorial reciprocity shall become effective on July 15, 1963, and shall remain in full force and effect until superseded or modified by the parties to this agreement.

AMENDATORY SECTION (Amending WSR 01-23-059 [04-13-017], filed 11/20/01 [6/4/04], effective 1/1/02 [7/5/04])

WAC 296-17-31013 Building construction. (1) **Does this same classification approach apply to building and construction contractors?**

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

Example: A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the multiple business classification approach.

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

(2) **Who does this rule apply to?**

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, 0103, 0104, 0105, 0107, 0108, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0506, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0540, 0541, 0550, 0551, 0601, 0602, 0603, 0607, 0608, and 0701.

(3) **Can I have a single classification assigned to my business to cover a specific construction project?**

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

(4) **How do I request the single classification for one of my construction projects?**

You should send your request to the attention of your ((policy)) account manager at the address below:

Department of Labor and Industries
P.O. Box 44144
Olympia, Washington 98504-4144

(5) **If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?**

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

Example: You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.

With this information we will estimate the premiums by classification.

Example: We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

Example: We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.

To select the single classification that will apply to a construction project, we will compare the average hourly rate that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

Example: From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.

(6) **How will I know what classification will apply to my construction project?**

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?

No, but you should call your ((pøley)) account manager to verify what other classifications would apply to the project. The name and phone number of your ((pøley)) account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at ((t))360((t))-902-4817 and we will put you in contact with your assigned ((pøley)) account manager.

(8) I am a general construction or erection contractor, I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors by contacting us at 1-800-647-0982.

(9) Am I required to keep any special records of subcontractors that I use?

Yes, you are required to keep certain information about the subcontractors that you use. The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31014 Farming and agriculture. (1) Does this same classification approach apply to farming or agricultural operations?

Yes, but it may not appear so without further explanation. We classify farming and agricultural operations by type of crop or livestock raised. This is done because each type of grower will use different processes and grow or raise multiple crops and livestock which have different levels of haz-

ards. It is common for farmers and ranchers to have several basic classifications assigned to their account covering various types of crops or livestock. If you fail to keep the records required in the auditing recordkeeping section of this manual, and we discover this, we will assign all worker hours for which records were not maintained to the highest rated classification applicable to the work performed.

(2) I am involved in diversified farming and have several basic classifications assigned to my business. Can I have one classification assigned to my account to cover the different types of farming I am involved in?

Yes, your ((pøley)) account manager can assist you in determining the single classification that will apply to your business. The name and phone number of your ((pøley)) account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at ((t))360((t))-902-4817 and we will put you in contact with your assigned ((pøley)) account manager.

(3) How do you determine what single farming classification will be assigned to my business?

The approach used to assign a single classification to a farming business is much the same as we use for construction or erection contractors. To do this, we will need a breakdown of exposure (*estimate of hours to be worked by your employees*) by type of crop or livestock being cared for (*classification*). This information will be used to estimate the premium which would be paid using multiple classifications. The total premium is then divided by the total estimated hours to produce an average rate per hour. We will select the classification assigned to your business which carries the hourly premium rate which is the closest to the average rate that we produced from the estimated hours. Classification 4806 is not to be assigned to any grower as the single farming classification.

(4) How will I know what single farming classification you have assigned to my business?

We will send you a written notice of the basic classification that will apply to your business.

(5) If I requested a single classification for my farming operation can I change my mind and use multiple classifications?

Yes, but you will need to call your ((pøley)) account manager to verify the applicable classifications.

The name and phone number of your ((pøley)) account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at ((t))360((t))-902-4817 and we will put you in contact with your assigned ((pøley)) account manager.

(6) I am a farm labor contractor. How is my business classified?

If you are a farm labor contractor we will assign the basic classification that applies to the type of crop being grown, or livestock being cared for. If you contract to supply both machine operators and machinery on a project, all operations are to be assigned to classification 4808.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31024 Classification rates. (1) How do you determine what rate to charge me?

Each classification has a corresponding base rate. The base rate assigned to your business will depend on the basic classification or classifications assigned to your business.

(2) What do you mean by a base rate?

The base rate is a comparison of losses (*claims*) and exposure to produce a cost per unit of exposure. The base rate is an unmodified rate that all employers with an experience factor of 1.000 will pay in a specific classification.

(3) Do all employers in the same classification pay the base rate?

In practice, only a few employers pay the *base rate*. If you are a new employer, you will pay the base rate until you have reported worker hours during the current *experience period*. After you have reported hours during an experience period, your rate will be modified as of January 1, of the next calendar year. We refer to that modified rate as your *experience rate*. Your experience rate is the base rate adjusted by your own company's claims losses (*experience factor*). It can produce a premium higher or lower than the *base rate*. This means that employers with few claims will pay less than employers in the same classification who have many claims. Experience rating encourages strong safety and accident prevention programs. Details of how experience rating affects your premium are outlined in *WAC 296-17-850 through 296-17-875*. Your ((policy)) account manager can also answer questions about your individual experience factor. The name and phone number of your ((policy)) account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at ((6))360((3))-902-4817 and we will put you in contact with your assigned ((policy)) account manager.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

WAC 296-17-31025 Change in business operations. If I change the type of business I operate, or add a new operation, should I call you? Yes, we rely on you to update us about changes in your business operations. We provide a place on your quarterly premium reports to let us know about any changes you have made. If you need help determining if changes to your account are necessary, you can call your ((policy)) account manager. Depending on the type of change you are making, you may need to complete a new master application. The name and phone number of your ((policy)) account manager can be found on your quarterly premium report or annual rate notice. For your convenience you can call us at ((6))360((3))-902-4817 and we will put you in contact with your assigned ((policy)) account manager.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

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 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, vans, ladders, and small power and/or hand tools.

This classification excludes 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.

This classification also applies to establishments engaged in providing merchandising services, not covered by another classification, (N.O.C.), ((for certain products)) without the responsibility of delivering ((them)) products to the customer's place of business. ((Customers of these types of services are generally retail businesses assigned classifications 6304, 6305, or 6406 such as, but not limited to, gift, variety or department stores, dry goods stores, drug stores, news stands, book or video stores, and cosmetic stores.)) Merchandising services contemplated by this classification include, but are not limited to, taking inventory of goods on hand, restocking, reordering, removing outdated or damaged merchandise from shelves, and/or assembling temporary 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, and merchandising establishments or employees who deliver products to their customer's place of business, and may also perform related merchandising functions, who are to be reported separately in classification 1101.

~~((Special note: The distinguishing factor between merchandising employees who may be reported in this classification and those who are to be reported in classification 1101-17 is the delivery of products to the customer's place of business. Any employee who delivers merchandise to the customer's place of business is to be reported in classification 1101.))~~

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 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-64999 Classification 4900.

4900-00 Construction: Superintendent or project manager

Applies to those employees, of general or specialty construction contractors, whose job duties are exclusively that of construction superintendents or project managers. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally stationed at the construction site or project location and confined to a temporary type of office to schedule activities and arrival of supplies such as the delivery of iron, steel, rebar, lumber, concrete ready mix, concrete pump truck services, and cranes.

This classification excludes construction superintendents or project managers who are employed by a business that specializes in offering construction management and consulting services. These businesses do not do any of the actual construction or erection activities and are to be reported separately in classification 4901.

Special notes: This classification is a special exception classification and as such is not treated as nor subject to normal rules of the construction classifications. This classification is applicable *only* to construction superintendents or project managers who have no direct control over work crews and do not perform construction labor at the construction site or project location. A superintendent or project manager performing duties subject to this classification who also is engaged in operating equipment, performing manual labor, or who directly supervises a work crew at the construction site or project location is excluded from this classification. They are to be reported separately in the applicable construction or

erection classification assigned to their employer without any division of hours. *A division of hours is not permitted between classification 4900 and any other classification.* Under no circumstances can this be the only classification assigned to a contractor, as a basic construction classification must also be assigned.

AMENDATORY SECTION (Amending WSR 03-23-025, filed 11/12/03, effective 1/1/04)

WAC 296-17-72202 Classification 6511.

6511-00 Chore services/home care assistants

Applies to establishments engaged in providing chore services/home care assistants to private individuals. Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. Frequently the recipients of service are funded by DSHS or some other community service agency; however, the services are also available to those who pay privately. This classification also applies to ((supportive)) supported living, tenant support, and intensive tenant support services.

This classification excludes individuals working under a welfare special works training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110. This classification also excludes home care providers covered under the home care quality authority who are to be reported separately under classification 6511-01.

6511-01 Home care services/home care quality authority (HCOA)

Applies to persons who are employed by ill, disabled, or vulnerable individuals to provide home care services that enable those individuals to remain in their own homes. Services provided may include, but not be limited to: Personal care such as assistance with dressing, feeding, personal hygiene to facilitate self-care; household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; and/or delegated tasks of nursing under RCW 18.79.260 (3)(e).

Special note: Premiums are paid by the home care quality authority (HCOA) on behalf of the persons who provide the home care services.

WSR 04-18-033

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed August 25, 2004, 8:36 a.m., effective September 25, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend the Washington state amendments to the 2003 International Building Code to correct the reference for the adoption of Appendix E to include section 107.

PERMANENT

Citation of Existing Rules Affected by this Order:
Amending WAC 51-50-003 and 51-50-005.

Statutory Authority for Adoption: RCW 19.27.190 and 19.27.020.

Other Authority: Chapters 19.27 and 34.05 RCW.

Adopted under notice filed as WSR 04-13-077 on June 16, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 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.

Date Adopted: August 25, 2004.

Tim Nogler
for Stan Price
Council Chair

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03)

WAC 51-50-003 International Building Code. The 2003 edition of the *International Building Code*, including Sections 101 through ~~((106))~~ 107 of Appendix E, published by the International Code Council is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 04-01-108, filed 12/17/03)

WAC 51-50-005 International Building Code requirements for barrier-free accessibility. Chapter 11 and other International Building Code requirements for barrier-free access, including ICC A117.1.1998 and Appendix E Sections 101 through ~~((106))~~ 107, are adopted pursuant to chapters 70.92 and 19.27 RCW.

Pursuant to RCW 19.27.040, Chapter 11 and requirements affecting barrier-free access shall not be amended by local governments.

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 04-18-038

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed August 25, 2004, 4:42 p.m., effective September 25, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Make following changes to rules regarding mandatory alcohol server training: Require standardized exam. Allow the Liquor Control Board (LCB) to consider if a trainer or provider has been suspended in Washington or another state in the last five years. Prohibit stand-alone videotape training for the class 12 permit. Require prospective trainers to either attend their provider's approved train-the-trainer program or attend a LCB briefing on liquor laws and rules. Technical changes for clarification and to correct references to other WACs.

Citation of Existing Rules Affected by this Order: Amending WAC 314-17-020, 314-17-030, 314-17-050, 314-17-055, 314-17-060, 314-17-065, 314-17-070, 314-17-080, 314-17-085, 314-17-095, and 314-17-105.

Statutory Authority for Adoption: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310.

Adopted under notice filed as WSR 04-08-111 on April 6, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 314-17-055 Added language that MAST providers and trainers will be given until January 1, 2005, to deplete their existing stock of exams.

WAC 314-17-050 and 314-17-065, stated that providers must either: (1) Have an approved train-the-trainer program; or (2) have any new trainers attend an LCB licensee briefing (option #2 is new from original filing).

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 11, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 11, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, 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 11, Repealed 0.

Date Adopted: July 21, 2004.

Merritt D. Long
Chairman

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 04-19 issue of the Register.

WSR 04-18-039

PERMANENT RULES

HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Filed August 26, 2004, 8:20 a.m., effective January 1, 2005]

Effective Date of Rule: January 1, 2005.

Purpose: The purpose of this rule making was to improve the logical structure of the PEBB rules and to make amendments to the rules so they are clearer for HCA staff and the public.

Citation of Existing Rules Affected by this Order: Repealing WAC 182-08-095, 182-08-125, 182-08-160, 182-08-165, 182-08-175, 182-08-210, 182-12-110, 182-12-117, 182-12-118, 182-12-119, 182-12-124, 182-12-132, 182-12-145, 182-12-215, 182-12-220 and 182-12-230; and amending WAC 182-08-015, 182-08-180, 182-08-190, 182-08-196, 182-08-200, 182-12-111, 182-12-121, 182-12-190, and 182-12-200.

Statutory Authority for Adoption: RCW 41.05.160 and 41.05.165.

Adopted under notice filed as WSR 04-13-156 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: Proposed amendments to WAC 182-08-120, 182-16-040, and 182-16-050 were withdrawn. WAC 182-12-133 (3)(c) was deleted. WAC 182-12-171(1) was amended to delete the word "following" and add "subsection (a) and (b) as well as one of subsections (c) through (g)." WAC 182-12-148 was amended to allow an option for employees.

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 20, Amended 9, Repealed 16.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 20, Amended 9, Repealed 16.

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 20, Amended 9, Repealed 16.

Date Adopted: August 26, 2004.

Melodie H. Bankers, Director
Legal and Contract Services

AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

WAC 182-08-015 Definitions. The following definitions apply throughout this (~~Title 182 WAC~~) chapter unless the context clearly indicates other meaning:

((1)) "Administrator" means the administrator of the health care authority (HCA) or designee.

((2)) "Board" means the public employees' benefits board established under provisions of RCW 41.05.055. (~~The~~

board is created within the HCA and the administrator of the HCA shall serve as the chair of the board.

(3) "~~Open enrollment~~" means a time period designated by the administrator during which enrollees may apply to transfer their enrollment from one health plan to another, enroll in a medical plan if the enrollee had previously waived coverage or add dependents.

(4) "~~Enrollee~~" means a person who meets all eligibility requirements defined in chapter 182-12 WAC, who is enrolled in a PEBB plan, and for whom applicable premium payments have been made.

(5) "~~Subscriber~~" or "~~insured~~" means the enrollee who has been designated by the HCA as the individual to whom the HCA and the health plan will issue all notices, information, requests and premium bills on behalf of all enrolled family members.

(6) "~~Effective date of enrollment~~" means the first date on which an enrollee is entitled to receive covered services.

(7) "~~PEBB plan~~" means one or more insurance programs established by the public employees benefits board for eligible enrollees and their dependents.) "Defer" means to postpone enrollment or interrupt enrollment in PEBB sponsored medical insurance by a retiree or surviving dependent.

"Dependent" means a person who meets eligibility requirements set forth in WAC 182-12-260.

"Enrollee" means a person who meets all eligibility requirements defined in chapter 182-12 WAC, who is enrolled in PEBB benefits, and for whom applicable premium payments have been made.

"Effective date of enrollment" means the first date on which an enrollee is entitled to receive covered benefits.

"Extended dependent" means a dependent child who is not the child of an enrollee through birth, adoption, marriage, or a qualified same sex domestic partnership. Some examples of extended dependents include, but are not limited to, a grandchild or a niece or nephew for whom the enrollee is the legal guardian or the enrollee has legal custody.

"Health carrier" has the meaning set forth at RCW 48.43.005(18) for purposes of administering this Title 182 WAC only, it includes the uniform medical plan and uniform dental plan.

"Health plan" or "plan" means medical and dental coverage.

"Insurance coverage" means any health plan, life or long-term disability insurance plan administered as a PEBB benefit.

"LTD insurance" includes basic long-term disability insurance paid for by the employer and long-term disability insurance offered to employees on an optional basis.

"Life insurance" includes basic life insurance paid for by the employer and life insurance offered to employees on an optional basis.

"Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their enrollment from one health carrier to another, enroll in medical coverage if the enrollee had previously waived such coverage, or add dependents.

"PEBB plan" or "PEBB benefits" means one or more insurance coverages approved by the public employees' benefits board for eligible enrollees and their dependents.

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"Subscriber" or "insured" means the employee, retiree, COBRA beneficiary or surviving dependent who has been designated by the HCA as the individual to whom the HCA and the health carrier will issue all notices, information, requests and premium bills on behalf of enrolled dependents.

"Waive" means to interrupt enrollment or postpone enrollment in a PEBB sponsored health plan by an employee (as defined in WAC 182-12-115) or a dependent who meets eligibility requirements set forth in WAC 182-12-260.

AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

WAC 182-08-180 Premium payments and refunds. PEBB premiums will be refunded using the following method:

(1) ~~((Within ninety days after an event))~~ When a PEBB subscriber submits an enrollment change affecting eligibility, ((the subscriber or a dependent or beneficiary of a subscriber must notify HCA of any change in eligibility status;)) such as for example: Death, divorce, or when no longer a dependent as defined at ~~((WAC 182-12-119. Premium paid after such an event will be refunded in accordance with subsection (4) of this section.~~

(2) ~~Premiums miscalculated will be adjusted by returning the excess charged premium, if any, to the employer, subscriber, or beneficiary, as appropriate.)~~ WAC 182-12-260 no more than three months of accounting adjustments and any excess premium paid will be refunded to any individual or agency except as provided in WAC 182-12-148(3).

(2) Notwithstanding subsection (1) of this section, the PEBB assistant administrator or designee may approve a refund which does not exceed twelve months of premium provided both of the following occur:

(a) The PEBB subscriber or a dependent or beneficiary of a subscriber submits a written appeal to the HCA; and

(b) Proof is provided that extraordinary circumstances beyond the control of the subscriber, dependent or beneficiary made it virtually impossible to submit the necessary information to accomplish an enrollment change within sixty days after the event that created a change of premium.

(3) Errors ((producing)) resulting in an underpayment to HCA must be reimbursed by the employer or subscriber to the HCA. Upon request of an employer, subscriber, or beneficiary, as appropriate, the HCA will develop a repayment plan designed not to create undue hardship on the employer or subscriber.

~~((3))~~ (4) HCA errors will be adjusted by returning the excess premium paid, if any, to the employer, subscriber, or beneficiary, as appropriate.

(5) Premium is due for the entire month of coverage and will not be prorated during the month of death or loss of eligibility of the enrollee except when eligible for life insurance conversion.

~~((4))~~ Premium refunds requested by a subscriber or a dependent or beneficiary must be presented to HCA within ninety days of the event. Refunds will not be made for more than three months of premium. Examples of such events include, but are not limited to, divorce, death of an employee or retiree, or death of a dependent of an employee or retiree,

~~or situations where premium was paid on behalf of enrollees or dependents.)~~

AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

WAC 182-08-190 ((Employer contribution.)) The employer contribution shall be set by the HCA and paid to the HCA for all eligible employees. ~~((1))~~ Every department, division, or agency of state government, and such county, municipal or other political subdivision ~~((s as are)),~~ K-12 school district or educational service district that are covered under ((the)) PEBB ((plans)) insurance coverage, shall pay premium contributions to the HCA for insurance ~~((benefits))~~ coverage for all ~~((of its insurance-))~~ eligible employees and their dependents.

~~((a))~~ (1) Employer contributions shall be set by the HCA and are subject to the approval of the governor.

~~((b))~~ (2) Employer contributions shall include an amount determined by the HCA to pay administrative costs to administer ~~((the plans))~~ insurance coverage for employees of these groups.

~~((c))~~ (3) Each eligible employee in pay status ~~((for))~~ eight or more hours during a calendar month or ~~((for))~~ each eligible employee on ~~((family and medical))~~ leave under the federal Family and Medical Leave Act (FMLA) shall be eligible for the employer contribution. The entire employer contribution is due and payable to HCA even if medical coverage is waived.

~~((d))~~ (4) PEBB insurance coverage for any county, municipality or other political subdivision or any K-12 school district or educational service district may be terminated by HCA if the premium contributions are delinquent more than ninety days.

~~((2))~~ For the period of July 1, 2002, to June 30, 2003, eligible state employees placed on temporary unpaid leave in order to implement the 2002 supplemental appropriations act are not required to have eight hours of pay status in order to maintain eligibility for the employer contribution for each month that they are on mandatory leave.)

AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

WAC 182-08-196 What happens if my health ((plan no longer available.)) carrier becomes unavailable? Active employees and retirees for whom the chosen health ~~((plan))~~ carrier becomes unavailable must select a new health ((plan)) carrier within thirty-one days after notification by HCA. Any person that fails to select a new plan within the prescribed time period will be enrolled in the Uniform Medical Plan by default. Any person defaulted to the Uniform Medical Plan may not change the health ((plans)) carrier until the next open enrollment.

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-200 ((Payment of)) Which agency is responsible to pay the employer contribution for eligible employees changing agency employment((?)) When an

eligible employee's employment ceases with an agency at any time prior to the end of the month for which a premium contribution is due and that employee transfers to another agency, the losing agency is responsible for the payment of the contribution for that employee for that month. The receiving agency would not be liable for any employer contribution for that eligible employee until the month following the transfer.

NEW SECTION

WAC 182-08-230 Employer groups. This section applies to all employer groups, K-12 school districts and educational service districts participating in PEBB insurance coverages.

(1) For purposes of this section, "employer group" means those employee organizations representing state civil service employees, blind vendors, county, municipality, and political subdivisions that meet the participation requirements of WAC 182-12-111 (2), (3) and (4) and that participate in PEBB insurance coverages.

(2)(a) Each employer group shall determine an employee's eligibility for PEBB insurance coverage in accordance with the applicable sections of chapter 182-12 WAC, RCW 41.04.205, and chapter 41.05 RCW.

(b) Each employer group, K-12 school district and educational service district applying for participation in PEBB insurance coverage shall submit required documentation and meet all participation requirements set forth in the then-current *Introduction to PEBB Coverage K-12 and Employer Groups* booklet(s).

(3)(a) Each employer group, K-12 school district or educational service district applying for participation in PEBB insurance coverage shall sign an interlocal agreement with the HCA.

(b) Each interlocal agreement shall be renewed no less frequently than once in every two-year period.

(4) At least twenty days prior to the premium due date, the HCA shall cause each employer group, K-12 school district or educational service district to be sent a monthly billing statement. The statement of premium due will be based upon the enrollment information provided by the employer group, K-12 school district or educational service district.

(a) Changes in enrollment status shall be submitted to the HCA prior to the twentieth day of the month during which the change occurs. Changes submitted after the twentieth day of each month may not be reflected on the billing statement until the following month.

(b) Changes submitted more than one month late shall be accompanied by a full explanation of the circumstances of the late notification.

(5) An employer group, K-12 school district or educational service district shall remit the monthly premium as billed or as reconciled by it.

(a) If an employer group, K-12 school district or educational service district determines that the invoiced amount requires one or more changes, they may adjust the remittance only if an insurance eligibility adjustment form detailing the adjustment accompanies the remittance. The proper form for

reporting adjustments will be attached to the interlocal agreement as Exhibit A.

(b) Each employer group, K-12 school district or educational service district is solely responsible for the accuracy of the amount remitted and the completeness and accuracy of the insurance eligibility adjustment form.

(6) Each employer group, K-12 school district or educational service district shall remit the entire monthly premium due including the employee share, if any. The employer group, K-12 school district or educational service district is solely responsible for the collection of any employee share of the premium. The employer shall not withhold portions of the monthly premium due because it has failed to collect the entire employee share.

(7) Nonpayment of the full premium when due will subject the employer group, K-12 school district or educational service district to disenrollment and termination of each employee of the group.

(a) Prior to termination for nonpayment of premium, the HCA shall cause a notice of overdue premium to be sent to the employer group, K-12 school district or educational service district which notice will provide a one-month grace period for payment of all overdue premium.

(b) An employer group, K-12 school district or educational service district that does not remit the entirety of its overdue premium no later than the last day of the grace period will be disenrolled effective the last day of the last month for which premium has been paid in full.

(c) Upon disenrollment, notification will be sent to both the employer group, K-12 school district or educational service district and each affected employee.

(d) Employer groups, K-12 school districts or educational service districts disenrolled due to nonpayment of premium shall have the right to a dispute resolution hearing in accordance with the terms of the interlocal agreement.

(e) Employees terminated due to the nonpayment of premium by the employer group, K-12 school district or educational service district are not eligible for continuation of group health plan coverage according to the terms of the Consolidated Omnibus Budget Reconciliation Act (COBRA). Terminated employees shall have conversion rights to an individual insurance policy as provided for by the employer group, K-12 school district or educational service district.

(f) Claims incurred by terminated employees of a disenrolled group after the effective date of disenrollment will not be covered.

(g) The employer group, K-12 school district or educational service district is solely responsible for refunding any employee share paid by the employee to the employer group, K-12 school district or educational service district and not remitted to the HCA.

(8) A disenrolled employer group, K-12 school district or educational service district may apply for reinstatement in PEBB insurance coverages under the following conditions:

(a) Reinstatement must be requested and all delinquent premium paid in full no later than ninety days after the date the delinquent premium was first due, as well as a reinstatement fee of one thousand dollars.

(b) Reinstatement requested more than ninety days after the effective date of disenrollment will be denied.

(c) Employer groups, K-12 school districts or educational service districts may be reinstated only once in any two-year period and will be subject to immediate disenrollment if, after the effective date of any such reinstatement, subsequent premiums become more than thirty days delinquent.

(9) Upon written petition by the employer group, K-12 school district or educational service district disenrollment of an employer group, K-12 school district or educational service district or denial of reinstatement may be waived by the administrator upon a showing of good cause.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-08-095	Waiver of coverage for active employees.
WAC 182-08-125	PEBB-sponsored medical and dental benefit is limited to one enrollment per individual member.
WAC 182-08-160	Group coverage when not in pay status.
WAC 182-08-165	Other group coverage option.
WAC 182-08-175	Group coverage while on family and medical leave.
WAC 182-08-210	Termination of employer paid insurance benefit programs.

NEW SECTION

WAC 182-12-108 Purpose. The purpose of this chapter is to establish eligibility criteria for and effective date of enrollment in the public employees' benefits board (PEBB) approved benefits.

NEW SECTION

WAC 182-12-109 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates another meaning:

"Administrator" means the administrator of the HCA or designee.

"Board" means the public employees' benefits board established under provisions of RCW 41.05.055.

"Defer" means to postpone enrollment or interrupt enrollment in PEBB sponsored medical coverage by a retiree or surviving dependent.

"Dependent" means a person who meets eligibility requirements set forth in WAC 182-12-260.

"Effective date of enrollment" means the first date on which an enrollee is entitled to receive covered benefits.

"Enrollee" means a person who meets all eligibility requirements defined in chapter 182-12 WAC, who is

enrolled in PEBB benefits, and for whom applicable premium payments have been made.

"Extended dependent" means a dependent child who is not the child of an enrollee through birth, adoption, marriage, or a qualified same sex domestic partnership. Some examples of extended dependents include, but are not limited to, a grandchild or a niece or nephew for whom the enrollee is the legal guardian or the enrollee has legal custody.

"Health carrier" has the meaning set forth at RCW 43.43.005(18) for purposes of administering this Title 182 WAC only, it includes the uniform medical plan and the uniform dental plan.

"Health plan" or "plan" means medical and dental coverages.

"Insurance coverage" means any health plan, life, or long-term disability insurance plan administered as a PEBB benefit.

"LTD insurance" includes basic long-term disability insurance paid for by the employer and long-term disability insurance offered to employees on an optional basis.

"Life insurance" includes basic life insurance paid for by the employer and life insurance offered to employees on an optional basis.

"Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their enrollment from one health carrier to another, enroll in medical coverage if the enrollee had previously waived such coverage or add dependents.

"PEBB plan" or "PEBB benefits" means one or more insurance coverages approved by the public employees' benefits board for eligible enrollees and their dependents.

"Subscriber" or "insured" means the employee, retiree, COBRA beneficiary or surviving dependent who has been designated by the HCA as the individual to whom the HCA and the health carrier will issue all notices, information, requests and premium bills on behalf of enrolled dependents.

"Waive" means to interrupt enrollment or postpone enrollment in a PEBB sponsored health plan by an employee (as set forth in WAC 182-12-115) or a dependent who meets eligibility requirements set forth in WAC 182-12-260.

AMENDATORY SECTION (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

WAC 182-12-111 Eligible entities and individuals. The following entities and individuals shall be eligible to participate in PEBB insurance ((plans)) coverages subject to the terms and conditions set forth below:

(1) State agencies. Every department, division, or separate agency of state government, including all state higher education institutions, the higher education coordinating board, and the state board for community and technical colleges is required to participate in all PEBB approved ((plans)) insurance coverage. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(a) Employees of technical colleges previously enrolled in a benefits trust may terminate PEBB insurance coverage by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees electing to terminate PEBB coverage have a one-time reenroll-

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ment option after a five year wait. Employees of a bargaining unit may terminate PEBB participation only as an entire bargaining unit. All administrative or managerial employees may terminate PEBB participation only as an entire unit.

(b) Community and technical colleges with employees enrolled in a benefits trust shall remit to the HCA a retiree remittance as specified in the omnibus appropriations act, for each full-time employee equivalent. The remittance may be prorated for employees receiving a prorated portion of benefits.

(2) Employee organizations. Employee organizations representing state civil service employees((;)) and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, may participate in PEBB((-) sponsored ((benefits)) insurance coverages at the option of each employee organization provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB ((plan)) insurance coverage as a unit. If the group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The PEBB ((medical)) health plan((s)) must be the only employer sponsored ((medical)) health plan((s)) available to eligible employees.

(c) The legislative authority or the board of directors of the entity must submit to the HCA an application together with employee census data and, if available, prior claims experience of the entity. The application to participate in ((the)) PEBB ((plans)) insurance coverage is subject to the approval of the HCA.

(d) The legislative authority or the board of directors must maintain its PEBB plan participation for a minimum of one full year, and may terminate participation only at the end of a plan year.

(e) The terms and conditions for the payment of the insurance premiums shall be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the appropriate governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes must be submitted to HCA.

(f) The eligibility requirements for dependents must be the same as the requirements for dependents of the state employees and retirees as ((defined)) set forth in WAC ((182-12-119)) 182-12-260.

(g) The legislative authority or the board of directors shall provide the HCA with written notice of its intent to terminate PEBB plan participation no fewer than thirty days prior to the effective date of termination. If the employee organization terminates coverage in PEBB insurance ((plans)) coverage, retired and disabled employees who began participating after September 15, 1991, are not eligible to participate in PEBB insurance ((plans)) coverage beyond the mandatory extension requirements specified in WAC ((182-12-215)) 182-12-146.

(3) Blind vendors means a "licensee" as defined in RCW 74.18.200: Vendors actively operating a business enterprise program facility in the state of Washington and deemed eligible by the department of services for the blind may voluntarily participate in PEBB insurance ((programs)) coverage.

(a) Vendors that do not enroll when first eligible may enroll only during the annual open enrollment period offered by the ((health care authority)) HCA or the first day of the month following loss of other insurance coverage.

(b) Department of services for the blind will notify eligible vendors of their eligibility in advance of the date that they are eligible to apply for enrollment in PEBB insurance ((programs)) coverage.

(c) The eligibility requirements for dependents of blind vendors shall be the same as the requirements for dependents of the state employees and retirees as ((defined)) set forth in WAC ((182-12-119)) 182-12-260.

(4) Local governments: Employees of a county, municipality, or other political subdivision of the state may participate in PEBB insurance ((programs)) coverage provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB ((plan)) insurance coverage as a unit. If the ((employer)) group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The PEBB ((medical)) health plan((s)) must be the only employer sponsored ((medical)) health plan((s)) available to eligible employees.

(c) The legislative authority or the board of directors of the entity must submit to the HCA an application together with employee census data and, if available, prior claims experience of the entity. The application to participate in ((the)) PEBB ((plans)) insurance coverage is subject to the approval of the HCA.

(d) The legislative authority or the board of directors must maintain its PEBB plan participation for a minimum of one full year, and may terminate participation only at the end of the plan year.

(e) The terms and conditions for the payment of the insurance premiums must be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the appropriate governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes must be submitted to HCA.

(f) The eligibility requirements for dependents of local government employees must be the same as the requirements for dependents of ((the)) state employees and retirees as ((defined)) set forth in WAC ((182-12-119)) 182-12-260.

(g) The legislative authority or the board of directors shall provide the HCA with written notice of its intent to terminate PEBB plan participation no fewer than thirty days prior to the effective date of termination. If a county, municipality, or political subdivision terminates coverage in PEBB insurance ((plans)) coverage, retired and disabled employees who began participating after September 15, 1991, are not

eligible to participate in PEBB insurance (~~((plans))~~) coverage beyond the mandatory extension requirements specified in WAC (~~(182-12-215))~~ 182-12-146.

(5) K-12 school districts and educational service districts: Employees of school districts or educational service districts may participate in PEBB insurance programs provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB (~~(plan))~~ insurance coverage as a unit. If the K-12 school district or educational service district meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group. For the purpose of enrolling by bargaining unit, all nonrepresented employees will be considered a single bargaining unit.

(b) The school district or educational service district must submit an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB (~~(plans))~~ insurance coverage is subject to the approval of the HCA.

(c) The school district or educational service district must agree to participate in all PEBB insurance (~~((plans))~~) coverage. The PEBB (~~(medical))~~ health plan(s) must be the only employer sponsored (~~(medical))~~ health plan(s) available to eligible employees.

(d) The school district or educational service district must maintain its PEBB plan participation for a minimum of one full year, and may terminate participation only at the end of the plan year.

(e) Beginning September 1, 2003, the (~~(health-care authority))~~ HCA will collect an amount equal to the composite rate charged to state agencies plus an amount equal to the employee premium by (~~(plan))~~ health carrier and family size as would be charged to state employees for each participating school district or educational service district. Each participating school district or educational service district must agree to collect an employee premium by (~~(plan))~~ health carrier and family size that is not less than that paid by state employees. The eligibility requirements for employees will be the same as those for state employees as defined in WAC 182-12-115.

(f) The eligibility requirements for dependents of K-12 school district and educational service district employees must be the same as the requirements for dependents of the state employees and retirees as (~~(defined))~~ set forth in WAC (~~(182-12-119))~~ 182-12-260.

(g) The school district or educational district must provide the HCA with written notice of its intent to terminate PEBB plan participation no fewer than thirty days prior to the effective date of termination, and may terminate participation only at the end of a plan year.

(6) Eligible nonemployees:

(a) Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB (~~(medical and dental))~~ health plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350 may participate in PEBB insurance coverage as long as they remain eligible under that section.

NEW SECTION

WAC 182-12-112 Insurance eligibility for higher education. For the purpose of insurance eligibility, the HCA considers the higher education personnel board, the council for postsecondary education, and the state board for community colleges to be higher education agencies.

AMENDATORY SECTION (Amending Order 5-79, filed 12/27/79)

WAC 182-12-121 Does a change in position or job affect eligibility status((s))? Employees who voluntarily move from an eligible to an otherwise noneligible position shall retain their eligibility for the employer contribution each month in which they are in pay status eight (~~((hours))~~) or more hours, provided, (1) the new position is one in which the employee is scheduled to work half time or more, and (2) the employee did not terminate state service before taking the new position. Layoff because of reduction in force is not considered termination of state service. Proviso (1) above does not apply to employees who are on reduction in force status.

NEW SECTION

WAC 182-12-123 Dual eligibility is prohibited. Health plan coverage is limited to a single enrollment per individual.

(1) Effective January 1, 2002, individuals that have more than one source of eligibility for enrollment in PEBB health coverage (called "dual eligibility") are limited to one enrollment.

(2) One insurance-eligible employee may waive medical coverage for himself or herself and enroll as a spouse or dependent on the coverage of his or her eligible spouse. This waiver option is not available for other insurance coverages.

(3) The following examples describe typical situations of dual eligibility. These are not the only situations where dual eligibility may arise. These examples are provided as illustrations only.

(a) A husband and wife who are both insurance-eligible and employed by PEBB-participating employers, such as state agencies, may enroll only in a health plan as an employee but not also as a dependent. That is, the husband may enroll only under his employing agency and the wife may enroll only under her employing agency but not also as dependents of each other. In the alternative, one spouse may waive medical coverage as an employee and enroll as a dependent on the medical coverage of the other spouse.

(b) A dependent child that is eligible for coverage under two or more parents or stepparents who are employed by PEBB-participating employers, may be enrolled as a dependent under the health plan coverage of one parent or stepparent, but not more than one.

(c) An employee employed in an insurance-eligible position by more than one PEBB-participating employer may enroll only under one employer. The employee may choose to enroll in a health plan under the employer that:

(i) Offers the most favorable cost-sharing arrangement;
or

(ii) Employed the employee for the longer period of time.

NEW SECTION

WAC 182-12-128 May an employee waive enrollment in PEBB insurance coverage? (1) Employees eligible for PEBB insurance coverage have the option of waiving health plan coverage if they are covered by other health plan coverage. If an employee waives health plan coverage, such coverage is automatically waived for all eligible dependents. An employee may choose to enroll only himself or herself, and waive either the medical or dental portion of the health plan coverage, or both, for any or all dependents. In order to waive enrollment, the employee must complete an enrollment form and list all enrollees for whom coverage is being waived.

(2) An employee may only waive the medical portion of health plan coverage. The employee must remain enrolled in the dental, life and LTD insurance coverages.

(3) If the medical portion of the health plan coverage is waived, an otherwise eligible enrollee may not rescind the waiver and reenroll in the medical portion of the health plan coverage except during the following times:

(a) The next open enrollment period; or

(b) Within sixty days of loss of other medical coverage if proof of enrollment in other comprehensive group medical coverage is submitted and demonstrates that:

(i) Enrollment in other medical coverage was continuous from the most recent open enrollment period for which PEBB medical coverage was waived; and

(ii) The period between loss of the other medical coverage and application for PEBB medical coverage is sixty days or less.

(4) If the dental portion of the health plan coverage is waived, an otherwise eligible dependent may not enroll in PEBB dental coverage except during the following times:

(a) The next open enrollment period; or

(b) Within sixty days after loss of other dental coverage if proof of enrollment in other dental coverage is submitted and demonstrates that:

(i) Enrollment in the other dental coverage was continuous from the most recent open enrollment period for which dental was waived; and

(ii) The period between loss of the other dental and application for PEBB dental coverage is sixty days or less.

(5) The employee and eligible dependents may have an additional opportunity to reenroll only as a result of addition of a new dependent due to marriage, birth, adoption, or placement for adoption, provided that advice of such enrollment is provided to HCA within thirty-one days after the marriage or within sixty days after the birth, adoption or placement for adoption of a child.

NEW SECTION

WAC 182-12-131 When does employer paid insurance coverage end? PEBB medical, dental and life insurance coverages for a terminated employee, spouse, qualified same sex domestic partner or dependent child ceases at 12:00 midnight, the last day of the month in which the employee or

dependent is eligible. Basic long term disability coverage ceases at 12:00 midnight the date employment terminates or immediately upon the death of the employee.

NEW SECTION

WAC 182-12-133 What options for continuing coverage are available to employees when they are no longer eligible for PEBB insurance coverage paid for by their employer? Eligible employees covered by PEBB insurance coverage have options for providing continued coverage for themselves and their dependents during temporary or permanent loss of eligibility. Except in the case of approved family and medical leave, and except as otherwise provided, only employees in pay status eight or more hours per month are eligible to receive the employer contribution.

(1) When an employee is on leave without pay due to an event described in (a) through (f) of this subsection, insurance coverage may be continued at the group rate by self-paying premiums. Employees may self-pay for a maximum of twenty-nine months. The number of months that an employee self-pays premium during a period of leave without pay will count toward the total months of continuation coverage allowed under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). Employees may continue any combination of medical, dental and life insurance; however, only employees on approved educational leave may continue long term disability insurance. The following types of leave qualify to continue coverage under this provision:

(a) The employee is on authorized leave without pay;

(b) The employee is laid off because of a reduction in force (RIF);

(c) The employee is receiving time-loss benefits under workers' compensation;

(d) The employee is applying for disability retirement;

(e) The employee is called to active military duty; however, self-payment of life insurance is limited to twelve months from the date the employee is called to active duty;

(f) The employee is on approved educational leave.

(2) Part-time faculty may self-pay premium at the group rate between periods of eligibility for a maximum of eighteen months. Part-time faculty may continue any combination of medical, dental and life insurance.

(3) The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives enrollees the right to continue group medical and dental coverage for a period of eighteen to thirty-six months when they lose eligibility due to one of the following qualifying events.

(a) Termination of employment.

(b) The employee's hours are reduced to the extent of losing eligibility.

(4) Employees who are approved for leave under the federal Family and Medical Leave Act (FMLA) are eligible to receive the employer contribution toward premium for up to twelve weeks, as provided in WAC 182-12-138.

NEW SECTION

WAC 182-12-136 May an employee on approved educational leave waive PEBB health plan coverage? In order to avoid duplication of group health plan coverage, the

following shall apply to employees during any period of approved educational leave. Employees eligible for coverage provided in WAC 182-12-133 who obtain comprehensive health plan coverage under another group plan may waive continuance of such coverage for each full calendar month in which they maintain coverage under the other comprehensive group health plan. These employees have the right to reenroll in PEBB health plan coverage effective the first day of the month after the date the other comprehensive group health plan coverage terminates, provided proof of such other comprehensive group health plan coverage is provided to the HCA upon application for reenrollment.

NEW SECTION

WAC 182-12-138 If an employee is approved for family and medical leave, what PEBB insurance coverage may be continued? Employees on leave under the federal Family and Medical Leave Act (FMLA) may continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave and may also continue current optional life and long-term disability. All employee premium amounts associated with insurance coverage must be paid monthly as they become due. If premiums are more than sixty days delinquent, insurance coverage will be terminated as of the last day of the month of fully paid coverage.

NEW SECTION

WAC 182-12-141 If I revert from an eligible position to an ineligible position what happens to my insurance coverage? Employees who revert to a position that is ineligible for employer contribution toward insurance coverage may continue health plan coverage by self-paying premium for up to eighteen months (and in some cases up to twenty-nine months) under the same terms as an employee who is granted leave without pay.

NEW SECTION

WAC 182-12-146 PEBB health plan coverage under COBRA. Enrollees and eligible dependents who become ineligible for health plan coverage and who qualify for continued coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) may continue their plan coverage by self-payment of plan premiums in accordance with COBRA statutes and regulations.

NEW SECTION

WAC 182-12-148 May an employee continue PEBB insurance coverage during their appeal of dismissal? (1) Employees awaiting hearing of a dismissal action before the personnel appeals board, higher education personnel board or any court may continue their insurance coverage by self-payment of premium on the same terms as an employee who is granted leave without pay.

(2) If the hearing board or court upholds the dismissal, all insurance coverage shall terminate at the end of the month

in which the board or court's decision is entered or the date to which premiums have been paid, whichever is earlier.

(3)(a) If the hearing board or court sustains the employee in the appeal and directs reinstatement of employer paid insurance coverage retroactively, the employer must forward to HCA the full employer contribution for the period directed by the hearing board or court and collect from the employee the employee's share of premiums due, if any.

(b) HCA will refund to the employee any premiums the employee paid that may be provided for as a result of the reinstatement of the employer contribution only if the employee makes retroactive payment of any employee contribution amounts associated with the insurance coverage. In the alternative, at the request of the employee, HCA may deduct the employee's contribution from the refund of any premiums self-paid by the employee during the appeal period.

(c) All optional life and long term disability insurance which was in force at the time of dismissal shall be reinstated retroactively only if the employee makes retroactive payment of premium for any such optional coverage which was not continued by self-payment during the appeal process. If the employee chooses not to pay the retroactive premium, evidence of insurability will be required to restore such optional coverage.

NEW SECTION

WAC 182-12-171 Eligible retirees. (1) Eligible employees who terminate public employment after becoming vested in a Washington state sponsored retirement system are eligible to continue PEBB sponsored insurance coverage as a retiree provided the following requirements in (a) and (b) of this subsection as well as one of (c) through (g) of this subsection are met:

(a) If the retiree or enrolled dependent(s) is entitled to Medicare and the retiree retired after July 1, 1991, the Medicare-entitled retiree or Medicare-entitled dependent must enroll in both Medicare Parts A and B; and

(b) The person must submit an application form to enroll or defer health plan coverage within sixty days after active employer or continuous Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends and is eligible for retiree benefits under one or more of the programs described in (c), (d), (e), (f), or (g) of this subsection;

(c) Except as provided in (c)(vii) of this subsection, the person immediately begins receiving a monthly retirement income benefit from one or more of the following retirement systems:

(i) Law enforcement officers' and fire fighters' retirement system Plan 1 or 2;

(ii) Public employees' retirement system Plan 1 or 2;

(iii) School employees' retirement system Plan 2;

(iv) State judges/judicial retirement system;

(v) Teachers' retirement system Plan 1 or 2; or

(vi) Washington state patrol retirement system.

(vii) Provided, however, that a lump-sum payment may be received in lieu of a monthly retiree income benefit payment under RCW 41.26.425(1), RCW 41.32.762(1), RCW 41.32.870(1), RCW 41.35.410(1), RCW 41.35.670(1), RCW 41.40.625(1) or RCW 41.40.815(1).

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(d) The person is at least fifty-five years of age with at least ten years of state of Washington service credit and a member of one of the following retirement systems:

- (i) Public employees' retirement system Plan 3;
- (ii) School employees' retirement system Plan 3; or
- (iii) Teachers' retirement system Plan 3.

(e) The person is a member of a state of Washington higher education retirement plan, and is:

- (i) At least fifty-five years of age with at least ten years service; or
- (ii) At least sixty-two years of age; or
- (iii) Immediately begins receiving a monthly retirement income benefit.

(f) If not retiring under the public employees' retirement system, the person would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of public employees' retirement system Plan 1 or Plan 2 for the same period of employment.

(g) The person is an elected official as defined under WAC 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not the person receives a benefit from a state retirement system.

(2) Eligible employees who participate in PEBB sponsored life insurance as an active employee and meet qualifications for retiree insurance coverage as provided in subsection (1) of this section are eligible for PEBB sponsored retiree life insurance if they apply to the HCA within sixty days after the date their active PEBB life insurance terminates and their premium is not being waived for any PEBB life insurance coverage at the time of application for retiree life insurance.

(3) The following retired and disabled school district and educational service district employees are eligible to participate in health plan coverage only, provided they meet all of the enrollment criteria stated below and, if they are entitled to Medicare, are also enrolled in both Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32, 41.35 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB health plan coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district due to a total and permanent disability and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35 or 41.40 RCW. Such persons must enroll in PEBB health plan coverage not later than the end of the open enrollment period established by the HCA for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

(4) With the exception of the Washington state patrol, retirees and disabled employees are not eligible for an employer premium contribution.

(5) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB insurance coverage at the time of retirement or disability.

(6) Employees who do not elect enrollment in PEBB retiree insurance coverage within sixty days after retirement,

or who terminate PEBB retiree coverage within sixty days after retirement, or who terminate PEBB retiree coverage after retirement, are not eligible to reenroll in PEBB retiree insurance coverage unless they retired and deferred PEBB retiree coverage pursuant to WAC 182-12-205 or retired and deferred PEBB retiree coverage pursuant to WAC 182-12-200.

(7)(a) If a retiree's insurance coverage terminates for any reason, coverage will not be reinstated at a later date. Examples of termination include, but are not limited to, any one or more of the following:

- (i) Failure to continue to meet eligibility requirements;
- (ii) Fraud, intentional misrepresentation or withholding of information the enrollee knew or should have known was material or necessary to accurately determine eligibility or the correct premium;
- (iii) Failure to provide information requested by the due date or knowingly providing false information;
- (iv) Abusive or offensive conduct repeatedly directed to an HCA employee, a health plan or other HCA contractor providing coverage on behalf of the PEBB program, its employees, or other persons; or
- (v) Intentional misconduct.

(b) If a retiree fails to pay the premium when due or an underpayment of premium is made, PEBB sponsored insurance coverage will terminate on the last day of the month for which the last full premium was received.

(c) Notwithstanding (a) of this subsection, the PEBB assistant administrator or designee may approve reinstatement of insurance coverage if the retiree or their dependent or beneficiary submits a written appeal and provides proof that extraordinary circumstances made it virtually impossible to make the payment and the retiree agrees to make payment in accordance with the terms of an agreement with the HCA. No insurance coverage will be reinstated more than three times.

(8) Enrollees may not enroll in retiree dental coverage unless they also enroll in retiree medical coverage.

(9) In order to continue retiree term life insurance, an election must be made within sixty days after retirement and premiums must be paid whether or not the retiree is otherwise employed. Election of retiree term life insurance may not be waived or deferred during periods of other coverage or otherwise.

AMENDATORY SECTION (Amending Order 2-80, filed 4/10/80)

WAC 182-12-190 (~~Retirees changing medical plans~~) May a retiree change health carriers at retirement~~((s))~~? Retirees eligible to continue their ~~((medical))~~ insurance coverage after retirement may elect to change ~~((medical plans))~~ health carriers at the time of retirement.

AMENDATORY SECTION (Amending Order 01-00, filed 8/9/01, effective 9/9/01)

WAC 182-12-200 ~~May a retiree~~~~((s may change enrollment in approved))~~ who is enrolled in PEBB sponsored or Washington state K-12 school district sponsored health plan coverage defer enrollment in PEBB retiree

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health plans ~~((*)~~ ² A retiree, whose spouse is enrolled as an eligible employee in a PEBB or Washington state school district ~~((--))~~ sponsored health plan, may defer enrollment in PEBB retiree ~~((medical and dental plans))~~ health plan coverage and enroll in the spouse's PEBB or school district ~~((--))~~ sponsored health plan coverage. If a retiree defers enrollment in ~~((a))~~ PEBB retiree medical ~~((plan))~~ coverage, enrollment must also be deferred for dental coverage. The retiree and eligible dependents may subsequently enroll in ~~((a))~~ PEBB retiree medical coverage, or medical and dental ~~((--plan(s)))~~ coverage if the retiree was continuously enrolled under the spouse's PEBB or school district ~~((--))~~ sponsored health plan coverage from the date the retiree was initially eligible for retiree insurance coverage:

(1) During any open enrollment period determined by the HCA; or

(2) Within sixty days ~~((of))~~ after the date the spouse ceases to be enrolled in a PEBB or school district ~~((--))~~ sponsored health plan as an eligible employee; or

(3) Within sixty days of the date ~~((of))~~ after the retiree's loss of eligibility as a dependent under the spouse's PEBB or school district ~~((--))~~ sponsored health plan coverage.

NEW SECTION

WAC 182-12-205 Retirees may defer enrollment in PEBB health plan coverage at or following retirement. (1) Beginning January 1, 2001, retirees may defer enrollment in health plan coverage at or following retirement if they are covered under:

(a) Comprehensive employer sponsored medical coverage as an active employee or as the spouse or same sex domestic partner of an active employee; or

(b) As a retiree or as the spouse or as the same sex domestic partner of an employee's retirement insurance from a federal retiree plan.

(2) If a retiree defers enrollment in PEBB health plan coverage, coverage is automatically waived for all eligible dependents.

(3) Election of retiree term life insurance coverage may not be deferred during periods of other coverage or otherwise.

(4) In order to defer health plan coverage, a retiree must submit the appropriate enrollment form(s) to the HCA requesting deferment of coverage. The notice of deferral must be received by the HCA prior to the date coverage is deferred or within sixty days after the date the retiree is eligible to apply for PEBB sponsored retiree benefits.

(5) Retirees may reenroll in PEBB coverage following the end of a deferral period under conditions listed below.

(a) Retirees who defer PEBB health plan coverage while enrolled in employer sponsored medical coverage, may reenroll in PEBB health plan coverage by submitting the appropriate enrollment form(s) and satisfactory evidence of continuous enrollment in comprehensive employer sponsored coverage to the HCA:

(i) During an annual open enrollment period; or

(ii) No later than sixty days after the last day of the employer sponsored coverage.

(b) Retirees who defer PEBB health plan coverage while enrolled as a retiree or dependent of a retiree in a federal retiree plan will have a one-time opportunity to reenroll in PEBB health plan coverage by submitting the appropriate enrollment form(s) and satisfactory evidence of continuous enrollment in a federal retiree medical plan to the HCA:

(i) During an annual open enrollment period; or

(ii) No later than sixty days after the date their federal retiree coverage ends.

(c) PEBB health plan enrollment will be effective the first day of the month following the date employer sponsored coverage or coverage under a federal retiree plan ended, except that reenrollment in PEBB insurance coverage during the annual open enrollment will become effective the first day of January following the open enrollment period.

NEW SECTION

WAC 182-12-211 If department of retirement systems makes a formal determination of retroactive eligibility, may the retiree enroll in PEBB sponsored insurance coverage? (1) When the Washington state department of retirement systems (DRS) makes a formal determination that a person is retroactively eligible for pension benefits, that person may apply for PEBB retiree health plan coverage only if application is made within sixty days after the date of notice from DRS.

(2) All premium due from the date of eligibility established by DRS or the date of the DRS decision letter, at the option of the retiree, must be sent with the application to HCA.

(3) The administrator may make an exception to the date PEBB retiree benefits commence or payment of premiums; however, such requests must demonstrate extraordinary circumstances beyond the control of the retiree.

NEW SECTION

WAC 182-12-250 Insurance eligibility for surviving dependents of emergency service personnel killed in the line of duty. Surviving dependents of emergency service personnel who were killed in the line of duty on or after January 1, 1998, are eligible to participate in health plan coverage administered by the HCA.

(1) This section applies to the dependents of emergency service personnel "killed in the line of duty" as determined consistent with Title 51 RCW by the department of labor and industries.

(2) "Emergency service personnel" means law enforcement officers, fire fighters and reserve officers, fire fighters as defined in RCW 41.26.030 and 41.24.010.

(3) "Surviving dependent" means:

(a) A lawful spouse or ex-spouse as defined in RCW 41.26.162; and

(b) Dependent children. The term "children" includes unmarried natural children, stepchildren and legally adopted children under the age of twenty or under the age of twenty-four for a dependent student attending high school or registered at an accredited secondary school, college, university, vocational school, or school of nursing. Disabled dependents as defined in RCW 41.26.030(7) are eligible at any age.

(4) Premium rates will be subsidized consistent with rates established by PEBB for non-Medicare retirees under RCW 41.05.022 and for Medicare-entitled retirees under RCW 41.05.085.

(5) Surviving dependents that are Medicare-entitled must enroll in both parts A and B of Medicare.

(6) The surviving dependent must send a completed enrollment application to PEBB no later than sixty days after:

(a) The last day of any coverage extended by the employing agency of the emergency service employee who died in the line of duty; or

(b) The last day of coverage extended through the Consolidated Omnibus Budget Reconciliation Act (COBRA) from any employing agency.

(7) Surviving dependents must choose one of the following two options for maintaining eligibility for participation under PEBB health plan coverage:

(a) Enroll in PEBB health plan coverage:

(i) Enrollment in the medical portion of PEBB health plan coverage is required.

(ii) Enrollment in the dental portion of PEBB health plan coverage is optional. Once enrolled in dental coverage the person must maintain enrollment in dental coverage for a minimum of two years before dental coverage can be dropped.

(iii) Dental only coverage is not available.

(b) Defer enrollment:

(i) Surviving dependents may defer enrollment in PEBB health plan coverage if they are enrolled in employer sponsored medical through their employment.

(ii) Surviving dependents may enroll in PEBB health plan coverage when their employer sponsored coverage ends. Proof of continuous enrollment in other comprehensive employer sponsored coverage must be submitted with the application for enrollment to the HCA within sixty days after the date that their coverage ended.

(8) Enrollees may change their health carrier selection during open enrollment. In addition to open enrollment, enrollees may change health carriers if they move out of their health carrier's service area or into a service area where a health carrier that was not previously offered is now available.

(9) Surviving dependents will forfeit their right to enroll in PEBB health plan coverage if they:

(a) Do not make application to PEBB before the date specified in subsection (6) of this section; or

(b) Do not maintain continuous comprehensive employer sponsored medical coverage during the deferral period, as provided in subsection (7)(b)(i) of this section.

NEW SECTION

WAC 182-12-260 Eligible dependents defined. The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse.

(2) A same sex domestic partner qualified through the declaration certificate issued by PEBB.

(3) Dependent children through age nineteen. The term "children" includes the subscriber's biological children, step-

children, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, children of the subscriber's qualified same sex domestic partner, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under the Internal Revenue Code, and extended dependents approved by PEBB are included. To qualify for PEBB approval, the subscriber must demonstrate legal custody for the child with a court order, and the child:

(a) Must be living with the subscriber in a parent-child relationship; and

(b) Must not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(4) Dependent children age twenty through age twenty-three and who are registered students at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters and continues during the three month period following graduation provided the subscriber is covered, at the same time, the dependent has not reached age twenty-four, and the dependent meets all other eligibility requirements.

(5) Dependent children of any age with developmental disabilities, mental illness or mental retardation who are incapable of self-support, provided such condition occurs prior to age twenty or during the time the dependent was covered under PEBB health plan coverage as a registered student. Proof of such disability must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(6) Dependent parents.

(a) Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

(i) The parent maintains continuous coverage in PEBB sponsored medical coverage;

(ii) The parent qualifies under the Internal Revenue Code as a dependent of an eligible subscriber;

(iii) The subscriber who claimed the parent as a dependent continues enrollment in PEBB insurance coverage; and

(iv) The parent is not covered by any other group medical coverage.

(b) Dependent parents may be enrolled with a different health carrier than that selected by the eligible subscriber; however, dependent parents may not add additional dependents to their coverage.

NEW SECTION

WAC 182-12-265 What options for continuing insurance coverage are available to widows, widowers and dependent children if the employee or retiree dies? (1) Dependents that lose eligibility due to the death of an eligible employee may continue health plan coverage under a retiree plan provided they immediately begin receiving a monthly

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retirement benefit from any state of Washington sponsored retirement system.

(a) The employee's spouse or qualified same sex domestic partner may continue coverage until death.

(b) Other dependents may continue coverage until they lose eligibility under PEBB rules.

(c) If a surviving dependent of an eligible employee is not eligible for a monthly retirement benefit or a lump-sum payment because the monthly pension payment would be less than the minimum amount established by the department of retirement systems, the dependent may continue health plan coverage under provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

(d) The Federal Civil Service Retirement System shall be considered a Washington sponsored retirement system for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under PEBB insurance coverage at the time of death.

(2) Dependents that lose eligibility due to the death of a PEBB eligible retiree may continue health plan coverage under a retiree plan.

(a) The retiree's spouse or qualified same sex domestic partner may continue coverage until death.

(b) Other dependents may continue coverage until they lose eligibility under PEBB rules.

(c) Dependents that are waiving PEBB insurance coverage at the time of the retiree's death are eligible to enroll or defer PEBB retiree coverage if they submit evidence of continuous enrollment in other comprehensive medical coverage within sixty days after the retiree's death.

(3) Surviving spouses or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in PEBB insurance coverage at the time of the subscriber's death may enroll in PEBB sponsored health plan coverage provided the employee died on or after October 1, 1993, and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32, 41.35 or 41.40 RCW.

(a) The employee's spouse or qualified same-sex domestic partner may continue health plan coverage until death.

(b) Other dependents may continue coverage until they lose eligibility under PEBB rules.

(4) Application for surviving dependent coverage must be made in writing on an enrollment form approved by PEBB within sixty days after the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree insurance coverage terminated subject to the payment of premium. In order to avoid duplication of group medical coverage, surviving dependents may defer enrollment in PEBB health plan coverage for each full calendar month in which they maintain coverage under other employer sponsored comprehensive medical coverage. Notice of intent to defer PEBB coverage must be sent in writing to the HCA within sixty days after the date of death of the subscriber.

(5) Surviving dependents that defer coverage while enrolled in an employer sponsored comprehensive medical plan must submit an application to reenroll in PEBB coverage within sixty days after the last day of coverage under the employer sponsored medical plan. Satisfactory evidence of

continuous enrollment in an employer sponsored comprehensive medical coverage will be required by the HCA prior to reenrollment in a PEBB health plan.

NEW SECTION

WAC 182-12-270 What options are available to dependents that cease to meet the definition of dependent in WAC 182-12-260? Dependents may continue enrollment in PEBB health plan coverage by self-paying premiums following their loss of eligibility. Options for continuing coverage are based on the reason that eligibility was lost.

(1) Dependents that lose eligibility due to the death of an employee or retiree may be eligible to continue coverage under provisions of WAC 182-12-265.

(2) Dependents of a lawful marriage that lose eligibility because they no longer meet the definition of dependent as defined in WAC 182-12-260 are eligible to continue coverage under provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA); or

(3) Dependents of a qualified same sex domestic partnership that no longer meet the definition of dependent as defined under COBRA may continue coverage for a maximum of thirty-six months.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-12-110	Purpose.
WAC 182-12-117	Eligible retirees.
WAC 182-12-118	Insurance eligibility for surviving dependents of emergency service personnel killed in the line of duty.
WAC 182-12-119	Eligible dependents.
WAC 182-12-124	Determination by department of retirement systems of retroactive eligibility for PEBB pension.
WAC 182-12-132	Deferring coverage at or following retirement.
WAC 182-12-145	Insurance eligibility for higher education.
WAC 182-12-215	Continued PEBB medical/dental coverage under COBRA.
WAC 182-12-220	Eligibility during appeal of dismissal.
WAC 182-12-230	Employer groups.

PERMANENT

WSR 04-18-043
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed August 26, 2004, 2:34 p.m., effective October 1, 2004]

Effective Date of Rule: October 1, 2004.

Purpose: Amend chapter 308-29 WAC, regulating collection agencies, to amend the rule with fee reductions, while still ensuring there is a sufficient level of revenue to defray program administration costs as required under RCW 43.24.086.

Citation of Existing Rules Affected by this Order: Amending WAC 308-29-045 Collection agency fees.

Statutory Authority for Adoption: RCW 19.16.140, 43.24.086.

Adopted under notice filed as WSR 04-14-070 on July 2, 2004.

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.

Date Adopted: August 17, 2004.

August 18, 2004
 Mykel D. Gable
 Assistant Director

AMENDATORY SECTION (Amending WSR 01-11-132, filed 5/22/01, effective 6/22/01)

WAC 308-29-045 Collection agency fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Collection agency—Main office:	
Original application	\$650.00
((Investigation (nonrefundable)	250.00))
Renewal	((600.00)) <u>410.00</u>
((Late renewal penalty	400.00))
Reregistration fee after 30 days	((1,650.00)) <u>1,060.00</u>
((Duplicate license	15.00))
Branch office (with WA main office):	
Original application	350.00

Title of Fee	Fee
Renewal	((350.00)) <u>238.00</u>
((Late renewal penalty	200.00))
Reregistration fee after 30 days	((900.00)) <u>588.00</u>
((Duplicate license	15.00))

WSR 04-18-051
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-234—Filed August 27, 2004, 10:59 a.m., effective September 27, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repeal stream obstructions hearings procedure chapter.

Citation of Existing Rules Affected by this Order: Repealing chapter 220-120 WAC.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-13-141 on June 22, 2004.

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 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 10.

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.

Date Adopted: August 7, 2004.

Susan Yeager
 for Will Roehl, Chair
 Fish and Wildlife Commission

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 220-120 WAC Stream obstruction hearings procedure

PERMANENT

WSR 04-18-054

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 27, 2004, 1:45 p.m., effective September 27, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The community alternatives program (CAP) waiver expired March 31, 2004. The federal Centers for Medicare and Medicaid Services has approved four new waivers effective April 1, 2004. The Division of Developmental Disabilities (DDD) administers these new waivers. These rules define the DDD waivers, change references from the CAP waiver to DDD waivers, eliminates references to CASA (Coordinated Community AIDS Service Alternative), correct and add some WAC cross-references, and revise some grammatical errors.

These permanent rules, when effective, will replace emergency rules filed as WSR 04-15-091.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1301, 388-513-1315, and 388-515-1510.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Other Authority: Chapters 71A.10 and 71A.12 RCW, chapter 276, Laws of 2004.

Adopted under notice filed as WSR 04-12-101 on June 2, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-515-1510 has been revised to include a cross reference to chapter 388-845 WAC, which contains the requirements for services for DDD waivers, the transitional process for individuals on the CAP waiver to the DDD waivers, and the appeal process if an individual wants to appeal the type of waiver to which the individual was assigned.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, 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 0, Amended 3, Repealed 0.

Date Adopted: August 25, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-09-052, filed 4/12/02, effective 5/13/02)

WAC 388-513-1301 Definitions related to long-term care (LTC) services. This section defines the meaning of

certain terms used in chapters 388-513 and 388-515 WAC. Within these chapters, institutional, ~~((waivered))~~ waiver, and hospice services are referred to collectively as LTC services. Other terms related to LTC services that also apply to other programs are found in the sections in which they are used. Definitions of terms used in certain rules that regulate LTC programs are as follows:

"Add-on hours" means additional hours the department purchases from providers to perform medically-oriented tasks for clients who require extra help because of a hand-capping condition.

"Alternate living facility (ALF)" means one of the following community residential facilities that are contracted with the department to provide certain services:

(1) Adult family home (AFH), a licensed family home that provides its residents with personal care and board and room for two to six adults unrelated to the person(s) providing the care.

(2) Adult residential care facility (ARC) (formerly known as a CCF) is a licensed facility that provides its residents with shelter, food, household maintenance, personal care and supervision.

(3) Adult residential rehabilitation center (ARRC) or Adult residential treatment facility (ARTF), a licensed facility that provides its residents with twenty-four hour residential care for impairments related to mental illness.

(4) Assisted living facility (AL), a licensed facility for aged and disabled low-income persons with functional disabilities. COPES eligible clients are often placed in assisted living.

(5) Division of developmental disabilities (DDD) group home (GH), a licensed facility that provides its residents with twenty-four hour supervision.

(6) Enhanced adult residential care facility (EARC), a licensed facility that provides its residents with those services provided in an ARC, in addition to those required because of the client's special needs.

"Clothing and personal incidentals (CPI)" means the same as personal needs allowance (PNA) which is defined later in this section.

~~("Community alternatives program (CAP)" means a Medicaid-waivered program that provides home and community-based services as an alternative to an institution for the mentally retarded (ICF-MR) to persons determined eligible for services from DDD.)~~

"Community options program entry system (COPEs)" means a Medicaid~~((waivered))~~ waiver program that provides an aged or disabled person assessed as needing nursing facility care with the option to remain at home or in an alternate living facility.

"Community spouse (CS)" means a person who does not live in a medical institution or nursing facility, and who is legally married to an institutionalized client or to a person receiving services from home and community-based waiver programs.

"Comprehensive assessment (CA)" means the evaluation process used by a department designated social services worker to determine the client's need for long-term care services.

~~("Coordinated community AIDS service alternative (CASA)" means a Medicaid-waivered program that provides a person with acquired immune deficiency syndrome (AIDS) or disabled class IV human immunodeficiency virus (HIV) and at risk of hospitalization with the option to remain at home or in an alternate living facility.)~~

"DDD waiver" means Medicaid waiver programs that provide home and community-based services as an alternative to an intermediate care facility for the mentally retarded (ICF-MR) to persons determined eligible for services from DDD. There are four waivers administered by DDD: Basic, Basic Plus, Core and Community Protection.

"Fair market value (FMV)" means the price an asset may reasonably be expected to sell for on the local market at the time of transfer or assignment. A transfer of assets for love and affection is not considered a transfer for FMV.

"Federal benefit rate (FBR)" means the basic benefit amount the social security administration (SSA) pays to clients who are eligible for the supplemental security income (SSI) program.

"Institutional services" means services paid for by Medicaid or state payment and provided in a nursing facility or equivalent care provided in a medical facility.

"Institutional status" means what is described in WAC 388-513-1320.

"Institutionalized client" means a client who has attained institutional status as described in WAC 388-513-1320.

"Institutionalized spouse" means a client who has attained institutional status as described in WAC 388-513-1320 and is legally married to a person who is not an institutionalized client.

"Legally married" means persons legally married to each other under provision of Washington state law. Washington recognizes other states' legal and common-law marriages. Persons are considered married if they are not divorced, even when they are physically or legally separated.

"Likely to reside" means ~~(there is a reasonable expectation the client will)~~ a determination by the department that a client is reasonably expected to remain in a medical facility for thirty consecutive days. Once made, the determination stands, even if the client does not actually remain in the facility for that length of time.

"Look-back period" means the number of months prior to the month of application for LTC services that the department will consider for transfer of assets.

"Maintenance needs amount" means a monthly income amount a client keeps or that is allocated to a spouse or dependent family member who lives in the client's home.

"Medically intensive children (MIC)" program means a Medicaid ~~(-waivered)~~ waiver program that enables medically fragile children under age eighteen to live in the community. The program allows them to obtain medical and support services necessary for them to remain at home or in a home setting instead of in a hospital. Eligibility is included in the OBRA program described in WAC 388-515-1510.

"Noninstitutional medical assistance" means medical benefits provided by Medicaid or state-funded programs that do not include LTC services.

"Nursing facility turnaround document (TAD)" means the billing document nursing facilities use to request payment for institutionalized clients.

"Outward bound residential alternative (OBRA)" means a Medicaid ~~(-waivered)~~ waiver program that provides a person approved for services from DDD with the option to remain at home or in an alternate living facility.

"Participation" means the amount a client is responsible to pay each month toward the total cost of care they receive each month. It is the amount remaining after subtracting allowable deductions and allocations from available monthly income.

"Penalty period" means a period of time for which a client is not eligible to receive LTC services.

"Personal needs allowance (PNA)" means a standard allowance for clothing and other personal needs for clients who live in a medical or alternate living facility. This allowance is sometimes referred to as "CPI."

"Prouty benefits" means special "age seventy-two" Social Security benefits available to persons born before 1896 who are not otherwise eligible for Social Security.

"Short stay" means a person who has entered a medical facility but is not likely to remain institutionalized for thirty consecutive days.

"Special income level (SIL)" means the monthly income standard for the categorically needy (CN) program that is three hundred percent of the SSI federal benefit rate (FBR).

"Swing bed" means a bed in a medical facility that is contracted as both a hospital and a nursing facility bed.

"Transfer of a resource or asset" means any act or failure to act, by a person or a nonapplying joint tenant, whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person.

"Uncompensated value" means the fair market value (FMV) of an asset at the time of transfer minus the value of compensation the person receives in exchange for the asset.

"Undue hardship" means the person is not able to meet shelter, food, clothing, or health needs.

"Value of compensation received" means the consideration the purchaser pays or agrees to pay. Compensation includes:

- (1) All money, real or personal property, food, shelter, or services the person receives under a legally enforceable purchase agreement whereby the person transfers the asset; and
- (2) The payment or assumption of a legal debt the seller owes in exchange for the asset.

"Veterans benefits" means different types of benefits paid by the federal Department of Veterans Affairs (VA). Some may include additional allowances for:

- (1) Aid and attendance for an individual needing regular help from another person with activities of daily living;
- (2) "Housebound" for an individual who, when without assistance from another person, is confined to the home;
- (3) Improved pension, the newest type of VA disability pension, available to veterans and their survivors whose income from other sources (including service connected disability) is below the improved pension amount; or
- (4) Unusual medical expenses (UME), determined by the VA based on the amount of unreimbursed medical expenses

reported by the person who receives a needs-based benefit. The VA can use UME to reduce countable income to allow the person to receive a higher monthly VA payment, a one-time adjustment payment, or both.

"~~((Waived))~~ **Waiver programs/services**" means programs for which the federal government authorizes exceptions to federal Medicaid rules. Such programs provide to an eligible client a variety of services not normally covered under Medicaid. In Washington state, ~~((waived))~~ **waiver programs** are ~~((CAP, CASA))~~ **DDD waivers**, COPES, MIC, and OBRA.

AMENDATORY SECTION (Amending WSR 00-01-051, filed 12/8/99, effective 1/8/00)

WAC 388-513-1315 Eligibility for long-term care (institutional, ~~((waived))~~ **waiver, and hospice) services.** This section describes how the department determines a client's eligibility for institutional, ~~((waived))~~ **waiver**, or hospice services under the categorically needy (CN) program and institutional or hospice services under the medically needy (MN) program. Also described are the eligibility requirements for these services under the general assistance (GA) program in subsection (11) and emergency medical programs described in subsections (10) and (12).

(1) To be eligible for long-term care (LTC) services described in this section, a client must:

(a) Meet the general eligibility requirements for medical programs described in WAC 388-503-0505 (2) and (3)(a) through (f);

(b) Attain institutional status as described in WAC 388-513-1320; and

(c) Not be subject to a penalty period of ineligibility as described in WAC 388-513-1365 and 388-513-1366.

(2) To be eligible for institutional, ~~((waived))~~ **waiver**, or hospice services under the CN program, a client must either:

(a) Be related to the Supplemental Security Income (SSI) program as described in WAC 388-503-0510(1) or be approved for the general assistance expedited Medicaid disability (GA-X) program; and

(b) Meet the following financial requirements, by having:

(i) Gross nonexcluded income described in subsection (7)(a) that does not exceed the special income level (SIL); and

(ii) Nonexcluded resources described in subsection (6) that do not exceed the resource standard described in WAC 388-513-1350(1), unless subsection (3) applies; or

(c) Be eligible for the CN children's medical program as described in WAC 388-505-0210; or

(d) Be eligible for the temporary assistance for needy families (TANF) program or state family assistance (SFA) program as described in WAC 388-505-0220.

(3) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the SIL.

(4) To be eligible for ~~((waived))~~ **waiver** or hospice services, a client must also meet the program requirements described in:

(a) WAC 388-515-1505 for COPES services;

(b) WAC 388-515-1510 for ~~((CAP))~~ **DDD waiver** and OBRA services; or

(c) ~~((WAC 388-515-1530 for CASA services; or~~

~~((4)))~~ Chapter 388-551 WAC for hospice services.

(5) To be eligible for institutional or hospice services under the MN program, a client must be:

(a) Eligible for the MN children's medical program as described in WAC 388-505-0210; or

(b) Related to the SSI program as described in WAC 388-503-0510(1) and meet all requirements described in WAC 388-513-1395.

(6) To determine resource eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers resources available as described in WAC 388-513-1350;

(b) Excludes resources described in WAC 388-513-1360, 388-513-1365, and 388-513-1366; and

(c) Compares the nonexcluded resources to the standard described in WAC 388-513-1350(1).

(7) To determine income eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers income available as described in WAC 388-513-1325 and 388-513-1330;

(b) Excludes income for CN and MN programs as described in WAC 388-513-1340;

(c) Disregards income for the MN program as described in WAC 388-513-1345; and

(d) Follows program rules for the MN program as described in WAC 388-513-1395.

(8) A client who meets the requirements of the CN program is approved for a period of up to twelve months for:

(a) Institutional services in a medical facility;

(b) ~~((Waived))~~ **Waiver** services at home or in an alternate living facility; or

(c) Hospice services at home or in a medical facility.

(9) A client who meets the requirements of the MN program is approved for a period of months described in WAC 388-513-1395 (5)(a)(ii) for:

(a) Institutional services in a medical facility; or

(b) Hospice services at home or in a medical facility.

(10) The department determines eligibility for LTC services under the alien emergency medical (AEM) program described in WAC 388-438-0110 for a client who meets all other requirements for such services but does not meet citizenship requirements.

(11) The department determines eligibility for institutional services under the GA program described in WAC 388-448-0001 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (8) through (10).

(12) The department determines eligibility for institutional services under the medically indigent program described in WAC 388-438-0100 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (8) through (11).

(13) A client is eligible for Medicaid as a resident in a psychiatric facility, if the client:

(a) Has attained institutional status as described in WAC 388-513-1320; and

(b) Is less than twenty-one years old or is at least sixty-five years old.

(14) The department determines a client's eligibility as it does for a single person when the client's spouse has already been determined eligible for LTC services.

(15) The department considers the parents' income and resources available as described in WAC 388-405-0055 (1)(c) for a minor who is less than eighteen years old and is receiving or is expected to receive inpatient chemical dependency and/or inpatient mental health treatment.

(16) The department considers the parents' income and resources available only as contributed for a client who is less than twenty-one years old and has attained institutional status as described in WAC 388-513-1320

(17) The department determines a client's participation in the cost of care for LTC services as described in WAC 388-513-1380.

AMENDATORY SECTION (Amending WSR 01-02-052, filed 12/28/00, effective 1/28/01)

WAC 388-515-1510 (~~Community alternatives program (CAP)~~) **Division of developmental disabilities (DDD) waivers and outward bound residential alternatives (OBRA)**. This section describes the eligibility requirements for (~~waivered~~) waiver services under the (~~CAP~~) four DDD waivers and OBRA programs and the rules used to determine a client's participation in the cost of care.

(1) The four DDD waivers are:

(a) Basic,

(b) Basic Plus,

(c) Core, and

(d) Community protection.

(2) The requirements for services for DDD waivers are contained in chapter 388-845 WAC. The department establishes eligibility for (~~CAP~~) DDD waivers and OBRA services for a client who:

(a) Is both Medicaid eligible under the categorically needy (CN) program and meets the requirements for services provided by the division of developmental disabilities (DDD);

(b) Has attained institutional status as described in WAC 388-513-1320;

(c) Has been assessed as requiring the level of care provided in an intermediate care facility for the mentally retarded (~~IMR~~) (ICF/MR);

(d) Has a department-approved plan of care that includes support services to be provided in the community;

(e) Is able to reside in the community according to the plan of care and chooses to do so;

(f) Meets the income and resource requirements described in subsection (~~(2)~~) (3); and

(g) For the OBRA program only, the client must be a medical facility resident at the time of application.

(~~(2)~~) (3) The department allows a client to have nonexcluded resources in excess of the standard described in WAC

388-513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the special income level (SIL). Refer to WAC 388-513-1315 for rules used to determine nonexcluded income and resources. During other months, financial requirements include the following:

(a) Nonexcluded income must be at or below the SIL; and

(b) Nonexcluded resources not allocated to participation in a prior month must be at or below the resource standard.

(~~(3)~~) (4) A client who is eligible for supplemental security income (SSI) does not participate in the cost of care for (~~CAP~~) DDD waivers or OBRA services.

(~~(4)~~) (5) An SSI-related client retains a maintenance needs amount of up to the SIL, who is:

(a) Living at home; or

(b) Living in an alternate living facility described in WAC 388-513-1305(1).

(~~(5)~~) (6) A client described in subsection (~~(4)~~) (5) (b) retains the greater of:

(a) The SSI grant standard; or

(b) An amount equal to a total of the following:

(i) A personal needs allowance (PNA) of thirty-eight dollars and eighty-four cents; plus

(ii) The facility's monthly rate for board and room, which the client pays to the facility; plus

(iii) The first twenty dollars of monthly earned or unearned income; and

(iv) The first sixty-five dollars plus one-half of the remaining earned income not previously excluded.

(~~(6)~~) (7) If a client has a spouse in the home who is not receiving (~~CAP~~) DDD waivers or OBRA services, the department allocates the client's income in excess of the amounts described in subsections (~~(4) and (5)~~) (5) and (6) as an additional maintenance needs amount in the following order:

(a) One for the spouse, as described in WAC 388-513-1380 (7)(b); and

(b) One for any other dependent family member in the home, as described in WAC 388-513-1380 (7)(c).

(~~(7)~~) (8) A client's participation in the cost of care for (~~CAP~~) DDD waivers or OBRA services is the client's income:

(a) That exceeds the amounts described in subsections (~~(4), (5), and (6)~~) (5), (6), and (7); and

(b) Remains after deductions for medical expenses not subject to third-party payment for which the client remains liable, included in the following:

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical care recognized under state law but not covered by Medicaid.

WSR 04-18-059**PERMANENT RULES****DEPARTMENT OF LICENSING**

[Filed August 27, 2004, 4:18 p.m., effective September 27, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amends rules regarding eligibility for an occupational/temporary restricted driver's license and denial hearings.

Citation of Existing Rules Affected by this Order: Amending WAC 308-104-100 and 308-104-105.

Statutory Authority for Adoption: RCW 46.01.110 and 46.20.391 (1)(c).

Adopted under notice filed as WSR 04-15-122 on July 20, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 27, 2004.

Denise M. Movius
Assistant Director**AMENDATORY SECTION** (Amending WSR 00-18-070, filed 9/1/00)

WAC 308-104-100 Occupational/temporary restricted driver's license—Person eligible. (1) Upon proper application, the department shall issue an occupational/temporary restricted driver's license to any person who has had his or her driver's license suspended or revoked who meets the requirements of RCW 46.20.380 and 46.20.391, provided that on the date of conviction for the offense on which the suspension or revocation is based or, if the suspension or revocation is based on an administrative action, on the date the suspension or revocation became effective, or, if there are multiple suspensions or revocations in effect, on the date of conviction for the offense on which the first suspension or revocation is based or on the date the first suspension or revocation based on an administrative action became effective:

((1)) (a) The person had an unexpired driver's license;

((2)) (b) The person did not have his or her resident driver's license or nonresident driving privilege suspended or revoked for any reason; and

((3)) (c) The person had not been required to surrender his or her Washington driver's license to the department for failure to maintain proof of financial responsibility for the future.

(2) No person may petition for, and the department shall not issue, an occupational/temporary restricted driver's license that is effective during:

(a) The first thirty days of any suspension or denial imposed under RCW 46.20.3101 (2)(a) or (3)(a);

(b) The first ninety days of any revocation or denial imposed under RCW 46.20.3101 (1)(a); or

(c) The first year of any revocation or denial imposed under RCW 46.20.3101 (1)(b), (2)(b), or (3)(b).

(3) Notwithstanding the provisions of this section, an occupational/temporary restricted driver's license shall not be issued for the operation of a commercial motor vehicle when the commercial driver has had his or her license suspended, revoked, or denied, or has been disqualified from operating a commercial motor vehicle.

AMENDATORY SECTION (Amending WSR 00-18-070, filed 9/1/00)

WAC 308-104-105 Occupational/temporary restricted license denial hearings. (1) Upon notification by the department that an occupational/temporary restricted driver's license has been denied under RCW 46.20.391 the aggrieved person may request a formal hearing to contest the department's decision. No hearing need be granted where the department is prevented from issuing an occupational/temporary restricted driver's license by rule or law. A request for a hearing must be submitted in writing.

(2) Within ten days of receipt of a request for a hearing, the department shall notify the requester in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means.

(3) The hearing shall be conducted by a hearing officer appointed by the director. The director may delegate the authority to render final decisions to the hearing officer.

(4) The scope of the hearing shall be limited to the following issues:

(a) Whether the person had a valid license on date of conviction or, if the suspension or revocation is based on an administrative action, on the date the suspension or revocation became effective, or, if there are multiple suspensions or revocations in effect, on the date of conviction for the offense on which the first suspension or revocation is based or on the date the first suspension or revocation based on an administrative action became effective.

(b) Whether the suspension or revocation giving rise to the application for an occupational/temporary restricted driver's license is one for which an occupational/temporary restricted driver's license may be issued under RCW 46.20.-391.

~~(c) (Whether the person has been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory within the one year immediately preceding the conviction or incident for which the occupational license is requested.~~

~~(d) Whether the person has committed an offense of (driving or being in physical control of a vehicle while under~~

~~the influence of intoxicating liquor, or~~) vehicular assault or vehicular homicide~~(,))~~ within the seven years immediately preceding the conviction or incident for which the occupational/temporary restricted driver's license is requested or, if there are multiple suspensions or revocations in effect, within the seven years immediately preceding the latest conviction or incident for which the occupational/temporary restricted driver's license is requested.

~~((e))~~ (d) Whether the person is currently suspended or revoked for any reason ~~((other than the offense))~~ for which ~~((the))~~ an occupational/temporary restricted driver's license is ~~((requested))~~ not available.

~~((f))~~ ~~If the person is applying for an occupational driver's license under RCW 46.20.391(1),~~ (e) Whether it is necessary that the person operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that the person operate a motor vehicle. For purposes of this section, occupation or trade means being self-employed, or in the employ of another, for monetary compensation(-);

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the person;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings in a twelve-step group such as Alcoholics Anonymous that requires the person to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

~~((g))~~ ~~If the person is applying for an occupational driver's license under RCW 46.20.391(2), whether the person))~~ (vi) Is in ((or has applied for an apprenticeship program or on the job training program, or is in)) a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program((- or is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous, that makes it essential that the person operate a motor vehicle)).

(5) The person's official driving record provided to the hearing officer by the department shall be prima facie evidence of the issues contained in subsection (4)(a) through ~~((e))~~ (d) of this section unless the person presents clear and convincing evidence to the contrary.

(6) ~~((If the person is eligible for an occupational driver's license under RCW 46.20.391(1),))~~ The person shall have the burden of proving that he or she ~~((is engaged in an occupation or trade))~~ meets one or more of the qualifying circumstances described in subsection (4)(e) of this section that makes it essential to operate a motor vehicle.

(7) ~~((If the person is eligible for an occupational driver's license under RCW 46.20.391(2), the person shall have the~~

~~burden of proving that he or she is in an apprenticeship program or on the job training program, or is in a program that assists persons who are enrolled in a WorkFirst program, or is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous, that makes it essential that the person operate a motor vehicle.~~

(8)) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational/temporary restricted driver's license shall be affirmed.

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 04-18-060

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 27, 2004, 4:19 p.m., effective September 27, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Establishes requirements for satisfactory evidence of enrollment in a traffic safety education program necessary for purposes of obtaining a driver's instruction permit.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 04-15-123 on July 20, 2004.

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 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 27, 2004.

Denise M. Movius
Assistant Director

NEW SECTION

WAC 308-104-046 Instruction permit—Verification of enrollment in a traffic safety education program. For purposes of RCW 46.20.055, an applicant for a driver's instruction permit may demonstrate enrollment in a traffic safety education course offered by a licensed driver training school, or by a public or private school recognized by the superintendent of public instruction, by submitting written proof of enrollment indicating that the driver training course has already begun or will begin within ten calendar days of

the date of the application. The proof of enrollment must be in a form that is approved by the department and bear the signature of a licensed driver training instructor or driver training school owner, or that of a public or private school instructor certified to teach a driver training course by the superintendent of public instruction.

WSR 04-18-061

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 27, 2004, 4:20 p.m., effective September 27, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Updates the Washington model traffic ordinance to incorporate recent statutory changes to traffic laws.

Citation of Existing Rules Affected by this Order: Amending WAC 308-330-197, 308-330-305, 308-330-309, 308-330-316, 308-330-320, 308-330-423, 308-330-464, 308-330-700, 308-330-705, and 308-330-800.

Statutory Authority for Adoption: RCW 46.90.010.

Adopted under notice filed as WSR 04-15-124 on July 20, 2004.

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 10, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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.

Date Adopted: August 27, 2004.

Denise M. Movius
Assistant Director

AMENDATORY SECTION (Amending WSR 97-10-068, filed 5/5/97)

WAC 308-330-197 RCW sections adopted—Off-road and nonhighway vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.040, 46.09.085, 46.09.120, 46.09.130, 46.09.140, 46.09.180, and 46.09.190.

AMENDATORY SECTION (Amending WSR 02-04-075, filed 2/1/02)

WAC 308-330-305 RCW sections adopted—Vehicle licenses. The following sections of the Revised Code of

Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.068, 46.16.088, 46.16.090, 46.16.135, 46.16.140, 46.16.145, 46.16.160, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.307, 46.16.30901, 46.16.30903, 46.16.30905, 46.16.316, 46.16.350, 46.16.381, 46.16.385, 46.16.390, 46.16.500, 46.16.505, 46.16.560, 46.16.585, 46.16.595, 46.16.630, 46.16.640, and 46.16.680.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93)

WAC 308-330-309 RCW sections adopted—Uniform Commercial Driver's License Act. The following sections of the Revised Code of Washington (RCW) pertaining to the Uniform Commercial Driver's License Act as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.25.010, 46.25.020, 46.25.030, 46.25.040, 46.25.050, 46.25.055, 46.25.057, 46.25.110, 46.25.120, and 46.25.170.

AMENDATORY SECTION (Amending WSR 00-18-067, filed 9/1/00)

WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.4215, 46.37.4216, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.495, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.518, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.37.620, ((and)) 46.37.630, 46.37.640, 46.37.650, and 46.37.660.

AMENDATORY SECTION (Amending WSR 02-04-075, filed 2/1/02)

WAC 308-330-320 RCW sections adopted—Size, weight, load. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load as now or hereafter amended are hereby adopted by ref-

erence as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.44.010, ((46.44.015,)) 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.043, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.105, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, and ((section 3, chapter 262, Laws of 2001)) 46.44.190.

AMENDATORY SECTION (Amending WSR 00-18-067, filed 9/1/00)

WAC 308-330-423 RCW sections adopted—Speed restrictions. The following sections of the Revised Code of Washington (RCW) pertaining to speed restrictions as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.400, 46.61.415, 46.61.419, 46.61.425, 46.61.427, 46.61.428, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, and 46.61.470.

AMENDATORY SECTION (Amending WSR 02-04-075, filed 2/1/02)

WAC 308-330-464 RCW sections adopted—Operation and restrictions. The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.710, 46.61.720, 46.61.725, 46.61.730, and ((section 1, chapter 325, Laws of 2001)) 46.61.740.

AMENDATORY SECTION (Amending WSR 94-01-082, filed 12/13/93)

WAC 308-330-700 RCW sections adopted—Disposition of traffic infractions. The following sections of the Revised Code of Washington (RCW) pertaining to the disposition of traffic infractions as now or hereafter amended are hereby adopted by such reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.63.010, 46.63.020, 46.63.030, 46.63.040, 46.63.060, 46.63.070, 46.63.075, 46.63.080, 46.63.090, 46.63.100, 46.63.110, 46.63.120, 46.63.130, 46.63.140, ((and)) 46.63.151, and 46.63.160.

AMENDATORY SECTION (Amending WSR 02-04-075, filed 2/1/02)

WAC 308-330-705 RCW sections adopted—Enforcement. The following sections of the Revised Code of

Washington (RCW) pertaining to traffic enforcement agencies as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.64.010, 46.64.015, 46.64.025, 46.64.030, 46.64.035, 46.64.048, 46.64.050, and ((section 3, chapter 289, Laws of 2001)) 46.64.055.

AMENDATORY SECTION (Amending WSR 97-10-068, filed 5/5/97)

WAC 308-330-800 RCW sections adopted—Traffic control devices. The following sections of the Revised Code of Washington (RCW) pertaining to traffic control devices as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 47.36.005, 47.36.060, 47.36.110, 47.36.141, 47.36.180, 47.36.200, 47.36.210, 47.36.220, ((and)) 47.36.230, and 47.36.250.

WSR 04-18-064

PERMANENT RULES

DEPARTMENT OF

GENERAL ADMINISTRATION

[Filed August 30, 2004, 3:09 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: To increase parking rates for general "zoned" spaces and for leased/reserved areas and/or stalls by \$5.00 per month to better cover the costs of providing parking spaces, structures and services. The proposed rate change will apply only to state owned parking spaces and facilities on the state capitol grounds in Olympia. This proposal does not extend to parking spaces and facilities anywhere outside the state capitol grounds in Olympia.

Citation of Existing Rules Affected by this Order: Amending WAC 236-12-290.

Statutory Authority for Adoption: RCW 43.19.011 (2)(d), 46.08.150, and 46.08.172.

Adopted under notice filed as WSR 04-05-101 on February 18, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

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Date Adopted: August 27, 2004.

R. D. Fukai
Director

WSR 04-18-078
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 31, 2004, 9:34 a.m., effective November 1, 2004]

AMENDATORY SECTION (Amending WSR 92-04-037, filed 1/30/92, effective 3/1/92)

WAC 236-12-290 Parking fees. (1) The fees for rental parking shall be as follows:

PARKING USES	PARKING FEES
(a) Agency assigned uses (visitor, off-campus staff, state cars, etc.)	\$ 30.00
(b) Employee uses	
(i) General, "zoned"	\$ ((15.00)) <u>20.00</u>
(ii) Leased/reserved areas and/or stalls	\$ ((20.00)) <u>25.00</u>
(iii) Disabled employees	\$ 15.00
(c) Motorcycle, motor-driven cycle/moped uses	\$ 10.00
(d) Nonstate personnel uses (concession vendors, lobbyists, day care providers, press corps, etc.)	\$ 30.00
(e) Disabled visitor use	no charge
(f) Metered parking for visitor use	\$.50 per hour

(g) No charge for carpools/vanpools to which permits have been issued in accordance with WAC 236-12-295.

(h) In addition to the permits issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, the department may issue other permits including but not limited to agency pre-paid monthly, service/delivery and temporary/daily permits; the department will establish a fee schedule for such permits other than permits issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, and will keep such fee schedule on file at 218 General Administration Building, P.O. Box 41000, Olympia, Washington 98504-1000 and will make it available to any person upon request.

(i) The director has authority to create reserved parking spaces/areas and to determine the rates for such parking; the director will establish a fee schedule for reserved parking spaces/areas and will keep such fee schedule on file at 218 General Administration Building, P.O. Box 41000, Olympia, Washington 98504-1000 and will make it available to any person upon request.

(2) In determining whether to adjust rental parking fees, the director will consider one or more of the following factors:

- (a) Parking facility costs;
- (b) Available commuting alternatives;
- (c) Change in the demand for parking facilities;
- (d) Transportation demand management requirements;
- (e) Market rates of comparable privately owned or leased property; and
- (f) Other circumstances as determined by the director, whereby a change in parking fees is necessary.

Effective Date of Rule: November 1, 2004.

Purpose: Chapter 296-37 WAC, Safety standards for diving operations, on February 17, 2004, in Federal Register Volume 69, Number 31, the Occupational Safety and Health Administration (OSHA) made several small changes to their commercial diving operations rules. The changes allow employers of recreational diving instructors and diving guides to use alternative methods for decompression chambers. We are therefore updating our rules to be at-least-as-effective-as OSHA. We also updated the carbon monoxide level to ten parts per million, to be consistent with the American National Standards Institute's Compressed Gas Association, Inc. (ANSI CGA).

Citation of Existing Rules Affected by this Order: Amending WAC 296-37-510, 296-37-515, and 296-37-570.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 04-11-065 on May 18, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, 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 1, Amended 3, Repealed 0.

Date Adopted: August 31, 2004.

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-37-510 Scope and application. (1) The requirements included in this vertical chapter shall apply throughout the state wherever diving takes place within the jurisdiction of the department of labor and industries. These requirements shall also be applicable to those diving related and supportive work activities not at the diving site but which have a direct effect on the safety of the diving operations. Examples may include but are not limited to: The supply of breathing air or gas; the supply of materials, equipment or supplies required by this chapter; the maintenance of diving equipment.

(2) This standard applies to diving and related support operations conducted in connection with all types of work

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and employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking and longshoring. However, this standard does not apply to any diving operation:

(a) Performed solely for instructional purposes, using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits;

(b) Performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency; or

(c) Governed by 45 CFR Part 46 (Protection of Human Subjects, United States Department of Health and Human Services) or equivalent rules or regulations established by another federal agency, which regulate research, development, or related purposes involving human subjects.

(d) Defined as scientific diving and which is under the direction and control of a diving program containing at least the following elements:

(i) Diving safety manual which includes at a minimum: Procedures covering all diving operations specific to the program; procedures for emergency care, including recompression and evacuation; and criteria for diver training and certification.

(ii) Diving control (safety) board, with the majority of its members being active divers, which shall at a minimum have the authority to: Approve and monitor diving projects; review and revise the diving safety manual; assure compliance with the manual; certify the depths to which a diver has been trained; take disciplinary action for unsafe practices; and, assure adherence to the buddy system (a diver is accompanied by and is in continuous contact with another diver in the water) for SCUBA diving.

(3) This chapter shall augment the requirements of the general safety and health standard, chapter 296-24 WAC, the general occupational health standard, chapter 296-62 WAC, and safety and health core rules, chapter 296-800 WAC. In instances where this chapter is in direct conflict with the requirements of any general horizontal standard, the requirements of this chapter shall apply.

(4) Hoisting gear used in diving operations shall be inspected and certified as required by chapter 296-56 WAC, safety standards for longshore, stevedore and related waterfront operations.

(5) Application in emergencies. An employer may deviate from the requirements of this standard to the extent necessary to prevent or minimize a situation which is likely to cause death, serious physical harm, or major environmental damage, provided that the employer:

(a) Notifies the assistant director of the department of labor and industries in Olympia or the regional administrator for the region within 48 hours of the onset of the emergency situation indicating the nature of the emergency and extent of the deviation from the prescribed regulations; and

(b) Upon request from the authority notified, submits such information in writing.

(6) Employer obligation. The employer shall be responsible for compliance with:

(a) All provisions of this standard of general applicability; and

(b) All requirements pertaining to specific diving modes to the extent diving operations in such modes are conducted.

(7) Alternative requirements for recreational diving instructors and diving guides. Employers of recreational diving instructors and diving guides are not required to comply with the decompression-chamber requirements specified by WAC 296-37-545 (2)(b) and (3)(c)(iii), and WAC 296-37-560 (2)(a) when they meet all of the following conditions:

(a) The instructor or guide is engaging solely in recreational diving instruction or dive-guiding operations;

(b) The instructor or guide is diving within the no-decompression limits in these operations;

(c) The instructor or guide is using a nitrox breathing-gas mixture consisting of a high percentage of oxygen (more than 22% by volume) mixed with nitrogen;

(d) The instructor or guide is using an open-circuit, semi-closed-circuit, or closed-circuit self-contained underwater breathing apparatus (SCUBA); and

(e) The employer of the instructor or guide is complying with all requirements of Appendix C of this subpart.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-37-515 Definitions. As used in this standard, the listed terms are defined as follows:

(1) "Acfm": Actual cubic feet per minute.

(2) "ASME Code or equivalent": ASME (American Society of Mechanical Engineers) Boiler and Pressure Vessel Code, Section VIII, or an equivalent code which the employer can demonstrate to be equally effective.

(3) "ATA": Atmosphere absolute.

(4) "Bell": An enclosed compartment, pressurized (closed bell) or unpressurized (open bell), which allows the diver to be transported to and from the underwater work area and which may be used as a temporary refuge during diving operations.

(5) "Bottom time": The total elapsed time measured in minutes from the time when the diver leaves the surface in descent to the time that the diver begins ascent.

(6) "Bursting pressure": The pressure at which a pressure containment device would fail structurally.

(7) "Cylinder": A pressure vessel for the storage of gases.

(8) "Recompression/decompression chamber": A pressure vessel for human occupancy such as a surface decompression chamber, closed bell, or deep diving system used to decompress divers and to treat decompression sickness.

(9) "Decompression sickness": A condition with a variety of symptoms which may result from gas or bubbles in the tissues of divers after pressure reduction.

(10) "Recompression/decompression table": A profile or set of profiles of depth-time relationships for ascent rates and breathing mixtures to be followed after a specific depth-time exposure or exposures.

(11) "Dive-guiding operations": The leading of groups of trained sports divers, who use open-circuit, semiclosed-circuit, or closed-circuit SCUBA, to local undersea diving locations for recreational purposes.

~~(12)~~ (12) "Dive location": A surface or vessel from which a diving operation is conducted.

~~((12))~~ (13) "Dive-location reserve breathing gas": A supply system of air or mixed-gas (as appropriate) at the dive location which is independent of the primary supply system and sufficient to support divers during the planned decompression.

~~((13))~~ (14) "Dive team": Divers and support employees involved in a diving operation, including the designated person-in-charge.

~~((14))~~ (15) "Diver": An employee working in water using underwater apparatus which supplies compressed breathing gas at the ambient pressure.

~~((15))~~ (16) "Diver-carried reserve breathing gas": A diver-carried supply of air or mixed gas (as appropriate) sufficient under standard operating conditions to allow the diver to reach the surface, or another source of breathing gas, or to be reached by a standby diver.

~~((16))~~ (17) "Diving mode": A type of diving requiring specific equipment, procedures and techniques (SCUBA, surface-supplied air, or mixed gas).

~~((17))~~ (18) "Fsw": Feet of seawater (or equivalent static pressure head).

~~((18))~~ (19) "Heavy gear": Diver-worn deep-sea dress including helmet, breastplate, dry suit, weighted shoes.

~~((19))~~ (20) "Hyperbaric conditions": Pressure conditions in excess of surface pressure.

~~((20))~~ (21) "Inwater stage": A suspended underwater platform which supports a diver in the water.

~~((21))~~ (22) "Liveboating": The practice of supporting a surfaced-supplied air or mixed gas diver from a vessel which is underway.

~~((22))~~ (23) "Mixed-gas diving": A diving mode in which the diver is supplied in the water with a breathing gas other than air.

~~((23))~~ (24) "No-decompression limits": The depth-time limits of the "no-decompression limits and repetitive dive group designation table for no-decompression air dives," U.S. Navy Diving Manual or equivalent limits which the employer can demonstrate to be equally effective.

~~((24))~~ (25) "Psi(g)": Pounds per square inch (gauge).

~~((25))~~ (26) "Recreational diving instruction": The training of diving students in the use of recreational diving procedures and the safe operation of diving equipment, including open-circuit, semiclosed-circuit, or closed-circuit SCUBA during dives.

(27) "Scientific diving" means diving performed solely as a necessary part of a scientific, research, or educational activity by employees whose sole purpose for diving is to perform scientific research tasks. Scientific diving does not include performing any tasks usually associated with commercial diving such as: Placing or removing heavy objects underwater; inspection of pipelines and similar objects; construction; demolition; cutting or welding; or the use of explosives.

~~((26))~~ (28) "SCUBA diving": A diving mode independent of surface supply in which the diver uses open circuit self-contained underwater breathing apparatus.

~~((27))~~ (29) "Standby diver": A diver at the dive location properly equipped and available to assist a diver in the water.

~~((28))~~ (30) "Surface-supplied air diving": A diving mode in which the diver in the water is supplied from the dive location with compressed air for breathing.

~~((29))~~ (31) "Treatment table": A depth-time and breathing gas profile designed to treat decompression sickness.

~~((30))~~ (32) "Umbilical": The composite hose bundle between a dive location and a diver or bell, or between a diver and a bell, which supplies the diver or bell with breathing gas, communications, power, or heat as appropriate to the diving mode or conditions, and includes a safety line between the diver and the dive location.

~~((31))~~ (33) "Volume tank": A pressure vessel connected to the outlet of a compressor and used as an air reservoir.

~~((32))~~ (34) "Working pressure": The maximum pressure to which a pressure containment device may be exposed under standard operating conditions.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-37-570 Equipment. (1) General.

(a) All employers shall comply with the following requirements, unless otherwise specified.

(b) Each equipment modification, repair, test, calibration or maintenance service shall be recorded by means of a tagging or logging system, and include the date and nature of work performed, and the name or initials of the person performing the work.

(2) Air compressor system.

(a) Compressors used to supply air to the diver shall be equipped with a volume tank with a check valve on the inlet side, a pressure gauge, a relief valve, and a drain valve.

(b) A compressor shall be constructed and situated so as to avoid entry of contaminated air into the air-supply system and shall be equipped with a suitable in-line particulate filter followed by a bed of activated charcoal and, if necessary, a moisture absorber to further assure breathing air quality. These filters should be placed before any receiver and after the discharge in the compressor. If an oil-lubricated compressor is used, it shall be equipped with a carbon monoxide alarm or an equally as effective alternative if approved by the department.

(i) If a carbon monoxide alarm is used, it shall be calibrated to activate at or below ~~((20))~~ 10 parts per million carbon monoxide at least once per month. A calibration and maintenance log shall be kept and shall be available for review and copying by the director or his or her designee. The log shall identify the test method, date, time of test, results, and the name of the person performing the test. The log shall be retained for at least one year from the date of the test.

(ii) If the use of an alarm at the compressor will not effectively provide warning to the diver or tender of a carbon monoxide problem, a remote alarm or other means of warning the wearer shall be used.

(iii) Breathing air couplings shall be incompatible with outlets for nonrespirable plant air or other gas systems to prevent inadvertent servicing of air-line breathing apparatus with nonrespirable gases.

(c) Respirable air supplied to a diver shall not contain:

(i) A level of carbon monoxide (CO) greater than ((20)) 10 ppm;

(ii) A level of carbon dioxide (CO₂) greater than 1,000 ppm;

(iii) A level of oil mist greater than 5 milligrams per cubic meter; or

(iv) A noxious or pronounced odor.

(d) Compressor systems providing surface air to divers must have a low pressure warning device installed at the air purification system inlet to alert dive tenders of low air pressure.

The minimum alarm setting shall be 45 psi plus an additional 15 psi for each working atmosphere.

1 ATM = 33 fsw or 15 psi

2 ATM = 66 fsw or 30 psi

3 ATM = 99 fsw or 45 psi

4 ATM = 132 fsw or 60 psi

5 ATM = 165 fsw or 75 psi

6 ATM = 198 fsw or 90 psi

(e) The output of air compressor systems shall be tested for air purity every six months by means of samples taken at the connection to the distribution system, except that nonoil lubricated compressors need not be tested for oil mist.

(3) Breathing gas supply hoses.

(a) Breathing gas supply hoses shall:

(i) Have a working pressure at least equal to the working pressure of the total breathing gas system;

(ii) Have a rated bursting pressure at least equal to four times the working pressure;

(iii) Be tested at least annually to 1.5 times their working pressure; and

(iv) Have their open ends taped, capped or plugged when not in use.

(b) Breathing gas supply hose connectors shall:

(i) Be made of corrosion-resistant materials;

(ii) Have a working pressure at least equal to the working pressure of the hose to which they are attached; and

(iii) Be resistant to accidental disengagement.

(c) Umbilicals shall:

(i) Include a safety line which shall be attached in a manner to remove strain from the air supply hose;

(ii) Be marked in 10-foot increments to 100 feet beginning at the diver's end, and in 50 foot increments thereafter;

(iii) Be made of kink-resistant materials; and

(iv) Have a working pressure greater than the pressure equivalent to the maximum depth of the dive (relative to the supply source) plus 100 psi.

(4) Buoyancy control.

(a) Helmets or masks connected directly to the dry suit or other buoyancy-changing equipment shall be equipped with an exhaust valve.

(b) A dry suit or other buoyancy-changing equipment not directly connected to the helmet or mask shall be equipped with an exhaust valve.

(c) When used for SCUBA diving, a buoyancy compensator shall have an inflation source separate from the breathing gas supply.

(d) An inflatable flotation device capable of maintaining the diver at the surface in a face-up position, having a manually activated inflation source independent of the breathing supply, an oral inflation device, and an exhaust valve shall be used for SCUBA diving.

(5) Compressed gas cylinders. Compressed gas cylinders shall:

(a) Be designed, constructed and maintained in accordance with the applicable provisions of WAC 296-24-295 and 296-24-940 of the General safety and health standards.

(b) Be stored in a ventilated area and protected from excessive heat;

(c) Be secured from falling; and

(d) Have shut-off valves recessed into the cylinder or protected by a cap, except when in use or manifolded, or when used for SCUBA diving.

(6) Recompression/decompression chambers.

(a) Each recompression/decompression chamber manufactured after the effective date of this standard, shall be built and maintained in accordance with the ASME Code or equivalent.

(b) Each recompression/decompression chamber manufactured prior to the effective date of this standard shall be maintained in conformity with the code requirements to which it was built, or equivalent.

(c) Each recompression/decompression chamber shall be equipped with:

(i) Means to maintain the atmosphere below a level of 25% oxygen by volume;

(ii) Mufflers on intake and exhaust lines, which shall be regularly inspected and maintained;

(iii) Suction guards on exhaust line openings; and

(iv) A means for extinguishing fire, and shall be maintained to minimize sources of ignition and combustible material.

(7) Gauges and timekeeping devices.

(a) Gauges indicating diver depth which can be read at the dive location shall be used for all dives except SCUBA.

(b) Each depth gauge shall be deadweight tested or calibrated against a master reference gauge every six months, and when there is a discrepancy greater than two percent of full scale between any two equivalent gauges.

(c) A cylinder pressure gauge capable of being monitored by the diver during the dive shall be worn by each SCUBA diver.

(d) A timekeeping device shall be available at each dive location.

(8) Masks and helmets.

(a) Surface-supplied air and mixed-gas masks and helmets shall have:

(i) A nonreturn valve at the attachment point between helmet or mask and hose which shall close readily and positively; and

(ii) An exhaust valve.

(b) Surface-supplied air masks and helmets shall have a minimum ventilation rate capability of 4.5 acfm at any depth at which they are operated or the capability of maintaining

the diver's inspired carbon dioxide partial pressure below 0.02 ATA when the diver is producing carbon dioxide at the rate of 1.6 standard liters per minute.

(9) Oxygen safety.

(a) Equipment used with oxygen or mixtures containing over forty percent by volume oxygen shall be designed for oxygen service.

(b) Components (except umbilicals) exposed to oxygen or mixtures containing over forty percent by volume oxygen shall be cleaned of flammable materials before use.

(c) Oxygen systems over 125 psig and compressed air systems over 500 psig shall have slow-opening shut-off valves.

(10) Weights and harnesses.

(a) Except when heavy gear is worn, divers shall be equipped with a weight belt or assembly capable of quick release.

(b) Except when heavy gear is worn or in SCUBA diving, each diver shall wear a safety harness with:

(i) A positive buckling device;

(ii) An attachment point for the umbilical to prevent strain on the mask or helmet; and

(iii) A lifting point to distribute the pull force of the line over the diver's body.

NEW SECTION

WAC 296-37-595 Appendix C to chapter 296-37 WAC—Alternative conditions under WAC 296-37-510(7) for recreational diving instructors and diving guides. (Mandatory)

WAC 296-37-510(7) specifies that an employer of recreational diving instructors and diving guides (hereafter, "divers" or "employees") who complies with all of the conditions of this appendix need not provide a decompression chamber for these divers as required under WAC 296-37-545 (2)(b) and (3)(c) or WAC 296-37-560 (2)(a).

(1) Equipment requirements for rebreathers.

(a) The employer must ensure that each employee operates the rebreather (i.e., semiclosed-circuit and closed-circuit self-contained underwater breathing apparatuses (hereafter, "SCUBAs")) according to the rebreather manufacturer's instructions.

(b) The employer must ensure that each rebreather has a counterlung that supplies a sufficient volume of breathing gas to their divers to sustain the divers' respiration rates, and contains a baffle system and/or other moisture separating system that keeps moisture from entering the scrubber.

(c) The employer must place a moisture trap in the breathing loop of the rebreather, and ensure that:

(i) The rebreather manufacturer approves both the moisture trap and its location in the breathing loop; and

(ii) Each employee uses the moisture trap according to the rebreather manufacturer's instructions.

(d) The employer must ensure that each rebreather has a continuously functioning moisture sensor, and that:

(i) The moisture sensor connects to a visual (e.g., digital, graphic, analog) or auditory (e.g., voice, pure tone) alarm that is readily detectable by the diver under the diving conditions in which the diver operates, and warns the diver of moisture

in the breathing loop in sufficient time to terminate the dive and return safely to the surface; and

(ii) Each diver uses the moisture sensor according to the rebreather manufacturer's instructions.

(e) The employer must ensure that each rebreather contains a continuously functioning CO₂ sensor in the breathing loop, and that:

(i) The rebreather manufacturer approves the location of the CO₂ sensor in the breathing loop;

(ii) The CO₂ sensor is integrated with an alarm that operates in a visual (e.g., digital, graphic, analog) or auditory (e.g., voice, pure tone) mode that is readily detectable by each diver under the diving conditions in which the diver operates; and

(iii) The CO₂ alarm remains continuously activated when the inhaled CO₂ level reaches and exceeds 0.005 atmospheres absolute (ATA).

(f) Before each day's diving operations, and more often when necessary, the employer must calibrate the CO₂ sensor according to the sensor manufacturer's instructions, and ensure that:

(i) The equipment and procedures used to perform this calibration are accurate to within 10% of a CO₂ concentration of 0.005 ATA or less;

(ii) The equipment and procedures maintain this accuracy as required by the sensor manufacturer's instructions; and

(iii) The calibration of the CO₂ sensor is accurate to within 10% of a CO₂ concentration of 0.005 ATA or less.

(g) The employer must replace the CO₂ sensor when it fails to meet the accuracy requirements specified in (f)(iii) of this subsection, and ensure that the replacement CO₂ sensor meets the accuracy requirements specified in (f)(iii) of this subsection before placing the rebreather in operation.

(h) As an alternative to using a continuously functioning CO₂ sensor, the employer may use a schedule for replacing CO₂-sorbent material provided by the rebreather manufacturer. The employer may use such a schedule only when the rebreather manufacturer has developed it according to the canister-testing protocol specified below in Condition 11, and must use the canister within the temperature range for which the manufacturer conducted its scrubber canister tests following that protocol. Variations above or below the range are acceptable only after the manufacturer adds that lower or higher temperature to the protocol.

(i) When using CO₂-sorbent replacement schedules, the employer must ensure that each rebreather uses a manufactured (i.e., commercially prepacked), disposable scrubber cartridge containing a CO₂-sorbent material that:

(i) Is approved by the rebreather manufacturer;

(ii) Removes CO₂ from the diver's exhaled gas; and

(iii) Maintains the CO₂ level in the breathable gas (i.e., the gas that a diver inhales directly from the regulator) below a partial pressure of 0.01 ATA.

(j) As an alternative to manufactured, disposable scrubber cartridges, the employer may fill CO₂ scrubber cartridges manually with CO₂-sorbent material when:

(i) The rebreather manufacturer permits manual filling of scrubber cartridges;

(ii) The employer fills the scrubber cartridges according to the rebreather manufacturer's instructions;

(iii) The employer replaces the CO₂-sorbent material using a replacement schedule developed under (h) of this subsection; and

(iv) The employer demonstrates that manual filling meets the requirements specified in (i) of this subsection.

(k) The employer must ensure that each rebreather has an information module that provides:

(i) A visual (e.g., digital, graphic, analog) or auditory (e.g., voice, pure tone) display that effectively warns the diver of solenoid failure (when the rebreather uses solenoids) and other electrical weaknesses or failures (e.g., low battery voltage);

(ii) For a semiclosed-circuit rebreather, a visual display for the partial pressure of CO₂, or deviations above and below a preset CO₂ partial pressure of 0.005 ATA; and

(iii) For a closed-circuit rebreather, a visual display for: Partial pressures of O₂ and CO₂, or deviations above and below a preset CO₂ partial pressure of 0.005 ATA and a preset O₂ partial pressure of 1.40 ATA or lower; gas temperature in the breathing loop; and water temperature.

(l) Before each day's diving operations, and more often when necessary, the employer must ensure that the electrical power supply and electrical and electronic circuits in each rebreather are operating as required by the rebreather manufacturer's instructions.

(2) Special requirements for closed-circuit rebreathers.

(a) The employer must ensure that each closed-circuit rebreather uses supply-pressure sensors for the O₂ and diluent (i.e., air or nitrogen) gases and continuously functioning sensors for detecting temperature in the inhalation side of the gas-loop and the ambient water.

(b) The employer must ensure that:

(i) At least two O₂ sensors are located in the inhalation side of the breathing loop; and

(ii) The O₂ sensors are: Functioning continuously; temperature compensated; and approved by the rebreather manufacturer.

(c) Before each day's diving operations, and more often when necessary, the employer must calibrate O₂ sensors as required by the sensor manufacturer's instructions. In doing so, the employer must:

(i) Ensure that the equipment and procedures used to perform the calibration are accurate to within 1% of the O₂ fraction by volume;

(ii) Maintain this accuracy as required by the manufacturer of the calibration equipment;

(iii) Ensure that the sensors are accurate to within 1% of the O₂ fraction by volume;

(iv) Replace O₂ sensors when they fail to meet the accuracy requirements specified in (c)(iii) of this subsection; and

(v) Ensure that the replacement O₂ sensors meet the accuracy requirements specified in (c)(iii) of this subsection before placing a rebreather in operation.

(d) The employer must ensure that each closed-circuit rebreather has:

(i) A gas-controller package with electrically operated solenoid O₂-supply valves;

(ii) A pressure-activated regulator with a second-stage diluent-gas addition valve;

(iii) A manually operated gas-supply bypass valve to add O₂ or diluent gas to the breathing loop; and

(iv) Separate O₂ and diluent-gas cylinders to supply the breathing-gas mixture.

(3) O₂ concentration in the breathing gas.

The employer must ensure that the fraction of O₂ in the nitrox breathing-gas mixture:

(a) Is greater than the fraction of O₂ in compressed air (i.e., exceeds 22% by volume);

(b) For open-circuit SCUBA, never exceeds a maximum fraction of breathable O₂ of 40% by volume or a maximum O₂ partial pressure of 1.40 ATA, whichever exposes divers to less O₂; and

(c) For a rebreather, never exceeds a maximum O₂ partial pressure of 1.40 ATA.

(4) Regulating O₂ exposures and diving depth.

(a) Regarding O₂ exposure, the employer must:

(i) Ensure that the exposure of each diver to partial pressures of O₂ between 0.60 and 1.40 ATA does not exceed the 24-hour single-exposure time limits specified either by the *2001 National Oceanic and Atmospheric Administration Diving Manual* (the 2001 NOAA Diving Manual), or by the report entitled *Enriched Air Operations and Resource Guide* published in 1995 by the Professional Association of Diving Instructors (known commonly as the "1995 DSAT Oxygen Exposure Table"); and

(ii) Determine a diver's O₂-exposure duration using the diver's maximum O₂ exposure (partial pressure of O₂) during the dive and the total dive time (i.e., from the time the diver leaves the surface until the diver returns to the surface).

(b) Regardless of the diving equipment used, the employer must ensure that no diver exceeds a depth of 130 feet of sea water (fsw) or a maximum O₂ partial pressure of 1.40 ATA, whichever exposes the diver to less O₂.

(5) Use of no-decompression limits.

(a) For diving conducted while using nitrox breathing-gas mixtures, the employer must ensure that each diver remains within the no-decompression limits specified for single and repetitive air diving and published in the 2001 NOAA Diving Manual or the report entitled "Development and Validation of No-Stop Decompression Procedures for Recreational Diving: The DSAT Recreational Dive Planner," published in 1994 by Hamilton Research Ltd. (known commonly as the "1994 DSAT No-Decompression Tables").

(b) An employer may permit a diver to use a dive-decompression computer designed to regulate decompression when the dive-decompression computer uses the no-decompression limits specified in (a) of this subsection, and provides output that reliably represents those limits.

(6) Mixing and analyzing the breathing gas.

(a) The employer must ensure that:

(i) Properly trained personnel mix nitrox-breathing gases, and that nitrogen is the only inert gas used in the breathing-gas mixture; and

(ii) When mixing nitrox-breathing gases, they mix the appropriate breathing gas before delivering the mixture to the breathing-gas cylinders, using the continuous-flow or partial-

pressure mixing techniques specified in the 2001 NOAA Diving Manual, or using a filter-membrane system.

(b) Before the start of each day's diving operations, the employer must determine the O₂ fraction of the breathing-gas mixture using an O₂ analyzer. In doing so, the employer must:

(i) Ensure that the O₂ analyzer is accurate to within 1% of the O₂ fraction by volume.

(ii) Maintain this accuracy as required by the manufacturer of the analyzer.

(c) When the breathing gas is a commercially supplied nitrox breathing-gas mixture, the employer must ensure that the O₂ meets the medical USP specifications (Type I, Quality Verification Level A) or aviator's breathing-oxygen specifications (Type I, Quality Verification Level E) of CGA G-4.3-2000 (Commodity Specification for Oxygen). In addition, the commercial supplier must:

(i) Determine the O₂ fraction in the breathing-gas mixture using an analytic method that is accurate to within 1% of the O₂ fraction by volume;

(ii) Make this determination when the mixture is in the charged tank and after disconnecting the charged tank from the charging apparatus;

(iii) Include documentation of the O₂-analysis procedures and the O₂ fraction when delivering the charged tanks to the employer.

(d) Before producing nitrox breathing-gas mixtures using a compressor in which the gas pressure in any system component exceeds 125 pounds per square inch (psi), the:

(i) Compressor manufacturer must provide the employer with documentation that the compressor is suitable for mixing high-pressure air with the highest O₂ fraction used in the nitrox breathing-gas mixture when operated according to the manufacturer's operating and maintenance specifications;

(ii) Employer must comply with (e) of this subsection, unless the compressor is rated for O₂ service and is oil-less or oil-free; and

(iii) Employer must ensure that the compressor meets the requirements specified in paragraphs (i)(1) and (i)(2) of § 1910.430 whenever the highest O₂ fraction used in the mixing process exceeds 40%.

(e) Before producing nitrox breathing-gas mixtures using an oil-lubricated compressor to mix high-pressure air with O₂, and regardless of the gas pressure in any system component, the:

(i) Employer must use only uncontaminated air (i.e., air containing no hydrocarbon particulates) for the nitrox breathing-gas mixture;

(ii) Compressor manufacturer must provide the employer with documentation that the compressor is suitable for mixing the high-pressure air with the highest O₂ fraction used in the nitrox breathing-gas mixture when operated according to the manufacturer's operating and maintenance specifications;

(iii) Employer must filter the high-pressure air to produce O₂-compatible air;

(iv) The filter-system manufacturer must provide the employer with documentation that the filter system used for this purpose is suitable for producing O₂-compatible air when

operated according to the manufacturer's operating and maintenance specifications; and

(v) Employer must continuously monitor the air downstream from the filter for hydrocarbon contamination.

(f) The employer must ensure that diving equipment using nitrox breathing-gas mixtures or pure O₂ under high pressure (i.e., exceeding 125 psi) conforms to the O₂-service requirements specified in paragraphs (i)(1) and (i)(2) of § 1910.430.

(7) Emergency egress.

(a) Regardless of the type of diving equipment used by a diver (i.e., open-circuit SCUBA or rebreathers), the employer must ensure that the equipment contains (or incorporates) an open-circuit emergency-egress system (a "bail-out" system) in which the second stage of the regulator connects to a separate supply of emergency breathing gas, and the emergency breathing gas consists of air or the same nitrox breathing-gas mixture used during the dive.

(b) As an alternative to the "bail-out" system specified in (a) of this subsection, the employer may use:

(i) For open-circuit SCUBA, an emergency-egress system as specified in § 1910.424 (c)(4); or

(ii) For a semiclosed-circuit and closed-circuit rebreather, a system configured so that the second stage of the regulator connects to a reserve supply of emergency breathing gas.

(c) The employer must obtain from the rebreather manufacturer sufficient information to ensure that the bail-out system performs reliably and has sufficient capacity to enable the diver to terminate the dive and return safely to the surface.

(8) Treating diving-related medical emergencies.

(a) Before each day's diving operations, the employer must:

(i) Verify that a hospital, qualified health care professionals, and the nearest Coast Guard Coordination Center (or an equivalent rescue service operated by a state, county, or municipal agency) are available to treat diving-related medical emergencies;

(ii) Ensure that each dive site has a means to alert these treatment resources in a timely manner when a diving-related medical emergency occurs; and

(iii) Ensure that transportation to a suitable decompression chamber is readily available when no decompression chamber is at the dive site, and that this transportation can deliver the injured diver to the decompression chamber within four hours travel time from the dive site.

(b) The employer must ensure that portable O₂ equipment is available at the dive site to treat injured divers. In doing so, the employer must ensure that:

(i) The equipment delivers medical-grade O₂ that meets the requirements for medical USP oxygen (Type I, Quality Verification Level A) of CGA G-4.3-2000 (Commodity Specification for Oxygen);

(ii) The equipment delivers this O₂ to a transparent mask that covers the injured diver's nose and mouth; and

(iii) Sufficient O₂ is available for administration to the injured diver from the time the employer recognizes the symptoms of a diving-related medical emergency until the injured diver reaches a decompression chamber for treatment.

(c) Before each day's diving operations, the employer must:

(i) Ensure that at least two attendants, either employees or nonemployees, qualified in first-aid and administering O₂ treatment, are available at the dive site to treat diving-related medical emergencies; and

(ii) Verify their qualifications for this task.

(9) Diving logs and no-decompression table.

(a) Before starting each day's diving operations, the employer must:

(i) Designate an employee or a nonemployee to make entries in a diving log; and

(ii) Verify that this designee understands the diving and medical terminology, and proper procedures, for making correct entries in the diving log.

(b) The employer must:

(i) Ensure that the diving log conforms to the requirements specified by paragraph (d) (Record of dive) of § 1910.423; and

(ii) Maintain a record of the dive according to § 1910.440 (Recordkeeping requirements).

(c) The employer must ensure that a hard copy of the no-decompression tables used for the dives (as specified in subsection (6)(a) of this section) is readily available at the dive site, whether or not the divers use dive-decompression computers.

(10) Diver training.

The employer must ensure that each diver receives training that enables the diver to perform work safely and effectively while using open-circuit SCUBAs or rebreathers supplied with nitrox breathing-gas mixtures. Accordingly, each diver must be able to demonstrate the ability to perform critical tasks safely and effectively, including, but not limited to: Recognizing the effects of breathing excessive CO₂ and O₂; taking appropriate action after detecting excessive levels of CO₂ and O₂; and properly evaluating, operating, and maintaining their diving equipment under the diving conditions they encounter.

(11) Testing protocol for determining the CO₂ limits of rebreather canisters.

(a) The employer must ensure that the rebreather manufacturer has used the following procedures for determining that the CO₂-sorber material meets the specifications of the sorber material's manufacturer:

(i) The North Atlantic Treating Organization CO₂ absorbent-activity test;

(ii) The RoTap shaker and nested-sieves test;

(iii) The Navy Experimental Diving Unit (NEDU)-derived Schlegel test; and

(iv) The NEDU MeshFit software.

(b) The employer must ensure that the rebreather manufacturer has applied the following canister-testing materials, methods, procedures, and statistical analyses:

(i) Use of a nitrox breathing-gas mixture that has an O₂ fraction maintained at 0.28 (equivalent to 1.4 ATA of O₂ at 130 fsw, the maximum O₂ concentration permitted at this depth);

(ii) While operating the rebreather at a maximum depth of 130 fsw, use of a breathing machine to continuously ventilate the rebreather with breathing gas that is at 100% humid-

ity and warmed to a temperature of 98.6 degrees F (37 degrees C) in the heating-humidification chamber;

(iii) Measurement of the O₂ concentration of the inhalation breathing gas delivered to the mouthpiece;

(iv) Testing of the canisters using the three ventilation rates listed in Table I below (with the required breathing-machine tidal volumes and frequencies, and CO₂-injection rates, provided for each ventilation rate):

Table I — Canister Testing Parameters

Ventilation rates (Lpm, ATPS ⁽¹⁾)	Breathing machine tidal volumes (L)	Breathing machine frequencies (breaths per min.)	CO ₂ injection rates (Lpm, STPD ⁽²⁾)
22.5	1.5	15	0.90
40.0	2.0	20	1.35
62.5	2.5	25	2.25

⁽¹⁾ ATPS means ambient temperature and pressure, saturated with water.

⁽²⁾ STPD means standard temperature and pressure, dry; the standard temperature is 32 degrees F (0 degrees C).

(v) When using a work rate (i.e., breathing-machine tidal volume and frequency) other than the work rates listed in the table above, addition of the appropriate combinations of ventilation rates and CO₂-injection rates;

(vi) Performance of the CO₂ injection at a constant (steady) and continuous rate during each testing trial;

(vii) Determination of canister duration using a minimum of four water temperatures, including 40, 50, 70, and 90 degrees F (4.4, 10.0, 21.1, and 32.2 degrees C, respectively);

(viii) Monitoring of the breathing-gas temperature at the rebreather mouthpiece (at the "chrome T" connector), and ensuring that this temperature conforms to the temperature of a diver's exhaled breath at the water temperature and ventilation rate used during the testing trial;⁽⁹⁾

(ix) Implementation of at least eight testing trials for each combination of temperature and ventilation-CO₂-injection rates (for example, eight testing trials at 40 degrees F using a ventilation rate of 22.5 Lpm at a CO₂-injection rate of 0.90 Lpm);

(x) Allowing the water temperature to vary no more than 2.0 degrees F (1.0 degree C) *between* each of the eight testing trials, and no more than 1.0 degree F (0.5 degree C) *within* each testing trial;

(xi) Use of the average temperature for each set of eight testing trials in the statistical analysis of the testing-trial results, with the testing-trial results being the time taken for the inhaled breathing gas to reach 0.005 ATA of CO₂ (i.e., the canister-duration results);

(xii) Analysis of the canister-duration results using the repeated-measures statistics described in NEDU Report 2-99;

(xiii) Specification of the replacement schedule for the CO₂-sorber materials in terms of the lower prediction line (or limit) of the 95% confidence interval; and

(xiv) Derivation of replacement schedules only by interpolating among, but not by extrapolating beyond, the depth,

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water temperatures, and exercise levels used during canister testing.

**WSR 04-18-079
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 31, 2004, 9:35 a.m., effective November 1, 2004]

Effective Date of Rule: November 1, 2004.

Purpose: The primary reason for this rule making was to correct errors located in the permissible exposure limit table. We made additional changes to clarify the language, correct the explanation of the mixtures formula, and fixed some formatting errors. No new requirements were added.

Citation of Existing Rules Affected by this Order: Amending WAC 296-841-100, 296-841-20005, 296-841-20010, 296-841-20020, and 296-841-300.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 04-11-064 on May 18, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 5, Repealed 0.

Date Adopted: August 31, 2004.

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-100 Scope.

((IMPORTANT))

This chapter applies **only** if your employees:

- Are exposed to a respiratory hazard

OR

• Could be exposed to one of the specific hazards listed below.

This chapter applies to any workplace with potential or actual employee exposure to respiratory hazards. It requires you to protect employees from respiratory hazards by applying this protection strategy:

- Evaluate employee exposures to determine if controls are needed

- Use feasible controls. For example, enclose or confine the operation, use ventilation systems, or substitute with less toxic material
- Use respirators if controls are not feasible or if they cannot completely ~~((control))~~ remove the hazard.

Definition:

Exposed or exposure:

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

Note: • Examples of substances that may be respiratory hazards when airborne include:

((*) = Chemicals listed in Table 3

((*) = Any substance

((-) = Listed in the latest edition of the NIOSH Registry of Toxic Effects of Chemical Substances

((-) = For which positive evidence of an acute or chronic health hazard exists through tests conducted by, or known to, the employer

((-) = That may pose a hazard to human health as stated on a material safety data sheet kept by, or known to, the employer

((*) = Atmospheres considered oxygen deficient

((*) = Biological agents such as harmful bacteria, viruses or fungi

- Examples include airborne TB aerosols and anthrax

• Pesticides with a label requirement for respirator(s) use

• Chemicals used as crowd control agents such as pepper spray

• Chemicals present at clandestine drug labs.

• These substances can be airborne as dusts, fibers, fogs, fumes, mists, gases, smoke, sprays, vapors, or aerosols.

Reference: • Substances in Table 3 that are marked with an X in the "skin" column may require personal protective equipment (PPE). See WAC 296-800-160, Personal protective equipment, for additional information and requirements.

• If any of the following hazards are present in your workplace, you will need both this chapter and any of the following specific rules that apply:

Hazard	Rule that applies
Acrylonitrile	WAC 296-62-07336
Arsenic (inorganic)	WAC 296-62-07347
Asbestos	WAC 296-62-077
Benzene	WAC 296-62-07523
Butadiene	WAC 296-62-07460
Cadmium	WAC 296-62-074 through 296-62-07449 <u>or</u> 296-155-174
Carcinogens	Chapter 296-62 WAC, Part F
Coke ovens	Chapter 296-62 WAC, Part O
Cotton dust	Chapter 296-62 WAC, Part N
1, 2-Dibromo-3-chloropropane	WAC 296-62-07342
Ethylene oxide	WAC 296-62-07355
Formaldehyde	WAC 296-62-07540
Lead	WAC 296-62-07521 <u>or</u> 296-155-176
Methylene chloride	WAC 296-62-07470

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Hazard	Rule that applies
Methylenedianiline	WAC 296-62-076 or 296-155-173
Thiram	WAC 296-62-07519
Vinyl chloride	WAC 296-62-07329

AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-20005 Identify and evaluate respiratory hazards.

You must:

- Make sure employees are protected from potentially hazardous exposure while you perform your evaluation
- Perform your evaluation without considering the protection provided to employees by a respirator
- Determine the form of the hazard, such as dust, mist, gas, oxygen deficiency, or biological agent.
- Make sure you ~~((include))~~ consider:
 - Potential emergency and rescue situations that may occur, such as equipment or power failures, uncontrolled chemical reactions, fire, explosion, or human error
 - Workplace conditions such as work processes, types of material, control methods, work practices and environmental conditions.
- Determine or reasonably estimate whether any employee is or could be exposed to any of the following:
 - Any airborne substance above a permissible exposure limit (PEL) listed in Table 3
 - A substance at or above the action level (AL) specified in the rule for that substance
 - Any other respiratory hazard.
- Use any of the following to determine employee exposure:
 - Information that would allow an estimate of the level of employee exposure, such as MSDSs or pesticide labels, observations, measurements or calculations
 - Data demonstrating that a particular product, material or activity cannot result in employee exposure at or above the ~~((action level))~~ AL ~~((?))~~ or PEL
 - Personal air samples that represent an employee's usual or worst case exposure for the entire shift.

- Note:**
- Rules for specific substances may contain additional requirements for determining employee exposure.
 - Use methods of sampling and analysis that have been validated by the laboratory performing the analysis.
 - Samples from a representative group of employees may be used for other employees performing the same work activities when the duration and level of exposure are similar.

You must:

- Consider the atmosphere to be immediately dangerous to life or health (IDLH) when you cannot determine or reasonably estimate employee exposure
- Make sure employee exposure, to two or more substances with additive health effects, is evaluated using this formula:

$$E_m = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \dots + \frac{C_n}{L_n}$$

The symbol	Is the . . .
E	Equivalent exposure for the mixture. ((The PEL is exceeded when the value of E is greater than 1.)) <u>When the value of E is greater than 1, a respiratory hazard is present.</u>
C	Concentration of a ((particular contaminant)) <u>substance.</u>
L	((PEL for that contaminant, from Table 3.)) <u>TWA, STEL, or ceiling for that substance, from Table 3.</u>

AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-20010 Control employee exposures.

You must:

- Use feasible controls to protect employees from exposure to respiratory hazards by:
 - Reducing employee exposure to a level that removes the respiratory hazard, such as to a level below the permissible exposure limits (PEL) in Table 3;

OR

- Reducing the ~~((hazard))~~ exposure to the lowest achievable level, when the respiratory hazard cannot be removed.

IMPORTANT:

Using respirators and other PPE is not a substitute for the feasible controls required by this section.

Note: The following table gives you examples of control methods.

Table 1
Examples of Possible Controls

Control:	For example:
Using a different chemical (substitution)	<ul style="list-style-type: none"> • Choose a chemical with a lower evaporation rate or vapor pressure • Choose a chemical without hazardous ingredients
Changing a process to lessen emissions	<ul style="list-style-type: none"> • Use hand rolling or paint dipping instead of paint spraying • Bolt items instead of welding them
Separating employees from emissions areas and sources	<ul style="list-style-type: none"> • Use control rooms • Build an enclosure around process machinery or other emissions sources • Automate a process
Removing emissions at or near the source (local exhaust ventilation)	<ul style="list-style-type: none"> • Install exhaust hoods or slots to capture emissions • Use an exhausted enclosure (like a blasting cabinet or laboratory hood)
Diluting and removing emissions in the work area (general exhaust ventilation)	<ul style="list-style-type: none"> • Allow natural air movement to create an adequate airflow through an area • Use mechanical fans
Modify work practices	<ul style="list-style-type: none"> • Change the position of the worker relative to the work so fumes, vapors, or smoke do not go into their face

PERMANENT

Control:	For example:
Rotate employees – Some specific rules prohibit the use of this control method	• Move employees to another job that is without exposure, on a schedule to keep their total exposure below the ((PEL)) <u>permissible exposure limit</u>

AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-20020 Notify employees.

You must:

- Notify employees who are or may be exposed to respiratory hazards, as specified in Table 2.

Note: • The notification may be provided either individually, to a group, or by posting of results in an appropriate location that is accessible to affected employees.

**Table 2
Notification Requirements**

Notify employees of:	As follows:
Any exposure result above ((the)) <u>a permissible exposure limit (PEL)</u>	Within five business days, after the employee's exposure result is known to the employer
The corrective action being taken to reduce employee exposure to or below the PEL AND The schedule for completion of the corrective action and any reasons why exposures cannot be lowered to below the PEL	Within fifteen business days, after the employee's exposure result is known to the employer
An exposure to these substances: • Acrylonitrile • Arsenic (inorganic) • Asbestos • Benzene • Butadiene • Cadmium • Coke oven emissions • Cotton dust • 1,2-Dibromo-3-chloropropane • Ethylene oxide • Formaldehyde • Lead • Methylene chloride • Methylenedianiline • Vinyl chloride	In writing, as specified in the rule specific to the substance

((Table 3 "Exposure Limits for Air Contaminants"

IMPORTANT:

The following information applies to Table 3, Exposure Limits for Air Contaminants:

• Exposure needs to be determined from personal air samples taken in the breathing zone or from monitoring representative of the employee's breathing zone.

• Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.

• Mg/m³ refers to milligrams of substance per cubic meter of air.

• For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the website: <http://www.cas.org>.

• Time-weighted averages (TWAs) represent the maximum allowed average exposure for any 8-hour time period. For work periods longer than 8 hours the TWAs needs to be determined using the 8 continuous hours with the highest average concentration.

• Short-term exposure limits (STEL) represent maximum allowed average exposure for any fifteen minute period, unless another time period is noted in Table 3.

• The ceiling represents the maximum allowed exposure for the shortest time period that can feasibly be measured.

• An "X" in the "skin" column indicates the substance can be absorbed through the skin, either by airborne or direct contact.

• Additional requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-800-160.

• The respirable fraction of particulate is measured by sampling with a size selector having the following characteristics:

Mean aerodynamic diameter in micrometers	Percent passing the selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

PERMANENT

Substance	CAS	TWA8	STEL	Ceiling	Skin
Abate (Temphos)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Acetaldehyde	75-07-0	100 ppm	150 ppm	—	—
Acetic acid	64-19-7	10 ppm	20 ppm	—	—
Acetic anhydride	108-24-7	—	—	5 ppm	—
Acetone	67-64-1	750 ppm	1,000 ppm	—	—
Acetonitrile	75-05-8	40 ppm	60 ppm	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—
Acetylene	74-86-2	Simple asphyxiant	—	—	—
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	—	—
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m ³	10 mg/m ³	—	—
Acrolein	107-02-8	0.1 ppm	0.3 ppm	—	—
Acrylamide	79-06-1	0.03 mg/m ³	0.09 mg/m ³	—	X
Acrylic acid	79-10-7	10 ppm	20 ppm	—	X
Acrylonitrile (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Aldrin	309-00-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	—	X
Allyl chloride	107-05-1	1 ppm	2 ppm	—	—
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	—	—
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	—	—
alpha-Alumina (Aluminum oxide)	1344-28-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10 mg/m ³	—	—
Aluminum (as Al)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
Pyro powders	—	5.0 mg/m ³	10 mg/m ³	—	—
Welding fumes	—	5 mg/m ³	10 mg/m ³	—	—
Soluble salts	—	2.0 mg/m ³	4 mg/m ³	—	—
Alkyls (NOC)	—	2.0 mg/m ³	4 mg/m ³	—	—
Aluminum oxide (Alundum; Corundum)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—
2-Aminoethanol (Ethanolamine)	141-43-5	3 ppm	6 ppm	—	—
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	—	—
Amitrole	61-82-5	0.2 mg/m ³	0.6 mg/m ³	—	—
Ammonia	7664-41-7	25 ppm	35 ppm	—	—
Ammonium chloride, fume	12125-02-9	10 mg/m ³	20 mg/m ³	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
n-Amyl acetate	628-63-7	100 ppm	150 ppm	—	—
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	—	—
Aniline and homologues	62-53-3	2 ppm	4 ppm	—	X
Anisidine (o, p isomers)	29191-52-4	0.1 ppm	0.3 ppm	—	X
Antimony and compounds (as Sb)	7440-36-0	0.5 mg/m ³	1.5 mg/m ³	—	—

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Substance	CAS	TWA8	STEL	Ceiling	Skin
ANTU (alpha Naphthyl-thiourea)	86-88-4	0.3 mg/m ³	0.9 mg/m ³	—	—
Argon	7440-37-1	Simple asphyxiant	Simple asphyxiant	—	—
Arsenic, organic compounds (as As)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsenic, inorganic compounds (as As) (when use is covered by WAC 296-62-07347)	7440-38-2	0.01 mg/m ³	0.03 mg/m ³	—	—
Arsenic, inorganic compounds (as As) (when use is not covered by WAC 296-62-07347)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsine	7784-42-1	0.05 ppm	0.15 ppm	—	—
Asbestos (see WAC 296-62-077)	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m ³	10 mg/m ³	—	—
Atrazine	1912-24-9	5 mg/m ³	10 mg/m ³	—	—
Azinphos-methyl (Guthion)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Barium, soluble compounds (as Ba)	7440-39-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Barium sulfate	7727-43-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Benomyl	17804-35-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Benzene (see WAC 296-62-07523)	71-43-2	1 ppm	5 ppm	—	—
Benzidine (see WAC 296-62-073)	92-87-5	—	—	—	—
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
Benzo(a)pyrene (Coal-tar-pitch-volatiles)	65096-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Benzoyl peroxide	94-36-0	5 mg/m ³	10 mg/m ³	—	—
Benzyl chloride	100-44-7	1 ppm	3 ppm	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002 mg/m ³	0.005 mg/m ³ (30 min.)	0.025 mg/m ³	—
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Bismuth-telluride, undoped	1304-82-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Bismuth-telluride, Se-doped	—	5 mg/m ³	10 mg/m ³	—	—
Borates, tetra, sodium salts	—	—	—	—	—
Anhydrous	1330-43-4	1 mg/m ³	3 mg/m ³	—	—
Decahydrate	1303-96-4	5 mg/m ³	10 mg/m ³	—	—
Pentahydrate	12179-04-3	1 mg/m ³	3 mg/m ³	—	—
Boron oxide	1303-86-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Boron-tribromide	10294-33-4	—	—	1.0 ppm	—
Boron-trifluoride	6737-07-2	—	—	1.0 ppm	—
Bromacil	314-40-9	1 ppm	3 ppm	—	—
Bromine	7726-95-6	0.1 ppm	0.3 ppm	—	—
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	—	—
Bromo-chloromethane (Chlorobromomethane)	74-97-5	200 ppm	250 ppm	—	—

Substance	CAS	TWAs	STEL	Ceiling	Skin
Bromoform	15-25-2	0.5 ppm	1.5 ppm	—	X
Butadiene (1,3 butadiene)	106-99-0	1 ppm	5 ppm	—	—
Butane	106-97-8	800 ppm	1,000 ppm	—	—
Butanethiol (see Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	—	—
2-Butoxy ethanol (Butyl cellosolve)	111-76-2	25 ppm	38 ppm	—	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	—	—
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	—	—
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	—	—
Butyl acrylate	141-32-2	10 ppm	20 ppm	—	—
n-Butyl alcohol	71-36-3	—	—	50 ppm	X
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	—	—
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	—	—
Butylamine	109-73-9	—	—	5 ppm	X
tert-Butyl chromate (Chromic acid)	1189-85-1	—	—	0.1 mg/m ³	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	—	—
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—	—
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	—	—
o-sec-Butylphenol	89-72-5	5 ppm	10 ppm	—	X
p-tert-Butyl toluene	98-51-1	10 ppm	20 ppm	—	—
Cadmium oxide fume (as Cd) (see WAC 296-62-074)	1306-19-0	0.005 mg/m ³	0.015 mg/m ³	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	—	—	—	—
Total particulate	—	0.01 mg/m ³	0.03 mg/m ³	—	—
Respirable fraction	—	0.002 mg/m ³	0.006 mg/m ³	—	—
Calcium arsenate (see WAC 296-62-07347)	—	0.01 mg/m ³	0.03 mg/m ³	—	—
Calcium carbonate	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium cyanamide	156-62-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Calcium hydroxide	1305-62-0	5 mg/m ³	10 mg/m ³	—	—
Calcium oxide	1305-78-8	2 mg/m ³	4 mg/m ³	—	—
Calcium silicate	1344-95-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium sulfate	7778-18-9	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Camphor (synthetic)	76-22-2	2 mg/m ³	4 mg/m ³	—	—
Caprolactam	105-60-2	—	—	—	—
Dust	—	1 mg/m ³	3 mg/m ³	—	—
Vapor	—	5 ppm	10 ppm	—	—
Captan (Difolatan)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Captan	133-06-2	5 mg/m ³	10 mg/m ³	—	—
Carbaryl (Sevin)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Carbofuran (Furadon)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Carbon black	1333-86-4	3.5 mg/m ³	7 mg/m ³	—	—
Carbon dioxide	124-38-9	5,000 ppm	30,000 ppm	—	—
Carbon disulfide	75-15-0	4 ppm	12 ppm	—	X

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Substance	CAS	TWAs	STEL	Ceiling	Skin
Carbon monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	—
Carbon tetrabromide	558-13-4	0.1 ppm	0.3 ppm	—	—
Carbon tetrachloride (Tetrachloromethane)	56-23-5	2 ppm	4 ppm	—	X
Carbonyl chloride (Phosgene)	7803-51-2	0.3 ppm	1 ppm	—	—
Carbonyl fluoride	353-50-4	2 ppm	5 ppm	—	—
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	—	X
Cellulose (paper-fiber)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cesium hydroxide	21351-79-1	2 mg/m ³	4 mg/m ³	—	—
Chlordane	57-74-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Chlorinated camphene (Toxaphen)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Chlorinated diphenyl oxide	55720-99-5	0.5 mg/m ³	1.5 mg/m ³	—	—
Chlorine	7782-50-5	0.5 ppm	—	1 ppm	—
Chlorine dioxide	10049-04-4	0.1 ppm	0.3 ppm	—	—
Chlorine trifluoride	7790-91-2	—	—	0.1 ppm	—
Chloroacetaldehyde	107-20-0	—	—	1 ppm	—
<i>a</i> -Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05 ppm	0.15 ppm	—	—
Chloroacetyl chloride	79-04-9	0.05 ppm	0.15 ppm	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
<i>o</i> -Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	—	—
2-Chloro-1,3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	—	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	—	—
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
1-Chloro-2,3-epoxypropane (Epichlorohydrin)	106-89-8	2 ppm	4 ppm	—	X
2-Chloroethanol (Ethylene chlorohydrin)	107-07-3	—	—	1 ppm	X
Chloroethylene (vinyl chloride)	75-01-4	1 ppm	5 ppm	—	—
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	—	—
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—
Chloromethyl methyl ether (Methyl chloromethyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	—	—
Chloropicrin (Nitrotrichloromethane)	76-06-2	0.1 ppm	0.3 ppm	—	—
beta-Chloroprene (2-Chloro-1, 3-butadiene)	126-99-8	10 ppm	20 ppm	—	X
<i>o</i> -Chlorostyrene	2039-87-4	50 ppm	75 ppm	—	—
<i>o</i> -Chlorotoluene	95-49-8	50 ppm	75 ppm	—	—

Substance	CAS	TWA8	STEL	Ceiling	Skin
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
Chlorpyrifos	2921-88-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Chromic acid and chromates (as CrO ₃)	Varies with compound	—	—	0.1 mg/m ³	—
Chromium, sol, chromic chromous salts (as Cr)	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromium (VI) compounds (as Cr)	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Chromium metal and insoluble salts	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromyl chloride	14977-61-8	0.025 ppm	0.075 ppm	—	—
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Clopidol	2971-90-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Coal dust (less than 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	2 mg/m ³	4 mg/m ³	—	—
Coal dust (greater than or equal to 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene) (Benzo(a) pyrene), (Particulate polycyclic aromatic hydrocarbons)	—	—	—	—	—
65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—	
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m ³	0.15 mg/m ³	—	—
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m ³	0.3 mg/m ³	—	—
Coke oven emissions (see WAC 296-62-200)	—	0.15 mg/m ³	0.45 mg/m ³	—	—
Copper (as Cu)	7440-50-8	—	—	—	—
Fume	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Dusts and mists	—	1 mg/m ³	3 mg/m ³	—	—
Cotton dust (raw) (see WAC 296-62-14533)	—	1 mg/m ³	3 mg/m ³	—	—
Corundum (Aluminum oxide)	7429-90-5	10 mg/m ³	20 mg/m ³	—	—
Crag herbicide (Sesone, Sodium 2, 4-dichloro-phenoxyethyl sulfate)	136-78-7	10 mg/m ³	20 mg/m ³	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2 ppm	4 ppm	—	—
Cruformate	299-86-5	5 mg/m ³	10 mg/m ³	—	—
Cumene	98-82-8	50 ppm	75 ppm	—	X
Cyanamide	420-04-2	2 mg/m ³	4 mg/m ³	—	—
Cyanide (as CN)	Varies with compound	5 mg/m ³	10 mg/m ³	—	X
Cyanogen	460-19-5	10 ppm	20 ppm	—	—
Cyanogen chloride	506-77-4	—	—	0.3 ppm	—

PERMANENT

PERMANENT

Substance	CAS	TWAs	STEL	Ceiling	Skin
Cyclohexane	110-82-7	300 ppm	375 ppm	—	—
Cyclohexanol	108-93-0	50 ppm	75 ppm	—	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	—	X
Cyclohexene	110-83-8	300 ppm	375 ppm	—	—
Cyclohexylamine	108-91-8	10 ppm	20 ppm	—	—
Cyclonite (RDX)	121-82-4	1.5 mg/m3	3.0 mg/m3	—	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	—	—
Cyclopentane	287-92-3	600 ppm	750 ppm	—	—
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m3	10 mg/m3	—	—
2,4-D (Dichlorophenoxyacetic acid)	94-75-7	10 mg/m3	20 mg/m3	—	—
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	1 mg/m3	3 mg/m3	—	X
DDVP, Dichlorvos	62-73-7	0.1 ppm	0.3 ppm	—	X
Decaborane	17702-41-9	0.05 ppm	0.15 ppm	—	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	—	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50 ppm	75 ppm	—	—
1,2-Diaminoethane (Ethylenediamine)	107-15-3	10 ppm	20 ppm	—	—
Diazinon	333-41-5	0.1 mg/m3	0.3 mg/m3	—	X
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	—	—
Diborane	19287-45-7	0.1 ppm	0.3 ppm	—	—
Dibrom (see Naled)	300-76-5	3 mg/m3	6 mg/m3	—	X
1,2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	—	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	—	—
Dibutyl phthalate	84-74-2	5 mg/m3	10 mg/m3	—	—
Dichloroacetylene	7572-29-4	—	—	0.1 ppm	—
o-Dichlorobenzene	95-50-1	—	—	50 ppm	—
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	—	—
3,3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—
Dichlorodiphenyltrichloroethane (DDT)	50-29-3	1 mg/m3	3 mg/m3	—	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	—	—
1,3-Dichloro-5,5-dimethyl hydantoin	118-52-5	0.2 mg/m3	0.4 mg/m3	—	—
1,1-Dichloroethane	75-34-3	100 ppm	150 ppm	—	—
1,2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	—	—
1,2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	—	—
1,1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	—	—
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	—	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	—	—
Dichloromethane (Methylene chloride)	75-09-2	25 ppm	125 ppm	—	—
1,1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	—	—
1,2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	—	—
Dichloropropene	542-75-6	1 ppm	3 ppm	—	X
2,2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	—	—
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	—	—

Substance	CAS	TWA8	STEL	Ceiling	Skin
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dierotephos	141-66-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	—	—
Dicyclopentadienyl iron	102-54-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Dieldrin	60-57-1	0.25 mg/m ³	0.75 mg/m ³	—	X
Diethanolamine	111-42-2	3 ppm	6 ppm	—	—
Diethylamine	109-89-7	10 ppm	25 ppm	—	—
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	—	X
Diethylene triamine	111-40-0	1 ppm	3 ppm	—	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Diethyl ketone	96-22-0	200 ppm	250 ppm	—	—
Diethyl phthalate	84-66-2	5 mg/m ³	10 mg/m ³	—	—
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	—	—
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	—	—
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
Diisobutyl ketone (2, 6- Dimethylheptanone)	108-83-8	25 ppm	38 ppm	—	—
Diisopropylamine	108-18-9	5 ppm	10 ppm	—	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	—	—
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	—	X
Dimethylamine	124-40-3	10 ppm	20 ppm	—	—
4-Dimethylaminoazo-benzene (see WAC 296-62-073)	60-11-7	—	—	—	—
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethylaniline (N, N Dimethylaniline)	121-69-7	5 ppm	10 ppm	—	X
Dimethylbenzene (Xylene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethyl 1, 2-dibromo-2, 2-dichloroethyl-phosphate (Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	—	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	—	X
Dimethyl phthalate	131-11-3	5 mg/m ³	10 mg/m ³	—	—
Dimethyl sulfate	77-78-1	0.1 ppm	0.3 ppm	—	X
Dinitolmide (3, 5-Dinitro-o-tolamide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrobenzene (all isomers — alpha, meta and para)	528-29-0; 99-65-0;	—	—	—	—
	100-25-4	0.15 ppm	0.45 ppm	—	X
Dinitro-o-cresol	524-52-1	0.2 mg/m ³	0.6 mg/m ³	—	X
Dinitrotoluene	25321-14-6	1.5 mg/m ³	3 mg/m ³	—	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	—	X
Dioxathion	78-34-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Diphenylamine	122-39-4	10 mg/m ³	20 mg/m ³	—	—
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate (MDI))	101-68-8	—	—	0.02 ppm	—
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	—	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	—	—
Diquat	85-00-7	0.5 mg/m ³	1.5 mg/m ³	—	—

PERMANENT

Substance	CAS	TWA8	STEL	Ceiling	Skin
Di-sec, Octyl-phthalate (Di-2-ethylhexylphthalate)	117-81-7	5-mg/m3	10-mg/m3	—	—
Disulfiram	97-77-8	2-mg/m3	4-mg/m3	—	—
Disulfoton	298-04-4	0.1-mg/m3	0.3-mg/m3	—	X
2,6-Di-tert-butyl-p-cresol	128-37-0	10-mg/m3	20-mg/m3	—	—
Diuron	330-54-1	10-mg/m3	20-mg/m3	—	—
Divinyl benzene	1321-74-0	10-ppm	20-ppm	—	—
Emery	12415-34-8	—	—	—	—
Total particulate	—	10-mg/m3	20-mg/m3	—	—
Respirable fraction	—	5-mg/m3	10-mg/m3	—	—
Endosulfan (Thiodan)	115-29-7	0.1-mg/m3	0.3-mg/m3	—	X
Endrin	72-20-8	0.1-mg/m3	0.3-mg/m3	—	X
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	2-ppm	4-ppm	—	X
EPN	2104-64-5	0.5-mg/m3	1.5-mg/m3	—	X
1,2-Epoxypropane (Propylene oxide)	75-56-9	20-ppm	30-ppm	—	—
2,3-Epoxy-1-propanol (Glycidol)	556-52-5	25-ppm	38-ppm	—	—
Ethane	—	Simple asphyxiant	—	—	—
Ethanethiol (Ethyl-mercaptan)	75-08-1	0.5-ppm	1.5-ppm	—	—
Ethanolamine (2-Aminoethanol)	141-43-5	3-ppm	6-ppm	—	—
Ethion	563-12-2	0.4-mg/m3	1.2-mg/m3	—	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5-ppm	10-ppm	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5-ppm	10-ppm	—	X
Ethyl acetate	141-78-6	400-ppm	500-ppm	—	—
Ethyl acrylate	140-88-5	5-ppm	25-ppm	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000-ppm	1,250-ppm	—	—
Ethylamine	75-04-07	10-ppm	20-ppm	—	—
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25-ppm	38-ppm	—	—
Ethyl benzene	100-41-4	100-ppm	125-ppm	—	—
Ethyl bromide	74-96-4	200-ppm	250-ppm	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50-ppm	75-ppm	—	—
Ethyl chloride	75-00-3	1,000-ppm	1,250-ppm	—	—
Ethylene	74-85-1	Simple asphyxiant	—	—	—
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	—	—	1.0-ppm	X
Ethylenediamine (1,2-Diaminoethane)	107-15-3	10-ppm	20-ppm	—	X
Ethylene dibromide	106-93-4	0.1-ppm	0.5-ppm	—	—
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1-ppm	2-ppm	—	—
Ethylene glycol	107-21-1	—	—	50-ppm	—
Ethylene glycol dinitrate	628-96-6	—	0.1-mg/m3	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5-ppm	10-ppm	—	X
Ethyleneimine (see-WAC 296-62-073)	151-56-4	—	—	—	X
Ethylene oxide (see-WAC 296-62-07359)	75-21-8	1-ppm	3-ppm	—	—
Ethyl ether (Diethyl ether)	60-29-7	400-ppm	500-ppm	—	—
Ethyl formate	109-94-4	100-ppm	125-ppm	—	—

Substance	CAS	TWA8	STEL	Ceiling	Skin
Ethylidene chloride (1,1-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylidene norbornene	16219-75-3	—	—	5.0 ppm	—
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	—	—
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	—	X
Ethyl sec amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl silicate	78-10-4	10 ppm	20 ppm	—	—
Fenamiphos	22224-92-6	0.1 mg/m ³	0.3 mg/m ³	—	X
Fensulfothion (Dasanit)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Fenthion	55-38-9	0.2 mg/m ³	0.6 mg/m ³	—	X
Perbam	—	—	—	—	—
Total particulate	14484-64-1	10 mg/m ³	20 mg/m ³	—	—
Ferrovandium dust	12604-58-9	1 mg/m ³	3 mg/m ³	—	—
Fluorides (as F)	Varies with compound	2.5 mg/m ³	5 mg/m ³	—	—
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	—	—
Fluorotrichloromethane (see Trichlorofluoro-methane)	75-69-4	—	—	1,000 ppm	—
Fonofos	944-22-9	0.1 mg/m ³	0.3 mg/m ³	—	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	0.75 ppm	2.0 ppm	—	—
Formamide	75-12-7	20 ppm	30 ppm	—	—
Formic acid	64-18-6	5 ppm	10 ppm	—	—
Furfural	98-01-1	2 ppm	4 ppm	—	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	—	X
Gasoline	8006-61-9	300 ppm	500 ppm	—	—
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	—	—
Glass, fibrous or dust	—	10 mg/m ³	20 mg/m ³	—	—
Gluteraldehyde	111-30-8	—	—	0.2 ppm	—
Glycerin mist	56-81-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
Glycidol (2,3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	—	—
Glycol monoethyl ether (2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	—	X
Grain dust (oat, wheat, barley)	—	10 mg/m ³	20 mg/m ³	—	—
Graphite, natural	7782-42-5	—	—	—	—
Respirable particulate	—	2.5 mg/m ³	5 mg/m ³	—	—
Graphite, synthetic	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Guthion (Azinphosmethyl)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Gypsum	13397-24-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Hafnium	7440-58-6	0.5 mg/m ³	1.5 mg/m ³	—	—
Helium	—	Simple asphyxiant	—	—	—
Heptachlor	76-44-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	—	—
2-Heptanone (Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	—	—
3-Heptanone (Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	—	—
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	—	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	—	—

PERMANENT

Substance	CAS	TWAs	STEL	Ceiling	Skin
Hexachloroethane	67-72-1	1 ppm	3 ppm	—	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m ³	0.6 mg/m ³	—	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	—	X
Hexane	—	—	—	—	—
n-hexane	110-54-3	50 ppm	75 ppm	—	—
other isomers	Varies with compound	500 ppm	1,000 ppm	—	—
2-Hexanone	—	—	—	—	—
(Methyl n-butyl ketone)	591-78-6	5 ppm	10 ppm	—	—
Hexone	—	—	—	—	—
(Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	—	—
see Hexyl acetate	108-84-9	50 ppm	75 ppm	—	—
Hexylene glycol	107-41-5	—	—	25 ppm	—
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	—	X
Hydrogen	—	Simple asphyxiant	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	—	—
Hydrogen bromide	10035-10-6	—	—	3.0 ppm	—
Hydrogen chloride	7647-01-0	—	—	5.0 ppm	—
Hydrogen cyanide	74-90-8	—	—	4.7 ppm	X
Hydrogen fluoride	7664-39-3	—	—	3 ppm	—
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	—	—
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	—	—
Hydroquinone	—	—	—	—	—
(Dihydroxybenzene)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
4-Hydroxy-4-methyl-2-pentanone	—	—	—	—	—
(Diacetone alcohol)	123-42-2	50 ppm	75 ppm	—	—
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	—	X
Indene	95-13-6	10 ppm	20 ppm	—	—
Indium and compounds (as In)	7440-74-6	0.1 mg/m ³	0.3 mg/m ³	—	—
Iodine	7553-56-2	—	—	0.1 ppm	—
Iodoform	75-47-8	0.6 ppm	1.8 ppm	—	—
Iron oxide dust and fume (as Fe)	1309-37-1	—	—	—	—
Total particulate	—	5 mg/m ³	10 mg/m ³	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	—	—
Iron salts, soluble (as Fe)	Varies with compound	1 mg/m ³	3 mg/m ³	—	—
Isoamyl acetate	123-92-2	100 ppm	150 ppm	—	—
Isoamyl alcohol	—	—	—	—	—
(primary and secondary)	123-51-3	100 ppm	125 ppm	—	—
Isobutyl acetate	110-19-0	150 ppm	188 ppm	—	—
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	—	—
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	—	X
Isophorone	78-59-1	4 ppm	—	5 ppm	—
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	—	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	—	—
Isopropyl acetate	108-21-4	250 ppm	310 ppm	—	—
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	—	—
Isopropylamine	75-31-0	5 ppm	10 ppm	—	—
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	—	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	—	—
Kaolin	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Ketene	463-51-4	0.5 mg/m ³	1.5 mg/m ³	—	—

PERMANENT

Substance	CAS	TWA8	STEL	Ceiling	Skin
Lead-inorganic (as Pb) (see WAC 296-62-07521 and 296-155-176)	7439-92-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Lead-arsenate (see WAC 296-62-07347)	3687-31-8	0.05 mg/m ³	0.15 mg/m ³	—	—
Lead-chromate	7758-97-6	0.05 mg/m ³	0.15 mg/m ³	—	—
Limestone	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Lindane	58-89-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Lithium hydride	7580-67-8	0.025 mg/m ³	0.075 mg/m ³	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	—	—
Magnesite	546-93-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Magnesium oxide fume	1309-48-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Malathion	121-75-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	—	—
Manganese and compound (as Mn)	7439-96-5	—	—	5 mg/m ³	—
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m ³	3 mg/m ³	—	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Manganese tetroxide (as Mn)	1317-35-7	1 mg/m ³	3 mg/m ³	—	—
Marble	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Mercury (as Hg)	7439-97-6	—	—	—	—
Aryl and inorganic	—	—	—	0.1 mg/m ³	X
Organo-alkyl compounds	—	0.01 mg/m ³	0.03 mg/m ³	—	X
Vapor	—	0.05 mg/m ³	0.15 mg/m ³	—	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	—	—
Methacrylic acid	79-41-4	20 ppm	30 ppm	—	X
Methane	—	Simple asphyxiant	—	—	—
Methanethiol (Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methomyl (lannate)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Methoxychlor	72-43-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5 ppm	10 ppm	—	X
4-Methoxyphenol	150-76-5	5 mg/m ³	10 mg/m ³	—	—
Methyl acetate	79-20-9	200 ppm	250 ppm	—	—
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	—	—
Methyl acetylene-propadiene mixture (MAAPP)	—	1,000 ppm	1,250 ppm	—	—
Methyl acrylate	96-33-3	10 ppm	20 ppm	—	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	—	—
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	—	X
Methylamine	74-89-5	10 ppm	20 ppm	—	—
Methyl amyl alcohol (Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	—	X
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50 ppm	75 ppm	—	—

PERMANENT

Substance	CAS	TWAs	STEL	Coiling	Skin
N-Methyl aniline (Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Methyl bromide	74-83-9	5 ppm	10 ppm	—	X
Methyl-n-butyl ketone (2-Hexanone)	591-78-6	5 ppm	10 ppm	—	—
Methyl cellosolve (2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	—	X
Methyl chloride	74-87-3	50 ppm	100 ppm	—	—
Methyl chloroform (1,1,1-trichloroethane)	71-55-6	350 ppm	450 ppm	—	—
Methyl chloromethyl ether (chloromethyl-methyl ether)(see WAC 296-62-073)	107-30-2	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	—	—
Methylecyclohexane	108-87-2	400 ppm	500 ppm	—	—
Methylecyclohexanol	25639-42-3	50 ppm	75 ppm	—	—
Methylecyclohexanone	583-60-8	50 ppm	75 ppm	—	X
Methylecyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl dometon	8022-00-2	0.5 mg/m ³	1.5 mg/m ³	—	X
Methylene-bisphenyl isocyanate (MDI) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
4,4'-Methylene bis (2-chloro aniline)(MBOCA) (see WAC 296-62-073)	101-14-4	0.02 ppm	0.06 ppm	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	0.01 ppm	—
Methylene chloride (Dichloromethane) (see WAC 296-62-07470)	75-09-2	25 ppm	125 ppm	—	—
4,4-Methylene dianiline	101-77-9	0.1 ppm	0.3 ppm	—	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-92-3	200 ppm	300 ppm	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	0.2 ppm	—
Methyl formate	107-31-3	100 ppm	150 ppm	—	—
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	—	—
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	—	—	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	—	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	—	—
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	—	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	—	—
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	—	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	—	—
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methyl methacrylate	80-62-6	100 ppm	150 ppm	—	—
Methyl parathion	298-00-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	—	—
Methyl silicate	684-84-5	1 ppm	3 ppm	—	—
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	—	—
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	—	X

PERMANENT

Substance	CAS	TWA8	STEL	Ceiling	Skin
Metribuzin	21087-64-9	5 mg/m ³	10 mg/m ³	—	—
Mica (Silicates)	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—
Soluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Insoluble compounds	—	—	—	—	—
(Total particulates)	—	10 mg/m ³	20 mg/m ³	—	—
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Monomethyl aniline					
(N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Monomethyl hydrazine	—	—	—	0.2 ppm	—
Morpholine	110-91-8	20 ppm	30 ppm	—	X
Naled (Dibrom)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Naphtha	8030-30-6	100 ppm	150 ppm	—	X
Naphthalene	91-20-3	10 ppm	15 ppm	—	—
alpha-Naphthylamine					
(see WAC 296-62-073)	134-32-7	—	—	—	—
beta-Naphthylamine					
(see WAC 296-62-073)	91-59-8	—	—	—	—
Neon	7440-01-9	Simple asphyxiant	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—
Metal and insoluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Soluble compounds	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Nicotine	54-11-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Nitrapyrin					
(2-Chloro-6-trichloromethyl pyridine)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Nitric acid	7697-37-2	2 ppm	4 ppm	—	—
Nitric oxide	10102-43-9	25 ppm	38 ppm	—	—
p-Nitroaniline	100-01-6	3 mg/m ³	6 mg/m ³	—	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	—	X
4-Nitrobiphenyl					
(see WAC 296-62-073)	92-93-3	—	—	—	—
p-Nitrochlorobenzene	100-00-5	0.5 mg/m ³	1.5 mg/m ³	—	X
4-Nitrodiphenyl					
(see WAC 296-62-073)	—	—	—	—	—
Nitroethane	79-24-3	100 ppm	150 ppm	—	—
Nitrogen	7727-37-9	Simple asphyxiant	—	—	—
Nitrogen dioxide	10102-44-0	—	1 ppm	—	—
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	—	—
Nitroglycerin	55-63-0	—	0.1 mg/m ³	—	X
Nitromethane	75-52-5	100 ppm	150 ppm	—	—
1-Nitropropane	108-03-2	25 ppm	38 ppm	—	—
2-Nitropropane	79-46-9	10 ppm	20 ppm	—	—
N-Nitrosodimethylamine					
(see WAC 296-62-073)	62-75-9	—	—	—	—
Nitrotoluene					
o-isomer	88-72-2	2 ppm	4 ppm	—	X
m-isomer	98-08-2	2 ppm	4 ppm	—	X
p-isomer	99-99-0	2 ppm	4 ppm	—	X
Nitrotrichloromethane					
(Chloropicrin)	76-06-2	0.1 ppm	0.3 ppm	—	—
Nitrous oxide					
(Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nonane	111-84-2	200 ppm	250 ppm	—	—

PERMANENT

Substance	CAS	TWAs	STEL	Ceiling	Skin
Octachloronaphthalene	2234-13-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Octane	111-65-9	300 ppm	375 ppm	—	—
Oil mist mineral (particulate)	8012-95-1	5 mg/m ³	10 mg/m ³	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	—	—
Oxalic acid	144-62-7	1 mg/m ³	2 mg/m ³	—	—
Oxygen difluoride	7783-41-7	—	—	0.05 ppm	—
Ozone	10028-15-6	0.1 ppm	0.3 ppm	—	—
Paraffin wax fume	8002-74-2	2 mg/m ³	4 mg/m ³	—	—
Paraquat	—	—	—	—	—
Respirable fraction	4685-14-7	0.1 mg/m ³	0.3 mg/m ³	—	X
	1910-42-5	—	—	—	—
	2074-50-2	—	—	—	—
Parathion	56-38-2	0.1 mg/m ³	0.3 mg/m ³	—	X
Particulate polycyclic aromatic hydrocarbons (coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Particulates not otherwise regulated	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	—	—
Pentachloronaphthalene	1321-64-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentachlorophenol	87-86-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentaerythritol	115-77-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentane	109-66-0	600 ppm	750 ppm	—	—
2-Pentanone (methyl propyl ketone)	107-87-9	200 ppm	250 ppm	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	—	—
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	—	—
Perlite	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10.0 mg/m ³	—	—
Petroleum distillates (Naptha, rubber solvent)	—	100 ppm	150.0 ppm	—	—
Phenol	108-95-2	5 ppm	10 ppm	—	X
Phenothiazine	92-84-2	5 mg/m ³	10 mg/m ³	—	X
p-Phenylene diamine	106-50-3	0.1 mg/m ³	0.3 mg/m ³	—	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	—	—
Phenyl ether diphenyl mixture (vapor)	—	1 ppm	3 ppm	—	—
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	—	—
Phenylhydrazine	100-63-0	5 ppm	10 ppm	—	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	—	—
Phenylphosphine	638-21-1	—	—	0.05 ppm	—
Phorate	298-02-2	0.05 mg/m ³	0.2 mg/m ³	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.03 ppm	—	—
Phosphine	7803-51-3	0.30 ppm	1 ppm	—	—
Phosphoric acid	7664-38-2	1 mg/m ³	3 mg/m ³	—	—
Phosphorus (yellow)	7723-14-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	—	—
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	—	—

Substance	CAS	TWA8	STEL	Ceiling	Skin
Phosphorus pentasulfide	1314-80-3	1 mg/m ³	3 mg/m ³	—	—
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	—	—
Phthalic anhydride	85-44-9	1 ppm	3 ppm	—	—
m-Phthalodinitrile	626-17-5	5 mg/m ³	10 mg/m ³	—	—
Picloram	1918-02-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Picric acid (2,4,6-Trinitrophenol)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Pindone (2-Pivalyl-1,3-indandione, Pival)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Piperazine dihydrochloride	142-64-3	5 mg/m ³	10 mg/m ³	—	—
Pival (Pindone)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Plaster of Paris	26499-65-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—
Metal	—	1 mg/m ³	3 mg/m ³	—	—
Soluble salts	—	0.002 mg/m ³	0.006 mg/m ³	—	—
Polychlorobiphenyls (Chlorodiphenyls)	—	1 mg/m ³	3 mg/m ³	—	X
Portland cement	65997-15-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Potassium hydroxide	1310-58-3	—	—	2 mg/m ³	—
Propane	74-98-6	1,000 ppm	1,250 ppm	—	—
Propargyl alcohol	107-19-7	1 ppm	3 ppm	—	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—
Propionic acid	79-09-4	10 ppm	20 ppm	—	—
Propoxur (Baygon)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
n-Propyl acetate	109-60-4	200 ppm	250 ppm	—	—
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	—	X
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	—	—
Propylene	—	Simple asphyxiant	—	—	—
Propylene dichloride (1,2-Dichloropropane)	78-87-5	75 ppm	110 ppm	—	—
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	—	X
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	—	—
Propylene imine	75-55-8	2 ppm	4 ppm	—	X
Propylene oxide (1,2-Epoxypropane)	75-56-9	20 ppm	30 ppm	—	—
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	—	—
Pyrethrum	8003-34-7	5 mg/m ³	10 mg/m ³	—	—
Pyridine	110-86-1	5 ppm	10 ppm	—	—
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
RDX (Cyclonite)	—	1.5 mg/m ³	3.0 mg/m ³	—	X
Resorcinol	108-46-3	10 ppm	20 ppm	—	—
Rhodium (as Rh) Insoluble compounds,	7440-16-6	—	—	—	—
Metal fumes and dusts	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Soluble compounds, salts	—	0.001 mg/m ³	0.003 mg/m ³	—	—
Ronnel	299-84-3	10 mg/m ³	20 mg/m ³	—	—
Rosin-core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Rotenone	83-79-4	5 mg/m ³	10 mg/m ³	—	—

Substance	CAS	TWAs	STEL	Coiling	Skin
Rouge	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	—	—
Selenium compounds (as Se)	7782-49-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	—	—
Sesone (Crag herbicide)	136-78-7	10 mg/m ³	20 mg/m ³	—	—
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	—	—
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m ³	12 mg/m ³	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Silica, crystalline cristobalite	—	—	—	—	—
Respirable fraction	14464-46-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, crystalline quartz	—	—	—	—	—
Respirable fraction	14808-60-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tripoli (as quartz)	—	—	—	—	—
Respirable fraction	1317-95-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tridymite	—	—	—	—	—
Respirable fraction	15468-32-3	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, fused	—	—	—	—	—
Respirable fraction	60676-86-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Silicates (less than 1% crystalline silica)	—	—	—	—	—
Mica	—	—	—	—	—
Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Tale (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Tale (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tromolite (see WAC 296-62-07705)	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon carbide	409-21-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m ³	0.03 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Sodium azide (as HN ₃ or NaN ₃)	26628-22-8	—	—	0.1 ppm	X
Sodium bisulfite	7631-90-5	5 mg/m ³	10 mg/m ³	—	—
Sodium 2,4-dichloro-phenoxyethyl sulfate (Crag herbicide)	136-78-7	10 mg/m ³	20 mg/m ³	—	—
Sodium fluoroacetate	62-74-8	0.05 mg/m ³	0.15 mg/m ³	—	X
Sodium hydroxide	1310-73-2	—	—	2 mg/m ³	—

PERMANENT

Substance	CAS	TWA8	STEL	Ceiling	Skin
Sodium metabisulfite	7681-57-4	5 mg/m3	10 mg/m3	—	—
Starch	9005-25-8	—	—	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Respirable fraction	—	5 mg/m3	10 mg/m3	—	—
Stibine	7803-52-3	0.1 ppm	0.3 ppm	—	—
Stoddard solvent	8052-41-3	100 ppm	150 ppm	—	—
Strychnine	57-24-9	0.15 mg/m3	0.45 mg/m3	—	—
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	—	—
Subtilisins	9014-01-1	—	0.00006 mg/m3 (60 min.)	—	—
Sucrose	57-50-1	—	—	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Respirable fraction	—	5 mg/m3	10 mg/m3	—	—
Sulfotep (TEDP)	3689-24-5	0.2 mg/m3	0.6 mg/m3	—	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	—	—
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	—	—
Sulfuric acid	7664-93-9	1 mg/m3	3 mg/m3	—	—
Sulfur monochloride	10025-67-9	—	—	1 ppm	—
Sulfur pentafluoride	5714-22-1	—	—	0.01 ppm	—
Sulfur tetrafluoride	7783-60-0	—	—	0.1 ppm	—
Sulfuryl fluoride	2699-79-8	5 ppm	10 ppm	—	—
Sulprofos	35400-43-2	1 mg/m3	3 mg/m3	—	—
Systox (Demeton)	8065-48-3	0.01 ppm	0.03 ppm	—	X
2, 4, 5-T	93-76-5	10 mg/m3	20 mg/m3	—	—
Talc (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m3	4 mg/m3	—	—
Tantalum	—	—	—	—	—
Metal and oxide dusts	7440-25-7	5 mg/m3	10 mg/m3	—	—
TEDP (Sulfotep)	3689-24-5	0.2 mg/m3	0.6 mg/m3	—	X
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m3	0.3 mg/m3	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	—	—
Temephos (Abate)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Respirable fraction	—	5 mg/m3	10 mg/m3	—	—
TEPP	107-49-3	0.004 ppm	0.012 ppm	—	X
Terphenyls	26140-60-3	—	—	0.5 ppm	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	—	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	—	X
Tetrachloronaphthalene	1335-88-2	2 mg/m3	4 mg/m3	—	X
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m3	0.225 mg/m3	—	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	—	—
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m3	0.225 mg/m3	—	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	—	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	—	—
Tetrasodium pyrophosphate	7722-88-5	5 mg/m3	10 mg/m3	—	—
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	1.5 mg/m3	3 mg/m3	—	X

Substance	CAS	TWA8	STEL	Ceiling	Skin
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m3	0.3 mg/m3	—	X
4,4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Respirable fraction	—	5 mg/m3	10 mg/m3	—	—
Thioglycolic acid	68-11-1	1 ppm	3 ppm	—	X
Thionyl chloride	7719-09-7	—	—	1 ppm	—
Thiram (see WAC 296-62-07519)	137-26-8	5 mg/m3	10 mg/m3	—	—
Tin (as Sn)	—	—	—	—	—
Inorganic compounds (except oxides)	7440-31-5	2 mg/m3	4 mg/m3	—	—
Tin (as Sn)	—	—	—	—	—
Organic compounds	7440-31-5	0.1 mg/m3	0.3 mg/m3	—	X
Tin oxide (as Sn)	21651-19-4	2 mg/m3	4 mg/m3	—	—
Titanium dioxide	13463-67-7	—	—	—	—
Total particulate	—	10 mg/m3	20 mg/m3	—	—
Toluene	108-88-3	100 ppm	150 ppm	—	—
Toluene 2,4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	—	—
m-Toluidine	108-44-1	2 ppm	4 ppm	—	X
o-Toluidine	95-53-4	2 ppm	4 ppm	—	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	—	X
Toxaphene (Chlorinated camphene)	8001-35-2	0.5 mg/m3	1 mg/m3	—	X
Tremolite (see WAC 296-62-07705)	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2 ppm	0.6 ppm	—	—
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	—	—
1,2,4-Trichlorobenzene	120-82-1	—	—	5 ppm	—
1,1,1-Trichloroethane (Methyl chloroform)	71-55-6	350 ppm	450 ppm	—	—
1,1,2-Trichloroethane	79-00-5	10 ppm	20 ppm	—	—
Trichloroethylene	79-01-6	50 ppm	200 ppm	—	—
Trichlorofluoromethane	75-69-4	—	—	1,000 ppm	—
Trichloromethane (Chloroform)	67-66-3	2 ppm	4 ppm	—	—
Trichloronaphthalene	1321-65-9	5 mg/m3	10 mg/m3	—	X
1,2,3-Trichloropropane	96-18-4	10 ppm	20 ppm	—	X
1,1,2-Trichloro-1,2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	—	—
Triethylhexyltin hydroxide (Cyhexatin)	13121-70-5	5 mg/m3	10 mg/m3	—	—
Triethylamine	121-44-8	10 ppm	15 ppm	—	—
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	—	—
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	—	—
Trimethylamine	75-50-3	10 ppm	15 ppm	—	—
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	—	—
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	—	—
2,4,6-Trinitrophenol (Picric acid)	88-89-1	0.1 mg/m3	0.3 mg/m3	—	X
2,4,6-Trinitrophenyl- methylnitramine (Tetryl)	479-45-8	1.5 mg/m3	3 mg/m3	—	X
2,4,6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m3	1.5 mg/m3	—	X
Triorthocresyl phosphate	78-30-8	0.1 mg/m3	0.3 mg/m3	—	X
Triphenyl amine	603-34-9	5 mg/m3	10 mg/m3	—	—
Triphenyl phosphate	115-86-6	3 mg/m3	6 mg/m3	—	—
Tungsten (as W)	7440-33-7	—	—	—	—
Soluble compounds	—	1 mg/m3	3 mg/m3	—	—
Insoluble compounds	—	5 mg/m3	10 mg/m3	—	—

Substance	CAS	TWA8	STEL	Ceiling	Skin
Turpentine	8006-64-2	100 ppm	150 ppm	—	—
Uranium (as U)	7440-61-1	—	—	—	—
Soluble compounds	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Insoluble compounds	—	0.2 mg/m ³	0.6 mg/m ³	—	—
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	—	—
Vanadium (as V ₂ O ₅)	—	—	—	—	—
Respirable fraction	1314-62-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Vegetable oil mist	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Vinyl acetate	108-05-1	10 ppm	20 ppm	—	—
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Vinyl bromide	593-60-2	5 ppm	10 ppm	—	—
Vinyl chloride (Chloroethylene) (see WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Vinyl cyanide (Acrylonitrile) (see WAC 296-62-07326)	107-13-1	2 ppm	4 ppm	10 ppm	—
Vinylcyclohexene dioxide	106-87-6	10 ppm	20 ppm	—	X
Vinyltoluene	25013-15-4	50 ppm	75 ppm	—	—
Vinylidene chloride (1,1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	—	—
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	—	—
Warfarin	81-81-3	0.1 mg/m ³	0.3 mg/m ³	—	—
Welding fumes (total particulate)	—	5 mg/m ³	10 mg/m ³	—	—
Wood dust	—	—	—	—	—
Nonallergenic; (All woods except allergenic)	—	5 mg/m ³	10 mg/m ³	—	—
Allergenic (e.g. cedar, mahogany and teak)	—	2.5 mg/m ³	5 mg/m ³	—	—
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	0.1 mg/m ³	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	—	X
Yttrium	7440-65-5	1 mg/m ³	3 mg/m ³	—	—
Zinc chloride fume	7646-85-7	1 mg/m ³	2 mg/m ³	—	—
Zinc chromate (as CrO ₃)	Varies with com- pound	0.05 mg/m ³	—	0.1 mg/m ³	—
Zinc oxide	1314-13-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zinc oxide fume	1314-13-2	5 mg/m ³	10 mg/m ³	—	—
Zinc stearate	557-05-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zirconium compounds (as Zr)	7440-67-2	5 mg/m ³	10 mg/m ³	—	—))

PERMANENT

NEW SECTION

WAC 296-841-20025 Permissible exposure limits of air contaminants.

IMPORTANT:

The following information applies to Table 3, Permissible Exposure Limits for Air Contaminants.

- Exposure needs to be determined from personal air samples taken in the breathing zone OR from monitoring representative of the employee's breathing zone.

- Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.
- Mg/m³ refers to milligrams of substance per cubic meter of air.
- For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the website: <http://www.cas.org>.
- Time weighted averages (TWA₈) represent the maximum allowed average exposure for any 8-hour time period. For work periods longer than 8-hours the TWA₈ needs to be determined using the 8 continuous hours with the highest average concentration.
- Short-term exposure limits (STEL) represent maximum allowed average exposure for any fifteen-minute period, unless another time period is noted in Table 3.
- The ceiling represents the maximum allowed exposure for the shortest time period that can feasibly be measured.
- An "X" in the "skin" column indicates the substance can be absorbed through the skin, either by airborne or direct contact.

• Requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-800-160.

• The respirable fraction of particulate is measured by sampling with a size-selector having the following characteristics:

Mean aerodynamic diameter in micrometers	Percent passing the selector
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

PERMANENT

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Abate (Temephos)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Acetaldehyde	75-07-0	100 ppm	150 ppm	—	—
Acetic acid	64-19-7	10 ppm	20 ppm	—	—
Acetic anhydride	108-24-7	—	—	5 ppm	—
Acetone	67-64-1	750 ppm	1,000 ppm	—	—
Acetonitrile	75-05-8	40 ppm	60 ppm	—	—
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	—	—	—	—
Acetylene	74-86-2	Simple asphyxiant	—	—	—
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	—	—
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	—	—
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m ³	10 mg/m ³	—	—
Acrolein	107-02-8	0.1 ppm	0.3 ppm	—	—
Acrylamide	79-06-1	0.03 mg/m ³	0.09 mg/m ³	—	X
Acrylic acid	79-10-7	10 ppm	20 ppm	—	X
Acrylonitrile (Vinyl cyanide) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Aldrin	309-00-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	—	X
Allyl chloride	107-05-1	1 ppm	2 ppm	—	—
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	—	—
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	—	—
alpha-Alumina (Aluminum oxide)	1344-28-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Aluminum (as Al)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pyro powders	—	5 mg/m ³	10 mg/m ³	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Welding fumes	—	5 mg/m ³	10 mg/m ³	—	—
Soluble salts	—	2 mg/m ³	4 mg/m ³	—	—
Alkyls (NOC)	—	2 mg/m ³	4 mg/m ³	—	—
Aluminum oxide (Alundum, Corundum)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	—	—	—	—
2-Aminoethanol (Ethanolamine)	141-43-5	3 ppm	6 ppm	—	—
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	—	—
Amitrole	61-82-5	0.2 mg/m ³	0.6 mg/m ³	—	—
Ammonia	7664-41-7	25 ppm	35 ppm	—	—
Ammonium chloride, fume	12125-02-9	10 mg/m ³	20 mg/m ³	—	—
Ammonium sulfamate (Ammate)	7773-06-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5.0 mg/m ³	10 mg/m ³	—	—
n-Amyl acetate	628-63-7	100 ppm	150 ppm	—	—
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	—	—
Aniline and homologues	62-53-3	2 ppm	4 ppm	—	X
Anisidine (o, p-isomers)	29191-52-4	0.1 ppm	0.3 ppm	—	X
Antimony and compounds (as Sb)	7440-36-0	0.5 mg/m ³	1.5 mg/m ³	—	—
ANTU (alpha Naphthyl thiourea)	86-88-4	0.3 mg/m ³	0.9 mg/m ³	—	—
Argon	7440-37-1	Simple asphyxiant	—	—	—
Arsenic, organic compounds (as As)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsenic, inorganic compounds (as As) (when use is covered by WAC 296-62-07347)	7440-38-2	0.01 mg/m ³	—	—	—
Arsenic, inorganic compounds (as As) (when use is not covered by WAC 296-62-07347)	7440-38-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Arsine	7784-42-1	0.05 ppm	0.15 ppm	—	—
Asbestos (see WAC 296-62-077)	—	—	—	—	—
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m ³	10 mg/m ³	—	—
Atrazine	1912-24-9	5 mg/m ³	10 mg/m ³	—	—
Azinphos methyl (Guthion)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Azodrin (Monocrotophos)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Barium, soluble compounds (as Ba)	7440-39-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Barium sulfate	7727-43-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Baygon (Propoxur)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
Benomyl	17804-35-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Benzene (see WAC 296-62-07523)	71-43-2	1 ppm	5 ppm	—	—
Benzidine (see WAC 296-62-073)	92-87-5	—	—	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
Benzo(a) pyrene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Benzoyl peroxide	94-36-0	5 mg/m ³	10 mg/m ³	—	—
Benzyl chloride	100-44-7	1ppm	3 ppm	—	—
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002 mg/m ³	0.005 mg/m ³ (30 min.)	0.025 mg/m ³	—
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Bismuth telluride, undoped	1304-82-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Bismuth telluride, Se-doped	—	5 mg/m ³	10 mg/m ³	—	—
Borates, tetra, sodium salts	—	—	—	—	—
Anhydrous	1330-43-4	1 mg/m ³	3 mg/m ³	—	—
Decahydrate	1303-96-4	5 mg/m ³	10 mg/m ³	—	—
Pentahydrate	12179-04-3	1 mg/m ³	3 mg/m ³	—	—
Boron oxide	1303-86-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Boron tribromide	10294-33-4	—	—	1 ppm	—
Boron trifluoride	6737-07-2	—	—	1 ppm	—
Bromacil	314-40-9	1 ppm	3 ppm	—	—
Bromine	7726-95-6	0.1 ppm	0.3 ppm	—	—
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	—	—
Bromochloromethane (Chlorobromomthane)	74-97-5	200 ppm	250 ppm	—	—
Bromoform	15-25-2	0.5 ppm	1.5 ppm	—	X
Butadiene (1,3-butadiene)	106-99-0	1 ppm	5 ppm	—	—
Butane	106-97-8	800 ppm	1,000 ppm	—	—
Butanethiol (Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	—	—
2-Butanone (Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	—	—
2-Butoxy ethanol (Butyl cellosolve)	111-76-2	25 ppm	38 ppm	—	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	—	—
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	—	—
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	—	—
Butyl acrylate	141-32-2	10 ppm	20 ppm	—	—
n-Butyl alcohol	71-36-3	—	—	50 ppm	X
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	—	—
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	—	—
Butylamine	109-73-9	—	—	5 ppm	X
Butyl cellosolve (2-Butoxy ethanol)	111-76-2	25 ppm	38 ppm	—	—
tert-Butyl chromate (as CrOs)	1189-85-1	—	—	0.1 mg/m ³	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	—	—
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—	—
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	—	—
o-sec-Butylphenol	89-72-5	5 ppm	10 ppm	—	X
p-tert-Butyl-toluene	98-51-1	10 ppm	20 ppm	—	—
Cadmium oxide fume (as Cd) (see WAC 296-62-074)	1306-19-0	0.005 mg/m ³	—	—	—
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	0.005 mg/m ³	—	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Calcium arsenate (see WAC 296-62-07347)	—	0.01 mg/m ³	—	—	—
Calcium carbonate	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium cyanamide	156-62-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Calcium hydroxide	1305-62-0	5 mg/m ³	10 mg/m ³	—	—
Calcium oxide	1305-78-8	2 mg/m ³	4 mg/m ³	—	—
Calcium silicate	1344-95-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Calcium sulfate	7778-18-9	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Camphor (synthetic)	76-22-2	2 mg/m ³	4 mg/m ³	—	—
Caprolactam	105-60-2	—	—	—	—
Dust	—	1 mg/m ³	3 mg/m ³	—	—
Vapor	—	5 ppm	10 ppm	—	—
Captafol (Difolatan)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Captan	133-06-2	5 mg/m ³	10 mg/m ³	—	—
Carbaryl (Sevin)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Carbofuran (Furadon)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Carbon black	1333-86-4	3.5 mg/m ³	7 mg/m ³	—	—
Carbon dioxide	124-38-9	5,000 ppm	30,000 ppm	—	—
Carbon disulfide	75-15-0	4 ppm	12 ppm	—	X
Carbon monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	—
Carbon tetrabromide	558-13-4	0.1 ppm	0.3 ppm	—	—
Carbon tetrachloride (Tetrachloromethane)	56-23-5	2 ppm	4 ppm	—	X
Carbonyl chloride (Phosgene)	7803-51-2	0.1 ppm	0.3 ppm	—	—
Carbonyl fluoride	353-50-4	2 ppm	5 ppm	—	—
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	—	X
Cellosolve acetate (2-Ethoxyethylacetate)	111-15-9	5 ppm	10 ppm	—	X
Cellulose (paper fiber)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cesium hydroxide	21351-79-1	2 mg/m ³	4 mg/m ³	—	—
Chlordane	57-74-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Chlorinated camphene (Toxaphen)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Chlorinated diphenyl oxide	55720-99-5	0.5 mg/m ³	1.5 mg/m ³	—	—
Chlorine	7782-50-5	0.5 ppm	—	1 ppm	—
Chlorine dioxide	10049-04-4	0.1 ppm	0.3 ppm	—	—
Chlorine trifluoride	7790-91-2	—	—	0.1 ppm	—
Chloroacetaldehyde	107-20-0	—	—	1 ppm	—
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05 ppm	0.15 ppm	—	—
Chloroacetyl chloride	79-04-9	0.05 ppm	0.15 ppm	—	—
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	—	—	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	—	—

PERMANENT

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
2-Chloro-1, 3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	—	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	—	—
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X
1-Chloro-2, 3-epoxypropane (Epichlorhydrin)	106-89-8	2 ppm	4 ppm	—	X
2-Chloroethanol (Ethylene chlorohydrin)	107-07-3	—	—	1 ppm	X
Chloroethylene (vinyl chloride) (See WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	—	—
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	—	—
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	—	—	—	—
Chloromethyl methyl ether (Methyl chloromethyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	—	—
Chloropicrin (Nitrotrichloromethane)	76-06-2	0.1 ppm	0.3 ppm	—	—
beta-Chloroprene (2-Chloro-1, 3-butadiene)	126-99-8	10 ppm	20 ppm	—	X
o-Chlorostyrene	2039-87-4	50 ppm	75 ppm	—	—
o-Chlorotoluene	95-49-8	50 ppm	75 ppm	—	—
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Chlorpyrifos	2921-88-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Chromic acid and chromates (as CrO ₃)	Varies with compound	0.1 mg/m ³	0.3 mg/m ³	—	—
Chromium, soluble, chromic and chromous salts (as Cr)	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromium (VI) compounds (as Cr)	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Chromium metal and insoluble salts	7440-47-3	0.5 mg/m ³	1.5 mg/m ³	—	—
Chromyl chloride	14977-61-8	0.025 ppm	0.075 ppm	—	—
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Clopidol	2971-90-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Coal dust (less than 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	2 mg/m ³	4 mg/m ³	—	—
Coal dust (greater than or equal to 5% SiO ₂)	—	—	—	—	—
Respirable fraction	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Coal tar pitch volatiles (benzene soluble fraction) (Particulate polycyclic aromatic hydrocarbons)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m ³	0.15 mg/m ³	—	—
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m ³	0.3 mg/m ³	—	—
Coke oven emissions (see WAC 296-62-200)	—	0.15 mg/m ³	—	—	—
Copper (as Cu)	7440-50-8	—	—	—	—
Fume	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Dusts and mists	—	1 mg/m ³	3 mg/m ³	—	—
Cotton dust (raw) (waste sorting, blending, cleaning, willowing and garetting) (see WAC 296-62-14533)	—	1 mg/m ³	—	—	—
Corundum (Aluminum oxide)	7429-90-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Crag herbicide (Sesone, Sodium-2, 4-dichloro-phenoxyethyl sulfate)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	—	X
Crotonaldehyde	123-73-9; 4170-30-3	2 ppm	4 ppm	—	—
Crufomate	299-86-5	5 mg/m ³	10 mg/m ³	—	—
Cumene	98-82-8	50 ppm	75 ppm	—	X
Cyanamide	420-04-2	2 mg/m ³	4 mg/m ³	—	—
Cyanide (as CN)	Varies with compound	5 mg/m ³	10 mg/m ³	—	X
Cyanogen	460-19-5	10 ppm	20 ppm	—	—
Cyanogen chloride	506-77-4	—	—	0.3 ppm	—
Cyclohexane	110-82-7	300 ppm	375 ppm	—	—
Cyclohexanol	108-93-0	50 ppm	75 ppm	—	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	—	X
Cyclohexene	110-83-8	300 ppm	375 ppm	—	—
Cyclohexylamine	108-91-8	10 ppm	20 ppm	—	—
Cyclonite (RDX)	121-82-4	1.5 mg/m ³	3.0 mg/m ³	—	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	—	—
Cyclopentane	287-92-3	600 ppm	750 ppm	—	—
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
2,4-D (Dichlorophenoxy-acetic acid)	94-75-7	10 mg/m ³	20 mg/m ³	—	—
DBCP (1,2-Dibromo-3-chloropropane) (See WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
DDT (Dichlorodiphenyltri-chloroethane)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
DDVP, (Dichlorvos)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dasanit (Fensulfothion)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Decaborane	17702-41-9	0.05 ppm	0.15 ppm	—	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	—	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50 ppm	75 ppm	—	—
1, 2-Diaminoethane (Ethylendiamine)	107-15-3	10 ppm	20 ppm	—	—
Diazinon	333-41-5	0.1 mg/m ³	0.3 mg/m ³	—	X

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	—	—
Diborane	19287-45-7	0.1 ppm	0.3 ppm	—	—
Dibrom (see Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
1, 2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	0.001 ppm	—	0.005 ppm	—
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	—	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	—	—
Dibutyl phthalate	84-74-2	5 mg/m ³	10 mg/m ³	—	—
Dichloroacetylene	7572-29-4	—	—	0.1 ppm	—
o-Dichlorobenzene	95-50-1	—	—	50 ppm	—
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	—	—
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	—	—	—	—
Dichlorodiphenyltri- chloroethane (DDT)	50-29-3	1 mg/m ³	3 mg/m ³	—	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	—	—
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	0.2 mg/m ³	0.4 mg/m ³	—	—
1, 1-Dichloroethane (Ethylidene chloride)	75-34-3	100 ppm	150 ppm	—	—
1, 2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	—	—
1, 1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	—	—
1, 2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	—	—
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	—	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	—	—
Dichloromethane (Methylene chloride) (See WAC 296-62-07470)	75-09-2	25 ppm	125 ppm	—	—
1, 1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	—	—
Dichlorophenoxyacetic acid (2, 4-D)	94-75-7	10 mg/m ³	20 mg/m ³	—	—
1, 2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	—	—
Dichloropropene	542-75-6	1 ppm	3 ppm	—	X
2, 2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	—	—
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	—	—
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	—	X
Dicrotophos	141-66-2	0.25 mg/m ³	0.75 mg/m ³	—	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	—	—
Dicyclopentadienyl iron Total particulate	102-54-5	—	—	—	—
Respirable fraction	—	10 mg/m ³	20 mg/m ³	—	—
	—	5 mg/m ³	10 mg/m ³	—	—
Dieldrin	60-57-1	0.25 mg/m ³	0.75 mg/m ³	—	X
Diethanolamine	111-42-2	3 ppm	6 ppm	—	—
Diethylamine	109-89-7	10 ppm	25 ppm	—	—
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	—	X
Diethylene triamine	111-40-0	1 ppm	3 ppm	—	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Diethyl ketone	96-22-0	200 ppm	250 ppm	—	—
Diethyl phthalate	84-66-2	5 mg/m ³	10 mg/m ³	—	—
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	—	—
Difolatan (Captafol)	2425-06-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
Diisobutyl ketone (2, 6-Dimethylheptanone)	108-83-8	25 ppm	38 ppm	—	—
Diisopropylamine	108-18-9	5 ppm	10 ppm	—	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	—	—
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	—	X
Dimethylamine	124-40-3	10 ppm	20 ppm	—	—
4-Dimethylaminoazo benzene (see WAC 296-62-073)	60-11-7	—	—	—	—
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	—	X
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5 ppm	10 ppm	—	X
Dimethylbenzene (Xylene)	1300-73-8	100 ppm	150 ppm	—	—
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (Naled)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	—	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	—	—
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	—	X
Dimethyl phthalate	131-11-3	5 mg/m ³	10 mg/m ³	—	—
Dimethyl sulfate	77-78-1	0.1 ppm	0.3 ppm	—	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrobenzene (all isomers - alpha, meta and para)	528-29-0; 99-65-0; 100-25-4	0.15 ppm	0.45 ppm	—	X
Dinitro-o-cresol	534-52-1	0.2 mg/m ³	0.6 mg/m ³	—	X
3, 5-Dinitro-o-toluamide (Dinitolmide)	148-01-6	5 mg/m ³	10 mg/m ³	—	—
Dinitrotoluene	25321-14-6	1.5 mg/m ³	3 mg/m ³	—	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	—	X
Dioxathion	78-34-2	0.2 mg/m ³	0.6 mg/m ³	—	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	—	—
Diphenylamine	122-39-4	10 mg/m ³	20 mg/m ³	—	—
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate (MDI))	101-68-8	—	—	0.02 ppm	—
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	—	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	—	—
Diquat	85-00-7	0.5 mg/m ³	1.5 mg/m ³	—	—
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	5 mg/m ³	10 mg/m ³	—	—
Disulfram	97-77-8	2 mg/m ³	4 mg/m ³	—	—
Disulfoton	298-04-4	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	10 mg/m ³	20 mg/m ³	—	—
Diuron	330-54-1	10 mg/m ³	20 mg/m ³	—	—
Divinyl benzene	1321-74-0	10 ppm	20 ppm	—	—
Emery	12415-34-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Endosulfan (Thiodan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Endrin	72-20-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Epichlorhydrin (1-Chloro-2, 3-epoxypropane)	106-89-8	2 ppm	4 ppm	—	X

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
EPN	2104-64-5	0.5 mg/m ³	1.5 mg/m ³	—	X
1, 2-Epoxypropane (Propylene oxide)	75-56-9	20 ppm	30 ppm	—	—
2, 3-Epoxy-1-propanol (Glycidol)	556-52-5	25 ppm	38 ppm	—	—
Ethane	—	Simple asphyxiant	—	—	—
Ethanethiol (Ethyl mercaptan)	75-08-1	0.5 ppm	1.5 ppm	—	—
Ethanol (Ethyl alcohol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethanolamine (2-Aminoethanol)	141-43-5	3 ppm	6 ppm	—	—
Ethion	563-12-2	0.4 mg/m ³	1.2 mg/m ³	—	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5 ppm	10 ppm	—	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5 ppm	10 ppm	—	X
Ethyl acetate	141-78-6	400 ppm	500 ppm	—	—
Ethyl acrylate	140-88-5	5 ppm	25 ppm	—	X
Ethyl alcohol (ethanol)	64-17-5	1,000 ppm	1,250 ppm	—	—
Ethylamine	75-04-07	10 ppm	20 ppm	—	—
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl benzene	100-41-4	100 ppm	125 ppm	—	—
Ethyl bromide	74-96-4	200 ppm	250 ppm	—	—
Ethyl butyl ketone (3-Heptanone)	106-35-4	50 ppm	75 ppm	—	—
Ethyl chloride	75-00-3	1,000 ppm	1,250 ppm	—	—
Ethylene	74-85-1	Simple asphyxiant	—	—	—
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	—	—	1 ppm	X
Ethylenediamine (1,2- Diaminoethane)	107-15-3	10 ppm	20 ppm	—	X
Ethylene dibromide	106-93-4	0.1 ppm	0.5 ppm	—	—
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylene glycol	107-21-1	—	—	50 ppm	—
Ethylene glycol dinitrate	628-96-6	—	0.1 mg/m ³	—	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	—	5 ppm	10 ppm	—	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	—	—	—	X
Ethylene oxide (see WAC 296-62-07359)	75-21-8	1 ppm	5 ppm	—	—
Ethyl ether (Diethyl ether)	60-29-7	400 ppm	500 ppm	—	—
Ethyl formate	109-94-4	100 ppm	125 ppm	—	—
Ethylidene chloride (1, 1-Dichloroethane)	107-06-2	1 ppm	2 ppm	—	—
Ethylidene norbornene	16219-75-3	—	—	5.0 ppm	—
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	—	—
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	—	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	—	—
Ethyl silicate	78-10-4	10 ppm	20 ppm	—	—
Fenamiphos	22224-92-6	0.1 mg/m ³	0.3 mg/m ³	—	X
Fensulfothion (Dasanit)	115-90-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Fenthion	55-38-9	0.2 mg/m ³	0.6 mg/m ³	—	X

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Ferbam	—	—	—	—	—
Total particulate	14484-64-1	10 mg/m ³	20 mg/m ³	—	—
Ferrovandium dust	12604-58-9	1 mg/m ³	3 mg/m ³	—	—
Fluorides (as F)	Varies with compound	2.5 mg/m ³	5 mg/m ³	—	—
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	—	—
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	—	—	1,000 ppm	—
Fonofos	944-22-9	0.1 mg/m ³	0.3 mg/m ³	—	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	0.75 ppm	2 ppm	—	—
Formamide	75-12-7	20 ppm	30 ppm	—	—
Formic acid	64-18-6	5 ppm	10 ppm	—	—
Furadon (carbofuran)	1563-66-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Furfural	98-01-1	2 ppm	4 ppm	—	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	—	X
Gasoline	8006-61-9	300 ppm	500 ppm	—	—
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	—	—
Glass, fibrous or dust	—	10 mg/m ³	20 mg/m ³	—	—
Gluteraldehyde	111-30-8	—	—	0.2 ppm	—
Glycerin mist	56-81-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	—	—
Glycol monoethyl ether (2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	—	X
Grain dust (oat, wheat, barley)	—	10 mg/m ³	20 mg/m ³	—	—
Graphite, natural	7782-42-5	—	—	—	—
Respirable particulate	—	2.5 mg/m ³	5 mg/m ³	—	—
Graphite, synthetic	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Guthion (Azinphosmethyl)	86-50-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Gypsum	13397-24-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Hafnium	7440-58-6	0.5 mg/m ³	1.5 mg/m ³	—	—
Helium	—	Simple asphyxiant	—	—	—
Heptachlor	76-44-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	—	—
2-Heptanone (Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	—	—
3-Heptanone (Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	—	—
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	—	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	—	—
Hexachloroethane	67-72-1	1 ppm	3 ppm	—	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m ³	0.6 mg/m ³	—	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	—	X
Hexane	—	—	—	—	—
n-hexane	110-54-3	50 ppm	75 ppm	—	—
other isomers	Varies with compound	500 ppm	1,000 ppm	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5 ppm	10 ppm	—	—
Hexone (Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	—	—
sec-Hexyl acetate	108-84-9	50 ppm	75 ppm	—	—
Hexylene glycol	107-41-5	—	—	25 ppm	—
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	—	X
Hydrogen	—	Simple asphyxiant	—	—	—
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	—	—
Hydrogen bromide	10035-10-6	—	—	3.0 ppm	—
Hydrogen chloride	7647-01-0	—	—	5.0 ppm	—
Hydrogen cyanide	74-90-8	—	4.7 ppm	—	X
Hydrogen fluoride	7664-39-3	—	—	3 ppm	—
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	—	—
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	—	—
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	—	—
Hydroquinone (Dihydroxybenzene)	123-31-9	2 mg/m ³	4 mg/m ³	—	—
4-Hydroxy-4-methyl-2-pentanone (Diacetone alcohol)	123-42-2	50 ppm	75 ppm	—	—
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	—	X
Indene	95-13-6	10 ppm	20 ppm	—	—
Indium and compounds (as In)	7440-74-6	0.1 mg/m ³	0.3 mg/m ³	—	—
Iodine	7553-56-2	—	—	0.1 ppm	—
Iodoform	75-47-8	0.6 ppm	1.8 ppm	—	—
Iron oxide dust and fume (as Fe)	1309-37-1	—	—	—	—
Total particulate	—	5 mg/m ³	10 mg/m ³	—	—
Iron pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	—	—
Iron salts, soluble (as Fe)	Varies with compound	1 mg/m ³	3 mg/m ³	—	—
Isoamyl acetate	123-92-2	100 ppm	150 ppm	—	—
Isoamyl alcohol (primary and secondary)	123-51-3	100 ppm	125 ppm	—	—
Isobutyl acetate	110-19-0	150 ppm	188 ppm	—	—
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	—	—
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	—	X
Isophorone	78-59-1	4 ppm	—	5 ppm	—
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	—	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	—	—
Isopropyl acetate	108-21-4	250 ppm	310 ppm	—	—
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	—	—
Isopropylamine	75-31-0	5 ppm	10 ppm	—	—
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	—	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	—	—
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	—	—
Kaolin	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Ketene	463-51-4	0.5 mg/m ³	1.5 mg/m ³	—	—
Lannate (Methomyl)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Lead, inorganic (as Pb) (see WAC 296-62-07521 and 296-155-176)	7439-92-1	0.05 mg/m ³	—	—	—
Lead arsenate (as Pb) (see WAC 296-62-07347)	3687-31-8	0.05 mg/m ³	—	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Lead chromate (as Pb)	7758-97-6	0.05 mg/m ³	—	—	—
Limestone	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Lindane	58-89-9	0.5 mg/m ³	1.5 mg/m ³	—	X
Lithium hydride	7580-67-8	0.025 mg/m ³	0.075 mg/m ³	—	—
L.P.G. (liquified petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	—	—
Magnesite	546-93-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Magnesium oxide fume	1309-48-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Malathion	121-75-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	—	—
Manganese and compounds (as Mn)	7439-96-5	—	—	5 mg/m ³	—
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m ³	3 mg/m ³	—	—
Marble	1317-65-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
MBOCA (4, 4'-Methylene bis (2-chloro-aniline)) (see WAC 296-62-073)	101-14-4	—	—	—	X
MDA (4, 4-Methylene dianiline) (see WAC 296-62-076)	101-77-9	0.01 ppm	0.1 ppm	—	X
MDI (Methylene bisphenyl isocyanate) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
MEK (Methyl ethyl ketone) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
MEKP (Methyl ethyl ketone peroxide)	1338-23-4	—	—	0.2 ppm	—
Mercury (as Hg)	7439-97-6	—	—	—	—
Aryl and inorganic	—	0.1 mg/m ³	0.3 mg/m ³	—	X
Organo-alkyl compounds	—	0.01 mg/m ³	0.03 mg/m ³	—	X
Vapor	—	0.05 mg/m ³	0.15 mg/m ³	—	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	—	—
Methacrylic acid	79-41-4	20 ppm	30 ppm	—	X
Methane	—	Simple asphyxiant	—	—	—
Methanethiol (Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methanol (Methyl alcohol)	67-56-1	200 ppm	250 ppm	—	X
Methomyl (lannate)	16752-77-5	2.5 mg/m ³	5 mg/m ³	—	—
Methoxychlor	72-43-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5 ppm	10 ppm	—	X

PERMANENT

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
2-Methoxyethyl acetate (Methyl cellosolve acetate)	110-49-6	5 ppm	10 ppm	—	X
4-Methoxyphenol	150-76-5	5 mg/m ³	10 mg/m ³	—	—
Methyl acetate	79-20-9	200 ppm	250 ppm	—	—
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	—	—
Methyl acetylene-propadiene mixture (MAPP)	—	1,000 ppm	1,250 ppm	—	—
Methyl acrylate	96-33-3	10 ppm	20 ppm	—	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	—	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	—	—
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	—	X
Methylamine	74-89-5	10 ppm	20 ppm	—	—
Methyl amyl alcohol (Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	—	X
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50 ppm	75 ppm	—	—
N-Methyl aniline (Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Methyl bromide	74-83-9	5 ppm	10 ppm	—	X
Methyl-n-butyl ketone (2-Hexanone)	591-78-6	5 ppm	10 ppm	—	—
Methyl cellosolve (2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	—	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	—	X
Methyl chloride	74-87-3	50 ppm	100 ppm	—	—
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350 ppm	450 ppm	—	—
Methyl chloromethyl ether (chloromethyl methyl ether) (see WAC 296-62-073)	107-30-2	—	—	—	—
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	—	—
Methylcyclohexane	108-87-2	400 ppm	500 ppm	—	—
Methylcyclohexanol	25639-42-3	50 ppm	75 ppm	—	—
Methylcyclohexanone	583-60-8	50 ppm	75 ppm	—	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl demeton	8022-00-2	0.5 mg/m ³	1.5 mg/m ³	—	X
Methylene bisphenyl isocyanate (MDI) (Diphenylmethane diisocyanate)	101-68-8	—	—	0.02 ppm	—
4, 4'-Methylene bis (2-chloro-aniline) (MBOCA) (see WAC 296-62-073)	101-14-4	—	—	—	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	—	—	0.01 ppm	—
Methylene chloride (Dichloromethane) (see WAC 296-62-07470)	75-09-2	25 ppm	125 ppm	—	—
4, 4'-Methylene dianiline (MDA) (see WAC 296-62-076)	101-77-9	0.01 ppm	0.1 ppm	—	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-93-3	200 ppm	300 ppm	—	—
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	—	—	0.2 ppm	—
Methyl formate	107-31-3	100 ppm	150 ppm	—	—
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	—	—	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	—	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	—	—
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	—	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	—	—
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	—	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	—	—
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	—	—
Methyl methacrylate	80-62-6	100 ppm	150 ppm	—	—
Methyl parathion	298-00-0	0.2 mg/m ³	0.6 mg/m ³	—	X
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	—	—
Methyl silicate	684-84-5	1 ppm	3 ppm	—	—
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	—	—
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Metribuzin	21087-64-9	5 mg/m ³	10 mg/m ³	—	—
Mica (Silicates)					
Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Molybdenum (as Mo)	7439-98-7	—	—	—	—
Soluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Insoluble compounds	—	10 mg/m ³	20 mg/m ³	—	—
Monochlorobenzene (Chlorobenzene)	108-90-7	75 ppm	113 ppm	—	—
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m ³	0.75 mg/m ³	—	—
Monomethyl aniline (N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	—	X
Monomethyl hydrazine	—	—	—	0.2 ppm	—
Morpholine	110-91-8	20 ppm	30 ppm	—	X
Naled (Dibrom)	300-76-5	3 mg/m ³	6 mg/m ³	—	X
Naphtha	8030-30-6	100 ppm	150 ppm	—	X
Naphthalene	91-20-3	10 ppm	15 ppm	—	—
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	—	—	—	—
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	—	—	—	—
Neon	7440-01-9	Simple asphyxiant	—	—	—
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	—	—
Nickel (as Ni)	7440-02-0	—	—	—	—
Metal and insoluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Soluble compounds	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Nicotine	54-11-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Nitrapyrin (2-Chloro-6 trichloromethyl pyridine)	1929-82-4	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Nitric acid	7697-37-2	2 ppm	4 ppm	—	—
Nitric oxide	10102-43-9	25 ppm	38 ppm	—	—
p-Nitroaniline	100-01-6	3 mg/m ³	6 mg/m ³	—	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	—	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	—	—	—	—
p-Nitrochlorobenzene	100-00-5	0.5 mg/m ³	1.5 mg/m ³	—	X

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
4-Nitrodiphenyl (see WAC 296-62-073)	—	—	—	—	—
Nitroethane	79-24-3	100 ppm	150 ppm	—	—
Nitrogen	7727-37-9	Simple asphyxiant	—	—	—
Nitrogen dioxide	10102-44-0	—	1 ppm	—	—
Nitrogen oxide (Nitrous oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	—	—
Nitroglycerin	55-63-0	—	0.1 mg/m ³	—	X
Nitromethane	75-52-5	100 ppm	150 ppm	—	—
1-Nitropropane	108-03-2	25 ppm	38 ppm	—	—
2-Nitropropane	79-46-9	10 ppm	20 ppm	—	—
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	—	—	—	—
Nitrotoluene	—	—	—	—	—
o-isomer	88-72-2	2 ppm	4 ppm	—	X
m-isomer	98-08-2	2 ppm	4 ppm	—	X
p-isomer	99-99-0	2 ppm	4 ppm	—	X
Nitrotrichloromethane (Chloropicrin)	76-06-2	0.1 ppm	0.3 ppm	—	—
Nitrous oxide (Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	—	—
Nonane	111-84-2	200 ppm	250 ppm	—	—
Octachloronaphthalene	2234-13-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Octane	111-65-9	300 ppm	375 ppm	—	—
Oil mist mineral (particulate)	8012-95-1	5 mg/m ³	10 mg/m ³	—	—
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	—	—
Oxalic acid	144-62-7	1 mg/m ³	2 mg/m ³	—	—
Oxygen difluoride	7783-41-7	—	—	0.05 ppm	—
Ozone	10028-15-6	0.1 ppm	0.3 ppm	—	—
Paper fiber (Cellulose)	9004-34-6	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Paraffin wax fume	8002-74-2	2 mg/m ³	4 mg/m ³	—	—
Paraquat	—	—	—	—	—
Respirable fraction	4685-14-7	0.1 mg/m ³	0.3 mg/m ³	—	X
	1910-42-5	—	—	—	—
	2074-50-2	—	—	—	—
Parathion	56-38-2	0.1 mg/m ³	0.3 mg/m ³	—	X
Particulate polycyclic aromatic hydrocarbons (benzene soluble fraction) (coal tar pitch volatiles)	65996-93-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Particulates not otherwise regulated	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	—	—
Pentachloronaphthalene	1321-64-8	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentachlorophenol	87-86-5	0.5 mg/m ³	1.5 mg/m ³	—	X
Pentaerythritol	115-77-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Pentane	109-66-0	600 ppm	750 ppm	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
2-Pentanone (methyl propyl ketone)	107-87-9	200 ppm	250 ppm	—	—
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	—	—
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	—	—
Perlite	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Petroleum distillates (Naphtha, rubber solvent)	—	100 ppm	150 ppm	—	—
Phenacyl chloride (a-Chloroacetophenone)	532-21-4	0.05 ppm	0.15 ppm	—	—
Phenol	108-95-2	5 ppm	10 ppm	—	X
Phenothiazine	92-84-2	5 mg/m ³	10 mg/m ³	—	X
p-Phenylene diamine	106-50-3	0.1 mg/m ³	0.3 mg/m ³	—	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	—	—
Phenyl ether-diphenyl mixture (vapor)	—	1 ppm	3 ppm	—	—
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	—	—
Phenyldrazine	100-63-0	5 ppm	10 ppm	—	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	—	—
Phenylphosphine	638-21-1	—	—	0.05 ppm	—
Phorate	298-02-2	0.05 mg/m ³	0.2 mg/m ³	—	X
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	—	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.3 ppm	—	—
Phosphine	7803-51-2	0.3 ppm	1 ppm	—	—
Phosphoric acid	7664-38-2	1 mg/m ³	3 mg/m ³	—	—
Phosphorus (yellow)	7723-14-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	—	—
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	—	—
Phosphorus pentasulfide	1314-80-3	1 mg/m ³	3 mg/m ³	—	—
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	—	—
Phthalic anhydride	85-44-9	1 ppm	3 ppm	—	—
m-Phthalodinitrile	626-17-5	5 mg/m ³	10 mg/m ³	—	—
Picloram	1918-02-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Picric acid (2, 4, 6- Trinitrophenol)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
Pindone (2-Pivalyl-1, 3-indandione, Pival)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Piperazine dihydrochloride	142-64-3	5 mg/m ³	10 mg/m ³	—	—
Pival (Pindone)	83-26-1	0.1 mg/m ³	0.3 mg/m ³	—	—
Plaster of Paris	26499-65-0	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Platinum (as Pt)	7440-06-4	—	—	—	—
Metal	—	1 mg/m ³	3 mg/m ³	—	—
Soluble salts	—	0.002 mg/m ³	0.006 mg/m ³	—	—
Polychlorobiphenyls (Chlorodiphenyls)	—	—	—	—	—
42% Chlorine (PCB)	53469-21-9	1 mg/m ³	3 mg/m ³	—	X
54% Chlorine (PCB)	11097-69-1	0.5 mg/m ³	1.5 mg/m ³	—	X

PERMANENT

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Portland cement	65997-15-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Potassium hydroxide	1310-58-3	—	—	2 mg/m ³	—
Propane	74-98-6	1,000 ppm	1,250 ppm	—	—
Propargyl alcohol	107-19-7	1 ppm	3 ppm	—	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	—	—	—	—
Propionic acid	79-09-4	10 ppm	20 ppm	—	—
Propoxur (Baygon)	114-26-1	0.5 mg/m ³	1.5 mg/m ³	—	—
n-Propyl acetate	109-60-4	200 ppm	250 ppm	—	—
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	—	X
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	—	—
Propylene	—	Simple asphyxiant	—	—	—
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75 ppm	110 ppm	—	—
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	—	X
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	—	—
Propylene imine	75-55-8	2 ppm	4 ppm	—	X
Propylene oxide (1,2- Epoxypropane)	75-56-9	20 ppm	30 ppm	—	—
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	—	—
Pyrethrum	8003-34-7	5 mg/m ³	10 mg/m ³	—	—
Pyridine	110-86-1	5 ppm	10 ppm	—	—
Pyrocatechol (Catechol)	120-80-9	5 ppm	10 ppm	—	X
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	—	—
RDX (Cyclonite)	—	1.5 mg/m ³	3 mg/m ³	—	X
Resorcinol	108-46-3	10 ppm	20 ppm	—	—
Rhodium (as Rh)	7440-16-6	—	—	—	—
Insoluble compounds, metal fumes and dusts	—	0.1 mg/m ³	0.3 mg/m ³	—	—
Soluble compounds, salts	—	0.001 mg/m ³	0.003 mg/m ³	—	—
Ronnel	299-84-3	10 mg/m ³	20 mg/m ³	—	—
Rosin core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Rotenone	83-79-4	5 mg/m ³	10 mg/m ³	—	—
Rouge	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	—	—
Selenium compounds (as Se)	7782-49-2	0.2 mg/m ³	0.6 mg/m ³	—	—
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	—	—
Sesone (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sevin (Carbaryl)	63-25-2	5 mg/m ³	10 mg/m ³	—	—
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	—	—
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m ³	12 mg/m ³	—	—
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Silica, crystalline cristobalite	—	—	—	—	—
Respirable fraction	14464-46-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, crystalline quartz	—	—	—	—	—
Respirable fraction	14808-60-7	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tripoli (as quartz)	—	—	—	—	—
Respirable fraction	1317-95-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Silica, crystalline tridymite	—	—	—	—	—
Respirable fraction	15468-32-3	0.05 mg/m ³	0.15 mg/m ³	—	—
Silica, fused	—	—	—	—	—
Respirable fraction	60676-86-0	0.1 mg/m ³	0.3 mg/m ³	—	—
Silicates (less than 1% crystalline silica)	—	—	—	—	—
Mica	—	—	—	—	—
Respirable fraction	12001-26-2	3 mg/m ³	6 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Talc (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tremolite (see WAC 296-62-07705)	—	—	—	—	—
Silicon	7440-21-3	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon carbide	409-21-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	—	—
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m ³	0.03 mg/m ³	—	—
Soapstone	—	—	—	—	—
Total particulate	—	6 mg/m ³	12 mg/m ³	—	—
Respirable fraction	—	3 mg/m ³	6 mg/m ³	—	—
Sodium azide (as HN ₃ or NaN ₃)	26628-22-8	—	—	0.1 ppm	X
Sodium bisulfite	7631-90-5	5 mg/m ³	10 mg/m ³	—	—
Sodium-2, 4-dichloro-phenoxyethyl sulfate (Crag herbicide)	136-78-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sodium fluoroacetate	62-74-8	0.05 mg/m ³	0.15 mg/m ³	—	X
Sodium hydroxide	1310-73-2	—	—	2 mg/m ³	—
Sodium metabisulfite	7681-57-4	5 mg/m ³	10 mg/m ³	—	—
Starch	9005-25-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Stibine	7803-52-3	0.1 ppm	0.3 ppm	—	—
Stoddard solvent	8052-41-3	100 ppm	150 ppm	—	—
Strychnine	57-24-9	0.15 mg/m ³	0.45 mg/m ³	—	—
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Subtilisins	9014-01-1	—	0.00006 mg/m ³ (60 min.)	—	—
Sucrose	57-50-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Sulfotep (TEDP)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	—	—
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	—	—
Sulfuric acid	7664-93-9	1 mg/m ³	3 mg/m ³	—	—
Sulfur monochloride	10025-67-9	—	—	1 ppm	—
Sulfur pentafluoride	5714-22-1	—	—	0.01 ppm	—
Sulfur tetrafluoride	7783-60-0	—	—	0.1 ppm	—
Sulfuryl fluoride	2699-79-8	5 ppm	10 ppm	—	—
Sulprofos	35400-43-2	1 mg/m ³	3 mg/m ³	—	—
Systox (Demeton)	8065-48-3	0.01 ppm	0.03 ppm	—	X
2, 4, 5-T	93-76-5	10 mg/m ³	20 mg/m ³	—	—
Talc (containing asbestos) (see WAC 296-62-07705)	—	—	—	—	—
Talc (containing no asbestos)	—	—	—	—	—
Respirable fraction	14807-96-6	2 mg/m ³	4 mg/m ³	—	—
Tantalum	—	—	—	—	—
Metal and oxide dusts	7440-25-7	5 mg/m ³	10 mg/m ³	—	—
TDI (Toluene-2, 4-diisocyanate)	584-84-9	0.005 ppm	0.02 ppm	—	—
TEDP (Sulfotep)	3689-24-5	0.2 mg/m ³	0.6 mg/m ³	—	X
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m ³	0.3 mg/m ³	—	—
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	—	—
Temephos (Abate)	3383-96-8	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
TEPP	107-49-3	0.004 ppm	0.012 ppm	—	X
Terphenyls	26140-60-3	—	—	0.5 ppm	—
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	—	—
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	—	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	—	—
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	—	X
Tetrachloronaphthalene	1335-88-2	2 mg/m ³	4 mg/m ³	—	X
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	—	—
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m ³	0.225 mg/m ³	—	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	—	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	—	—
Tetrasodium pyrophosphate	7722-88-5	5 mg/m ³	10 mg/m ³	—	—
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m ³	0.3 mg/m ³	—	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—

Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Thiodan (Endosulfan)	115-29-7	0.1 mg/m ³	0.3 mg/m ³	—	X
Thioglycolic acid	68-11-1	1 ppm	3 ppm	—	X
Thionyl chloride	7719-09-7	—	—	1 ppm	—
Thiram (see WAC 296-62-07519)	137-26-8	5 mg/m ³	10 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Inorganic compounds	7440-31-5	2 mg/m ³	4 mg/m ³	—	—
Tin (as Sn)	—	—	—	—	—
Organic compounds	7440-31-5	0.1 mg/m ³	0.3 mg/m ³	—	X
Tin oxide (as Sn)	21651-19-4	2 mg/m ³	4 mg/m ³	—	—
Titanium dioxide	13463-67-7	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
TNT (2, 4, 6-Trinitrotoluene)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Toluene	108-88-3	100 ppm	150 ppm	—	—
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	—	—
m-Toluidine	108-44-1	2 ppm	4 ppm	—	X
o-Toluidine	95-53-4	2 ppm	4 ppm	—	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	—	X
Toxaphene (Chlorinated camphene)	8001-35-2	0.5 mg/m ³	1 mg/m ³	—	X
Tremolite (see WAC 296-62-07705)	—	—	—	—	—
Tributyl phosphate	126-73-8	0.2 ppm	0.6 ppm	—	—
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	—	—
1, 2, 4-Trichlorobenzene	120-82-1	—	—	5 ppm	—
1, 1, 1-Trichloroethane (Methyl chloroform)	71-55-6	350 ppm	450 ppm	—	—
1, 1, 2-Trichloroethane	79-00-5	10 ppm	20 ppm	—	—
Trichloroethylene	79-01-6	50 ppm	200 ppm	—	—
Trichlorofluoromethane (Fluorotrichloromethane)	75-69-4	—	—	1,000 ppm	—
Trichloromethane (Chloroform)	67-66-3	2 ppm	4 ppm	—	—
Trichloronaphthalene	1321-65-9	5 mg/m ³	10 mg/m ³	—	X
1, 2, 3-Trichloropropane	96-18-4	10 ppm	20 ppm	—	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	—	—
Tricyclohexyltin hydroxide (Cyhexatin)	13121-70-5	5 mg/m ³	10 mg/m ³	—	—
Triethylamine	121-44-8	10 ppm	15 ppm	—	—
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	—	—
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	—	—
Trimethylamine	75-50-3	10 ppm	15 ppm	—	—
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	—	—
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	—	—
2, 4, 6-Trinitrophenol (Picric acid)	88-89-1	0.1 mg/m ³	0.3 mg/m ³	—	X
2, 4, 6-Trinitrophenyl- methylnitramine (Tetryl)	479-45-8	1.5 mg/m ³	3 mg/m ³	—	X
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m ³	1.5 mg/m ³	—	X
Triorthocresyl phosphate	78-30-8	0.1 mg/m ³	0.3 mg/m ³	—	X
Triphenyl amine	603-34-9	5 mg/m ³	10 mg/m ³	—	—
Triphenyl phosphate	115-86-6	3 mg/m ³	6 mg/m ³	—	—

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Table 3 "Permissible Exposure Limits for Air Contaminants"

Substance	CAS	TWA ₈	STEL	Ceiling	Skin
Tungsten (as W)	7440-33-7	—	—	—	—
Soluble compounds	—	1 mg/m ³	3 mg/m ³	—	—
Insoluble compounds	—	5 mg/m ³	10 mg/m ³	—	—
Turpentine	8006-64-2	100 ppm	150 ppm	—	—
Uranium (as U)	7440-61-1	—	—	—	—
Soluble compounds	—	0.05 mg/m ³	0.15 mg/m ³	—	—
Insoluble compounds	—	0.2 mg/m ³	0.6 mg/m ³	—	—
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	—	—
Vanadium (as V ₂ O ₅)	—	—	—	—	—
Respirable fraction	1314-62-1	0.05 mg/m ³	0.15 mg/m ³	—	—
Vegetable oil mist	—	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Vinyl acetate	108-05-1	10 ppm	20 ppm	—	—
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	—	—
Vinyl bromide	593-60-2	5 ppm	10 ppm	—	—
Vinyl chloride (Chloroethylene) (see WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	—	—
Vinyl cyanide (Acrylonitrile) (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	—	—
Vinyl cyclohexene dioxide	106-87-6	10 ppm	20 ppm	—	X
Vinyl toluene	25013-15-4	50 ppm	75 ppm	—	—
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	—	—
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	—	—
Warfarin	81-81-2	0.1 mg/m ³	0.3 mg/m ³	—	—
Welding fumes (total particulate)	—	5 mg/m ³	10 mg/m ³	—	—
Wood dust	—	—	—	—	—
Nonallergenic; (All woods except allergenics)	—	5 mg/m ³	10 mg/m ³	—	—
Allergenics (e.g. cedar, mahogany and teak)	—	2.5 mg/m ³	5 mg/m ³	—	—
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	—	—
m-Xylene alpha, alpha-diamine	1477-55-0	—	—	0.1 mg/m ³	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	—	X
Yttrium	7440-65-5	1 mg/m ³	3 mg/m ³	—	—
Zinc chloride fume	7646-85-7	1 mg/m ³	2 mg/m ³	—	—
Zinc chromate (as CrO ₃)	Varies with com- pound	0.05 mg/m ³	—	0.1 mg/m ³	—
Zinc oxide	1314-13-2	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zinc oxide fume	1314-13-2	5 mg/g ³	10 mg/m ³	—	—
Zinc stearate	557-05-1	—	—	—	—
Total particulate	—	10 mg/m ³	20 mg/m ³	—	—
Respirable fraction	—	5 mg/m ³	10 mg/m ³	—	—
Zirconium compounds (as Zr)	7440-67-2	5 mg/m ³	10 mg/m ³	—	—

AMENDATORY SECTION (Amending WSR 03-20-115, filed 10/1/03, effective 1/1/04)

WAC 296-841-300 Definitions.

Breathing zone

The space around and in front of an employee's nose and mouth, forming a hemisphere with a six to nine inch radius.

Ceiling

An exposure limit, measured over the shortest time period feasible, that must not be exceeded during any part of the employee's workday.

Dust

Solid particles suspended in air. Dusts are generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc.

Exposed or exposure

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

Fume

Solid particles suspended in air, generated by condensation from the gaseous state, generally after volatilization from molten metals, etc.

Gas

A normally formless fluid which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Mist

Liquid droplets suspended in air, generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state, such as by splashing, foaming, spraying or atomizing.

Oxygen deficient

An atmosphere with an oxygen content below 19.5% by volume.

Permissible exposure limits (PEL)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful agents that must not be exceeded. PELs are specified in applicable WISHA rules.

Short-term exposure limit (STEL)

An exposure limit averaged over a short time period (usually measured for fifteen minutes) that must not be exceeded during any part of an employee's workday.

Time weighted average (TWA₈)

An exposure limit averaged over eight hours that must not be exceeded during an employee's workday.

Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

- Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS)
- Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer.
- The subject of a material safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

Vapor

The gaseous form of a substance that is normally in the solid or liquid state.

WSR 04-18-080

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed August 31, 2004, 9:37 a.m., effective November 1, 2004]

Effective Date of Rule: November 1, 2004.

Purpose: Chapter 296-24 WAC, Part B-2, Safety color code for marking physical hazards, WAC 296-155-300 Accident prevention signs and tags, and chapter 296-800 WAC, Safety and health core rules. The department has rewritten and clarified the requirements relating to signs and color codes. This rule making is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. The department is moving the requirements relating to biological hazards into WAC 296-800-11045 Protect employees from biological hazards and eliminating unnecessary and outdated requirements. No new requirements were added. In addition, the department is updating references in other WISHA rules.

Citation of Existing Rules Affected by this Order: Amending WAC 296-24-33009 Container and portable tank storage, 296-24-37013 Operations and maintenance, 296-24-980 Safeguards for personnel protection, 296-78-71001 General, 296-301-020 General safety requirements, 296-800-11045 Protect employees from biological agents and 296-800-35052 Tag cited moveable equipment to warn employees of a hazard; and repealing WAC 296-24-135 Safety color code for marking physical hazards, 296-24-13501 Color identification, 296-24-140 Specification for accident prevention signs and tags, 296-24-14001 Scope, 296-24-14003 Definitions, 296-24-14005 Classification of signs according to use, 296-24-14007 Sign design and colors, 296-24-14009 Sign wordings, 296-24-14011 Accident prevention tags, and 296-155-300 Accident prevention signs and tags.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 04-12-069 on June 1, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 7, Repealed 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 10.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

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ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 10.

Date Adopted: August 31, 2004.

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-24-33009 Container and portable tank storage. (1) Scope.

(a) General. This section shall apply only to the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(b) Exceptions. This section shall not apply to the following:

- (i) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;
- (ii) Class I or Class II liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;
- (iii) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days;
- (iv) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(2) Design, construction, and capacity of containers.

(a) General. Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 49 of the Code of Federal Regulations -October 1, 1972, (regulations issued by the hazardous materials regulations board, department of transportation), shall be deemed to be acceptable.

(b) Emergency venting. Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 p.s.i.g., or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in WAC 296-24-33005 (2)(e)(iii) or (v). At least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet of free air (14.7 p.s.i.a. and 60°F) shall be used. It shall be set to open at not less than 5 p.s.i.g. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300°F.

TABLE H-12
MAXIMUM ALLOWABLE SIZE OF
CONTAINERS AND PORTABLE TANKS

Container Type	Flammable liquids			Combustible Liquids	
	Class IA	Class IB	Class IC	Class II	Class III
Glass or approved plastic	1 pt.	1 qu.	1 gal.	1 gal.	1 gal.
Metal (other than DOT drums)	1 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Safety cans	2 gal.	5 gal.	5 gal.	5 gal.	5 gal.

Container Type	Flammable liquids			Combustible Liquids	
	Class IA	Class IB	Class IC	Class II	Class III
Metal drums (DOT spec.)	60 gal.	60 gal.	60 gal.	60 gal.	60 gal.
Approved portable tanks	660 gal.	660 gal.	660 gal.	660 gal.	660 gal.

Container exemptions:

(i) Medicines, beverages, foodstuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of (4)(a) and (b) of this section.

(c) Size. Flammable and combustible liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Class IA or IB flammable liquid if:

(i) Such liquid either would be rendered unfit for its intended use by contact with metal or would excessively corrode a metal container so as to create a leakage hazard; and

(ii) The user's process either would require more than 1 pint of Class IA liquid or more than 1 quart of a Class IB liquid of a single assay lot to be used at one time, or would require the maintenance of an analytical standard liquid of a quality which is not met by the specified standards of liquids available, and the quantity of the analytical standard liquid required to be used in any one control process exceeds one-sixteenth the capacity of the container allowed under Table H-12 for the class of liquid; or

(iii) The containers are intended for direct export outside the United States.

(3) Design, construction, and capacity of storage cabinets.

(a) Maximum capacity. Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

(b) Fire resistance. Storage cabinets shall be designed and constructed to limit the internal temperature to not more than 325°F when subjected to a 10-minute fire test using the standard time-temperature curve as set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Cabinets shall be labeled "Flammable—Keep fire away (—to meet specifications set forth in WAC 296-24-140.)"

(i) Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door, and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1 1/2-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

(ii) Wooden cabinets constructed in the following manner shall be deemed in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbetted and shall be fastened in two directions with flathead wood-

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screws. When more than one door is used, there shall be a rabbetted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

(4) Design and construction of inside storage rooms.

(a) Construction. Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. Where an automatic sprinkler system is provided, the system shall be designed and installed in an acceptable manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1968, for Class E or F openings. Wood at least 1 inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(b) Rating and capacity. Storage in inside storage rooms shall comply with Table H-13.

TABLE H-13
STORAGE IN INSIDE ROOMS

Fire protection* provided	Fire resistance	Maximum size	Total allowable quantities (gals./sq. Ft./floor area)
Yes	2 hours	500 sq.ft.	10
No	2 hours	500 sq.ft.	4
Yes	1 hour	150 sq.ft.	5
No	1 hour	150 sq.ft.	2

*Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system.

(c) Wiring. Electrical wiring and equipment within inside storage rooms used to store Class I liquids shall comply with the provisions of chapter 296-24 WAC Part L for Class I, Division 2 locations. For inside storage rooms used to store Class II and III liquids the pertinent provisions chapter 296-24 WAC Part L apply.

(d) Ventilation. Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if Class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air

intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

(e) Storage in inside storage rooms. In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only.

(5) Storage inside building.

(a) Egress. Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways, or areas normally used for the safe egress of people.

(b) Containers. The storage of flammable or combustible liquids in containers or portable tanks shall comply with (4)(c) through (e) of this section.

(c) Office occupancies. Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

(d) Mercantile occupancies and other retail stores.

(i) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed 2 gallons per square foot of gross floor area. The gross floor area used for computing the maximum quantity permitted shall be considered as that portion of the store actually being used for merchandising flammable and combustible liquids.

(ii) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, or 120 gallons of Class IB, or 180 gallons of Class IC, or 240 gallons of Class II, or 500 gallons of Class III liquids, or any combination of Class I and Class II liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in (4) of this section. For water miscible liquids, these quantities may be doubled.

(iii) Containers in a display area shall not be stacked more than 3 feet or two containers high, whichever is the greater, unless the stacking is done on fixed shelving or is otherwise satisfactorily secured.

(iv) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shall not be easily displaced.

(v) Leaking containers shall be removed to a storage room or taken to a safe location outside the building and the contents transferred to an undamaged container.

(e) General purpose public warehouses. Storage shall be in accordance with Table H-14 or H-15 and in buildings or in portions of such buildings cut off by standard firewalls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

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TABLE H-14
INDOOR CONTAINER STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IA	Ground and upper floors	2,750 (50)	3 ft. (1)	660 (12)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	5,500 (100)	6 ft. (2)	1,375 (25)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	16,500 (300)	6 ft. (2)	4,125 (75)	3 ft. (1)
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	16,500 (300)	9 ft. (3)	4,125 (75)	9 ft. (3)
	Basement	5,500 (100)	9 ft. (3)	Not permitted	
III	Ground and upper floors	55,000 (1,000)	15 ft. (5)	13,750 (250)	12 ft. (4)
	Basement	8,250 (450)	9 ft. (3)	Not permitted	

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.
- Note 2: Aisles shall be provided so that no container is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.
- (Numbers in parentheses indicate corresponding number of 55-gal. drums.)
- Note 3: Each pile shall be separated from each other by at least 4 ft.

TABLE H-15
INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IA	Ground and upper floors	Not permitted		Not permitted	
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	20,000	7 ft.	2,000	7 ft.
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	20,000	7 ft.	Not permitted	
III	Ground and upper floors	60,000	14 ft.	22,000	7 ft.
	Basement	20,000	7 ft.	Not permitted	

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.
- Note 2: Aisles shall be provided so that no portable tank is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.
- Note 3: Each pile shall be separated from each other by at least 4 ft.

(f) Flammable and combustible liquid warehouses or storage buildings.

(i) If the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least 2 hours.

(ii) The total quantity of liquids within a building shall not be restricted, but the arrangement of storage shall comply with Table H-14 or H-15.

(iii) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(iv) Portable tanks stored over one tier high shall be designed to nest securely, without dunnage and adequate materials handling equipment shall be available to handle tanks safely at the upper tier level.

(v) No pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

(vi) Aisles of at least 3 feet wide shall be provided where necessary for reasons of access to doors, windows or stand-pipe connections.

(6) Storage outside buildings.

(a) General. Storage outside buildings shall be in accordance with Table H-16 or H-17, and (6)(b) and (d) of this section.

TABLE H-16
OUTDOOR CONTAINER STORAGE

1 Class	2 Maximum per pile (see note 1) gal.	3 Distance between piles (see note 2) ft.	4	5
			Distance to property line that can be built upon (see notes 3 & 4) ft.	Distance to street, alley, public way (see note 4) ft.
IA	1,100	5	20	10
IB	2,200	5	20	10
IC	4,400	5	20	10
II	8,800	5	10	5
III	22,000	5	10	5

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
- Note 2: Within 200 ft. of each container, there shall be 12-ft. wide access way to permit approach of fire control apparatus.
- Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

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Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(b) Maximum storage. A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of (6)(b)(i) and (ii) are complied with.

(i) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have 2 hour fire-resistive exterior walls having no opening within 10 feet of such storage.

(ii) Where quantity stored exceeds 1,100 gallons, or provisions of (6)(b)(i) cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

TABLE H-17
OUTDOOR PORTABLE TANK STORAGE

1 Class	2 Maximum per pile gal.	3 Distance between piles ft.	4	5
			Distance to property line that can be built upon ft.	Distance to street, alley, public way ft.
IA _____	2,200	5	20	10
IB _____	4,400	5	20	10
IC _____	8,800	5	20	10
II _____	17,600	5	10	5
III _____	44,000	5	10	5

Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.

Note 2: Within 200 ft. of each portable tank, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.

Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(c) Spill containment. The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Security. The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

(7) Fire control.

(a) Extinguishers. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(i) At least one portable fire extinguisher having a rating of not less than 12-B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(ii) At least one portable fire extinguisher having a rating of not less than 12-B units must be located not less than 10 feet, nor more than 25 feet, from any Class I or Class II liquid storage area located outside of a storage room but inside a building.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(b) Sprinklers. When sprinklers are provided, they shall be installed in accordance with chapter 296-24 WAC, Part G-3.

(c) Open flames and smoking. Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

(d) Water reactive materials. Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-37013 Operations and maintenance.

(1) Spraying. Spraying shall not be conducted outside of predetermined spraying areas.

(2) Cleaning. All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary. Scrapers, spuds, or other such tools used for cleaning purposes shall be of nonsparking material.

(3) Residue disposal. Residue scrapings and debris contaminated with residue shall be immediately removed from the premises and properly disposed of. Approved metal waste cans shall be provided wherever rags or waste are impregnated with finishing material and all such rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily or at the end of each shift.

(4) Clothing storage. Spray finishing employees' clothing shall not be left on the premises overnight unless kept in metal lockers.

(5) Cleaning solvents. The use of solvents for cleaning operations shall be restricted to those having flashpoints not less than 100°F; however, for cleaning spray nozzles and auxiliary equipment, solvents having flashpoints not less than those normally used in spray operations may be used. Such cleaning shall be conducted inside spray booths and ventilating equipment operated during cleaning.

(6) Hazardous materials combinations. Spray booths shall not be alternately used for different types of coating materials, where the combination of the materials may be conducive to spontaneous ignition, unless all deposits of the first used material are removed from the booth and exhaust ducts prior to spraying with the second used material.

(7) "No smoking" signs. "No smoking" signs in large letters on contrasting color background shall be conspicuously posted at all spraying areas and paint storage rooms. ((See WAC 296-24-140.))

PERMANENT

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-24-980 Safeguards for personnel protection. (1) Use of protective equipment.

(a) Personal protective equipment.

(i) Employees working in areas where there are potential electrical hazards shall be provided with, and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed.

Note: Personal protective equipment requirements are contained in chapter 296-24 WAC Part L, and WAC 296-800-160.

(ii) Protective equipment shall be maintained in a safe, reliable condition and shall be periodically inspected or tested, as required by chapter 296-24 WAC Part L, and WAC 296-800-160.

(iii) If the insulating capability of protective equipment may be subject to damage during use, the insulating material shall be protected. (For example, an outer covering of leather is sometimes used for the protection of rubber insulating material.)

(iv) Employees shall wear nonconductive head protection wherever there is a danger of head injury from electric shock or burns due to contact with exposed energized parts.

(v) Employees shall wear protective equipment for the eyes or face wherever there is danger of injury to the eyes or face from electric arcs or flashes or from flying objects resulting from electrical explosion.

(b) General protective equipment and tools.

(i) When working near exposed energized conductors or circuit parts, each employee shall use insulated tools or handling equipment if the tools or handling equipment might make contact with such conductors or parts. If the insulating capability of insulated tools or handling equipment is subject to damage, the insulating material shall be protected.

(A) Fuse handling equipment, insulated for the circuit voltage, shall be used to remove or install fuses when the fuse terminals are energized.

(B) Ropes and handlines used near exposed energized parts shall be nonconductive.

(ii) Protective shields, protective barriers, or insulating materials shall be used to protect each employee from shock, burns, or other electrically related injuries while that employee is working near exposed energized parts which might be accidentally contacted or where dangerous electric heating or arcing might occur. When normally enclosed live parts are exposed for maintenance or repair, they shall be guarded to protect unqualified persons from contact with the live parts.

(2) Alerting techniques. The following alerting techniques shall be used to warn and protect employees from hazards which could cause injury due to electric shock, burns, or failure of electric equipment parts:

(a) Safety signs and tags. Safety signs, safety symbols, or accident prevention tags shall be used where necessary to warn employees about electrical hazards which may endanger them (~~as required by chapter 296-24 WAC Part B-2~~).

(b) Barricades. Barricades shall be used in conjunction with safety signs where it is necessary to prevent or limit

employee access to work areas exposing employees to uninsulated energized conductors or circuit parts. Conductive barricades may not be used where they might cause an electrical contact hazard.

(c) Attendants. If signs and barricades do not provide sufficient warning and protection from electrical hazards, an attendant shall be stationed to warn and protect employees.

(3) Design requirements. Insulating blankets, matting, covers, line hose, gloves, and sleeves made of rubber shall meet the following requirements:

(a) Manufacture and marking.

(i) Blankets, gloves, and sleeves shall be produced by a seamless process.

(ii) Each item shall be clearly marked as follows:

(A) Class 0 equipment shall be marked Class 0.

(B) Class 1 equipment shall be marked Class 1.

(C) Class 2 equipment shall be marked Class 2.

(D) Class 3 equipment shall be marked Class 3.

(E) Class 4 equipment shall be marked Class 4.

(F) Nonozone-resistant equipment other than matting shall be marked Type I.

(G) Ozone-resistant equipment other than matting shall be marked Type II.

(H) Other relevant markings, such as the manufacturer's identification and the size of the equipment, may also be provided.

(iii) Markings shall be nonconducting and shall be applied in such a manner as not to impair the insulating qualities of the equipment.

(iv) Markings on gloves shall be confined to the cuff portion of the glove.

(b) Electrical requirements.

(i) Equipment shall be capable of withstanding the a-c proof-test voltage specified in Table A-2 or the d-c proof-test voltage specified in Table A-3.

(A) The proof-test shall reliably indicate that the equipment can withstand the voltage involved.

(B) The test voltage shall be applied continuously for three minutes for equipment other than matting and shall be applied continuously for one minute for matting.

(C) Gloves shall also be capable of withstanding the a-c proof-test voltage specified in Table A-2 after a sixteen-hour water soak. (See the note following (c)(ii)(B) of this subsection.)

(ii) When the a-c proof-test is used on gloves, the 60 hertz proof-test current may not exceed the values specified in Table A-2 at any time during the test period.

(A) If the a-c proof-test is made at a frequency other than 60 hertz, the permissible proof-test current shall be computed from the direct ratio of the frequencies.

(B) For the test, gloves (right side out) shall be filled with tap water and immersed in water to a depth that is in accordance with Table A-4. Water shall be added to or removed from the glove, as necessary, so that the water level is the same inside and outside the glove.

(C) After the sixteen-hour water soak specified in (b)(i)(C) of this subsection, the 60-hertz proof-test current may exceed the values given in Table A-2 by not more than 2 milliamperes.

(iii) Equipment that has been subjected to a minimum breakdown voltage test may not be used for electrical protection. (See the note following (c)(ii)(B) of this subsection.)

(iv) Material used for Type II insulating equipment shall be capable of withstanding an ozone test, with no visible effects. The ozone test shall reliably indicate that the material will resist ozone exposure in actual use. Any visible signs of ozone deterioration of the material, such as checking, cracking, breaks, or pitting, is evidence of failure to meet the requirements for ozone-resistant material. (See the note following (c)(ii)(B) of this subsection.)

(c) Workmanship and finish.

(i) Equipment shall be free of harmful physical irregularities that can be detected by the tests or inspections required under this section.

(ii) Surface irregularities that may be present on all rubber goods because of imperfections on forms or molds or because of inherent difficulties in the manufacturing process and that may appear as indentations, protuberances, or imbedded foreign material are acceptable under the following conditions:

(A) The indentation or protuberance blends into a smooth slope when the material is stretched.

(B) Foreign material remains in place when the insulating material is folded and stretches with the insulating material surrounding it.

Note: Rubber insulating equipment meeting the following national consensus standards is deemed to be in compliance with subsection (1) of this section:

American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.

ASTM D 178-93, Specification for Rubber Insulating Matting.

ASTM D 1048-93, Specification for Rubber Insulating Blankets.

ASTM D 1049-93, Specification for Rubber Insulating Covers.

ASTM D 1050-90, Specification for Rubber Insulating Line Hose.

ASTM D 1051-87, Specification for Rubber Insulating Sleeves.

These standards contain specifications for conducting the various tests required in subsection (1) of this section. For example, the a-c and d-c proof-tests, the breakdown test, the water soak procedure, and the ozone test mentioned in this paragraph are described in detail in the ASTM standards.

(4) In-service care and use.

(a) Electrical protective equipment shall be maintained in a safe, reliable condition.

(b) The following specific requirements apply to insulating blankets, covers, line hose, gloves, and sleeves made of rubber:

(i) Maximum use voltages shall conform to those listed in Table A-5.

(ii) Insulating equipment shall be inspected for damage before each day's use and immediately following any incident that can reasonably be suspected of having caused damage. Insulating gloves shall be given an air test, along with the inspection.

(iii) Insulating equipment with any of the following defects may not be used:

(A) A hole, tear, puncture, or cut;

(B) Ozone cutting or ozone checking (the cutting action produced by ozone on rubber under mechanical stress into a series of interlacing cracks);

(C) An embedded foreign object;

(D) Any of the following texture changes: Swelling, softening, hardening, or becoming sticky or inelastic.

(E) Any other defect that damages the insulating properties.

(iv) Insulating equipment found to have other defects that might affect its insulating properties shall be removed from service and returned for testing under (b)(viii) and (ix) of this subsection.

(v) Insulating equipment shall be cleaned as needed to remove foreign substances.

(vi) Insulating equipment shall be stored in such a location and in such a manner as to protect it from light, temperature extremes, excessive humidity, ozone, and other injurious substances and conditions.

(vii) Protector gloves shall be worn over insulating gloves.

(viii) Electrical protective equipment shall be subjected to periodic electrical tests. Test voltages and the maximum intervals between tests shall be in accordance with Table A-5 and Table A-6.

(ix) The test method used under (b)(viii) and (xi) of this subsection shall reliably indicate whether the insulating equipment can withstand the voltages involved.

Note: Standard electrical test methods considered as meeting this requirement are given in the following national consensus standards:

American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.

ASTM D 1048-93, Specification for Rubber Insulating Blankets.

ASTM D 1049-93, Specification for Rubber Insulating Covers.

ASTM D 1050-90, Specification for Rubber Insulating Line Hose.

ASTM D 1051-87, Specification for Rubber Insulating Sleeves.

ASTM F 478-92, Specification for In-Service Care of Insulating Line Hose and Covers.

ASTM F 479-88a, Specification for In-Service Care of Insulating Blankets.

ASTM F 496-93b, Specification for In-Service Care of Insulating Gloves and Sleeves.

(x) Insulating equipment failing to pass inspections or electrical tests shall not be used by employees, except as follows:

(A) Rubber insulating line hose could be used in shorter lengths with the defective portion cut off.

(B) Rubber insulating blankets could be repaired using a compatible patch that results in physical and electrical properties equal to those of the blanket.

(C) Rubber insulating blankets could be salvaged by severing the defective area from the undamaged portion of the blanket. The resulting undamaged area shall not be smaller than twenty-two inches by twenty-two inches (560 mm by 560 mm) for Class 1, 2, 3, and 4 blankets.

(xi) Repaired insulating equipment shall be retested before it may be used by employees.

(xii) The employer shall certify that equipment has been tested in accordance with the requirements of (b)(viii), (ix), and (xi) of this subsection. The certification shall identify the equipment that passed the test and the date it was tested.

Note: Marking of equipment and entering the results of the tests and the dates of testing onto logs are two acceptable means of meeting this requirement.

Table A-2. -A-C Proof-Test Requirements

Class of equipment	Maximum proof-test current, mA (gloves only)	Proof-test voltage rms				
		V	267-mm (10.5-in) glove	356-mm (14-in) glove	406-mm (16-in) glove	457-mm (18-in) glove
0		5,000	8	12	14	16
1		10,000		14	16	18
2		20,000		16	18	20
3		30,000		18	20	22
4		40,000			22	24

Table A-3. -D-C Proof-Test Requirements

Class of equipment	Proof-test voltage
0	20,000
1	40,000
2	50,000
3	60,000
4	70,000

Note: The d-c voltages listed in this table are not appropriate for proof-testing rubber insulating line hose or covers. For this equipment, d-c proof-tests shall use a voltage high enough to indicate that the equipment can be safely used at the voltages listed in Table A-4. See ASTM D 1050-90 and ASTM D 1049-88 for further information on proof-tests for rubber insulating line hose and covers.

imum nominal design/voltage of the energized system that may be safely worked. The nominal design voltage is equal to the phase-to-phase voltage on multiphase circuits. However, the phase-to-ground potential is considered to be the nominal design/voltage:

1. If there is no multiphase exposure in a system area and if the voltage exposure is limited to the phase-to-ground potential, or
 2. If the electrical equipment and devices are insulated or isolated or both so that the multiphase exposure on a grounded wye circuit is removed.
- ² The proof-test voltage shall be applied continuously for at least one minute, but no more than three minutes.

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Table A-4. -Glove Tests-Water Level^{1,2}

Class of glove	mm.	A-C proof-test		D-C proof-test	
		in.	mm.	in.	mm.
0	38	1.5	38	1.5	
1	38	1.5	51	2.0	
2	64	2.5	76	3.0	
3	89	3.5	102	4.0	
4	127	5.0	153	6.0	

¹ The water level is given as the clearance from the cuff of the glove to the water line, with a tolerance of 13 mm. (0.5 in.).
² If atmospheric conditions make the specified clearances impractical, the clearances may be increased by a maximum of 25 mm. (1 in.).

Table A-6. -Rubber Insulating Equipment Test Intervals

Type of equipment	When to test
Rubber insulating line hose	Upon indication that insulating value is suspect.
Rubber insulating covers	Upon indication that insulating value is suspect.
Rubber insulating blankets	Before first issue and every 12 months thereafter. ¹
Rubber insulating gloves	Before first issue and every 6 months thereafter. ¹
Rubber insulating sleeves	Before first issue and every 12 months thereafter. ¹

If the insulating equipment has been electrically tested but not issued for service, it may not be placed into service unless it has been electrically tested within the previous 12 months.

Table A-5. -Rubber Insulating Equipment Voltage Requirements

Class of equipment	Maximum use voltage ¹ a-c-rms	Retest voltage ² a-c-rms	Retest voltage ² d-c-rms
0	1,000	5,000	20,000
1	7,500	10,000	40,000
2	17,000	20,000	50,000
3	26,500	30,000	60,000
4	36,000	40,000	70,000

Note: Rubber gloves shall only be used on voltages of 5000 volts phase-to-phase or less.
¹The maximum use voltage is the a-c voltage (rms) classification of the protective equipment that designates the max-

(5) Where switches or fuses of more than 150 volts to ground are not guarded during ordinary operations, suitable insulating floors, mats or platforms shall be provided on which the operator must stand while handling the switches.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-24-135 Safety color code for marking physical hazards.
- WAC 296-24-13501 Color identification.
- WAC 296-24-140 Specifications for accident prevention signs and tags.
- WAC 296-24-14001 Scope.
- WAC 296-24-14003 Definitions.
- WAC 296-24-14005 Classification of signs according to use.
- WAC 296-24-14007 Sign design and colors.
- WAC 296-24-14009 Sign wordings.
- WAC 296-24-14011 Accident prevention tags.

AMENDATORY SECTION (Amending WSR 03-06-076, filed 3/4/03, effective 8/1/03)

WAC 296-78-71001 General. (1) Construction when not specifically covered in these standards shall be governed by such other standards adopted by the department of labor and industries as may apply.

(2) All buildings, docks, tramways, walkways, log dumps and other structures shall be so designed, constructed, and maintained as to provide a safety factor of four. This means that all members shall be capable of supporting four times the maximum load to be imposed. This provision refers to buildings, docks and so forth designed and constructed subsequent to the effective date of these standards and also refers in all cases where either complete or major changes or repairs are made to such buildings, docks, tramways, walkways, log dumps and other structures.

(3) Basements on ground floors under mills shall be evenly surfaced, free from unnecessary obstructions and debris, and provided with lighting facilities in compliance with the requirements of the safety and health core rules, WAC 296-800-210.

(4) All engines, motors, transmission machinery or operating equipment installed in mill basements or ground floors shall be equipped with standard safeguards for the protection of workers.

(5) ~~(Hazard marking. Physical hazard marking shall be as specified in WAC 296-24-13501 of the general safety and health standards.~~

(6)) Flooring of buildings, ramps and walkways not subject to supporting motive equipment shall be of not less than two-inch wood planking or material of equivalent structural strength.

((7)) (6) Flooring of buildings, ramps, docks, trestles and other structure required to support motive equipment shall be of not less than full two and one-half inch wood planking or material of equivalent structural strength. However, where flooring is covered by steel floor plates, two inch wood

planking or material or equivalent structural strength may be used.

~~((8))~~ (7) Walkways, docks, and platforms.

(a) Walkways, docks and platforms shall be constructed and maintained in accordance with the requirements of WAC 296-24-735 through 296-24-75011 and WAC 296-800-270.

(b) Maintenance. Walkways shall be evenly floored and kept in good repair.

(c) Where elevated platforms are used they shall be equipped with stairways or ladders in accordance with WAC 296-24-765 through 296-24-81013, and WAC 296-800-250 and 296-800-290.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 296-155-300 Accident prevention signs and tags.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-301-020 General safety requirements. (1) Means of stopping machines. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and shafting a locking-type shifter or an equivalent positive device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) Handles. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) Machine guarding. An employer must ensure that power transmission parts are guarded according to the requirements of WAC 296-24-205 through 296-24-20527.

(4) Housekeeping. Aisles and working spaces shall be kept in good order in accordance with requirements of WAC 296-24-735 through 296-24-73505 and WAC 296-800-220.

(5) Inspection and maintenance. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) Lighting and illumination. Lighting and illumination shall conform to the safety and health core rule book, WAC 296-800-210.

(7) Identification of piping systems. Identification of piping systems shall conform to American National Standard A13.1-1956.

(8) ~~(Identification of physical hazards. Identification of physical hazards shall be in accordance with the requirements of WAC 296-24-135 through 296-24-13503, of the general safety and health standards.~~

(9)) Steam pipes. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or guarded with equivalent protection.

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AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-11045 Protect employees from biological agents.

You must:

(*) (1) Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Potential exposure to biological agents occurs during cleanup, or other tasks, where employees handle:

- Animals or animal waste
- Body fluids
- Biological agents in a medical research lab
- Mold or mildew

Check The Center of Disease Control website (www.cdc.gov) to find published guidelines and information on safe handling and protection from specific biological agents (examples: Hanta virus, TB).

You must:

(2) Warn employees of biohazards.

• Use signs, tags, or labels to identify:

- The actual or potential presence of a biohazard:

AND

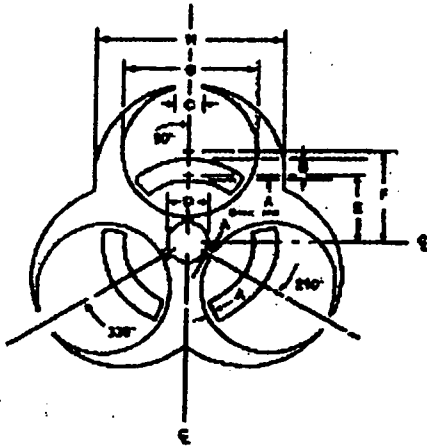
- Equipment, containers, rooms, materials, experimental animals, or any combinations of these that contain viable hazardous agents.

Definition:

Biohazard means those infectious agents presenting a risk or potential risk of death, injury or illness to employees.

You must:

• Make sure the sign, tag, or label includes the biohazard symbol that is designed and proportioned in the illustration that follows.



Dimension	A	B	C	D	E	F	G	H
Units	1	2.5	4	6	11	16	25	30

You must:

• Make sure that there is sufficient contrast for the symbol to be clearly defined, if the sign, tag, or label has a background color.

Reference: Additional requirements for biohazard signs, tags, and labels may apply. See WAC 296-823-14025 and 296-823-18040 of the *Bloodborne Pathogens* book.

Note: • It's recommended that the sign, tag, or label have a key color of fluorescent orange or orange-red and lettering or symbols in a contrasting color.

• Appropriate wording may be used in association with the symbol to indicate:

- The nature or identity of the hazard;
- Name of individual responsible for its control;
- Precautionary information;

OR

- Other information.

• This information should not be written on the symbol.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-35052 Tag cited moveable equipment to warn employees of a hazard.

You must:

• Tag cited moveable equipment to warn employees of a hazard if it has not been abated.

- Attach a warning tag or a copy of the citation to the equipment's operating controls or to the cited component:

- For hand-held equipment, tag it immediately after you receive a citation

- For other equipment, tag it before moving it within the worksite or between worksites

- The tag should properly warn employees about the nature of the violation and tell them where the citation is posted (see the Helpful Tools Section for a sample tag that can be used to meet this requirement)

• Make sure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other materials

• Make sure that the tag or copy of the citation attached to movable equipment remains attached until:

- You have abated the violation and submitted all abatement certification documents required by the department

- You have permanently removed the cited equipment from service

- You no longer have control over the cited equipment

- A final order sets aside the violation

Note: Chapter 296-155 WAC, Safety Standards for Construction Work ((and chapter 296-24 WAC, General Safety and Health Standards have)) has information on warning tags. You can use warning tags that meet the requirements in those rules instead of the warning tags required by this rule.

WSR 04-18-082

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 31, 2004, 3:04 p.m., effective October 1, 2004]

Effective Date of Rule: October 1, 2004.

Purpose: The Department of Social and Health Services' Economic Services Administration (ESA) is repealing all sections of chapter 388-155 WAC, Minimum licensing requirements for family home child care, with the exception

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of WAC 388-155-080, and replace the repealed sections with new chapter 388-296 WAC, Child care business regulations for family home child care. Proposed WAC 388-296-0310 and the proposed repeal of WAC 388-155-080 are being withdrawn. As a result of public comments, WAC 388-296-0310 is being revised and will be repropoed at a later date.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-155-005 Authority, 388-155-010 Definitions, 388-155-020 Scope of licensing, 388-155-040 Local ordinances and codes, 388-155-050 Waivers, 388-155-060 Dual licensure, 388-155-070 How do I apply for a license and what is required?, 388-155-083 Fees, 388-155-085 Initial license, 388-155-090 When can my license application be denied and when can my license be suspended or revoked?, 388-155-092 Civil penalties, 388-155-093 Civil penalties—Amount of penalty, 388-155-094 Civil penalty—Posting of notice of penalty, 388-155-095 Civil penalties—Unlicensed programs, 388-155-096 Civil penalties—Separate violations, 388-155-097 Civil penalties—Penalty for nonpayment, 388-155-098 Probationary license, 388-155-100 Activities and routines, 388-155-110 Learning and play materials, 388-155-120 Provider-child interactions, 388-155-130 Behavior management and discipline, 388-155-140 Rest periods, 388-155-150 Evening and nighttime care, 388-155-160 Off-site trips, 388-155-165 Transportation, 388-155-170 Parent communication, 388-155-180 Staffing—Qualifications, 388-155-190 Capacity, 388-155-200 Development and training, 388-155-220 Health supervision and infectious disease prevention, 388-155-230 Medication management, 388-155-240 Nutrition, 388-155-250 Kitchen and food service, 388-155-270 Care of young children, 388-155-280 General safety, maintenance, and site, 388-155-290 Water supply, sewage, and liquid wastes, 388-155-295 Water safety, 388-155-310 First-aid supplies, 388-155-320 Outdoor play area, 388-155-330 Indoor play area, 388-155-340 Toilets, handwashing sinks, and bathing facilities, 388-155-350 Laundry, 388-155-360 Nap and sleep equipment, 388-155-370 Storage, 388-155-380 Home atmosphere, 388-155-390 Discrimination prohibited, 388-155-400 Religious activities, 388-155-410 Additional requirements regarding American Indian children, 388-155-420 Child abuse, neglect, and exploitation, 388-155-430 Prohibited substances, 388-155-440 Limitations to persons on premises, 388-155-450 Child records and information, 388-155-460 Home records, 388-155-470 Personnel records, 388-155-480 Reporting of death, injury, illness, epidemic, or child abuse, 388-155-490 Reporting of circumstantial changes, 388-155-500 Posting requirements, 388-155-600 Occupancy restrictions, 388-155-605 Hazardous areas, 388-155-610 Single station smoke detectors, 388-155-620 Alternate means of sounding a fire alarm, 388-155-630 Fire extinguisher, 388-155-640 Fire prevention, 388-155-650 Sprinkler system maintenance, 388-155-660 Fire evacuation plan, 388-155-670 Fire evacuation drill, 388-155-680 Staff training, 388-155-991 Waiver of fees, 388-155-992 Fee payment and refunds, and 388-155-993 Denial, revocation, suspension, and reinstatement.

*Note: The proposed repeal of WAC 388-155-080 has been withdrawn and this rule will remain in effect until the department files a supplemental rule-making notice related to the reproposal of WAC 388-296-0310.

Statutory Authority for Adoption: RCW 74.08.090 and 74.15.030; chapters 74.12 and 74.15 RCW.

Adopted under notice filed as WSR 04-07-134 on March 22, 2004; and WSR 04-10-095 on May 4, 2004.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's Note below.

A final cost-benefit analysis is available by contacting Mary Oakden, Program Manager, DCCEL, P.O. Box 48470, Olympia, WA 98504-8470, phone (360) 725-4692, fax (360) 413-3482, e-mail OakdeMM@dshs.wa.gov.

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 134, Amended 0, Repealed 70.

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 134, Amended 0, Repealed 70.

Date Adopted: August 25, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-20 issue of the Register.

WSR 04-18-094

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed September 1, 2004, 8:27 a.m., effective October 2, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To update requirements for an independent statewide program to monitor radioactive air emissions from sources within the state.

Citation of Existing Rules Affected by this Order: Amending WAC 246-247-010, 246-247-040, 246-247-075, 246-247-080, 246-247-085, 246-247-110, 246-247-120, and 246-247-130.

Statutory Authority for Adoption: RCW 70.98.050.

Adopted under notice filed as WSR 04-07-180 on March 24, 2004.

Changes Other than Editing from Proposed to Adopted Version:

- Modified WAC 246-247-075, 246-247-080 and 246-247-085, to clarify that Department of Health may consider alternative monitoring methods only when specifically requested to do so by a nonfederal licensee.

- Changes were made to WAC 246-247-110 and 246-247-130 to clarify that the new rules are not applied to force retrofit of "grandfathered" Hanford stacks.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 8, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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 8, Repealed 0.

Date Adopted: August 31, 2004.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 98-13-037, filed 6/8/98, effective 7/9/98)

WAC 246-247-010 Applicability. (1) The standards and requirements of this chapter apply statewide at the following types of facilities that emit radionuclides to the air:

(a) Facilities licensed by the department or by the United States Nuclear Regulatory Commission (NRC);

(b) United States Department of Energy (DOE) facilities;

(c) Non-DOE federal facilities;

(d) Uranium fuel cycle facilities;

(e) Uranium mills that are processing material; and

(f) Any other facility that the department determines emits or has the potential to emit radionuclides to the ambient air.

(2) The standards and requirements of this chapter apply to point sources, nonpoint sources, and fugitive emissions.

(3) The standards and requirements of this chapter apply to stationary and mobile emission units, whether temporary or permanent.

(4) The control technology standards and requirements of this chapter apply to the abatement technology and indication devices of facilities and emission units subject to this chapter. Control technology requirements apply from entry of radionuclides into the ventilated vapor space to the point of release to the environment.

(5) In accordance with RCW 70.94.161(10), air operating permits issued under chapter 173-401 WAC shall incorporate all applicable requirements of this chapter. Therefore, all facilities listed in subsection (1) of this section that are also subject to the operating permit regulations in chapter 173-401 WAC shall be considered in compliance with the requirements of this chapter if they comply with all the applicable requirements of the air operating permit issued under chapter 173-401 WAC. These applicable requirements shall be contained in the radioactive air emissions license which shall be incorporated as part of the air operating permit. In accordance with RCW 70.94.422(1), the department shall

enforce all the requirements contained in the radioactive air emissions license.

(6) Should any of the federal regulations that have been adopted by reference in this chapter be rescinded, the affected facilities shall nonetheless comply with all other applicable requirements of this chapter.

(7) An applicant may obtain a copy of any document referenced in this chapter by contacting the department's division of radiation protection, air emissions and defense wastes section at (360) 236-3260. Mail reports, applications, and other written correspondence to the Air Emissions and Defense Wastes Section at ((Airdustrial Park)) 7171 Cleanwater Lane, Building 5, P.O. Box 47827, Olympia, Washington, 98504-7827.

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

WAC 246-247-040 General standards. (1) Standards for radioactive air emissions in the state of Washington are contained in WAC 173-480-040, 173-480-050, and 173-480-060 (~~and~~). Additional standards for emissions of radionuclides other than radon from United States Department of Energy facilities and for radionuclide emissions from federal facilities other than United States Nuclear Regulatory Commission (NRC) licensees are contained in 40 CFR Part 61, subparts H and I ((published in the Federal Register on December 15, 1989)) (as effective on October 9, 2002). Additional standards for NRC licensees are contained in 10 CFR 20.1101 (as effective on January 9, 1997). In accordance with WAC 173-480-050(3), the department shall enforce the most stringent standard in effect, notwithstanding any agreement between EPA and any other agency, including those agreements made pursuant to 42 USC 7412(d)(9).

(2) In addition to the radioactive air emission standards of subsection (1) of this section, the department's radioactive materials licensees shall comply with the limitations on radioactive air emissions contained in WAC 246-221-070.

(3) All new construction and significant modifications of emission units commenced after August 10, 1988 (the date this chapter originally became effective) shall utilize BARCT (see Appendix B).

(4) All existing emission units and nonsignificant modifications shall utilize ALARACT (see Appendix C).

(5) In order to implement these standards, the department may set limits on emission rates for specific radionuclides from specific emission units and/or set requirements and limitations on the operation of the emission unit(s) as specified in a license.

(6) All emissions of radionuclides, including those due to emergency conditions resulting from startup, shutdown, maintenance activities, or process upsets are subject to the standards of this section and, therefore, subject to the enforcement actions of WAC 246-247-100.

NEW SECTION

WAC 246-247-045 Where to find technical references. The following referenced document is available for purchase from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036:

ANSI/HPS N13.1-1999 "Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities."

This document is also available for inspection at the Washington State Office of Radiation Protection, Air Emissions and Defense Waste Section, 7171 Cleanwater Lane, Bldg. 5, Tumwater, WA 98501 (phone 360-236-3260); and at the Washington State Office of Radiation Protection, Air Emissions and Defense Waste Section, 309 Bradley Blvd., Suite 201, Richland, WA 99352 (phone 509-946-0363).

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

WAC 246-247-075 Monitoring, testing and quality assurance. (1) All radioactive air emissions monitoring, testing, and quality assurance requirements of 40 CFR 61, Subparts H and I (~~(published in the Federal Register on December 15, 1989)~~ (as effective on October 9, 2002), are adopted by reference, as applicable as specified by the referenced subparts. The department may, upon request by a nonfederal licensee, authorize provisions specific to that nonfederal licensee, other than those already set forth in WAC 246-247-075 for nonfederal emission unit monitoring, testing, or quality assurance, so long as the department finds reasonable assurance of compliance with the performance objectives of this chapter.

(2) Equipment and procedures used for the continuous monitoring of radioactive air emissions shall conform, as applicable, to the guidance contained in ANSI N13.1, ANSI N42.18, ANSI N323, ANSI N317, reference methods 1, 1A, 2, 2A, 2C, 2D, 4, 5, and 17 of 40 CFR Part 60, Appendix A, 40 CFR Part 52, Appendix E, and any other methods approved by the department.

(3) The operator of an emission unit with a potential-to-emit of less than 0.1 mrem/yr TEDE to the MEI may estimate those radionuclide emissions, in lieu of monitoring, in accordance with 40 CFR 61 Appendix D, or other procedure approved by the department. The department may require periodic confirmatory measurements (e.g., grab samples) during routine operations to verify the low emissions. Methods to implement periodic confirmatory monitoring shall be approved by the department.

(4) The department may allow a facility to use alternative monitoring procedures or methods if continuous monitoring is not a feasible or reasonable requirement.

(5) The following types of facilities shall determine radionuclide emissions in accordance with either a methodology referenced in subsections (1) through (4) of this section or the respective document referenced below:

(a) Nuclear power reactors licensed by the NRC: Offsite Dose Calculation Manual;

(b) Fuel fabrication plants licensed by the NRC: NRC's Regulatory Guide 4.16, dated December 1985;

(c) Uranium mills that are processing material: NRC's Regulatory Guide 4.14, dated April 1980.

(6) Licensed facilities shall conduct and document a quality assurance program. Except for those types of facilities specified in subsection (5) of this section, the quality assurance program shall be compatible with applicable national

standards such as ANSI/ASME NQA-1-1988, ANSI/ASME NQA-2-1986, (~~(QAMS-004)~~ QA/R-2, and (~~(QAMS-005)~~ QA/R-5).

(7) Those types of facilities specified in subsection (5) of this section shall conduct and document a quality assurance program compatible with either the applicable national standards referenced in subsection (6) of this section or the NRC's Regulatory Guide 4.15, dated February 1979.

(8) Facilities shall monitor nonpoint and fugitive emissions of radioactive material.

(9) The department may conduct an environmental surveillance program to ensure that radiation doses to the public from emission units are in compliance with applicable standards. The department may require the operator of any emission unit to conduct stack sampling, ambient air monitoring, or other testing as necessary to demonstrate compliance with the standards in WAC 246-247-040.

(10) The department may require the owner or operator of an emission unit to make provision, at existing emission unit sampling stations, for the department to take split or collocated samples of the emissions.

(11) The planning for any proposed new construction or significant modification of the emission unit must address accidental releases with a probability of occurrence during the expected life of the emission unit of greater than one percent.

(12) All facilities must be able to demonstrate that appropriate supervisors and workers are adequately trained in the use and maintenance of emission control and monitoring systems, and in the performance of associated test and emergency response procedures.

(13) All facilities must be able to demonstrate the reliability and accuracy of the radioactive air emissions monitoring data.

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

WAC 246-247-080 Inspections, reporting, and recordkeeping. (1) The department reserves the right to inspect and audit all construction activities, equipment, operations, documents, data, and other records related to compliance with the requirements of this chapter. The department may require a demonstration of ALARACT at any time.

(2) All reporting and recordkeeping requirements of 40 CFR 61, Subparts H and I (~~(published in the Federal Register on December 15, 1989)~~ (as effective on October 9, 2002), are adopted by reference, as applicable as specified by the referenced subparts. The department may, upon request by a nonfederal licensee, authorize provisions specific to that nonfederal licensee, other than those already set forth in WAC 246-247-080 for nonfederal emission unit inspections, reporting, or recordkeeping, so long as the department finds reasonable assurance of compliance with the performance objectives of this chapter.

(3) The facility shall annually submit to the department the information requirements adopted in subsection (2) of this section, as applicable, along with the following additional information, as applicable:

(a) The results of emission measurements for those emission units subject only to periodic confirmatory measurements;

(b) Wind rose or joint frequency table;

(c) Annual average ambient temperature;

(d) Annual average emission unit gas temperature, if available;

(e) Annual total rainfall;

(f) Annual average emission unit flow rate and total volume of air released during the calendar year.

If this additional information is available in another annual report, the facility may instead provide a copy of that report along with the information requirements in this subsection. Annual reports are due by June 30 for the previous calendar year's operations.

(4) Any report or application that contains proprietary or procurement-sensitive information shall be submitted to the department with those portions so designated. The department shall hold this information confidential, unless required to release the information pursuant to laws, regulations, or court order.

(5) The facility shall notify the department within twenty-four hours of any shutdown, or of any transient abnormal condition lasting more than four hours or other change in facility operations which, if allowed to persist, would result in emissions of radioactive material in excess of applicable standards or license requirements. If requested by the department, the facility shall submit a written report within ten days including known causes, corrective actions taken, and any preventive measures taken or planned to minimize or eliminate the chance of recurrence.

(6) The facility shall file a report of closure with the department whenever operations producing emissions of radioactive material are permanently ceased at any emission unit (except temporary emission units) regulated under this chapter. The closure report shall indicate whether, despite cessation of operations, there is still a potential for radioactive air emissions and a need for an active or passive ventilation system with emission control and/or monitoring devices. If decommissioning is planned and will constitute a modification, a NOC is required, as applicable, in accordance with WAC 246-247-060.

(7) The facility shall maintain a log for each emission unit that has received categorical approval under WAC 246-247-060(8). The log shall contain records of important operations parameters including the date, location, and duration of the release, measured or calculated radionuclide concentrations, the type of emissions (liquid, gaseous, solid), and the type of emission control and monitoring equipment.

(8) The facility shall maintain readily retrievable storage areas for all records and documents related to, and which may help establish compliance with, the requirements of this chapter. The facility shall keep these records available for department inspection for at least five years.

(9) The facility shall ensure all emission units are fully accessible to department inspectors. In the event the hazards associated with accessibility to a unit require training and/or restrictions or requirements for entry, the facility owner or operator shall inform the department, prior to arrival, of those restrictions or requirements. The owner or operator shall be

responsible for providing the necessary training, escorts, and support services to allow the department to inspect the facility.

(10) The facility shall make available, in a timely manner, all documents requested by the department for review. The facility shall allow the department to review documents in advance of an inspection. The facility shall allow access to classified documents by representatives of the department with the appropriate security clearance and a demonstrable need-to-know.

(11) The facility shall respond in writing in a timely manner, or within a time limit set by the department, to inspection results which require the facility to implement corrective actions or any other actions so directed by the department.

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

WAC 246-247-085 Compliance determination for existing emission units and facilities. (1) All procedures for determining compliance with the dose equivalent standards of 40 CFR 61, Subparts H and I (~~published in the Federal Register on December 15, 1989~~) (as effective on October 9, 2002), are adopted by reference, as applicable as specified by the referenced subparts. The department may, upon request of a nonfederal licensee, authorize provisions specific to that nonfederal licensee, other than those already set forth in WAC 246-247-085 for determining compliance with appropriate dose equivalent standards by nonfederal emission units, so long as the department finds reasonable assurance of compliance with the performance objectives of this chapter.

(2) Facilities subject to 40 CFR 61 shall use computer codes or procedures approved by the EPA to determine the TEDE to the MEI; all other facilities shall use computer codes or procedures approved by the department.

(3) The determination of compliance with the dose equivalent standard of WAC 246-247-040 shall include all radioactive air emissions resulting from routine and nonroutine operations for the past calendar year.

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

WAC 246-247-110 Appendix A—Application information requirements. (1) Name and address of the facility, and location (latitude and longitude) of the emission unit(s).

(2) Name, title, address, and phone number of the responsible manager.

(3) Identify the type of proposed action for which this application is submitted:

(a) Construction of new emission unit(s);

(b) Modification of existing emission unit(s); identify whether this is a significant modification;

(c) Modification of existing unit(s), unregistered.

(4) If this project is subject to the requirements of the State Environmental Policy Act (SEPA) contained in chapter 197-11 WAC, provide the name of the lead agency, lead agency contact person, and their phone number.

(5) Describe the chemical and physical processes upstream of the emission unit(s).

(6) Describe the existing and proposed (as applicable) abatement technology. Describe the basis for the use of the proposed system. Include expected efficiency of each control device, and the annual average volumetric flow rate(s) in meters³/sec for the emission unit(s).

(7) Provide conceptual drawings showing all applicable control technology components from the point of entry of radionuclides into the vapor space to release to the environment.

(8) Identify each radionuclide that could contribute greater than ten percent of the potential-to-emit TEDE to the MEI, or greater than 0.1 mrem/yr potential-to-emit TEDE to the MEI.

(9) Describe the effluent monitoring system for the proposed control system. Describe each piece of monitoring equipment and its monitoring capability, including detection limits, for each radionuclide that could contribute greater than ten percent of the potential-to-emit TEDE to the MEI, or greater than 0.1 mrem/yr potential-to-emit TEDE to the MEI, or greater than twenty-five percent of the TEDE to the MEI, after controls. Describe the method for monitoring or calculating those radionuclide emissions. Describe the method with detail sufficient to demonstrate compliance with the applicable requirements.

(10) Indicate the annual possession quantity for each radionuclide.

(11) Indicate the physical form of each radionuclide in inventory: Solid, particulate solids, liquid, or gas.

(12) Indicate the release form of each radionuclide in inventory: Particulate solids, vapor, or gas. Give the chemical form and ICRP 30 solubility class, if known.

(13) Release rates.

(a) New emission unit(s): Give predicted release rates without any emissions control equipment (the potential-to-emit) and with the proposed control equipment using the efficiencies described in subsection (6) of this section.

(b) Modified emission unit(s): Give predicted release rates without any emissions control equipment (the potential-to-emit) and with the existing and proposed control equipment using the efficiencies described in subsection (6) of this section. Provide the latest year's emissions data or emissions estimates.

In all cases, indicate whether the emission unit is operating in a batch or continuous mode:

(14) Identify the MEI by distance and direction from the emission unit(s). The MEI is determined by considering distance, windrose data, presence of vegetable gardens, and meat or milk producing animals at unrestricted areas surrounding the emission unit.

(15) Calculate the TEDE to the MEI using an approved procedure (see WAC 246-247-085). For each radionuclide identified in subsection (8) of this section, determine the TEDE to the MEI for existing and proposed emission controls, and without any emission controls (the potential-to-emit) using the release rates from subsection (13) of this section. Provide all input data used in the calculations.

(16) Provide cost factors for construction, operation, and maintenance of the proposed control technology components and system, if a BARCT or ALARACT demonstration is not submitted with the NOC.

(17) Provide an estimate of the lifetime for the facility process with the emission rates provided in this application.

(18) Indicate which of the following control technology standards have been considered and will be complied with in the design and operation of ~~((the))~~ new or modified emission unit(s) described in this application:

ASME/ANSI AG-1, Code on Nuclear Air and Gas Treatment (where there are conflicts in standards with the other listed references, this standard shall take precedence)

ASME/ANSI N509, Nuclear Power Plant Air-Cleaning Units and Components

ASME/ANSI N510, Testing of Nuclear Air Treatment Systems

ANSI/ASME NQA-1, Quality Assurance Program Requirements for Nuclear Facilities

40 CFR 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 4, 5, and 17

~~((ANSI N13.1, Guide to Sampling Airborne Radioactive Materials in Nuclear Facilities))~~ ANSI/HPS N13.1-1999, Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities if the unit's potential-to-emit exceeds 0.1 mrem/yr TEDE to the MEI and the unit is required to meet ANSI/HPS N13.1-1999 under federal regulations.

ANSI N13.1-1969, Guide to Sampling Airborne Radioactive Materials in Nuclear Facilities if the unit's potential-to-emit exceeds 0.1 mrem/yr TEDE to the MEI and the unit is not required to meet ANSI/HPS N13.1-1999 under federal regulations.

For each standard not so indicated, give reason(s) to support adequacy of the design and operation of the emission unit(s) as proposed.

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

WAC 246-247-120 Appendix B—BARCT compliance demonstration. Purpose. A BARCT demonstration is used to choose control technologies for the mitigation of emissions of radioactive material from new emission units or significant modifications to emission units. The bases for the BARCT demonstration requirements are the BARCT standard given in WAC 246-247-040, and the definition of BARCT given in WAC 246-247-030. This procedure incorporates certain implementing criteria that enable the department to evaluate a facility's compliance with the BARCT standard. It is the applicant's responsibility to demonstrate the effectiveness of their BARCT determination to the department. The facility should contact the department at the conceptual design phase for guidance on the BARCT demonstration requirements. The department may adjust this demonstration procedure on a case-by-case basis, as needed, to ensure compliance with the substantive standard.

Scope. The BARCT demonstration includes the abatement technology and indication devices that demonstrate the effectiveness of the abatement technology from entry of radionuclides into the ventilated vapor space to release to the environment. The applicant shall evaluate all available control technologies that can reduce the level of radionuclide emissions.

Technology Standards. The BARCT demonstration and the emission unit design and construction must meet, as applicable, the technology standards shown below if the unit's potential-to-emit exceeds 0.1 mrem/yr TEDE to the MEI. If the potential-to-emit is below this value, the standards must be met only to the extent justified by a cost/benefit evaluation.

ASME/ANSI AG-1, Code on Nuclear Air and Gas Treatment (where there are conflicts in standards with the other listed references, this standard shall take precedence)

ASME/ANSI N509, Nuclear Power Plant Air-Cleaning Units and Components

ASME/ANSI N510, Testing of Nuclear Air Treatment Systems

ANSI/ASME NQA-1, Quality Assurance Program Requirements for Nuclear Facilities

40 CFR 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 4, 5, and 17

((ANSI N13.1, Guide to Sampling Airborne Radioactive Materials in Nuclear Facilities)) ANSI/HPS N13.1-1999, Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities

The following standards and references are recommended as guidance only:

ANSI/ASME NQA-2, Quality Assurance Requirements for Nuclear Facilities

ANSI N42.18, Specification and Performance of On-Site Instrumentation for Continuously Monitoring Radioactivity in Effluents

ERDA 76-21, Nuclear Air Cleaning Handbook

ACGIH 1988, Industrial Ventilation, A Manual of Recommended Practice, 20th ed., American Conference of Governmental Industrial Hygienists

BARCT Demonstration Procedure.

Step 1. Define facility process variables. Describe the physical and chemical process. Include the potential radionuclide release rates (by isotope, in units of curies/year), process variables (such as flow rate, temperature, humidity, chemical composition), and other technical considerations. Base the radionuclide release rate on the potential-to-emit.

Radionuclides selected for consideration in the BARCT demonstration shall include those which contribute more than ten percent of the potential TEDE to the MEI or more than 0.1 mrem/yr, and any others which the department determines are necessary.

Step 2. Gather information on all available control technologies. Search for all available technologies that can reduce the emissions levels for the radionuclides selected in Step 1. Sources of information shall include previous BARCT demonstrations, regulatory authorities, industry or regulatory agency data bases, literature searches, information from technology vendors, research and development reports, and any other means necessary to identify all available technologies. "Available technology" includes any technology that is commercially available. Recently completed searches may be used with department approval.

Step 3. Determine technical feasibility. Determine technical feasibility by evaluating vendor specifications for available control technologies identified in Step 2 with

respect to the process variables identified in Step 1. Evaluate combinations of abatement technology and control devices by component, and the system as a whole.

If a control technology has poor safety, reliability, or control effectiveness as achieved in practice under the proposed process conditions, or the technology is not applicable to the emission unit under consideration, the technology may be eliminated with supporting documentation of the technical infeasibility.

Step 4. List all feasible control technologies in order of effectiveness. Evaluate feasible control technologies for efficiency (effectiveness) in reducing the TEDE to the MEI. List them in order, with the most effective first. If the most effective feasible technology is proposed as BARCT, the demonstration is complete at this step.

Step 5. Evaluate the environmental, energy, and economic impacts. Evaluate each control technology in succession, beginning with the most effective. Present an objective evaluation considering both beneficial and adverse impacts. Quantify the data where possible. Impact cost and effectiveness evaluations are incremental and include only that portion of the facility which comes under the authority of this chapter. Evaluate at least the following impacts:

Environmental impact - Determine the incremental environmental impact, both beneficial and adverse. Evaluate the beneficial impact of reduction in the TEDE to the surrounding population or, at a minimum, to the MEI due to the abatement of radioactive air emissions. Consider the adverse impacts from waste generation (radioactive and nonradioactive, air and nonair), disposal and stabilization, construction of control equipment, and the health and safety to both radiation workers and the general public.

Energy impact - Determine the incremental energy impact. Include the impact of any resulting need for new services such as energy distribution systems.

Economic impact - Determine the incremental economic impact. Determine capital and expense costs including design, development, procurement, construction, operation, maintenance, taxes, waste disposal, and any other applicable financial components. Base all costs on the expected lifetime of the emission unit and reduce to an annualized cost for evaluation and comparison.

The adverse economic impact compared to the beneficial impact, including reduction in TEDE to the surrounding population or the MEI, is a measure of the cost versus benefit for the control technology evaluated.

The most effective technology may be eliminated from consideration if the applicant can demonstrate to the department's satisfaction that the technology has unacceptable impacts. State clearly the basis for this conclusion and proceed to the next most effective control technology. If the next most effective technology is proposed as BARCT, the demonstration is complete; otherwise, evaluate the control technology for impacts in accordance with this step.

If the control technology cannot be eliminated on the basis of its impacts, it is proposed as BARCT.

Reporting. Prepare a BARCT compliance demonstration report for department review. Provide sufficient information such that the department can validate essential results. If no control technology is feasible, and/or emissions are

unacceptable, the department reserves the right to prohibit the construction and operation of the emission unit(s).

AMENDATORY SECTION (Amending WSR 94-07-010, filed 3/4/94, effective 4/4/94)

WAC 246-247-130 Appendix C—ALARACT compliance demonstration. Purpose. An ALARACT demonstration is used for inspection or audit purposes, and to demonstrate compliance with the substantive ALARACT technology standard as required by this chapter. An ALARACT demonstration is used to evaluate the adequacy of control technology on existing emission units and to choose control technologies for proposed nonsignificant modifications of emission units. The bases for the ALARACT demonstration requirements are the ALARACT standards given in WAC 246-247-040 and the definition of ALARACT given in WAC 246-247-030. It is the applicant's responsibility to demonstrate the effectiveness of their ALARACT determination to the department. The department may adjust this demonstration procedure on a case-by-case basis, as needed, to ensure compliance with the substantive standard.

Scope. The ALARACT demonstration includes the abatement technology and indication devices, from entry of radionuclides into the ventilated vapor space to release to the environment. The facility shall evaluate the existing control system in relation to applicable technology standards, and other control technologies that have been successfully operated for similar applications.

Technology Standards. The ALARACT demonstration and the emission unit design and construction must meet, as applicable, the technology standards shown below if the unit's potential-to-emit exceeds 0.1 mrem/yr TEDE to the MEI. If the potential-to-emit is below this value, the standards must be met only to the extent justified by a cost/benefit evaluation.

ASME/ANSI AG-1, Code on Nuclear Air and Gas Treatment (where there are conflicts in standards with the other listed references, this standard shall take precedence)

ASME/ANSI N509, Nuclear Power Plant Air-Cleaning Units and Components

ASME/ANSI N510, Testing of Nuclear Air Treatment Systems

ANSI/ASME NQA-1, Quality Assurance Program Requirements for Nuclear Facilities

40 CFR 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 4, 5, and 17

~~((ANSI N13.1, Guide to Sampling Airborne Radioactive Materials in Nuclear Facilities))~~ **ANSI/HPS N13.1-1999**, Sampling and Monitoring Releases of Airborne Radioactive Substances from the Stacks and Ducts of Nuclear Facilities (for emission units constructed or significantly modified after October 15, 2004).

The following standards and references are recommended as guidance only:

ANSI/ASME NQA-2, Quality Assurance Requirements for Nuclear Facilities

ANSI N42.18, Specification and Performance of On-Site Instrumentation for Continuously Monitoring Radioactivity in Effluents

ERDA 76-21, Nuclear Air Cleaning Handbook

ACGIH 1988, Industrial Ventilation, A Manual of Recommended Practice, 20th ed., American Conference of Governmental Industrial Hygienists

ALARA References. "Health Physics Manual of Good Practice for Reducing Radiation Exposure to Levels that are As Low As Reasonably Achievable (ALARA)", PNL-6577, June, 1988; prepared for the USDOE by Pacific Northwest Laboratories (Battelle Memorial Institute).

"A Guide to Reducing Radiation Exposure to As Low As Reasonably Achievable (ALARA)", DOE/EV/1830-T5, April, 1980, R.L. Kathren and J.M. Selby; prepared for the USDOE by Pacific Northwest Laboratories (Battelle Memorial Institute).

"A Practical Method of Performing Cost-Benefit Analysis of Occupational and Environmental Protective Measures", WHC-SA-0484-FP, March, 1989, G.F. Boothe and D.E. Webb; prepared for the USDOE by Westinghouse Hanford Company.

WSR 04-18-095

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed September 1, 2004, 8:28 a.m., effective October 2, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules recognize that individuals residing in community-based care settings or in-home settings may need assistance self-administering their legend drugs and controlled substances due to physical or mental limitations. The rules set the standards for medication assistance in these settings.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-888-040; and amending WAC 246-888-010, 246-888-020, 246-888-030, and 246-888-070.

Statutory Authority for Adoption: Chapter 69.41 RCW, RCW 18.64.005.

Adopted under notice filed as WSR 04-08-097 on April 6, 2004.

Changes Other than Editing from Proposed to Adopted Version: The proposed version of the rule was amended to clarify that the rule only applies to assistance with legend drugs and controlled substances.

An administrative correction was also made to recodify WAC 246-888-040 to 246-888-045.

A final cost-benefit analysis is available by contacting Lisa Salmi, P.O. Box 47863, Olympia, WA 98504, phone (360) 236-4828, fax (360) 586-4359, e-mail Lisa.Salmi@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 11, 2004.

George Roe
Board Chair

AMENDATORY SECTION (Amending WSR 00-01-123, filed 12/17/99, effective 1/17/00)

WAC 246-888-010 Purpose. The legislature recognizes that individuals residing in community-based care settings or ~~((their own homes,))~~ in-home settings may need assistance self-administering their ~~((medications,))~~ legend drugs and controlled substances, due to physical or mental limitations.

Community-based care settings include: Community residential programs for the developmentally disabled, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

In-home settings include: An individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings. The following rules provide guidance to the individual/resident and caregiver on medication assistance and administration.

AMENDATORY SECTION (Amending WSR 00-01-123, filed 12/17/99, effective 1/17/00)

WAC 246-888-020 What is self-administration with assistance and how is it different from independent self-administration or medication administration? Self-administration with assistance means assistance with legend drugs and controlled substances rendered by a nonpractitioner to an individual residing in a community-based care setting or ~~((his/her own home))~~ an in-home care setting. It includes reminding or coaching the individual to take their medication, handing the medication container to the individual, opening the medication container, using an enabler, or placing the medication in the hand of the individual/resident. The individual/resident must be able to put the medication into his or her mouth or apply or instill the medication. The individual/resident does not necessarily need to state the name of the medication, intended effects, side effects, or other details, but must be aware that he/she is receiving medications. Assistance may be provided with prefilled insulin syringes. Assistance is limited to handing the prefilled insulin syringe to an individual/resident. Assistance with the administration of any other intravenous and/or injectable medication is specifically excluded. The individual/resident

retains the right to refuse medication. ~~((Assistance with the administration of intravenous and injectable medications are specifically excluded.))~~ Self-administration with assistance shall occur immediately prior to the ingestion or application of a medication.

Independent self-administration occurs when an individual/resident is independently able to directly apply a legend drug or controlled substance by ingestion, inhalation, injection or other means. In licensed boarding homes, self-administration may include situations in which an individual cannot physically self-administer medications but can accurately direct others per WAC ~~((246-316-300))~~ 388-78A-300. These regulations do not limit the rights of people with functional disabilities to self direct care according to chapter 74.39 RCW.

If an individual/resident is not able to physically ingest or apply a medication independently or with assistance, then the medication must be administered to the individual/resident by a person legally authorized to do so (e.g., physician, nurse, pharmacist). All laws and regulations applicable to medication administration apply. If an individual/resident cannot safely self-administer medication or self-administer with assistance and/or cannot indicate an awareness that he or she is taking a medication, then the medication must be administered to the individual/resident by a person legally authorized to do so.

AMENDATORY SECTION (Amending WSR 00-01-123, filed 12/17/99, effective 1/17/00)

WAC 246-888-030 How is self-administration with assistance initiated in a community-based care setting or an in-home setting? An individual/resident ~~((or his or her representative from))~~ who resides in a community-based care setting or an in-home setting or his or her representative may request self-administration with assistance. ~~((The practitioner consults with the individual or his or her representative and the facility in making the decision. A practitioner considers such factors as the physical and mental limitations of the individual and the setting or environment in which the individual resides, for purposes of determining whether or not the individual can safely self-administer with assistance. Practitioners include: A physician, osteopathic physician, podiatric physician, dentist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, and a pharmacist. Refer to chapter 69.41 RCW for a complete listing of authorized practitioners.)) A nonpractitioner may help in the preparation of legend drugs and controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate.~~

No additional separate assessment or documentation of the needs of the individual/resident are required in order to initiate self-administration with assistance. It is recommended that providers document their decision making process in the health record of the individual or resident health record.

AMENDATORY SECTION (Amending WSR 00-01-123, filed 12/17/99, effective 1/17/00)

WAC 246-888-070 Can all medications be altered to facilitate self-administration? A pharmacist or other practitioner practicing within their scope of practice must determine that it is safe to alter a ~~((medication))~~ legend drug or controlled substance. If the medication is altered, and a practitioner has determined that such medication alteration is necessary and appropriate, the determination shall be communicated orally or by written direction. Documentation of the appropriateness of the alteration must be on the prescription container, or in the individual's/resident's record.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-888-040 What if there is a change in the individual's situation?

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
246-888-050	246-888-045
246-888-060	246-888-050
246-888-070	246-888-060
246-888-080	246-888-070
246-888-090	246-888-080
246-888-100	246-888-090
246-888-110	246-888-100

WSR 04-18-096

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed September 1, 2004, 8:30 a.m., effective October 31, 2004]

Effective Date of Rule: October 31, 2004.

Purpose: To update chapter 246-260 WAC, Water recreation facilities (swimming pools, wading pools and spas). The rules were rewritten for clarity and to update the design and operation standards to reflect the latest public health information and advances in technology.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-260-020, 246-260-030, 246-260-040, 246-260-050, 246-260-060, 246-260-070, 246-260-080, 246-260-090, 246-260-100, 246-260-110, 246-260-120, 246-260-130, 246-260-140, 246-260-150, 246-260-160, 246-260-170, 246-260-200, 246-260-210, 246-260-220, 246-260-230, 246-260-240, 246-260-250 and 246-260-260; and amending WAC 246-260-001 and 246-260-010.

Statutory Authority for Adoption: Chapter 70.90 RCW.

Other Authority: Chapter 43.20 RCW.

Adopted under notice filed as WSR 04-12-118 on June 2, 2004.

Changes Other than Editing from Proposed to Adopted Version: Modified wording in WAC 246-260-171, compliance to allow existing facilities to remain grandfathered on some items.

A final cost-benefit analysis is available by contacting Kelly Cooper, P.O. Box 47820, Olympia, phone (360) 236-3012, fax (360) 236-2250, e-mail kelly.cooper@doh.wa.gov.

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 2, 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 21, Amended 2, Repealed 23.

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 23, Amended 2, Repealed 23.

Date Adopted: July 14, 2004.

Craig McLaughlin
Acting Executive Director

PERMANENT

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-260-001 Purpose and authority. (1) The purpose of this chapter is to protect the health, safety, and welfare of users of water recreation facilities (WRF). This chapter is established per RCW 70.90.120.

(2) This chapter does not apply to:

(a) Any water recreation facility for the sole use of residents and invited guests at a single-family dwelling;

(b) Any water recreation facility for the sole use of residents and invited guests of a duplex owned by the residents;

(c) Therapeutic water facilities operated exclusively for physical therapy or rehabilitation under the supervision of a licensed medical practitioner; and

(d) Steam baths and saunas.

(3) Requirements for recreational water contact facilities, including water slides, speed slides and wave pools are contained in chapter 246-262 WAC.

AMENDATORY SECTION (Amending Order 226B, filed 12/23/91, effective 1/23/92)

WAC 246-260-010 Definitions. (1) "Abbreviations" (technical):

((a)) "CPR" means cardiopulmonary resuscitation;

"DE" means diatomaceous earth;

((b)) "F" means Fahrenheit;

"fps" means feet per second;

((c)) "gpm" means gallons per minute;

((d)) "mg/l" means milligrams per liter. When requirements in this regulation specify limits for liquid volume measurements using mg/l or ppm, either may be used depending on the type of testing equipment available;

((e)) "ppm" means parts per million. See notation under mg/l for use;

((f)) "TU" means turbidity unit as measured by the nephelometric method.

(2) ~~("ANSI" means American National Standards Institute.~~

(3) ~~"APHA" means American Public Health Association.~~

(4)) Acronyms:

(a) "ALTI" means Advanced Lifeguard Training International;

(b) "ANSI" means American National Standards Institute;

(c) "APHA" means American Public Health Association;

(d) "ARC" means American Red Cross;

(e) "ASA" means American Standards Association;

(f) "ASHRAE" means American Society of Heating, Refrigeration and Air Conditioning Engineers;

(g) "ASTM" means American Society for Testing and Materials;

(h) "AWWA" means American Waterworks Association;

(i) "E&A" means Ellis and Associates;

(j) "CPSC" means U.S. Consumer Product Safety Commission;

(k) "EPA" means U.S. Environmental Protection Agency;

(l) "FINA" means Federation Internationale de Natation Amateur;

(m) "IAPMO" means International Association of Plumbing and Mechanical Officials;

(n) "NAUI" means National Association of Underwater Instructors;

(o) "NSF" means National Sanitation Foundation;

(p) "NSPI" means National Spa and Pool Institute;

(q) "PADI" means Professional Association of Diving Instructors;

(r) "UBC" means Uniform Building Code;

(s) "UL" means Underwriters' Laboratories;

(t) "WRF" means water recreation facility;

(u) "WRPA" means Washington Recreation and Parks Association;

(v) "WSDA" means Washington state department of agriculture; and

(w) "YMCA" means Young Men's Christian Association.

(3) Definitions:

"Approved" means the department or local health officer has stated in writing that the design plans and specifications are in accordance with this chapter ((246-260 WAC.

(5) ~~"ARC" means American Red Cross).~~

((6)) "Architect" means a registered architect currently licensed under chapter 18.08 RCW in Washington state.

((7) ~~"ASHRAE" means American Society of Heating, Refrigeration and Air Conditioning Engineers.~~

(8) ~~"Assistant lifeguard" means a person appointed by the owner or manager meeting the training requirements of this chapter actively assisting lifeguards (under direct lifeguard supervision) for the purpose of ensuring bather safety.~~

(9)) "Attendant" means a person appointed by the owner or manager meeting the training requirements of this chapter ~~(, monitoring)~~ who monitors activities and conditions for the purpose of ensuring bather safety.

((10)) "Bathing beach" means a bathing place, together with buildings and appurtenances ~~((used in connection therewith)),~~ on a natural pond, lake, stream, or other body of fresh or salt water ~~(, which)~~ that is open to the public for bathing by express permission of the owner, ~~((or which is))~~ operated for a fee, or openly advertised as a place for bathing by the public.

((11)) "Board" means the state board of health.

~~((12) "CNCA" means Council for National Cooperation in Aquatics.~~

~~(13) "CPSC" means Consumer Product Safety Commission (U.S.).~~

(14)) "Commercial strength ammonia" means ammonia having a strength of twenty-six degrees Baume.

"Communication system" means any combination of devices permitting the passage of ~~((or exchange of))~~ messages between personnel and/or personnel and bathers. Systems can include but are not limited to two-way radios, hard wired intercoms, horns, whistles, hand signals, direct voice, signs, or equivalent.

((15)) "Contaminant" means any physical, chemical, or biological substance present in the WRF water which may adversely affect the health or safety of the bather ~~((and))~~ or the quality of the water.

((16)) "Cross-connection" means any physical arrangement connecting ~~((a)):~~

(a) Potable water system directly or indirectly, with anything other than another potable water system; or

(b) WRF pool to any ~~((potable or nonpotable))~~ water source capable of contaminating either the WRF pool, its components, or potable water source as a result of backflow.

((17)) "Department" means the state department of health.

((18)) "Deep water" means water greater than five feet in depth.

"Diving envelope" means the minimum dimensions of an area within the pool necessary to provide entry from a diving board, platform, or pool decking intended for users to dive.

((19)) "Engineer" means a registered professional engineer currently licensed under chapter 18.43 RCW ~~((in Washington state)).~~

~~((20) "FINA" means Federation Internationale de Natation Amateur.~~

(21)) "Fall zones" mean the areas under and around play toys where a person playing on them could fall. These areas should be free of obstacles or other equipment so that there's plenty of room. Basic guidelines include the following:

(a) Fall zones should extend a minimum of six feet in all directions from the perimeter of the play toy equipment.

(b) If the height of an adjacent play toy is thirty inches or more, the minimum distance between pieces of play equipment should be at least nine feet.

"General use pool" means any swimming, spa, wading, or spray pool regulated by this chapter not meeting the definition of a "limited use pool." ~~((If limited use pools provide organized programs (as noted in limited use definition), the limited use pools shall conform with the general use pool requirements during periods of such activity.~~

~~((22))~~ "Handhold" means a structure not over twelve inches above the water line around the perimeter of the pool wall, affording physical means for the bather to grasp the pool sides.

~~((23))~~ "Illness or injury report" means the written record of all facts regarding an injury or illness associated with the WRF.

~~((24))~~ "Innovative design feature" means a design feature, equipment, device, or operative procedure not specifically covered by these rules or chapter 246-262 WAC.

"Licensed medical practitioner" includes medical doctor, osteopath, chiropractor, naturopath, and medical therapist currently licensed in Washington state.

"Lifeguard" means a person meeting the training requirements of these rules appointed by the owner or manager to maintain surveillance over the bathers on the deck or in the pool and to supervise bather safety. ~~((The lifeguard shall meet the training requirements of this chapter.~~

~~((25))~~ "Lifeguard station" means designated work station of a lifeguard.

~~((26))~~ "Lifesaving equipment" means emergency equipment and barrier protection.

~~((27))~~ "Lifesaving Society" means the organization in Canada that establishes training requirements and standards for Lifeguard training.

"Limited use pool" means any swimming, spa, wading, or spray pool regulated by this chapter at an apartment, boarding home, condominium, fraternity, home owners association, hotel, mobile home park, motel, recreational vehicle park, sorority or rental housing unit ~~((and is))~~ for the use of the persons living or residing at ~~((these facilities))~~ the facility and ((the)) their resident's invited guests. ~~((If such pool provides organized programs at the facility (that is, formal instructional lessons for swimming or diving, swim meets, exercise classes, or other activities planned for users besides those specified under the limited use pool category), the pool facility shall conform with the general use pool requirements during periods of such activity.~~

~~((28))~~ When organized programs are provided at the facility (including, but not limited to, formal swimming or diving lessons, swim meets, or exercise classes), for users besides those specified under the limited use category, the pool facility shall be considered to be a general use pool during periods of such activity.

"Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

~~((29))~~ "NSF" means National Sanitation Foundation.

~~((30))~~ "NSPI" means National Spa and Pool Institute.

~~((31))~~ "Operations" means all aspects of a WRF which must be controlled to make the facility safe, healthy, and usable for the purpose intended.

~~((32))~~ "Owner" means a person owning and responsible for a WRF or their authorized agent.

~~((33))~~ "Person" means an individual, firm, partnership, copartnership, corporation, company, association, club, government entity, or organization of any kind.

~~((34))~~ "Physical plant" refers to pool shell, piping, lighting, ventilation, locker rooms, chemical storage rooms, mechanical rooms, or other structural facility components that are not readily modified. It does not include pumps, filters or disinfection systems.

"Play toy" is a water feature added to a pool for use by bathers that provides activity or action that enhances the overall use of the water environment. Such feature may include, but not be limited to, fixed stationary features, inflatable or floatable equipment, or other equipment with the intent to invite bathers to play on or around the feature.

"Pool" means swimming pool, wading pool, spray pool, or spa pool or the like.

~~((35))~~ "Plummet" means a line perpendicular to water surface and extending vertically to a point located at the front end of the diving board and at the center line directly in front of the diving board.

~~((36))~~ "Primary zone of visual coverage" means the area assigned to a lifeguard or attendant for primary visual surveillance of user activity.

~~((37))~~ "Private club" means a group or organization requiring membership enrollment.

"Radius of curvature" means the radius arc denoting the curved surface from the point of departure from the springline (vertical sidewall) of the pool to the pool bottom.

~~((38))~~ "Response time" means time between bather distress and initiation of rescue assistance contact by a lifeguard in facilities providing lifeguards.

~~((39))~~ "Recreational water contact facility" means an artificial water associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, and that includes but is not limited to water slides, wave pools, and water lagoons. These facilities are regulated by chapter 246-262 WAC.

~~((40))~~ "RLSSC" means the Royal Life-Saving Society of Canada.

~~((41))~~ "Secretary" means the secretary of the department of health.

~~((42))~~ "Serious injury" means any injury:

(a) Requiring emergency service response where a person requires medical treatment as determined by the emergency medical response personnel; ~~((and))~~ or

(b) Resulting in a person seeking medical attention at a medical facility, hospital emergency room or admittance to a hospital.

~~((43))~~ "Shallow water" means water equal to or less than five feet in depth.

"Shallow water lifeguard" means a person appointed by the owner or manager to supervise bather safety in water

depths not exceeding five feet who meets the training requirements of this chapter.

"Spa pool" means a pool designed for relaxation or recreational use where the user is usually sitting, reclining, or at rest and the pool is not drained, cleaned, ~~((or))~~ and refilled for each user. The spa pool may include, but not be limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles in any combination.

~~((44))~~ "Spray pool" means a pool or artificially constructed depression for use by bathers in which water is sprayed, but is not allowed to pond ~~((,))~~ in the bottom of the pool.

~~((45))~~ "Springline" means the point where the pool wall breaks from vertical and begins its arc in the radius of curvature (for cove construction) to the bottom of the pool.

~~((46))~~ "Swimming pool" means any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational bathing and having a depth of two feet or more at any point and including all associated facilities.

~~((47))~~ "Swim spa" means a type of spa pool used primarily for stationary swimming.

"Turnover time" means the minimum time necessary to circulate the entire volume of the pool facility through the treatment system.

~~((48))~~ "Wading pool" means any artificial pool of water equal to or less than two feet deep and intended for wading purposes.

~~((49))~~ "Walking surface" means any surface used as a direct access surface for a pool area and the walking surface's change room facilities where the user is barefoot.

~~((50))~~ "Water treatment operator" means the appointed person operating the physical and mechanical equipment and performing related water quality monitoring and associated record keeping for proper operation of the physical facility.

~~((51))~~ "Water recreation facility (WRF)" means any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:

(a) Conventional swimming pools, wading pools, and spray pools;

(b) Recreational water contact facilities as defined under RCW 70.90.110 and regulated under chapter 246-262 WAC;

(c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets; and

(d) Any area designated for swimming in natural waters with artificial boundaries within the waters.

NEW SECTION

WAC 246-260-021 Construction permit. (1) Prior to construction, alteration or modification of a WRF pool, except for routine maintenance, an owner shall obtain a construction permit. In order to obtain a construction permit, the owner shall submit a completed application package to the department or local health officer for review and approval. The application package shall include:

(a) A completed construction permit application form obtained from the department or local health officer; and

(b) Three sets of plans and specifications prepared, stamped and signed by an engineer or architect.

(2) Plans must be drawn to scale and in sufficient detail to completely illustrate that construction is in compliance with this chapter. The plans shall include:

(a) One plan view;

(b) One or more cross-sections through the main drain;

(c) Overall plan showing the pool in relation to other facilities in the area;

(d) Detailed view of the equipment layout and the associated room or location;

(e) A piping schematic showing piping configuration, pipe size, valves, inlets, main drains, over flow outlets, make-up water, and backwash from the filter;

(f) Dimensional drawings of pool bottom and sidewalls;

(g) Specifications of all required components; and

(h) Other information requested by the department or local health officer.

(3) Only applications and plans that the department or local health officer determines are complete may be considered for permit approval or denial. The department or the local health officer shall approve or deny a complete application within thirty days.

(4) Owners may submit a construction permit application proposing a WRF that incorporates innovative design features not specifically covered by these regulations or chapter 246-262 WAC. At least thirty days prior to development of final plans and specifications, the owner shall present their proposal at a preliminary design conference with the department or local health officer. The owners or their architects or engineers shall address the health and safety issues, including maintenance and operation of the proposed innovative design, and good engineering practice. The department or local health officer may require additional information and additional review or justification by a safety engineer or other qualified individual before approving or denying the application. An application for a construction permit for a water recreation facility may not be approved unless, notwithstanding a noncompliant design, the health and safety purposes behind the requirements of this chapter would be met. An applicant (or the architect or engineer acting on behalf of the applicant) shall provide adequate documentation to meet these requirements including, but not limited to:

(a) Protection from drowning, diving injury, entrapment, impact or falling hazards, tripping or slipping hazards;

(b) Maintenance of water and air quality, including equivalent disinfection, filtration, control of pH, physical water conditions, water clarity and prevention of contamination to preclude illness;

(c) Age appropriate designs and means to control these features for the appropriate range of users.

(5) Owners shall ensure any WRF construction, modification, or alteration is completed according to approved plans and specifications.

(6) Upon completion of WRF construction, modification, or alteration and before an operating permit is issued, owners shall:

(a) Submit to the department or local health officer a construction report signed by an engineer or architect stating that to the best of the engineer's or architect's knowledge and belief, the installation is in compliance with the approved plans. The engineer's and architect's certification of the above condition in no way relieves any other party from meeting requirements imposed by contract or other regulations, including commonly accepted industry practice; and

(b) Notify the department or local health officer at least five working days before intended use of the facility.

(7) The construction permit issued by the department or local health officer is valid eighteen months. The department or local health officer may grant construction permit renewals which are valid for one year. The owner is responsible to resubmit for a reapplication for a construction permit.

NEW SECTION

WAC 246-260-031 General design, construction, and equipment for all WRF pool facilities. (See additional design and construction requirements for swimming pools in WAC 246-260-041, for spa pools in WAC 246-260-051 and 246-260-061, for wading pools in WAC 246-260-071, for spray pools in WAC 246-260-081 and for specialty design conditions in WAC 246-260-091. See chapter 246-262 WAC for specific requirements for water park type features.)

(1) **Location:** Owners shall locate pools to minimize surface drainage and other potential sources of pollution from entering the pool.

(2) **Materials:** Owners shall use only structure and equipment materials that are nontoxic, durable, inert, and easily cleanable.

(3) **Walking surfaces:** Owners shall design and maintain walking surfaces:

(a) Sloping away from the pool or pools;

(b) Sloping a minimum of one-fourth inch per foot to drain;

(c) Having a nonslip finish;

(d) Not having an abrupt change in height of greater than one-half inch, a gap no greater than one-half inch in width, or a crumbling surface presenting a potential tripping hazard;

(e) Equipped with sufficient drains to prevent standing water; and

(f) Of easily cleanable, impervious finishes.

(4) **Barriers for new construction and remodeling:**

(a) Owners shall provide barriers to prevent unauthorized persons from gaining access to pools. Spray pool facilities without standing water are exempt from barrier requirements of this section.

(b) Barriers at limited use pools must be at least sixty inches high.

(c) Barriers at general use pools must be at least seventy-two inches high.

(d) Barriers, including windows, (see figures 031.1 and 031.2) may not:

(i) Allow passage of a four-inch diameter sphere; or

(ii) Have spaces between vertical members greater than a width of one and three-quarter inches if the distance between the tops of horizontal members are spaced less than forty-five inches apart.

(e) Solid barriers may not have indentations or protrusions, other than normal construction tolerances and masonry joints.

(f) Barriers must have self-closing, self-latching gates or doors that provide either:

(i) A mechanism that uses a continuously locked latch, coded lock or other equivalent access control system that always requires a key or code to enter pool area. If the latch is less than sixty inches from the ground, the barrier must have an eighteen-inch radius of solid material around the latch (see figure 031.2) to preclude a child on the outside of the barrier from reaching through the gate or barrier and opening the latch and entering the pool; or

(ii) A latch height of sixty inches or more from the ground.

(g) Restricted area service entrances are exempt from door or gate requirements provided that no public access is available.

(h) Lifeguarded pools are not required to have a self-closing, self-latching gate during the period a pool is in use. Facility gates shall be closed and locked during nonuse periods.

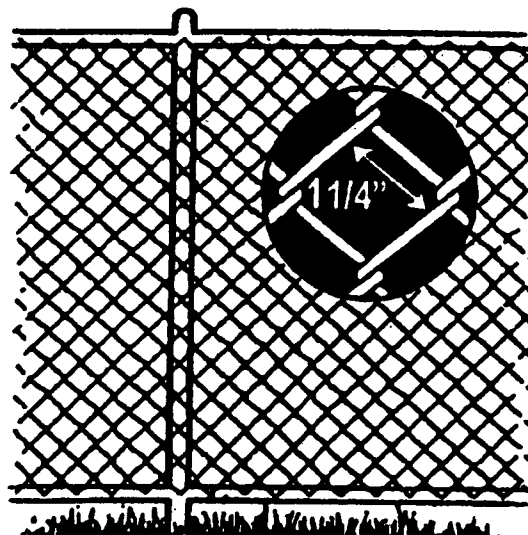
(i) Barrier heights are measured on the side outside the pool enclosure area. Owners shall ensure that surrounding ground levels, structures, or landscaping do not reduce the effective height of the barrier.

Figure 031.1

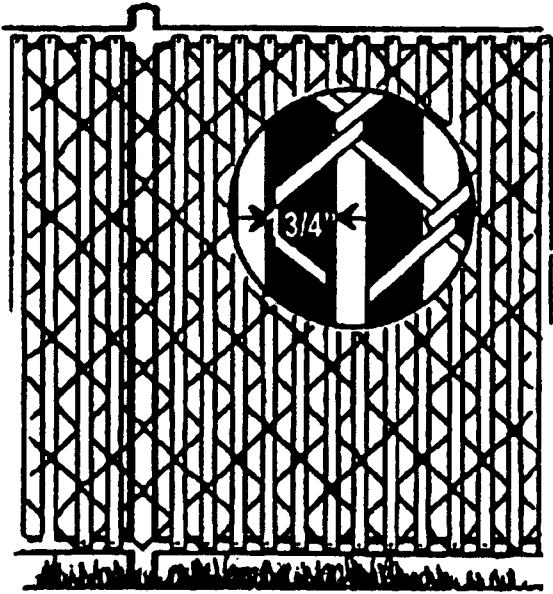
Barrier Construction Detail

(a). For a Chain Link Fence:

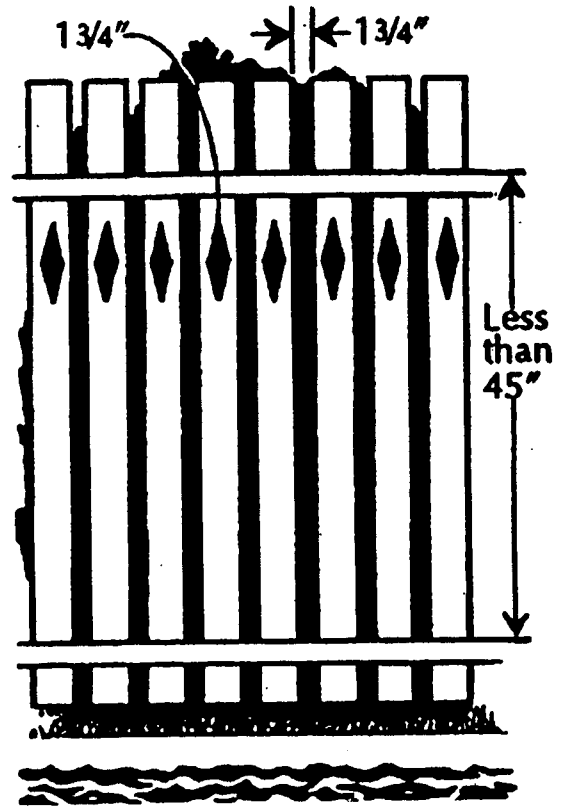
The mesh size shall not exceed 1 1/3 inches square.



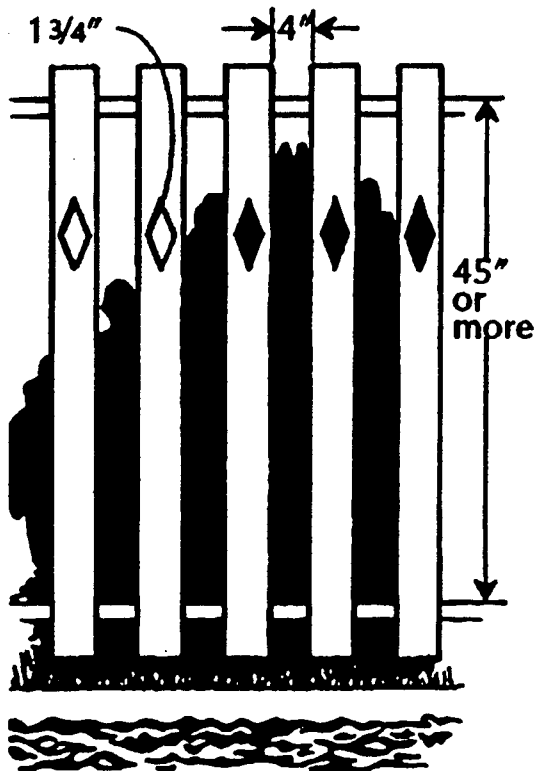
(b). When chain link exceeds 1 1/4 inches square, provide slats to reduce mesh openings to no more than 1 3/4 inches.



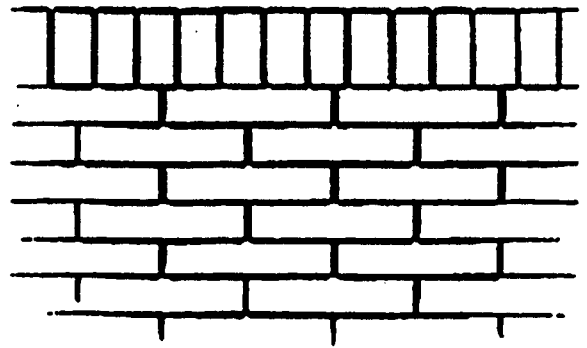
(d). Vertical Spacing: If tops of horizontal members are less than 45 inches apart, vertical spacing shall not exceed 1 3/4 inches.



(c). Vertical Spacing: If tops of horizontal members are greater than 45 inches apart, vertical spacing shall not exceed 4 inches.



(e). Solid Barrier: No indentations or protrusions shall be present, other than normal construction tolerances and masonry joints.



PERMANENT

- (f) Maximum Clearance shall not exceed 4 inches above grade.

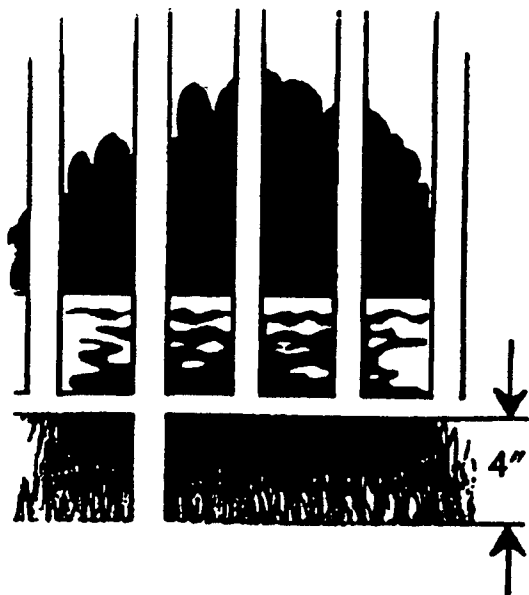
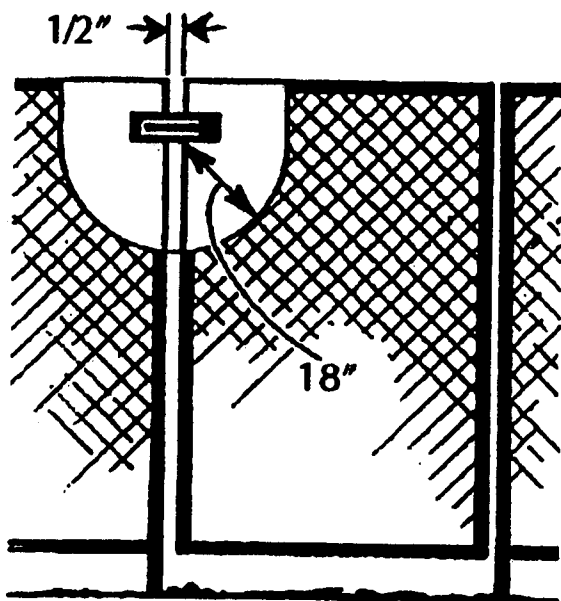


Figure 031.2 Gate and Latch Detail: When latch height is less than 60 inches from the ground, a continuously locked lock must be provided with an 18 inch radius of protection around the latch.



(5) **Barriers for existing facilities:** Before June 1, 2008, owners shall provide barriers for all pools conforming with subsection (4) of this section. Barrier modifications made prior to the compliance deadlines shall meet the requirements in subsection (4) of this section, at the time the modifications are made.

(6) **Pool surface:** Owners shall ensure pool surfaces are constructed and maintained to:

- (a) Have white or light color finish;
- (b) Not cause cutting, pinching, puncturing, entanglement, or abrasion hazard under casual contact; and
- (c) Conform to ANSI/NSPI-1 2003 Standards for Public Swimming Pools or ANSI Standard NSPI-@-1999, American National Standard for Public Spas.

(7) **Inlets:** Owners shall provide pool inlets that are:

- (a) Submerged;
- (b) Located to produce uniform water and chemical circulation throughout the pool; and
- (c) Located on the bottom of swimming and wading pools over twenty-five hundred square feet and spa pools greater than ten thousand gallons.

(8) **Outlets:**

- (a) Owners shall provide pool outlets with:
 - (i) Overflow and main drain grating systems each designed to carry one hundred percent of the total recirculation filter flow;
 - (ii) Main drain piping systems designed to carry one hundred percent or more of total recirculation filter flow when a single pump is used or fifty percent or more of total recirculation filter flow when multiple pumps are used; and
 - (iii) Valving on main drain piping designed to provide required flow.

(b) Owners shall ensure that overflow outlets maintain a minimum of sixty percent of filter recirculation flow at all times..

(c) Overflow outlets must consist of an overflow channel on the perimeter of swimming pools twenty-five hundred square feet or more and spa pools ten thousand gallons or more, to promote uniform circulation and skimming action of the upper water layer with:

(i) A design preventing all matter entering the channel from returning to the pool;

(ii) Dimensions minimizing the hazard for bathers, such as catching arms or feet;

(iii) One one-hundredth of a foot slope per foot or more. However, adequate hydraulic justification from a designer to ensure the overflow system will meet (c)(v) of this subsection may be provided as an alternative;

(iv) Drains sufficiently spaced and sized to collect and remove overflow water to return line and filter, where applicable; and

(v) Size sufficient to carry one hundred percent of the recirculation flow plus the surge flow without flooding the overflow channel.

(d) Overflow outlets must consist of skimmers or overflow channels for pools less than twenty-five hundred square feet, or for spas under 10,000 gallons.

(i) Weirs provided in skimmers must have a normal operation flow rate of three to five gpm per inch of weir;

(ii) Skimmer equipment must be recessed in the pool wall so no part protrudes beyond the plane of the wall into the pool;

(iii) Skimmers must be equipped with a device, such as an equalizer line, to prevent air lock in the recirculation suction line. If equalizer lines are used, they must be protected with grates listed by IAPMO or UL;

(iv) Skimmers must be equipped with a removable and cleanable screen designed to trap large solids;

(v) Skimmers shall operate continuously with a minimum displacement rate of fifteen gallons per bather in swimming pools, twenty gallons in spa pools, and seven gallons in wading pools.

(e) Main drains in all pools must:

(i) Be located at swimming and wading pool low points;

(ii) Consist of two or more main drains for any pumped water recirculating system designed;

(A) Piping must be manifolded to assure the water pumps from both main drains simultaneously so that no single drain could be the sole source of suction;

(B) Drains must be spaced at least three feet apart or as far as practical in small spa pools. If a pool uses more than two main drains with a pump, the design must distribute flow so that no single drain could be the primary source of suction;

(C) Piping must be designed so velocity in piping assuming one hundred percent of the pump recirculation flow does not exceed six fps up to the main drain outlet box.

(iii) Have grates on drains with maximum flow of one and one-half feet per second or net outlet area four times or greater than the discharge pipe;

(iv) Have openings that prevent a sphere greater than one-half inch in diameter passing;

(v) Have mechanically fastened grates designed to withstand the force of users;

(vi) Have the total open area of grates sized to prevent a suction or entrapment hazard dangerous to user; and

(vii) For spa pools, have a design listed by IAPMO or UL to aid in preventing hair entrapment, if the main drains are located on vertical walls of the spas.

(9) **Pumps:** Owners shall provide and maintain recirculation pumps with adequate capacity to provide design flows for the entire operating and backwash cycles of the filter.

(10) **Strainers:** Owners shall provide hair and lint strainers for pumps that precede filters.

(11) **Pool appurtenances:**

(a) Owners shall ensure pools have:

(i) Handholds when the pool deck is greater than twelve inches above the water surface;

(ii) Stairs leading into spa pools;

(iii) Step risers on the exterior of the spa pool shall conform with UBC requirements for risers with nonslip tread finishes, when spas are elevated off the pool floor; and

(iv) Stairs, ladders, or stepholes for access at the shallow end of swimming pools.

(b) Owners shall ensure that stairs, when provided, meet the following construction requirements:

(i) Nonslip tread finish;

(ii) Contrasting color stair tread edges;

(iii) Placement recessed into the side of pools specifically designed for lap or competitive swimming;

(iv) Handrail having leading edges less than eighteen inches beyond and less than eight inches inside (horizontally) the vertical plane of the bottom riser;

(v) Each riser tread shall have a minimum unobstructed, tread depth of ten inches and minimum surface area each of two hundred forty inches;

(vi) Uniform riser heights of seven and one-half inches or less on general use swim pools fifteen hundred square feet or more and spa pools greater than forty feet in perimeter,

except the bottom riser may be less than the uniform height; and

(vii) Uniform riser heights of ten inches or less for all other pools, except the bottom riser may be plus or minus two inches of the uniform height.

(c) Ladders or stepholes at swimming pools shall be:

(i) Spaced at a minimum of one for every seventy-five feet of swimming pool perimeter deeper than four feet;

(ii) Provided at both sides of the deep end of swim pools over thirty feet in width; and

(iii) Equipped with handrails.

(12) **Valves:** Owners shall provide valves to allow isolation and maintenance of equipment.

(13) **Balancing tanks:** Owners shall provide balancing tanks for pools designed with overflow channels. Balancing tanks must be of adequate size to prevent air lock in the pump suction line and have sufficient capacity to prevent flooding of the overflow channel.

(14) **Equipment and chemical storage rooms:** Owners shall provide enclosed, locked, lighted, vented rooms for mechanical equipment, with floors sloped to a floor drain and minimum access area three feet wide around equipment. Owners shall provide a separate chemical storage area or room that conforms to manufacturer's requirements for each chemical used in the pool area.

(15) **Make-up water:** Owners shall ensure an adequate supply of make-up water with associated piping, for each pool:

(a) Sufficient to replace daily pool losses;

(b) From a supply conforming to chapter 246-290 WAC;

(c) Without cross connections; and

(d) If using a pool fill spout, the spout may not project greater than one inch into the space above the water surface and shall be shielded so as not to create a deck hazard.

(16) **Filters:**

(a) Owners shall equip pools with filtration equipment:

(i) Meeting the applicable standards of NSF (for commercial application) or equivalent;

(ii) With a rate of flow indicator and gauge(s) for monitoring backpressure on filter;

(iii) With a means of discharging filter backwash to waste with a sight glass in a manner not creating a cross connection or a public nuisance;

(iv) With a means to release air entering the filter tank for pressure filters.

(b) If cartridge filters are used, owners shall always possess an extra set of cartridges and may not use cartridge filters with bypass valves.

(17) **Disinfection equipment:**

(a) Owners shall provide disinfection equipment:

(i) Providing a continuous and effective disinfectant residual;

(ii) Using a disinfectant with an easily monitored residual;

(iii) Having a design feed rate providing effective disinfection levels for peak demand conditions; and

(iv) Conforming to NSF standards 50 if disinfection chemical is other than gas chlorine.

(b) If disinfection equipment has adjustable output rate chemical feed of liquid solutions, the equipment shall:

(i) Feed under positive pressure in the recirculation system;

(ii) Provide a means for dosage adjustment; and

(iii) If the disinfection equipment is above pool water surface level, have provisions to prevent disinfectant solution siphoning when equipment is turned off.

(c) Solid tablets or granules may not be placed in skimmer basket.

(d) Rooms holding chlorine gas equipment must:

(i) Be above ground level;

(ii) Be constructed so all openings or partitions with adjoining rooms are sealed;

(iii) Be located with consideration of prevailing winds to dissipate leaked chlorine away from the pool facility;

(iv) Have door(s) opening only outward to the out-of-doors; and

(v) Have a sign on the door exterior reading **DANGER CHLORINE** in large enough letters to be read twenty-five feet away.

(e) Chlorine rooms must have mechanical exhausting ventilation that includes:

(i) Air inlets located as far as possible from fan intakes to promote good air circulation patterns;

(ii) A minimum of one air change per minute in the chlorine room when fan is operating;

(iii) A remote switch outside the room or a door-activated switch to turn on fan before entering;

(iv) Suction for fan near the floor;

(v) Exhaust vents located to prevent chlorine contaminated air from being drawn into supply air; and

(vi) Screened chlorinator vents.

(f) Gas chlorine systems must:

(i) Be vacuum injection type, with vacuum-actuated cylinder regulators;

(ii) Provide integral backflow and antisiphon protection at the injector;

(iii) Have taring (net weight of cylinder gas) scales for determining chlorine weight; and

(iv) Have a means for automatic shutoff when water flow is interrupted.

(g) A self-contained breathing apparatus designed for use in chlorine atmospheres caused by chlorine leaks must be available in an area accessible to the operator outside the chlorine room. The apparatus must be maintained in accordance with department of labor and industry standards. If procedures are established for immediate evacuation and the owner has a written agreement with emergency service fire districts or other approved organizations within the area for promptly responding to chlorine leaks, then breathing protection is not required at the pool facility.

(h) Chlorine gas cylinders must:

(i) Be stored only in designated chlorine rooms;

(ii) Have an approved valve-stem cylinder wrench on the valve stem to shut the system down in an emergency event;

(iii) Be properly secured to prevent tipping;

(iv) Be tagged to indicate cylinders are empty or full; and

(v) Not exceed one hundred fifty pounds tare weight per cylinder.

(i) Owners shall ensure that chemical disinfectants are not hand-fed into pools actively in use. *Exception*, chemical

disinfectants may be hand-fed on an emergency basis if no users are in the pool and the pool is tested to meet water quality standards before reentry.

(j) If ozone is provided as a supplemental disinfection process:

(i) When ozone is produced by corona discharge method, the area where the ozone is produced shall meet the requirements of (e) of this subsection, unless field tests demonstrate no hazardous off-gassing of product;

(ii) When ozone is produced by ultraviolet light, it may be allowed in the mechanical room provided there are no levels of off-gassing exceeding 0.05 ppm;

(iii) Provide an ozone detector and alarm with corona discharge ozone generators;

(iv) Provide sufficient contact chambers to prevent excess levels of ozone from entering the pool water; and

(v) Testing equipment must be provided to monitor levels in the water and the atmosphere immediately above the water and the room where the ozone is produced.

(k) If copper or copper/silver is provided as a supplemental disinfection process:

(i) The output rate and method of controlling process levels into the pool facility must be provided;

(ii) The system shall not have a detrimental effect on maintaining proper turnover rates for the pool; and

(iii) Testing equipment provided to monitor levels of copper and silver in the pool water.

(18) **Chemical feeding equipment for pH control:** Owners shall provide chemical feed equipment for pH control, with a means of automatic shutoff if water flow is interrupted, for:

(a) Swimming pools fifty thousand gallons or greater;

(b) Spa pools ten thousand gallons or greater; and

(c) All pools treated with caustic soda or carbon dioxide.

(19) **Ventilation:** Owners shall provide adequate ventilation (in conformance with ASHRAE standards for pools and decks) to maintain air quality and to prevent moisture buildup in indoor areas. Design considerations must include maintaining negative pressure in the pool and deck area; providing adequate total airflow for acceptable air distribution; and preventing short-circuiting of fresh air return to exhaust.

(20) **Locker room and dressing rooms:**

(a) Owners shall provide general use pool facilities with locker rooms and dressing rooms having:

(i) Separate facilities for each gender constructed to block line of sight into locker rooms;

(ii) Water impervious nonslip floors properly sloped to drains to prevent standing water;

(iii) Easily cleanable walls, lockers, and benches (if provided);

(iv) Junctions between walls and floors coved for ease of cleaning; and

(v) Properly anchored lockers, (if provided), to prevent tipping.

(b) Owners shall provide limited use pool facilities with locker or dressing rooms meeting the requirements of (a) of this subsection if the pool facilities are located more than one-quarter mile from any served living units.

(c) Owners shall provide general use recirculating spray pool facilities with locker or dressing rooms meeting the

requirements of (a) of this subsection if the pool facilities are located indoors.

(21) Restrooms, shower rooms, and plumbing fixtures:

(a) Owners shall provide general use pool facilities with restroom and shower room facilities having plumbing fixture types and numbers as described in Table 031.1 of this section (swim and wading pool bathing loads and spa bather capacity are additive for determining total bather load). The pool facility design shall provide users easy access to restroom and shower facilities with minimum nonuser cross traffic.

(b) Owners shall provide general use pool facilities with:

(i) Hose bibs with vacuum breakers around pool decks at a maximum spacing of one hundred fifty feet; accessible to each locker room; and within equipment room at facilities fifteen hundred square feet or more;

(ii) A janitor's sink at indoor facilities with a pool of fifteen hundred square feet or more; and

(iii) An operable drinking fountain conforming to ASA requirements at facilities with a pool fifteen hundred square feet or more.

(c) Owners shall provide limited use pool facilities with:

(i) Restroom and shower room facilities having plumbing fixture types and numbers as described in Table 031.3 of this section, if bathing load exceeds eighty persons;

(ii) Restroom and shower room facilities having plumbing fixture types and numbers as described in Table 031.4 of this section, if bathing load is eighty persons or less;

(iii) Hose bibs around pool decks at a maximum spacing of one hundred fifty feet;

(iv) A hose bib accessible to each locker room; and

(v) A hose bib within each equipment room at facilities with a pool of fifteen hundred square feet or more.

Table 031.3

Restroom Minimum Requirements* for General Use Pools
(Includes swimming, spa, and wading pools**)

Amount of Fixtures Required for Occupancy Load by Sex		
TYPE OF FIXTURES	MALE	FEMALE
Toilets up to 120	1/60	1/40
From 121-360	1/80	1/60
Over 360 add	1/150	1/100
Urinal up to 120	1/60	N/A
From 121-360	1/80	N/A
From 360 add	1/150	N/A
Showers up to 120	1/40	1/40
From 121-360	1/60	1/60
Over 360 add	1/100	1/100
Sinks up to 200	1/100	1/100
From 201-400	1/200	1/200
Over 400 add	1/400	1/400
Diaper changing station	1	1

* If sufficient supporting documentation is provided, restroom fixture numbers may be adjusted between the genders based on proposed use of the facility. (E.g., if the designer has experience and justification based on similar type facilities indicating that providing one additional shower for the women and one less for men would provide a sufficient number of fixtures to meet demands, this may be allowed.)

** If a general use spa or wading pool is the only pool at the facility, then a minimum of only one toilet, shower, and sink is required for each gender.

Table 031.4

Restroom Minimum Requirements for Limited Use Pools
(Includes swimming, spa, and wading pools.)

POOLS WITH:	TOILETS	SHOWERS	SINKS	DRESSING ROOMS	DIAPER CHANGING STATION
Living units*within 100 feet and less than three stories	-	-	-	-	-
Living units > 100 feet but < 500 feet and less than 3 stories	1	1**	1	-	1
Living units within 1/4 mile and/or with three or more stories	1	1	1	-	1
Living units greater than 1/4 mile	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)

* "Living units" means all the units the facility serves.

** A shower is required only if a spa is present.

(d) Owners shall provide general use recirculating spray pool facilities with:

(i) Separate restroom facilities for each sex containing at least one toilet and handwashing sink;

(ii) Hose bibs around pool decks at a maximum spacing of one hundred fifty feet; and

(iii) Additional plumbing fixtures, if indoors, conforming to the requirements for general use pools described in Table 031.1 of this section.

(e) Owners shall provide limited use recirculating spray pool facilities with:

(i) Hose bibs around pool decks at a maximum spacing of one hundred fifty feet; and

(ii) A restroom facility containing at least one toilet and one handwashing sink, if living units served are farther than one hundred feet away from the main pool.

(f) Restroom facilities must be located convenient to, and no further than one hundred feet away from, the main pool. They must have flush toilets provided with toilet tissue in dispensers and handwashing sinks including:

(i) Hot and cold or tempered water delivered through a mixing faucet with a maximum temperature of one hundred twenty degrees Fahrenheit;

(ii) Single service soap in a nonglass dispenser;

(iii) Single service towels or electric hand dryer; and

(iv) A minimum running water cycle of at least ten seconds if the faucets have self-closing valves.

(g) Shower facilities must be located convenient to, and no more than one hundred feet away from, the main pool. The facilities must have:

(i) A design allowing a full-body shower in the nude;

(ii) A design providing an enclosure confining water to the shower area;

(iii) Non-slip floor impervious to water with sufficient drains to prevent water from standing within the shower areas;

(iv) Running water delivered at a temperature between ninety degrees and one hundred twenty degrees Fahrenheit;

(v) Single service soap in a nonglass dispenser; and

(vi) Wall surfaces impervious to water up to shower head height.

(h) If owners limit the number of bathers within their facility and post and enforce the maximum bather load, owners may base the number of required plumbing fixtures on the posted maximum bather load.

(i) Owners shall dispose of all wastewater in a manner approved by the local health officer.

(22) **Diaper changing stations:** Owners shall provide a diaper changing station, including a handwashing sink conforming to the requirements in subsection (21)(f) of this section, accessible to all bathers, if children in diapers are allowed in the pool facility and the facility is:

(a) A general use pool facility; or

(b) A limited use pool facility located more than one hundred feet away from living units served.

(23) **Lighting:** Owners shall design and maintain pool facility lighting to a minimum level as described in Table 031.5. Sufficient overhead and underwater lighting shall be maintained to clearly see the bottom of the pool at all times pool is in use. Owners shall provide protective shielding for all lighting fixtures above walking surfaces and pool areas.

Table 031.5*

Minimum Lighting Level Required at Water Recreation Facilities.

Location	Minimum Lighting Level
Indoor pool surface	30 foot candles
Outdoor pool surface*	10 foot candles
Pool Decks	10 foot candles

Table 031.5*

Minimum Lighting Level Required at Water Recreation Facilities.

Location	Minimum Lighting Level
Locker rooms and mechanical rooms	20 foot candles

* Outdoor pool facilities, which are used in daylight hours only (before dusk) are not required to meet this standard.

(24) **Flow-through pools:** Flow-through pools may qualify for exceptions to recirculation if:

(a) Water supply is sufficient to provide the same turn-over period specified for recirculation pools;

(b) The source water supply meets acceptable quality requirements and is subject to a disinfection method as described under WAC 246-260-111(3);

(c) The introduction of fresh treated pool water is accomplished by the same type of inlet and outlet design required for recirculation pools; and

(d) The pool water quality complies with WAC 246-260-111.

NEW SECTION

WAC 246-260-041 Swimming pool design, construction, and equipment. For more general design, and construction requirements that pertain to all pools, see WAC 246-260-031.

(1) **Location.** Owners shall ensure pump houses, planters, balconies, landscape features, trees, and structures are located fifteen feet or more horizontally away from any swimming pool, or provide barriers or other means to prevent diving or ready access to a pool from the structures. These structures do not include:

(a) Building walkways above the second story;

(b) Inaccessible roofs eight feet or more in height; or

(c) Any barriers provided to prevent unauthorized pool access (e.g., fencing).

(2) **Walking deck surfaces.** Owners shall design and maintain walking deck surfaces as follows:

(a) For pools less than fifteen hundred square feet, walking deck surfaces must be at least four feet wide around the entire perimeter of pools;

(b) For pools less than fifteen hundred square feet, walking deck surfaces must be at least:

(i) Six feet wide at the shallow end of a variable-depth pool; and

(ii) Six feet wide on a minimum of twenty-five percent of the deck space of free form pools.

(c) For pools fifteen hundred square feet or larger, walking deck surfaces must be at least six feet wide:

(i) Around the entire perimeter of outdoor pools;

(ii) On fifty percent of the perimeter of indoor pools; and

(iii) The remaining fifty percent perimeter of the indoor pool must be a minimum of four feet wide.

(d) For pools fifteen hundred square feet or more, walking deck surfaces must be at least sixteen square feet per bather. To determine maximum bather load see subsection (10) of this section. If the owner provides maximum facility occupancy loading less than that of subsection (10) of this

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section, and the occupancy limit is posted and enforced, that loading may be used in lieu of the maximum bather load figure as described under subsection (10) of this section; and

(e) General use pools may not have sand and grass areas within the pool enclosure unless these areas are separated to prevent direct access from the pool area and the facility provides a means for cleansing bather's feet before reentering the pool and deck area.

(3) Pool general floor and wall dimensional design.

(a) Owners shall ensure pool dimensional designs for floors and walls provide for safety, circulation and quality of water;

(b) Pool floors must have uniform slopes with:

(i) A maximum slope of a one-foot drop in twelve feet of run at pool depths to five or less in pools fifteen hundred square feet or more; and

(ii) Floor slopes not intruding into the area designated as the diving envelope.

(c) Pool sidewalls may not curve or intrude into the pool beyond the vertical more than twelve inches at three and one-half feet and eighteen inches at a depth of five feet. The radius of curvature of wall-floor junctions may not exceed the maximum radius designated in Table 041.2 of this section for depths over five feet. Vertical means walls not greater than eleven degrees from plumb:

Table 041.1

Maximum Radius Coving or Pool Intrusion Dimensions Between Pool Floor and Wall*

POOL DEPTH	3'	3'6"	5'	Greater than 5'
MINIMUM SIDEWALL DEPTH (Springline)	2'2"	2'6"	3'6"	At 3'6"
MAXIMUM RADIUS OF CURVATURE	10"	12"	1'6"	**Maximum radius equals pool depth minus the vertical wall depth

*Note: For pool depths falling between the depths listed, values can be interpolated.
 For pool depths less than three feet and greater than five feet, values shall be extrapolated.
 Radius of coving shall not intrude into pool within diving envelope.

(d) Pool configuration must have a transitional radius from wall to floor where floor slopes join walls so that:

(i) The center of the radius not less than the minimum vertical depth specified under Table 041.2 of this section below the water surface level;

(ii) The arc of the radius is tangent to the wall; and

(iii) The maximum radius of coving, or any intrusion into the pool wall/floor interface, is determined by subtracting the vertical wall depth from the total pool depth.

(4) **Ledges.** In new construction or alterations to existing construction, ledges are prohibited in swimming pool sidewalls, except as specified in WAC 246-260-091(3).

(5) **Specific design requirements for pools furnishing areas for diving.** Owners shall ensure areas designated for diving activities include a diving envelope meeting minimum requirements in:

(a) D-8.01, Table 1, APHA Public Pool Regulations, 1981, if the pool user would enter from the deck level twelve inches or less from water surface level.

(b) CNCA standard configuration in areas where user would enter from the deck level over twelve inches from water level, or has a platform or diving board provided at a height of less than one-half meter (twenty inches). This requirement is based on a standard described under CNCA publication *Swimming Pools: A Guide to Their Planning, Design, and Operation* 1987, Fourth Edition. Human Kinetics Publisher, Inc., Champaign, Illinois, Figure 8.1; or

(c) Dimensions for Diving Facilities, FINA facility rules, 2000-2001, if the pool user enters from the diving board or

platform at a height of twenty inches (one-half meter) or greater from water surface level.

(6) Pool appurtenances.

(a) If a swimming pool contains diving boards and/or diving platforms, owners shall ensure that the boards and platforms:

(i) Are installed according to manufacturer's instructions;

(ii) Have slip-resistant tread surfaces;

(iii) Have steps and ladders leading to diving boards with handrails; and

(iv) Are protected with guardrails and one intermediate rail, both extending at least to the water edge when one meter or more above the water.

(b) Owners shall ensure starting blocks:

(i) Are firmly secured when in use; and

(ii) If water depth is less than nine feet, starting blocks must be removed or covered with protective equipment unless used by competitive swimmers trained in proper use of starting blocks.

(c) Owners shall ensure that water slides conform with requirements of chapter 246-262 WAC.

(7) **Turnover.** Owners of swimming pools shall design and maintain water treatment recirculation rates to completely turn over the entire pool water volume of pool in six hours or less.

(8) **Pool depth markings.** Owners shall provide water depth markings in feet:

(a) Located on the pool vertical wall at or above the water level so as to be easily readable from the water, in numbers at least two inches high. If overflow channels do not allow for placement of vertical wall markings above the water level, they are not required;

(b) Located on the horizontal surface of pool coping or deck of pools within eighteen inches of the water's edge, eas-

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ily readable while standing on the deck facing the water, in numbers at least four inches high;

(c) Placed at the maximum and minimum water depths and at all points of slope change;

(d) Spaced at increments of water depth of two feet or less;

(e) Spaced along sides of pools at horizontal intervals of twenty-five feet or less;

(f) Arranged uniformly on both sides and ends of pool;

(g) Placed on all major deviations in shape;

(h) Applied in a contrasting color; and

(i) Made of slip-resistant material on decks.

(9) Safety line or marking line.

(a) Owners shall provide either safety float lines or marking lines separating areas where the pool bottom breaks from a uniform slope in the shallow area leading to deeper water. Neither float lines or marking lines are required in pools with uniform floor slopes not exceeding one foot of slope for every twelve feet of horizontal floor length.

(b) Safety float lines, when used, must:

(i) Be kept in place at all times, except when the pool is used for a specific purpose such as lap swimming or competitive use;

(ii) Be placed one foot toward the shallow end away from the break point line;

(iii) Be strung tightly allowing bathers to hold onto the line for support;

(iv) Provide floats on the line at a minimum distance of every four feet; and

(v) Have a receptacle for receiving the safety line either recessed into the wall or constructed so as not to constitute a safety hazard when the safety line is removed.

(c) Marking lines, when used, must:

(i) Be placed on pool sides and bottoms at the break point line; and

(ii) Be of a contrasting color to the background color of the pool sidewalls and floor.

(d) In pools with uniform slopes not exceeding one foot of drop in twelve feet of run from the shallow end to the deep end, a safety float line or marking line is not required.

(10) Bather load. Owners shall ensure maximum number of bathers in the pool facility at any one time do not exceed a number determined by the formula noted under Table 041.2.

Table 041.2

Swimming Pool Maximum Bathing Load*

Type of pool	Value A (**SF Shallow (5 ft. or less))	Value B (SF Deep (> 5 ft.))	Maximum bather load Value A + B
Indoor	SF/25	SF/30	
Outdoor	SF/15	SF/30	

* This formula will be used in determining certain features of pools as noted elsewhere in these rules and regulations.

** SF means square feet of surface area.

(11) Emergency equipment. Owners shall provide first aid and have emergency equipment readily available at swimming pool facilities during operating hours, including:

(a) A telephone within the facility for general use pools;

(b) A telephone accessible within one minute for limited use pool facilities;

(c) A suitable area to accommodate persons requiring first-aid treatment;

(d) A standard 16-unit first-aid kit (see Appendix C, Table); and

(e) A blanket reserved for emergency use.

(f) For facilities with lifeguards:

(i) A rescue tube or rescue buoy at each pool lifeguard station; and

(ii) A backboard with means to secure a victim to a board and immobilize head, neck, and back.

(g) For pool facilities without lifeguards:

(i) A reaching pole at least twelve feet long with a double crook life hook;

(ii) A reaching pole at least twelve feet long for every fifteen hundred square feet of pool surface area; and

(iii) A throwing buoy, throw-rope bag, or other similar device with a rope the width of the pool or fifty feet long, whichever is less, for reaching and retrieving a victim.

(h) No later than June 1, 2008, owners of existing pools with single main drains shall install emergency equipment to shut off all pumps hooked to the recirculation lines for the pools. This emergency equipment must be placed within twenty feet of the pool and marked with an emergency shut-off sign. The shutoff switch must include an audible alarm which can be heard by those in the area, or have an alarm that goes to a point where staff is always present during the periods the pool is open.

(i) Pools providing dual main drains meeting the requirements of this section, or other acceptable methods of providing equivalent protection to the emergency shutoff switch, are exempt from this requirement.

(ii) The owner shall check the shutoff switch at least twice annually to determine it is properly operating.

(iii) The department will develop a guidance document to aid owners and designers in potential options to the emergency shutoff switch and audible alarm.

(12) Foot baths. Foot baths at water recreation facilities are prohibited. This does not preclude the construction and use of foot showers, if the area is well drained.

NEW SECTION

WAC 246-260-051 Spa pool design, construction, and equipment. For more general design, and construction requirements that pertain to all pools see WAC 246-260-031.

(1) Walking surfaces. Owners shall design and maintain walking surfaces four feet or more wide around fifty percent or more of each spa pool. If spa pools are greater than one hundred square feet in surface area, then the entire perimeter must have a four-foot wide walking surface. If a spa has walking surfaces thirty inches or more in height above the floor, then they must have guardrails that conform with UBC codes.

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(2) **Spa pool structure.** Owners shall ensure spa pool facilities have:

- (a) White or light color surfaces, if a pool is one hundred square feet or more;
- (b) Uniform floor slopes not exceeding one foot of drop in twelve feet of run sloped to drain;
- (c) A minimum height of seven feet between the top of the pool rim and the ceiling;
- (d) A maximum operational depth of four feet measured from the water line, except for special purpose designed pools; and
- (e) Heater thermostat switches inaccessible to bathers.

(3) **Spa capacity.** The spa capacity is the maximum number of persons allowed in the spa pool at any one time and is the most restrictive of the following:

- (a) The number of bathers able to be in the spa pool allowing ten square feet or more of water surface for each bather;
 - (b) Maximum bather load as calculated using the formula in subsection (4) of this section; or
 - (c) The capacity of the overflow system when using skimmers must be adequate to handle twenty gallons of displacement per bather.
- (4) **Turnover rate and bather load.** Owners shall design and maintain water turnover of spa pool volume divided by turnover time divided by a constant (K). Spa turnover times are established in relation to loads as follows:
- (a) Ten minutes for heavily loaded;
 - (b) Twenty minutes for moderately loaded;
 - (c) Thirty minutes for lightly loaded; and
 - (d) Sixty minutes for swim spas having very light loads.

Factors for Determination of Spa Loading

Spa Volume	Turnover Time (options are 10, 20, 30, or *60 minutes)	Constant K ₁₀ (10 minute turnover time) 8 gpm/person	Constant K ₂₀₊ (20, 30, or *60 minute turnover time) 6.67 gpm/person
Value A	Value B	Value K ₁₀	K ₂₀₊

* 60 minute turnover times are established for swim spa facilities.

$$\frac{(\text{Value A})}{(\text{Value B})} + (\text{Constant K}^*) = \text{Maximum spa capacity}$$

* Choose K based on turnover of the spa.

(5) **Emergency equipment.** Owners shall provide easily accessible first-aid and emergency equipment at all spa pool facilities during operating hours, including:

- (a) A telephone within the facility for general use spa;
- (b) A telephone within one-minute access for limited use spa pools;
- (c) A standard sixteen-unit first-aid kit;
- (d) A blanket reserved for emergency use; and
- (e) A clearly marked emergency shutoff switch for turning off all pumps. The switch must be within twenty feet of each spa, accessible to the public, and triggering an audible alarm.

(3) The requirements in WAC 246-260-051 (2)(b), (d), (e), (4), (5)(b), (c), and (e) apply to prefabricated spa pools at limited use facilities serving less than fifteen living units.

(4) Spa pools that are drained, cleaned and refilled between patron use in individual hotel/motel rooms are exempt from these requirements. Spas that are not drained, cleaned and refilled between use shall at least:

- (a) Conform with WAC 246-260-031(4) on barriers beyond the room itself, such that the guest room plus any associated lanai or deck may be considered an enclosure unit.
- (b) Conform with WAC 246-260-031(17) on disinfection equipment and conform with water quality requirements of WAC 246-260-111 for disinfection and pH.

NEW SECTION

WAC 246-260-071 Wading pool design, construction, and equipment. For more general design and construction requirements that pertain to all pools, see WAC 246-260-031.

(1) **Walking surfaces.** Owners shall design and maintain pool walking surfaces:

- (a) Four feet or more wide; and
- (b) With a surface area of sixteen square feet per bather at the facility with both a swimming pool and wading pool when swimming pool is fifteen hundred square feet or more.

(2) **Wading pool floor and wall dimensional design.** Owners shall ensure pool dimensional designs for floors and walls provide for bather safety and do not hinder water circulation and quality. Designs must include:

- (a) Coved at the intersection of walls with floors; and
- (b) Uniform pool floor slopes not exceeding one foot of drop in twelve feet of run.

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NEW SECTION

WAC 246-260-061 Special design and construction provisions for hotels and motels (transient accommodations) serving fewer than fifteen living units and for spas in individual hotel/motel rooms. (1) Owners are exempt from the requirements for design, construction, and equipment in WAC 246-260-031 and 246-260-051 for spa pools at limited use facilities serving less than fifteen living units, except for requirements listed in this section. Owners shall also ensure that chemicals are stored in a manner to minimize safety risks.

(2) The requirements in WAC 246-260-031 (1), (2), (3), (4), (5), (6), (8)(b), (d)(iii), (d)(v), (e), (9), (10), (15), (16), (17), and Table 031.2 apply to prefabricated spa pools at limited use facilities serving less than fifteen living units.

(3) **Wading pool entry and exit.** Owners shall provide one or more means of entry and exit on all pools including one of the following:

(a) Stairs including:

(i) Nonslip tread finish;

(ii) Contrasting color stair tread edges;

(iii) Handrails having leading edges less than eighteen inches beyond and less than eight inches inside (horizontally) the vertical plane of the bottom riser;

(iv) Riser treads with a minimum unobstructed, horizontal, ten-inch tread depth and minimum two hundred forty square inches of surface area; or

(v) Riser height uniform and seven and one-half inches or less, except last step leading into pool may be less than uniform height;

(b) Shallow pool entry must be seven and one-half inches or less in depth;

(c) Ramp entry into the pool must meet the following construction requirements:

(i) A handrail extending over the deck edge and extending to the bottom of the ramp for entering and leaving the wading pool;

(ii) Ramp edges protruding into the pool of contrasting color; and

(iii) Ramp slope not to exceed one foot in twelve feet.

(4) **Turnover.** Owners shall ensure wading pools turn over the entire pool water volume in three hours or less. If wading pools are recirculated jointly with swimming pools, proper means to ensure efficient turnover and treatment of the wading pool must be maintained.

(5) **Pool depth markings.** Owners shall provide easily visible depth markings:

(a) Measured in feet or inches;

(b) Located on the coping or deck within eighteen inches of the water's edge and positioned to be readable while standing on the deck facing the water;

(c) Made of slip resistant material;

(d) Placed at the maximum and minimum water depths;

(e) Spaced at intervals not exceeding twenty-five feet;

(f) Uniformly arranged on both sides and ends of the pool; and

(g) In numbers a minimum of four inches high.

(6) **Bather load.** Owners shall provide each bather in a wading pool facility with seven square feet or more of water surface area at all times.

(7) **Emergency equipment.** No later than June 1, 2008, owners of existing pools with single main drains shall install emergency equipment to shut off all pumps hooked to the recirculation lines for the pools. This emergency equipment must be placed within twenty feet of the pool and marked with an emergency shutoff sign. The shutoff switch must include an audible alarm which can be heard by those in the area, or the switch must have an alarm that goes to a point where staff is always present during the periods the pool is open.

(a) Pools with dual main drains meeting the requirements of this section, or other acceptable methods of providing equivalent protection to the emergency shutoff switch, are exempt from this requirement.

(b) The owner shall check the shutoff switch at least twice annually to determine it is properly operating.

(c) The department will develop a guidance document to aid owners and designers in potential options to the emergency shutoff switch and audible alarm.

NEW SECTION

WAC 246-260-081 Spray pool design, construction, and equipment. For more general design and construction requirements that pertain to all pools, see WAC 246-260-031.

(1) **Walking surface.** A minimum four-foot wide walking surface shall extend around the perimeter of a spray feature sufficient that the spray will not exceed the walkway area in normal conditions including light wind conditions.

(2) **Pool structure.** Owners shall ensure each spray pool has:

(a) Pool surfaces with nonslip finishes impervious to water;

(b) Uniform pool floor slopes not exceeding one foot of a slope for every twelve feet of horizontal floor length;

(c) A source of water for the spray feature from an approved potable water supply;

(d) Water drained to waste disposed in a manner approved by local authorities or the department after use in the spray pool, unless it is recirculated with approved treatment as described in WAC 246-260-031; and

(e) The entire volume of water circulated through an approved treatment system every thirty minutes or less if water is recirculated.

(3) **Inlets and outlets.** Owners shall ensure spray nozzles at each spray pool are designed and maintained to not inflict physical damage to bathers. Design and construction shall include evaluation of forces of the spray nozzle including velocity, pressure and total force in proximity to bathers' eyes and other body orifices.

(a) Owners shall ensure outlet drains and recirculation drains are designed and maintained to provide sufficient capacity to prohibit water accumulation in each spray pool.

(b) Outlet drains in each spray pool must:

(i) Be located at the low point of the pool;

(ii) Have two or more main drains;

(iii) Have openings that prevent the passage of a sphere over one-half inch in diameter;

(iv) Have drain grates that withstand forces of users; and

(v) Have drain grates removable only with specific tools.

(c) Outlet drains to each spray pool recirculating pump, must have:

(i) A total open grate area sized to prevent a suction hazard dangerous to users;

(ii) A maximum flow of one and one-half feet per second, or net grate area of outlet four times or more the discharge pipe area; and

(iii) Manifolding a minimum of three feet apart where drains are piped directly to a pump.

(4) **Emergency equipment.** No later than June 1, 2008, owners of existing pools with single main drains shall install emergency equipment to shut off all pumps hooked to the recirculation lines for the pools. This emergency equipment must be placed within twenty feet of the pool and marked

with an emergency shutoff sign. The shutoff switch must include an audible alarm which can be heard by those in the area, or the switch must have an alarm that goes to a point where staff is always present during the periods the pool is open.

(a) Pools that include dual main drains meeting the requirements of this section, or other acceptable methods of providing equivalent protection to the emergency shutoff switch, are exempt from this requirement.

(b) The owner shall check the shutoff switch at least twice annually to determine it is properly operating.

(c) The department will develop a guidance document to aid owners and designers in potential options to the emergency shutoff switch and audible alarm.

NEW SECTION

WAC 246-260-091 Specialty design features. (1) Owners providing special features shall ensure the features meet the requirements of this section.

(2) **Benches.** A single bench or seat that is recessed from the general wall of the swimming pool may be built into the shallow area of the pool, if it meets the following conditions. The bench: (See figure 091.1.)

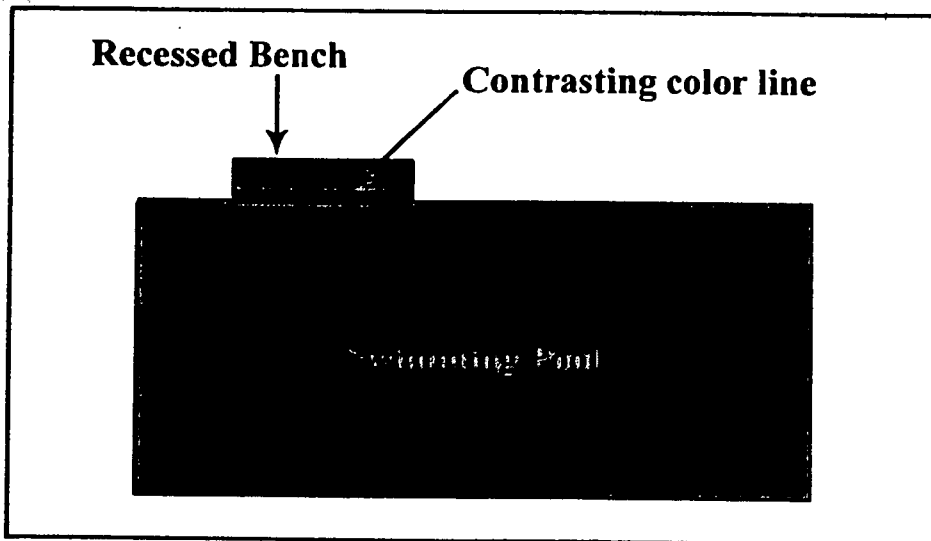
(a) May not be located in an area that is used for lap swimming;

(b) May not exceed twenty percent of the length of the side it is located on or five percent of the perimeter of a free form pool;

(c) Must have a minimum two-inch or wider durable continuous line of a contrasting color on the top and side of the bench edge, so as to be readily visible to persons standing on the deck and persons swimming in the water; and

(d) The area of the deck above the bench must be labeled in nonslip lettering at least four inches high: "NO DIVING."

figure 091.1



(3) **Ledges.** In general use swimming pools, a single ledge may be built into the deep end of the pool, if:

(a) The ledge construction conforms with FINA facilities rules, 2001-2002, Swimming Pools, FR2.4.2;

(b) The ledge is in a contrasting color from the rest of the pool for easy visibility.

(4) **Waterfalls.** A waterfall feature may be built at swim pool or spa pool facilities if the following conditions are met:

(a) If located in or adjacent to shallow swimming pool water levels, it must be set back from the edge of the pool a distance specified in Table 091.2; exceptions may be made for lifeguarded pools;

(b) If located at, or adjacent to, deep swimming pool water levels, it will be considered a diving platform and the adjacent pool area must conform to diving envelope design specified in WAC 246-260-041(3);

(c) Minimum walkway areas required in other sections of this chapter must be maintained around pools;

(d) Water in waterfalls that commingles with pool water must meet water quality and treatment requirements specified in other sections of this chapter and any additional disinfection required by the department or local health officer to address anticipated increased demands and aerosolization of disinfectant;

(e) Flows may not create turbulence that might create a safety hazard or reduce visibility in the pool; and

(f) Waterfalls that flow from pool sidewalls may not exceed five percent of the total pool perimeter.

Table 091.2

Set-Back Requirements for Special Water Features in Pools at Shallow Swimming Pool Water Levels*

Height of Feature Above Pool Water Level	Type of Special Feature		
	Waterfall	Rockery	Planting
12 inches or less	Feature may spill directly to pool from sidewall	Setback of 4 feet or more from pool edge; except at pools that are continuously lifeguarded. Five percent of deck perimeter may have feature provided up to pool edge.	Setback of 4 feet or more from pool edge.
Greater than 12 inches and less than 30 inches	Setback of 8 feet or more from pool edge.		
Greater than or equal to 30 inches	Setback of 15 feet or more from pool edge.		

* Guarded pool setbacks shall be established in a preconstruction design conference with the owner, designer and health department.

(5) **Rockeries.** A decorative rock feature may be built at a swim pool or spa pool facility, if the following conditions are met:

(a) If located adjacent to shallow swimming pool water, it must be set back from the edge of the pool a distance specified in Table 091.2; exceptions may be made for lifeguarded pools;

(b) If located at or adjacent to deep swimming pool water levels, it will be considered a diving platform and the adjacent pool area must conform to diving envelope design specified in WAC 246-260-041(3);

(c) The design has a nonslip surface without sharp or cutting edges in any areas that provide a potential foothold, stepping or standing access; and

(d) It slopes to drain water away from the pool.

(6) **Play toy equipment.** Play toy equipment may be built at pool facilities provided the following conditions are met:

(a) Can only be used in lifeguarded pools;

(b) It must comply with the requirements of chapter 246-262 WAC;

(c) Its design conforms to ASTM standard F1292 including establishing fall zones;

(d) Surfaces must be easily cleanable;

(e) It must be operated in accordance with a written plan of operation developed by the owner, addressing placement of the toy, protection from falls, entrapment, entanglement of bathers from each other, and visibility of users to lifeguards; and

(7) **Special use pools.** At least thirty days prior to development of final plans and specifications, owners shall submit proposals at a preliminary design conference for pools designed for special use purposes (e.g., scuba training, kayaking, portable rental spas, sensory deprivation tanks, public promotions at sports fields, county fairs, and any special events using portable pools) to the department or local health officer for review and approval. The department or local health officer has flexibility in applying portions of this chapter or additional requirements necessary to assure health and safety for users of these special use pools.

(8) **Ballet rails.**

(a) Owners may install ballet-type rails on pools having uses limited to exercise and training;

(b) Owners may install ballet-type rail on general or limited use pools, if:

(i) The rail is inset into the wall to preclude any obstructions in the pool; and

(ii) The rail is removable and covers are provided and used to maintain a flush surface in general use pools.

POOL OPERATION REQUIREMENTS

NEW SECTION

WAC 246-260-101 Operating permit. (1) A person may not operate a WRF without a current operating permit, issued by the department or local health officer.

(2) To obtain an operating permit, owners of a WRF shall provide the department or local health officer information showing the WRF is in compliance with this chapter.

(3) Operating permits are:

(a) Valid for one year;

(b) Subject to annual renewal; and

(c) Nontransferable without written department or local health officer consent. For purposes of this section, a change in management of a corporation, partnership, association, or other nonindividual business entity creates a new person requiring either consent for a permit transfer or issuance of a new permit upon proper application.

(4) The department or local health officer issuing the operating permit may revoke or suspend the permit if the WRF is not operating in accordance with chapter 70.90 RCW or chapter 246-260 WAC.

NEW SECTION

WAC 246-260-111 Water quality standards, analysis, and sample collection. (1) **Contamination.** Owners shall maintain water free from harmful levels of disease producing organisms, toxic chemicals, or adverse physical conditions.

(2) **Bacteriological standards.** Owners shall maintain WRF pool waters to meet the following standards of bacteriological quality:

(a) Heterotrophic plate counts may not exceed two hundred bacteria per milliliter in two consecutive tests;

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(b) Total coliform may not exceed an average of one coliform per sample of one hundred milliliters in two consecutive tests when using the membrane filter test; and

(c) Total coliform may not exceed 2.2 bacteria per sample of one hundred milliliters of water in two consecutive samples when using the most probable number (MPN) method.

(3) Disinfection.

(a) Owners shall maintain continuous disinfection of WRF pool water at all times by using:

(i) Chlorine or bromine concentrations specified in Table 111.1 of Appendix A;

(ii) Ozone may be used as a supplement to primary disinfection, but not a replacement.

(A) Minimum levels of primary disinfectant (chlorine or bromine) may not be less than required minimums.

(B) Ozonator units must meet the requirements of NSF standard 50 and be listed by NSF or an equivalent laboratory testing to NSF standard 50 and providing readily available listing.

(C) Maximum levels of ozone that can be produced by ozone generating device in the atmosphere above the pool water or the room where ozone is generated may not exceed 0.05 ppm.

(iii) Copper or copper silver disinfection processes may be used as a supplement to primary disinfection, but not a replacement.

(A) Minimum levels of primary disinfectant (chlorine or bromine) may not be less than required minimums.

(B) Copper or copper/silver disinfection units must meet requirements of NSF standard 50 and be listed by NSF or an equivalent laboratory testing to NSF standard 50 and providing readily available listing.

(C) Maximum levels of copper that can be produced in the pool water are 1.0 ppm copper and 0.05 ppm of silver; or

(iv) An alternative disinfectant registered with EPA and WSDA.

(b) Any primary or supplemental alternative disinfectant shall be used in conformance with guidelines established by the department and NSF standard 50.

(c) Alternative disinfectants must be evaluated using EPA document "*Guide Standard and Protocol for Testing Microbiological Water Purifiers*" by Campt and Cotruvo, EPA, April, 1986.

(4) Chemical and physical quality.

(a) Owners shall maintain physical and chemical conditions in WRF pool water within the ranges specified under Table 111.2 of Appendix A;

(b) Owners shall maintain cleanliness of WRF pool water by:

(i) Closing an affected WRF pool when contaminated with feces, blood, vomit, sewage, or other hazardous or unknown material until the area is clean, disinfected, and free of the hazardous material;

(ii) Daily removal of scum or floating material on the pool water surface;

(iii) Continuous removal of scum or floating material by overflow action of pool water with flotsam screened and filtered; and

(iv) Maintaining sanitary walking surfaces.

(5) **Laboratory sampling and testing.** Water samples for laboratory analyses required by this chapter must be:

(a) Analyzed in accordance with the twentieth edition of standard methods for the examination of water and waste/water analysis, published jointly by the American Public Health Association/Water Pollution Control Federation and AWWA;

(b) Collected in bottles approved by the local health officer;

(c) Collected and transported by procedures specified in standard methods listed in (a) of this subsection; and

(d) Analyzed at a laboratory approved by the local health officer.

(6) **Field testing.** Owners shall have and use field-testing equipment:

(a) To measure disinfectant residuals, pH, alkalinity, cyanuric acid (when used in pool) and any other chemicals routinely used in the pool water;

(b) To detect chlorine gas at pools where compressed chlorine gas is used, using commercial strength ammonia vapor; and

(c) With accuracy in the ranges of measurements specified in Table 111.3 of Appendix A.

(7) **Chemicals in pool.** Owners shall ensure addition of chemicals or materials to WRF pool waters occurs only when the use is accepted by the department or local health officer.

(8) **Additional tests.** Owners shall perform any additional tests of WRF pool water or air required by the department or local health officer to assure public safety.

NEW SECTION

WAC 246-260-121 Monitoring, reporting, and record keeping. (1) Reporting death, injury, and illness. Owners shall:

(a) Provide the department or local health officer with information requested regarding the investigation of an injury or illness associated with the WRF; and

(b) Notify the department or local health officer of a drowning, near drowning, death, serious injury or serious illness associated with the WRF within forty-eight hours after becoming aware of the occurrence.

(2) **Incidents.** Owners shall provide the department or local health officer with any information requested regarding the investigation of an incident creating a potential health or safety problem, for example, a chlorine gas leak.

(3) Monitoring and record keeping.

(a) Owners shall monitor the following water quality conditions of WRF pools and maintain records for a minimum of three years:

(i) Residual disinfectant concentration level frequently enough, but at least once every twenty-four hours, to determine that the residual is satisfactorily sustained to meet the requirements of WAC 246-260-111(3);

(ii) Hydrogen ion (pH) concentration frequently enough, but at least once every twenty-four hours, to determine that the level is maintained in a range of 7.2 to 8.0;

(iii) Alkalinity at least weekly;

(iv) If pool water temperature is over ninety-five degrees Fahrenheit, water temperature frequently enough, but at least

once every twenty-four hours, to determine temperature does not exceed one hundred four degrees Fahrenheit; and

(v) If cyanuric acid or one of its derivatives is used in a pool, cyanurate level testing at least weekly and maintained at levels established in Table 111.2.

(b) Owners shall keep records for three years of:

(i) Quantities of all chemicals added to pool water each day;

(ii) Treatment system flow rates, measured at least daily; and

(iii) Any incidents of visible pool water contamination, for example, from vomit, feces, or blood.

(4) **Availability.** Owners shall make records required by this section available for department or local health officer review upon request.

NEW SECTION

WAC 246-260-131 Operation of water recreation facilities. (1) **Operation plan.** Owners shall ensure proper operation to protect the public health, safety, and water quality by establishing standard practices and developing a written operations manual addressing each of the following:

(a) Physical pool facility components and signage;

(b) Personnel;

(c) Users and spectators, including pool rules;

(d) Emergency response provisions;

(e) Diving during supervised swimming instruction into water depths recognized as adequate by the organization certifying the activity, such as ARC; and

(f) Environmental conditions.

(2) **Physical components.** Owners shall check each WRF's physical components routinely to ensure:

(a) Barrier protection, emergency equipment and structural facilities are properly maintained.

(b) Water does not pond on walking surfaces;

(c) Common articles provided for patrons, such as towels, bathing suits, bathing caps, etc., are sanitized before reuse;

(d) Sanitation items including toilet tissue, handwashing soap and single use towels or equivalent are maintained at facilities;

(e) Treatment of the water recreation pool facility occurs continuously at turnover rates required by this chapter twenty-four hours a day during periods of use;

(f) Swimming, spa, wading and spray pools shall be equipped with drain covers that are properly maintained, intact and secured to protect against entrapment.

(g) Extra filter cartridge provided for each cartridge filter.

(3) **Food service.** If food service is provided and allowed, the owner shall:

(a) Ensure food and beverage sale and consumption areas at general use pools are separated from pool and deck enclosure areas;

(b) Prohibit food and beverage in pool water at limited use pools and maintain a minimum four-foot clear area between pool edge and any tables and chairs provided for food service;

(c) Prohibit use of glass in pool facility and provide trash containers; and

(d) Prohibit the sale or consumption of alcohol at general use pools.

(4) **Spa and recirculating spray pool reservoir cleaning.** Owners shall routinely drain, clean and refill spa and recirculation spray pools at a minimum frequency specified by the following formula.

Spa or spray pool reservoir volume in gallons/3/average number of users per day = Number of days between draining, cleaning and refilling.

(5) **Signage for user rules.**

(a) Owners shall provide and maintain signage specifying user rules and safety information required by this section in a conspicuous place in the pool area with easily readable lettering at least three-eighths of an inch high. All swimming, spa and wading pool facilities must have signs stating pool rules:

(i) Prohibiting use by anyone running or participating in horseplay;

(ii) Prohibiting use by anyone under the influence of alcohol or drugs;

(iii) Prohibiting use by anyone with a communicable disease or anyone who has been ill with vomiting or diarrhea within the last two weeks;

(iv) Prohibiting anyone from bringing food or drink into the pool water;

(v) Requiring everyone to have a cleansing shower before entering the pool;

(vi) Requiring anyone in diapers to wear protective covering to prevent contamination;

(vii) Requiring diapers to be changed at designated diaper change areas;

(viii) Warning patrons that anyone refusing to obey the pool rules is subject to removal from the premises;

(ix) Directing patrons to the location of the nearest telephone and first-aid kit for emergency use;

(x) Advising patrons that anyone with seizure, heart, or circulatory problems should swim with a buddy; and

(xi) Where diving boards are used, provide signs for proper use.

(b) All swimming, spa, and wading pool facilities where lifeguards or attendants are not present shall have signs stating additional pool rules that:

(i) If a child twelve years of age or less is using the pool, a responsible adult eighteen years of age or older must accompany the child and be at the pool or pool deck at all times the child uses the facility; and

(ii) If an individual between thirteen years of age and seventeen years of age is using the pool, at least one other person must be at the pool facility.

(c) All spa pool facilities must have signs stating additional pool rules:

(i) Cautioning that children under the age of six should not use a spa pool;

(ii) Cautioning that persons suffering from heart disease, diabetes, or high blood pressure should consult a physician before using a spa pool;

(iii) Cautioning that women who are or might be pregnant seek physician's advice regarding using a spa pool;

(iv) Cautioning everyone to limit the stay in the spa pool to fifteen minutes at any one session; and

(v) Posting the maximum bather capacity of each spa pool.

(d) All spray pool facilities must have signs stating pool rules as specified in (a)(i), (ii), (iii), (iv), (v), (vi), and (viii) of this subsection.

(6) Required personnel.

(a) Owners shall ensure appropriate personnel specified in this subsection provide monitoring at pool facilities.

(b) General use swimming pool facilities shall have lifeguards present at all times pools are in use; except:

(i) If swim or dive teams are facility users, the owner may allow substitution of a qualified coach properly credentialed by the sponsoring organization furnishing the swim or dive coach; and

(ii) Owners may substitute persons with Master Scuba Diver Trainer or Master Scuba Diver Instructor certification through PADI or SCUBA instructor, assistant instructor or divemaster through NAUI or other department-approved training in lieu of lifeguards for SCUBA training.

(iii) PADI or NAUI certified scuba instructing staff shall maintain the following conditions:

(A) Limit number of persons training to ten persons per instructor.

(B) Ensure all persons being instructed are monitored at all times while in the pool to ensure thirty-second response time can be provided.

(iv) Private club swimming pool facilities must have lifeguards present at all times persons sixteen years of age and younger are using the pool facilities, except:

(A) Attendants or shallow water lifeguards may supervise persons thirteen through sixteen years of age when these users are restricted to a pool depth less than or equal to five feet; and

(B) Attendants or shallow water lifeguards may supervise all persons sixteen years of age and under if the entire pool depth is less than four and one-half feet.

(c) If a spa or wading pool is in same enclosure as a swimming pool, all pools are subject to the most stringent monitoring personnel requirements applicable for any pool in the enclosure unless barriers that conform to WAC 246-260-031(4) restrict access between pools.

(d) The use of spas or wading pools not requiring lifeguards or attendants is subject to the following conditions:

(i) If the pool is used by children twelve years of age or under, a responsible adult eighteen years of age or older must accompany the children and be at the pool or pool deck at all times the children use the facility;

(ii) If the pool is used by persons seventeen years of age or under, a minimum of two people must be at the pool facility at all times the pool is in use;

(iii) The owner shall post the requirements of this subsection to assure the responsible person is notified of conditions for use of the facility.

(e) Limited use pool facilities must have an equivalent or greater level of supervision as specified for private clubs in (b)(iv) of this subsection during any times when activities are provided that put the pools into the category of general use pools.

(f) At limited use pool facilities, if alcohol is sold within the pool facility, the owner must provide a lifeguard or attendant at the pool area.

(g) All pool facilities must have a water treatment operator.

(7) Personnel duties and equipment.

(a) Owners shall ensure personnel are present at each WRF who perform duties specified in this subsection.

(b) Lifeguards, shallow water lifeguards and swim coaches shall guard assigned pool users and provide a rescue response time of thirty seconds or less.

(c) Attendants, if provided at pools not requiring lifeguards, shall oversee pool use by the bathers and provide supervision and elementary rescues such as reaching assists to bathers in need. This does not mean the person is qualified or trained to make swimming rescues.

(d) Owners shall notify responsible persons on the conditions for facility use at pools not requiring lifeguards and for which no lifeguards or attendants are present. A responsible person means a person having responsibility for overseeing users seventeen years of age or under including, but not limited to, a person:

(i) Renting an apartment, hotel, motel, RV camp, etc.; or

(ii) Who is an owner or member of a condominium, homeowner's association, fraternity, equity ownership facility, mobile home park, sorority, or private club with a pool facility.

(e) Water treatment operators shall assure the water treatment components of each WRF are functioning to protect health, safety and water quality.

(f) Owners shall ensure that lifeguards, shallow water lifeguards, swim coaches, and attendants:

(i) Wear a distinguishing suit/uniform, or emblem; and

(ii) Carry a whistle or equivalent signaling device.

(8) Personnel training.

(a) Owners shall ensure that pool personnel required by subsection (5) of this section have skills necessary for their duties, obtained by training and certification specified in Table 131.1 in Appendix B, or equivalent.

(b) Owners shall keep a copy at the WRF of each currently valid certification required for pool personnel.

(c) Owners shall ensure safety-monitoring personnel obtain continuing education needed to maintain lifeguarding skills and maintain valid certifications required by this subsection.

(d) If SCUBA or kayaking lessons are conducted at a pool, owners shall ensure that personnel monitoring these activities are trained to recognize special hazards associated with these activities.

(9) Emergency response plan.

(a) Owners shall prepare and implement emergency response plans specified in this subsection.

(b) In pool facilities where lifeguards, shallow water lifeguards, or swimming coaches are required by subsections (5) and (6) of this section:

(i) Sufficient qualified personnel must be present and appropriately located to provide a rescue response time of thirty seconds or less for all pool users;

(ii) The number and qualifications of personnel present must be based on factors dealing with pool depth, line of

sight, bather load, potential emergency procedures, and personnel rotation;

(iii) Emergency response drills must be held two or more times each year to test whether thirty-second response time can be met; and

(iv) A record of each response drill must be kept at the WRF for three or more years.

(c) In pool facilities where lifeguards are not present, in accordance with subsection (5)(c) and (e) of this section, owners shall adopt rules, provide enforcement of conditions for pool use and notify users when first using facility and at least annually thereafter that conditions for use include:

(i) If a child twelve years of age or less is using the pool, a responsible adult eighteen years of age or older shall accompany the child and be at the pool or pool deck at all times the child uses the facility; and

(ii) If anyone seventeen years of age or less is using the pool, a minimum of two people shall be at the pool facility.

(d) Emergency equipment specified in WAC 246-260-041, 246-260-051, and 246-260-071 must be readily available during WRF operating hours.

(e) In facilities where chlorine gas is used:

(i) WRF personnel shall conduct annual emergency drills; and

(ii) The plan shall identify the location of accessible chlorine cylinder repair kits.

(f) Operators shall ensure that lifeguards, shallow water lifeguards, and swim coaches receive ongoing training of emergency response skills.

(10) **Environmental conditions.** Owners shall monitor various environmental conditions affecting the facility or potentially affecting the health and safety of users. Owners shall close the WRF or take other appropriate action in response to adverse environmental factors, (e.g., electrical storms, fog, wind, and visibility problems) to ensure that the health and safety of users are protected.

(11) **Closure.** Owners shall close the facility when the facility presents an unhealthful, unsafe, or unsanitary condition. These conditions include lack of compliance with the water quality or an operation requirement in this section or in WAC 246-260-111.

NEW SECTION

WAC 246-260-141 Water recreation facility pools not in operation. (1) Owners of pool facilities that are not in operation shall prevent access to the facility by means of locked barriers.

(2) If a pool enclosure area has one pool open and another closed (e.g., seasonal pool, year-round spa), the owner shall ensure that the pool that is closed:

(a) Is posted with signage stating that the pool is closed; and

(b) Meets water clarity standards as outlined in Table 111.2 in WAC 246-260-111; or

(c) Is covered with a safety cover meeting ASTM standard F1346-91 and not allowing access to the pool.

(d) Does not create a nuisance or disease hazard.

(3) All pool covers must be completely removed during periods when the pool is open for use.

(4) If a pool that is closed develops an ice layer, the owner must install a safety cover meeting ASTM standard F1346-91 or the entire pool enclosure area must be closed.

(5) If a pool facility is not in operation for more than twelve months, the owner shall provide a safety cover over the pool meeting ASTM standard F1346-91 or the owner shall back fill the pool.

NEW SECTION

WAC 246-260-151 Restrictions on animals. Owners shall prevent animal access to the WRF pool, except service animals in the deck area accompanying users or spectators requiring them. A service animal is defined in RCW 70.84.021 and means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

ADMINISTRATIVE RULES

NEW SECTION

WAC 246-260-171 Compliance. (1) Except as provided in subsections (2), (4), and (5) of this section, existing water recreation facilities with approved plans prior to October 31, 2004, that do not fully comply with the design, construction, and equipment requirements in WAC 246-260-031, 246-260-041, 246-260-051, 246-260-061, 246-260-071, and 246-260-081 may be continued in use.

(2) Owners of all facilities shall comply with the operational requirements in WAC 246-260-101 through 246-260-151.

(3) Owners of facilities designed and constructed after the effective date of these regulations shall comply with all applicable sections of the design, construction and equipment requirements in WAC 246-260-021 through 246-260-091.

(4) Facilities constructed prior to the effective date of these regulations shall comply with the barrier protection requirements in WAC 246-260-031 (4) and (5) and the emergency equipment requirements established in WAC 246-260-041 (11)(g); 246-260-071(7); and 246-260-081(4) by the compliance deadlines specified in the regulations. Barrier modifications or emergency shutoff switches made prior to the compliance deadlines shall meet the requirements in WAC 246-260-031 (4) and (5); and WAC 246-260-041 (11)(g); 246-260-071(7); and 246-260-081(4) at the time the modifications are made.

(5) When owners are modifying the physical plant of their facilities, they are required to upgrade the area of the physical plant being modified to conform to current requirements. For example, when owners having pool facilities with single main drains are changing or modifying their main drains they shall modify the main drains in compliance with the current requirements. This includes, but is not limited to:

(a) Resurfacing of pools that involves alteration of the drains; or

(b) Changes to the main drain outlet sump or its recirculation piping.

NEW SECTION

WAC 246-260-181 Surveillance. Owners and operators shall allow the department and local health officer to perform on-site WRF inspections or conduct other surveillance activities considered necessary by the enforcing agency to ensure compliance with this chapter and chapter 70.90 RCW.

NEW SECTION

WAC 246-260-191 Technical advisory committee. (1) The department shall appoint a technical advisory committee to assist in the following:

- (a) Reviewing and drafting proposed rules; and
 - (b) Developing guidelines for use of new products, equipment, procedures, and periodic program review.
- (2) The department may determine the need for and frequency of technical advisory committee meetings.
- (3) The WRF technical advisory committee membership shall include representation from the following:
- (a) General use pool facility owners;
 - (b) Limited use pool facility owners;
 - (c) NSPI;
 - (d) WRPA;
 - (e) Engineer or architect design consultants;
 - (f) Eastern and Western Washington local environmental health jurisdictions;
 - (g) The department; and
 - (h) Recreational water contact facility owners (as appropriate).
- (4) The technical advisory committee may appoint subcommittees, as the committee determines appropriate to address specific issues.
- (5) The department shall maintain minutes of meetings.

NEW SECTION

WAC 246-260-201 Variance. (1) An owner (or their authorized representative) may apply to the department or local health officer for a variance to the requirements of this chapter for a water recreation facility. If the application relates to construction permits, it must be made at least thirty days prior to development of final plans and specifications. If the application relates to issuance of an operation permit, the owner shall present their proposal for a variance with the department or local health officer at least thirty days before any consideration of implementing an operation change. An application may not be approved unless, notwithstanding a noncompliant design or construction or noncompliant operation, the health and safety purposes behind requirements of this chapter are met. An applicant shall provide adequate documentation to meet these requirements including, but not limited to:

- (a) The variance is consistent with the intent of this chapter;
- (b) Protection from drowning, diving injury, entrapment, impact or falling hazards, tripping or slipping hazards;
- (c) Maintenance of water and air quality, including equivalent disinfection, filtration, control of pH, physical water conditions, water clarity and prevention of contamination to preclude illness;

(d) Upon receipt of a complete application, the department or local health officer shall provide a written approval or denial of the variance.

(2) The department and each local health officer shall provide the board a written summary of variances granted the previous year. This summary shall be submitted by January 31 of the following year or any time the board requests.

(3) The board may, at its discretion, require variance requests be submitted to it for review and approval.

NEW SECTION

WAC 246-260-211 Enforcement. (1) The department or local health officer may enforce this chapter by one or more of the following actions:

(a) Conducting an informal administrative conference to explore facts and resolve problems, convened at the request of the department, local health officer, or owner;

(b) Issuing an order directing the WRF owner, operator, or the person responsible to cease violating this chapter or chapter 70.90 RCW;

(c) Requiring the WRF owner or authorized representative to participate in training to improve basic skills for operating pools;

(d) Assessing a civil penalty of up to five hundred dollars per violation per day; and

(e) Denying, suspending, or revoking a WRF construction or operating permits.

(2) Orders authorized under this section may include, but are not limited to, requirements to:

(a) Take corrective measures, which may include a schedule; necessary to gain compliance with this chapter and chapter 70.90 RCW; and

(b) Stop work or refrain from using a WRF or any portion of a WRF and approvals required by statute or rules are obtained.

(3) An order issued under this section shall:

(a) Be in writing;

(b) Name the facility and the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of this chapter or chapter 70.90 RCW;

(d) Specify any required corrective action, if applicable;

(e) Provide notice, as appropriate, that continued or repeated violation may subject the violator to the penalties specified in subsection (4) of this section.

(4) Continued or repeated violation of the provisions of this chapter or chapter 70.90 RCW may subject the violator to:

(a) Civil penalties of up to five hundred dollars;

(b) Denial, suspension or revocation of the facility's construction or operating permit; or

(c) Referral to the county prosecutor or attorney general's office.

(5) The department or local health officer may deny an application or reapplication for a WRF operating permit and may revoke or suspend a WRF operating permit of any person who:

(a) Previously had an operating permit suspended or revoked or had an operating permit application denied for reason;

(b) Failed or refused to comply with any provisions of this chapter, chapter 70.90 RCW, or any other statutory provision or rule regulating the WRF construction or operation; or

(c) Obtained or attempted to obtain an operating permit or any other required certificate of approval applicable to the WRF by fraudulent means or misrepresentation.

(6) The department or local health officer may summarily suspend a WRF operating permit, without a prior hearing, if the department or local health officer finds that the WRF presents an imminent hazard to public health or safety and incorporates a finding to that effect in an order.

NEW SECTION

WAC 246-260-221 Hearings. A person aggrieved by the department's or local health officer's denial, suspension, or revocation of a WRF permit; issuance of an order or levy of a civil penalty may request an administrative hearing.

A hearing requested to contest a local health officer's action is governed by the local health jurisdiction's rules for hearings.

A hearing requested to contest a department action is governed by chapters 246-10 WAC and 34.05 RCW.

NEW SECTION

WAC 246-260-999 Appendix A—Water quality standards.

Table 111.1

Minimum and Maximum Levels of Disinfectant (ppm)*

SWIMMING POOL: ***	Minimum
Chlorine	1.5
Chlorine with cyanurate compound	2.0
Bromine	2.5

SPA & WADING POOL: ***	Minimum
Chlorine	3.0
Chlorine with cyanurate compound	3.5
Bromine	4.0

* Chlorine is measured as free available chlorine residual.

** Recirculating spray pools and sensory deprivation tanks shall meet spa and wading pool levels.

*** The maximum disinfectant level shall conform with manufacturers' recommendations and shall not exceed 10 ppm for any pool.

Table 111.2

Acceptable Ranges of Selected Chemical and Physical Water Quality Constituents

CHEMICAL OR PHYSICAL CONSTITUENT	MINIMUM	MAXIMUM
pH (Hydrogen ion)	7.2	8.0
Water clarity (safety)	Main drain and pool bottom visible at all times	-
Turbidity (shielding microorganisms T.U.)*	-	0.5
Cyanuric acid or its derivatives	0	90 ppm
Temperature**	-	104°F
Combined chlorine	-	50% of free chlorine
Ozone***	-	.05
Ionizers (Copper/Silver)	-	1.0/.05

* In peak periods, turbidity may increase to 1.0 T.U. provided turbidity returns to 0.5 T.U. within a six-hour period following peak use. Turbidity is not a required routine analysis. The local health officer may require turbidity monitoring if special conditions warrant.

** A pool facility thermometer shall be provided when the water temperature exceeds 95 degrees Fahrenheit.

*** Atmospheric measurement.

Table 111.3

Required Ranges of Accuracy and Incremental Readings for Field Test Kits

CHEMICAL TEST	MINIMUM TEST KIT RANGE	MINIMUM REQUIRED INCREMENTS ON KITS	MINIMUM ACCURACY
Free and total available chlorine and total bromine	0.5 - 10.0 ppm*	These increments are required to be on the test kit: 0.5, 1.0, 1.5, 2.0, 3, 5, 6, 10 ppm	±50% of the difference of incremental readings
pH (hydrogen ion)	7.0 - 8.2	Maximum increments of 0.4, e.g., 7.0, 7.4, 7.8, 8.2, Preferred increments of 0.2, e.g., 7.0, 7.2... 8.0, 8.2	±50% of the difference of incremental readings
Cyanuric acid	20 - 100 ppm	20 ppm	±10
Alkalinity	0 - 300 ppm	20 ppm	±10
Temperature	60 - 110°F	Shall have increments of less than or equal to 2°F, e.g., 60, 62, 64 ... 108, 110	±2°F

* Operators who demonstrate the ability to accurately perform test kit dilutions may be allowed to use test kits with a chlorine range of 1.5 - 5.0 ppm, thereby using dilutions to read up to 10 ppm.

PERMANENT

NEW SECTION

WAC 246-260-99901 Appendix B—Personnel training and certifications.

**Table 131.1
Personnel Training and Certifications**

PERSONNEL	TRAINING RECOGNIZED	CERTIFYING AGENCIES*
Lifeguards	Lifeguarding, CPR, and First Aid.	ARC, YMCA, Lifesaving Society, E&A, ALTI, Starguard
Shallow Water Lifeguards	Shallow Water Lifeguard or Bronze Cross Award, CPR, and First Aid.	E&A, Lifesaving Society
SCUBA Instruction	Master SCUBA Diver Trainer or Master SCUBA Diver Instructor (PADI). SCUBA Instructor, Assistant Instructor, or Dive-master (NAUI).	PADI, NAUI
Swim Coaches	Swim Coaches Safety Training, CPR and First Aid.	ARC, YMCA
Dive Coaches	Safety Training for Competitive Diving Coaches Option A or Safety Training for Competitive Diving Coaches Renewal Option A; and CPR & First Aid.	U.S. Diving
Attendants	Aquatic Safety Assistant or Basic Water Rescue or Water Safety Plus and CPR.	YMCA, ARC, E&A

* The department determines equivalent certifying organizations providing training.

PERMANENT

NEW SECTION

WAC 246-260-99902 Appendix C—First-aid kits for pool facilities.

**First-Aid Kits for Pool Facilities
Standard 16 Unit Kit**

	Units
Absorbent gauze 24"X72" (1 per package)	1
Adhesive bandages 1" (16 per package)	1
Bandage compresses 4" (1 per package)	2
Eye dressing (1 per package)	1
Scissors and tweezers	1
Triangular bandages 40" (1 per package)	2
Individualized antiseptic pads (3 per package)	1
Surgical gloves (2 pr. minimum, 4 recommended)	1
CPR mask (disposable or reusable type)	1
Adhesive gauze or elastic or self-adherent wrap roll material	1
Cold packs	1
First-aid cream or antibiotic ointment	1
1/2" or 1" rolls of tape (2 rolls per package)	1
Butterfly bandage	1
Knuckle or finger tip bandages	1
Body clean up parts	1
Additional units of required units	1

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-260-020 General administration.
- WAC 246-260-030 Construction permit.
- WAC 246-260-040 Operating permit.
- WAC 246-260-050 Compliance.
- WAC 246-260-060 Surveillance.
- WAC 246-260-070 Water quality standards, analysis, and sample collection.
- WAC 246-260-080 Monitoring, reporting, and recordkeeping.
- WAC 246-260-090 Swimming pool design, construction, and equipment.
- WAC 246-260-100 Operation of swimming pool facilities.
- WAC 246-260-110 Spa pool design, construction, and equipment.
- WAC 246-260-120 Operation of spa pool facilities.
- WAC 246-260-130 Wading pool design, construction, and equipment.
- WAC 246-260-140 Operation of wading pool facilities.

WAC 246-260-150	Spray pool design, construction, and equipment.
WAC 246-260-160	Operation of spray pool facilities.
WAC 246-260-170	Water recreation facility pools not in operation.
WAC 246-260-200	Water recreation industry requirements.
WAC 246-260-210	Technical advisory committee.
WAC 246-260-220	Restrictions on animals.
WAC 246-260-230	Variance.
WAC 246-260-240	Substitution.
WAC 246-260-250	Enforcement.
WAC 246-260-260	Hearings.

chapter 357-46 WAC. The WAC number referenced in the title of the rule and the body of the rule was changed to reflect the new WAC number (WAC 357-46-225).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 8, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 8, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

WSR 04-18-113
PERMANENT RULES
DEPARTMENT OF PERSONNEL

[Filed September 1, 2004, 9:40 a.m., effective July 1, 2005.]

Effective Date of Rule: July 1, 2005.

Purpose: These rules pertain to discipline of state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW. Adopted under notice filed as WSR 04-13-190 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-40-020, the reference to notification of dismissal was removed from this section. As a result of discussions with stakeholders it was determined that dismissal notification should be addressed in WAC 357-40-030.

WAC 357-40-030, language was changed in this section to address notification dismissal. As a result of discussions with stakeholders it was determined that dismissal notification should be addressed here.

WAC 357-40-050, this WAC number has been withdrawn. It was determined through discussion of the proposed rules with stakeholders that this new section should be in chapter 357-46 WAC. It has been renumbered to WAC 357-46-210.

WAC 357-40-055, this WAC number has been withdrawn. It was determined through discussion of the proposed rules with stakeholders that this new section should be in chapter 357-46 WAC. It has been renumbered to WAC 357-46-215.

WAC 357-40-060, this WAC number has been withdrawn. It was determined through discussion of the proposed rules with stakeholders that this new section should be in chapter 357-46 WAC. It has been renumbered to WAC 357-46-220.

WAC 357-40-065, this WAC number has been withdrawn. It was determined through discussion of the proposed rules with stakeholders that this new section should be in

Chapter 357-40 WAC

DISCIPLINE

NEW SECTION

WAC 357-40-010 Can an appointing authority take disciplinary action? An appointing authority may dismiss, suspend without pay, demote, or reduce the base salary of a permanent employee under his/her jurisdiction for just cause.

NEW SECTION

WAC 357-40-015 Can an appointing authority take action other than dismissal, suspension, demotion or reduction in base salary to address unsatisfactory performance? Employers may develop a corrective discipline policy that identifies actions that an appointing authority may take other than dismissal, suspension, demotion, or reduction in base salary, that represent alternative formal measures that do not deprive an employee of pay, yet still help an employee address unsatisfactory performance. Actions taken by an appointing authority in accordance with the employer's corrective discipline policy carry the same weight as disciplinary actions which impact pay.

NEW SECTION

WAC 357-40-020 When must an employee be notified of a demotion or reduction in base salary? The appointing authority must notify an employee in writing at least fifteen (15) calendar days before the effective date of the demotion or reduction in base salary.

NEW SECTION

WAC 357-40-025 What must be in the written notice of dismissal, demotion, or reduction in base salary? The

PERMANENT

notice must include the specific charge(s) and the employee's right to appeal to the board as provided in chapter 357-52 WAC.

NEW SECTION

WAC 357-40-030 What notice is required to dismiss an employee? An appointing authority may dismiss an employee with fifteen (15) calendar days' written notice or without fifteen (15) calendar days' notice as follows:

(1) An appointing authority may dismiss an employee effective immediately with pay in lieu of the fifteen (15) calendar days' notice period. As required by WAC 357-40-025 the appointing authority must still provide written notice of the specific charge(s) and the employee's rights to appeal to the board as provided in chapter 357-52 WAC.

(2) An appointing authority may dismiss an employee effective immediately without pay in lieu of the fifteen (15) calendar days' notice period if the appointing authority determines that continued employment of the employee jeopardizes the good of the service. The appointing authority must provide written notice of the immediate dismissal stating the reason(s) for dismissal, the reasons immediate action is necessary, and the employee's right to appeal to the board as provided in chapter 357-52 WAC.

NEW SECTION

WAC 357-40-035 When must an employee be notified of a suspension? An employee being suspended must be notified in writing no later than one day after the suspension takes effect.

NEW SECTION

WAC 357-40-040 What must be in the written notice of suspension? The suspension notice must include the specific charge(s) and the duration of the suspension. It must also include the employee's right to appeal to the board as provided in chapter 357-52 WAC.

NEW SECTION

WAC 357-40-045 Is there a limitation to how long an employee can be suspended? An appointing authority may not suspend without pay a permanent employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties.

WSR 04-18-114

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed September 1, 2004, 9:43 a.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: These rules pertain to layoff and separation of state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-13-030 on June 9, 2004, and WSR 04-13-190 on June 23, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 357-46-020, a subsection was added that requires employers to address in their layoff procedure the timeframe in which employees must select a layoff option. As a result of discussion with stakeholders it was determined that this addition was necessary.

WAC 357-46-025, language was added to subsection (2) stating that the employer and employee can agree to waive the fifteen-day notice period of layoff. Subsection (2)(a) and (b) were deleted from the proposed rule. As a result of discussion with stakeholders it was determined that these changes were necessary.

WAC 357-46-035, language which reads "in which the employee has held permanent status" was added to the third sentence of subsection (1)(a). In subsection (2)(a)(ii) "as defined in WAC 357-01-210" was added. The changes were made to clarify the intent of the proposed language.

WAC 357-46-120, subsection (3) was added which states that written notice may be provided using alternative methods for purposes of this rule. The change was made [to] allow employers to use alternative methods such as e-mail to notify employees of transition review period requirements.

WAC 357-46-135, language was added to subsection (1) which states that an individual's name must be removed from the layoff list when their eligibility expires. The change was made to clarify that an individual's name must be removed when his/her eligibility expires.

WAC 357-46-140, a continuance has been filed on this section.

WAC 357-46-210, this new section was originally proposed under WSR 04-13-190 as WAC 357-40-050. It was determined through discussion of the proposed rules with stakeholders that this new section should be in chapter 357-46 WAC.

WAC 357-46-215, this new section was originally proposed under WSR 04-13-190 as WAC 357-40-055. It was determined through discussion of the proposed rules with stakeholders that this new section should be in chapter 357-46 WAC.

WAC 357-46-220, this new section was originally proposed under WSR 04-13-190 as WAC 357-40-060. It was determined through discussion of the proposed rules with stakeholders that this new section should be in chapter 357-46 WAC.

WAC 357-46-225, this new section was originally proposed under WSR 04-13-190 as WAC 357-40-065. The WAC number referenced in the title of the rule and the body of the rule was changed to reflect the new WAC number. It was determined through discussion of the proposed rules with stakeholders that this new section should be in chapter 357-46 WAC.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 42, 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 42, Amended 0, Repealed 0.

Date Adopted: July 29, 2004.

E. C. Matt
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-19 issue of the Register.

PERMANENT



WSR 04-16-019**EMERGENCY RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 23, 2004, 1:36 p.m., effective July 23, 2004]

Effective Date of Rule: Immediately.

Purpose: The Division of Developmental Disabilities has received approval from the federal Centers for Medicare and Medicaid Services (CMS) to implement four home and community based service (HCBS) waivers, which replace the current community alternatives program (CAP) waiver.

These rules will clarify eligibility, service array, utilization, provider qualifications, client appeal rights and access to services. This filing includes new WAC 388-825-125 through 388-825-165; 388-825-300 through 388-825-400; and new chapter 388-845 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-825-170, 388-825-180, 388-825-190, 388-825-260, 388-825-262, 388-825-264, 388-825-266, 388-825-268, 388-825-270, 388-825-272, 388-825-276, 388-825-278, 388-825-280, 388-825-282 and 388-825-294; and amending WAC 388-825-120.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

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 approval of the HCBS waivers by CMS requires the department to implement new rules by April 1, 2004, to protect the health and welfare of eligible clients by ensuring no interruption in services to current participants in the CAP waiver occurs, and to ensure a continuation of federal matching funds under 42 C.F.R. 441, Subpart G—Home and Community Based Services—Waiver Requirements.

These rules were originally filed on an emergency basis as WSR 04-08-020. The department has filed a notice of intent to adopt permanent rules as WSR 03-20-103. Ongoing negotiations with CMS and the need to obtain extensive feedback from stakeholders have delayed the filing of proposed rules for adoption on a permanent basis until the negotiations are completed and the feedback is obtained.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 135, Amended 1, Repealed 15; 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 135, Amended 1, Repealed 15.

Date Adopted: July 20, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-120 ((~~Adjudicative proceeding~~))
When can I appeal department decisions through a fair hearing process? (1) Fair hearings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter and by chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision in this chapter shall prevail.

(2) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to ~~((an adjudicative proceeding to contest the following department actions:~~

~~((a))) a fair hearing.~~

(3) You have the right to a fair hearing to dispute the following department actions:

(a) Denial or termination of eligibility set forth in WAC 388-825-030 and 388-825-035;

~~((b)) Development or modification of the individual service plan set forth in WAC 388-825-050;~~

~~((c))) Authorization, denial, reduction, or termination of services or funds paid directly to the client set forth in WAC 388-825-055 or payment of SSP set forth in chapter 388-827 WAC authorized by DDD;~~

~~((d))) (c) Admission or readmission to, or discharge from, a residential habilitation center;~~

~~((e))) (d) Refusal to abide by your request not to send notices to any other person;~~

(e) Refusal to consult with other persons involved in your life during the process of making the decision being disputed;

(f) A decision to move you to a different type of residential service;

(g) Denial or termination of the provider of your choice;

(h) An unreasonable delay to act on an application for eligibility or service;

(i) A claim the client, former client, or applicant owes an overpayment debt((;

~~((f)) A decision of the secretary under RCW 71A.10.060 or 71A.10.070;~~

~~((g)) A decision to change a client's placement from one category of residential services to a different category of residential services.~~

(2) Adjudicative proceedings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter, and by chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision in this chapter shall govern.

~~(3) The applicant's application for an adjudicative proceeding shall be in writing and filed with the DSHS office of appeals within twenty-eight days of receipt of the decision the appellant wishes to contest.~~

~~(4) The department shall not implement the following actions while an adjudicative proceeding is pending:~~

~~(a) Termination of eligibility;~~

~~(b) Reduction or termination of service, except when the action to reduce or terminate the service is based on the availability of funding and/or service; or~~

~~(c) Removal or transfer of a client from a service, except when a condition in subsection (5)(f) of this section is present.~~

~~(5) The department shall implement the following actions while an adjudicative proceeding is pending:~~

~~(a) Denial of eligibility;~~

~~(b) Development or modification of an individual service plan;~~

~~(c) Denial of service;~~

~~(d) Reduction or termination of service when the action to reduce or terminate the service is based on the availability of funding or service;~~

~~(e) After notification of an administrative law judge's (or review judge) ruling that the appellant has caused an unreasonable delay in the proceedings; or~~

~~(f) Removal or transfer of a client from a service when:~~

~~(i) An immediate threat to the client's life or health is present;~~

~~(ii) Service termination or transfer for a specific group of clients in order to meet the intent of and comply with sections 205 and 207, chapter 371, Laws of 2002;~~

~~(iii) The client's service provider is no longer able to provide services due to:~~

~~(A) Termination of the provider's contract;~~

~~(B) Decertification of the provider;~~

~~(C) Nonrenewal of provider's contract;~~

~~(D) Revocation of provider's license; or~~

~~(E) Emergency license suspension.~~

~~(iv) The client, the parent when the client is a minor, or the guardian when the client is an adult, approves the decision.~~

~~(6) When the appellant files an application to contest a decision to return a resident of a state residential school to the community, the procedures specified in RCW 71A.10.050(2) shall govern the proceeding. These procedures include:~~

~~(a) A placement decision shall not be implemented during any period during which an appeal can be taken or while an appeal is pending and undecided unless the:~~

~~(i) Client's or the client's representative gives written consent; or~~

~~(ii) Administrative law judge (or review judge) after notice to the parties rules the appellant has caused an unreasonable delay in the proceedings.~~

~~(b) The burden of proof is on the department; and~~

~~(c) The burden of proof is whether the specific placement proposed by the department is in the best interests of the resident.~~

~~(7) The administrative law judge shall issue an initial or final order within sixty days of the department's receipt of the application for an adjudicative proceeding. When a party files~~

~~a petition for administrative review, allowed under WAC 388-02-0215 (4)(w)(x) and/or (y), the review order shall be made within sixty days of the department's receipt of the petition. The decision rendering time is extended by as many days as the proceeding is continued on motion by, or with the assent of, the appellant).~~

NEW SECTION

WAC 388-825-125 How do I request a fair hearing?

Your notice of the department decision will include instructions on how to file an appeal, where to send it, and the length of time you have to file for a hearing.

NEW SECTION

WAC 388-825-130 How long do I have to file a request for a fair hearing? You have to file a written request within twenty-eight days of receipt of the notification of the decision you are disputing with the Office of Administrative Hearings, P.O. Box 42489, Olympia, WA 98504-2489.

NEW SECTION

WAC 388-825-135 What if I need help to request an appeal? You may call the department staff person listed in your notification letter and tell them you want to appeal the decision. The department staff person will notify the office of administrative hearings on your behalf.

NEW SECTION

WAC 388-825-140 Who else can help me appeal a department decision? You can authorize anyone except an employee of the department to file an appeal on your behalf.

NEW SECTION

WAC 388-825-145 Will the department decision go into effect if I appeal? No action will be taken by the department until there is a final decision on your appeal to terminate eligibility; reduce or terminate a service or funds paid directly to you set forth in WAC 388-825-055 or the payment of SSP set forth in chapter 388-827 WAC; remove or transfer you to another residential service, or terminate your provide of choice.

NEW SECTION

WAC 388-825-150 When can the department proceed to take action during my appeal? The department will proceed to take action if:

(1) It is an eligibility denial and you are not currently an eligible client.

(2) Your DDD eligibility has expired.

(3) There is no longer funding for the service.

(4) The service no longer exists in rule or statute.

(5) The administrative law judge or review judge rules that you have caused unreasonable delay in the proceedings.

(6) You are in imminent jeopardy.

(7) Your provider is no longer qualified to provide services due to:

- (a) A lack of a contract;
- (b) Decertification;
- (c) Revocation or suspension of a license; or
- (d) Lack of required registration, certification, or licensure.

(8) The parent of a person under the age of eighteen or the legal guardian approves the department's decision.

NEW SECTION

WAC 388-825-155 What are my appeal rights if I am appealing a decision to move me from a state residential habilitation center to the community? The procedures in RCW 71A.10.050(2) govern the proceeding.

(1) No action is taken until there is a final decision on the appeal unless you or your legal representative consent or the administrative law judge rules that you have caused an unreasonable delay in the proceedings.

(2) The burden of proof is on the department.

(3) The burden of proof is whether the proposed placement is in your best interest.

NEW SECTION

WAC 388-825-160 When will a decision on my appeal be made? The administrative law judge shall issue an initial order within sixty days of the department's receipt of the application for a fair hearing. The decision-rendering time is extended by as many days as the proceeding is continued on motion by, or with the assent of, the applicant.

NEW SECTION

WAC 388-825-165 Can I appeal the initial order of the administrative law judge? You may file a petition for administrative review, allowed under WAC 388-02-0215.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-825-170	Community alternatives program (CAP).
WAC 388-825-180	Eligible persons.
WAC 388-825-190	Community alternatives program (CAP)—Services.

INDIVIDUAL PROVIDER AND AGENCY PROVIDER QUALIFICATIONS

NEW SECTION

WAC 388-825-300 What is the purpose of WAC 388-825-300 through 388-825-400? A client/legal representative may choose a qualified individual, agency, or licensed provider. The intent of WAC 388-825-300 through 388-825-400 is to describe:

(1) Qualification for individuals and agencies providing DDD services in the client's residence or the provider's residence or other setting; and

(2) Conditions under which the department will pay for the services of an individual provider or a home care agency provider or other provider.

NEW SECTION

WAC 388-825-305 What service providers are governed by the qualifications in these rules? These rules govern individuals and agencies contracted with to provide:

(1) Respite care services;

(2) Companion home services;

(3) Personal care services through the Medicaid Personal Care program or DDD HCBS Basic, Basic Plus, or CORE waivers; or

(4) Alternative living services.

NEW SECTION

WAC 388-825-310 What are the qualifications for providers? (1) Individuals and agency providers of Medicaid personal care (chapter 388-71 and 388-72A WAC) and DDD HCBS waiver personal care (chapter 388-845 WAC) must meet the qualifications and training requirements in WAC 388-71-0500 through 388-71-05909.

(2) Individuals and agencies providing nonwaiver DDD home and community based services (HCBS) in the client's residence or the provider's residence or other setting must meet the requirements in WAC 388-825-300 through 388-825-400.

(3) Individuals and agencies providing HCBS waiver services must meet the provider qualifications in chapter 388-845 WAC for the specific service.

(4) Parent providers are excluded from providing services to their own natural, step, or adopted children aged seventeen or younger.

(5) Agencies/entities providing certified residential services under chapter 388-820 WAC must meet the provider qualifications in those program rules.

(6) Companion home providers are excluded from providing respite care, attendant care, personal care, or alternative living services in addition to their companion home contract.

NEW SECTION

WAC 388-825-315 How do I hire an individual provider? You or your legal representative:

(1) Have the primary responsibility for locating, screening, hiring, supervising, and terminating an individual provider;

(2) Establish an employer/employee relationship with the provider; and

(3) May receive assistance from the social worker/case manager or other resources in this process.

NEW SECTION

WAC 388-825-320 How does a person become an individual provider? In order to become an individual provider, a person must:

- (1) Be eighteen years of age or older.
- (2) Provide the social worker/case manager/designee with:

- (a) Picture identification; and
- (b) A Social Security card.

(3) Complete and submit to the social worker/case manager/designee the department's criminal conviction background inquiry application, unless the provider is also the parent of the adult DDD client and exempted, per chapter 74.15 RCW.

(a) Preliminary results may require a thumbprint for identification purposes.

(b) An FBI fingerprint-based background check is required if the person has lived in the state of Washington less than three years.

- (4) Provide references as requested.
- (5) Sign a service provider contract to provide services to a DDD client.

NEW SECTION

WAC 388-825-325 What are required skills and abilities for this job? You must be able to:

- (1) Adequately maintain records of services performed and payments received;
- (2) Read and understand the person's service plan. Translation services may be used if needed;
- (3) Be kind and caring to the DSHS client for whom services are authorized;
- (4) Identify problem situations and take the necessary action;
- (5) Respond to emergencies without direct supervision;
- (6) Understand the way your employer wants you to do things and carry out instructions;
- (7) Work independently;
- (8) Be dependable and responsible;
- (9) Know when and how to contact the client's representative and the client's case manager;
- (10) Participate in any quality assurance reviews required by DSHS;
- (11) If you are working with an adult client of DSHS as a provider of alternative living, attendant care or companion home services, you must also:
 - (a) Be knowledgeable about the person's preferences regarding the care provided;
 - (b) Know the resources in the community the person prefers to use and enable the person to use them;
 - (c) Know who the person's friends are and enable the person to see those friends; and
 - (d) Enable the person to keep in touch with his/her family as preferred by the person.

NEW SECTION

WAC 388-825-330 What is required for agencies wanting to provide care in the home of a person with

developmental disabilities? (1) Unless the agency is certified per chapter 388-820 WAC, agencies providing personal care services must be licensed as a home care agency or a home health agency through the department of health.

(2) If a residential agency certified per chapter 388-820 WAC wishes to provide Medicaid personal care or respite care in the client's home, the agency must have home care agency certification or a home health license.

NEW SECTION

WAC 388-825-335 Is a background check required of a home care agency provider? In order to be a home care agency provider, a person must complete the department's criminal conviction background inquiry application, which is submitted by the agency to the department. This includes an FBI fingerprint-based background check if the home care agency provider has lived in the state of Washington less than three years.

NEW SECTION

WAC 388-835-340 What is required for a provider to provide respite or residential service in their home? Unless you are related to the client, services must take place in a DSHS licensed home.

NEW SECTION

WAC 388-825-345 What "related" providers are exempt from licensing? (1) Relatives of a specified degree are exempt from the licensing requirement and may provide out-of-home respite in their home.

(2) Relatives of specified degree include parents, grandparents, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, first cousin, niece or nephew.

NEW SECTION

WAC 388-825-355 Are there any educational requirements for individual providers? (1) If you are a Medicaid personal care provider of adults, you must meet the training requirements in WAC 388-71-05665 through 388-71-05909.

(2) If you are an individuals contracted to provide companion homes services, you must:

- (a) Have a high school diploma or GED;
- (b) Successfully complete DDD specialty training within the first six months of beginning service; and
- (c) Complete ten hours of continuing education related to the job responsibilities each subsequent calendar year.

(3) If you are an MPC provider of children, or a provider of respite care, or alternative living there is no required training but DDD retains the authority to require training of any provider.

NEW SECTION

WAC 388-825-360 What is "abandonment of a vulnerable adult"? State law makes it a crime to abandon a vulnerable adult. "Abandon" means leaving a person without

the means or ability to obtain any of the basic necessities of life.

(1) If you wish to "quit" or terminate your employment, you must give at least two weeks written notice to your employer, their representative (if applicable) and the DDD case manager.

(2) You will be expected to continue working until the termination date unless otherwise determined by DSHS.

NEW SECTION

WAC 388-825-365 Are providers expected to report abuse? You are expected to report any abuse or suspected abuse immediately to child protective services, adult protective services or local law enforcement and make a follow-up call to the person's case manager.

NEW SECTION

WAC 388-825-370 What are the responsibilities of an individual provider or home care agency provider when employed to provide care to a client? An individual provider or home care agency provider must:

(1) Understand the client's service plan that is signed by the client or legal representative and social worker/case manager, and translated or interpreted, as necessary, for the client and the provider;

(2) Provide the services as outlined on the client's service plan, within the scope of practice in WAC 388-71-0202 and 388-71-0203;

(3) Accommodate client's individual preferences and differences in providing care, within the scope of the service plan;

(4) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the service plan;

(5) Observe the client for change(s) in health, take appropriate action, and respond to emergencies;

(6) Notify the case manager immediately when the client enters a hospital, or moves to another setting;

(7) Notify the case manager immediately if the client dies;

(8) Notify the department immediately when unable to staff/serve the client; and

(9) Notify the department when the individual provider or home care agency will no longer provide services. Notification to the client/legal guardian must:

(a) Give at least two weeks' notice, and

(b) Be in writing.

(10) Complete and keep accurate time sheets that are accessible to the social worker/case manager; and

(11) Comply with all applicable laws, regulations and contract requirements.

NEW SECTION

WAC 388-825-375 When will the department deny payment for services of an individual provider or home care agency provider? The department will deny payment for the services of an individual provider or home care agency provider who:

(1) Is the client's spouse, per 42 C.F.R. 441.360(g), except in the case of an individual provider for a Chore services client. Note: For Chore spousal providers, the department pays a rate not to exceed the amount of a one-person standard for a continuing general assistance grant, per WAC 388-478-0030;

(2) Is the natural/step/adoptive parent of a minor client aged seventeen or younger receiving services under this chapter;

(3) Has been convicted of a disqualifying crime, under RCW 43.43.830 and 43.43.842 or of a crime relating to drugs as defined in RCW 43.43.830;

(4) Has abused, neglected, abandoned, or exploited a minor or vulnerable adult, as defined in chapter 74.34 RCW;

(5) Has had a license, certification, or a contract for the care of children or vulnerable adults denied, suspended, revoked, or terminated for noncompliance with state and/or federal regulations;

(6) Does not successfully complete the training requirements within the time limits required in WAC 388-71-05665 through 388-71-05909;

(7) Is already meeting the client's needs on an informal basis, and the client's assessment or reassessment does not identify any unmet need; and/or

(8) Is terminated by the client (in the case of an individual provider) or by the home care agency (in the case of an agency provider).

(9) In addition, the department may deny payment to or terminate the contract of an individual provider as provided under WAC 388-71-0546, 388-71-0551, and 388-71-0556.

NEW SECTION

WAC 388-825-380 When can the department reject the client's choice of an individual provider? The department may reject a client's request to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the person will be unable to appropriately meet the client's needs. Examples of circumstances indicating an inability to meet the client's needs could include, without limitation:

(1) Evidence of alcohol or drug abuse;

(2) A reported history of domestic violence, no-contact orders, or criminal conduct (whether or not the conduct is disqualifying under RCW 43.43.830 and 43.43.842);

(3) A report from the client's health care provider or other knowledgeable person that the requested provider lacks the ability or willingness to provide adequate care;

(4) Other employment or responsibilities that prevent or interfere with the provision of required services;

(5) Excessive commuting distance that would make it impractical to provide services as they are needed and outlined in the client's service plan.

NEW SECTION

WAC 388-825-385 When can the department terminate or summarily suspend an individual provider's contract? The department may take action to terminate an individual provider's contract if the provider's inadequate performance or inability to deliver quality care is jeopardizing the

client's health, safety, or well-being. The department may summarily or immediately suspend the contract pending a hearing based on a reasonable, good faith belief that the client's health, safety, or well-being is in imminent jeopardy. Examples of circumstances indicating jeopardy to the client could include, without limitation:

- (1) Domestic violence or abuse, neglect, abandonment, or exploitation of a minor or vulnerable adult;
- (2) Using or being under the influence of alcohol or illegal drugs during working hours;
- (3) Other behavior directed toward the client or other persons involved in the client's life that places the client at risk of harm;
- (4) A report from the client's health care provider that the client's health is negatively affected by inadequate care;
- (5) A complaint from the client or client's representative that the client is not receiving adequate care;
- (6) The absence of essential interventions identified in the service plan, such as medications or medical supplies; and/or
- (7) Failure to respond appropriately to emergencies.

NEW SECTION

WAC 388-825-390 When can the department otherwise terminate an individual provider's contract? The department may otherwise terminate the individual provider's contract for default or convenience in accordance with the terms of the contract and to the extent that those terms are not inconsistent with these rules.

NEW SECTION

WAC 388-825-395 What are the client's rights if the department denies, terminates, or summarily suspends an individual provider's contract? If the department denies, terminates, or summarily (immediately) suspends the individual provider's contract, the client has the right to:

- (1) A fair hearing to appeal the decision, per chapter 388-02 WAC and WAC 388-825-120; and
- (2) Receive services from another currently contracted individual provider or home care agency provider, or other options the client is eligible for, if a contract is summarily suspended.
- (3) The hearing rights afforded under this section are those of the client, not the individual provider.

NEW SECTION

WAC 388-825-400 Self-directed care—Who must direct self-directed care? Self-directed care under chapter 74.39 RCW must be directed by an adult client for whom the health-related tasks are provided. The adult client is responsible to train the individual provider in the health-related tasks which the client self-directs.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-825-260 What are qualifications for individual service providers?
- WAC 388-825-262 What services do individuals provide for persons with developmental disabilities?
- WAC 388-825-264 If I want to provide services to persons with developmental disabilities, what do I do?
- WAC 388-825-266 If I want to provide respite care in my home, what is required?
- WAC 388-825-268 What is required for agencies wanting to provide care in the home of a person with developmental disabilities?
- WAC 388-825-270 Are there exceptions to the licensing requirement?
- WAC 388-825-272 What are the minimum requirements to become an individual provider?
- WAC 388-825-276 What are required skills and abilities for this job?
- WAC 388-825-278 Are there any educational requirements for individual providers?
- WAC 388-825-280 What are the requirements for an individual supportive living service (also known as a companion home) contract?
- WAC 388-825-282 What is "abandonment of a vulnerable adult"?
- WAC 388-825-284 Are providers expected to report abuse?

Chapter 388-845 WAC

DDD HOME AND COMMUNITY BASED SERVICES WAIVERS

NEW SECTION

WAC 388-845-0010 What are home and community based services (HCBS) waivers? (1) Home and community based services (HCBS) waivers are approved by the Centers For Medicare and Medicaid Services (CMS) under section 1915(c) of the Social Security Act as an alternative to intermediate care facility for the mentally retarded (ICF/MR) care.

EMERGENCY

(2) Certain federal regulations are "waived" enabling the provision of services in the home and community to individuals who would otherwise require services.

NEW SECTION

WAC 388-845-0015 What HCBS waivers are provided by the division of developmental disabilities (DDD)? DDD is replacing its community alternative program (CAP) waiver with four HCBS waivers:

- (1) Basic waiver;
- (2) Basic Plus waiver;
- (3) CORE waiver; and
- (4) Community Protection waiver.

NEW SECTION

WAC 388-845-0020 When are these four HCBS waivers effective? These four DDD HCBS waivers are effective April 1, 2004 for all persons enrolled on the CAP waiver March 31, 2004.

NEW SECTION

WAC 388-845-0025 Does this change in waivers affect the waiver services I am currently receiving? Your services will not be disrupted with this transfer to new waivers.

- (1) Your current services will continue as authorized in your current CAP waiver plan.
- (2) At the time of your next waiver plan of care after March 31, 2004, the rules and limits of your new waiver will apply.

NEW SECTION

WAC 388-845-0030 Do I meet criteria for HCBS waiver-funded services? If you are on the CAP waiver as of March 31, 2004, your waiver eligibility continues until your plan of care review. You meet criteria for DDD HCBS waiver funded services if you meet all of the following:

- (1) You have been determined eligible for DDD services per RCW 71A.10.020(3).
- (2) You have been determined to meet ICF/MR level of care per WAC 388-845-0070 through 388-845-0090.
- (3) You meet disability criteria established in the Social Security Act.
- (4) You meet financial eligibility requirements as defined in WAC 388-515-1510.
- (5) You choose to receive services in the community rather than in an ICF/MR facility.
- (6) You have a need for waiver services as identified in your plan of care.

NEW SECTION

WAC 388-845-0035 Am I guaranteed placement on a waiver if I meet waiver criteria? If you are not currently on a waiver, meeting criteria for the waiver does not guarantee access to or receipt of waiver services.

NEW SECTION

WAC 388-845-0040 Is there a limit to the number of people who can be on each HCBS waiver? Each waiver has a limit on the number of people who can be served in a waiver year. In addition, DDD has the authority to limit access to the waivers based on availability of funding for new waiver participants.

NEW SECTION

WAC 388-845-0045 When there is capacity to add people to a waiver, how does DDD determine who will be added? When there is capacity on a waiver and available funding for new waiver participants, DDD may add people to a waiver based on the following priority considerations.

- (1) First priority will be given to current waiver participants assessed to require a different waiver because their needs have increased and these needs cannot be met within the scope of their current waiver.
- (2) DDD may also consider any of the following populations:
 - (a) Priority populations as identified and funded by the legislature.
 - (b) Persons DDD has determined to be in immediate risk of ICF/MR admission due to unmet health and safety needs.
 - (c) Persons identified as a risk to the safety of the community.
 - (d) Persons currently receiving services through state-only funds.
 - (e) Persons on an HCBS waiver that provides services in excess of what is needed to meet their identified health and welfare needs.
- (3) For the Basic waiver only, DDD may consider persons who need the waiver services available in the Basic waiver to maintain them in their family's home.

NEW SECTION

WAC 388-845-0050 How do I request to be enrolled in a waiver? You can contact DDD and request to be enrolled in a waiver at any time.

- (1) Your request for waiver enrollment will be documented by DDD in a statewide database if DDD determines that you:
 - (a) Meet the criteria for a priority populations in WAC 388-845-0045, and
 - (b) Have ICF/MR level of care needs per WAC 388-845-0070 through 388-845-0090.
- (2) When there is capacity available to enroll additional people in a waiver, WAC 388-845-0045 describes how DDD will determine who will be added.

NEW SECTION

WAC 388-845-0055 How do I remain eligible for the waiver? If you are already on a HCBS waiver, you must continue to meet eligibility criteria.

- (1) DDD completes a reassessment at least every twelve months to determine if you continue to meet all of the eligibility requirements in WAC 388-845-0030.

(2) You must receive a waiver service at least once in every thirty consecutive days, as specified in WAC 388-513-1320 (3)(b).

(3) Your reassessments must be done in-person and may be completed more often if your functional, financial, or other significant circumstances change.

NEW SECTION

WAC 388-845-0060 Can my waiver eligibility be terminated? DDD may terminate your waiver eligibility if DDD determines that your health and safety needs cannot be met in your current waiver or for one of the following reasons:

(1) You no longer meet one of the requirements listed in WAC 388-845-0030;

(2) You no longer need or use waiver services;

(3) You are in the Community Protection waiver and choose not to be served by a certified residential community protection provider-intensive supported living services (CP-ISLS);

(4) You choose to disenroll from the waiver;

(5) You reside out of state;

(6) You cannot be located or do not make yourself available for the annual waiver reassessment of eligibility;

(7) You refuse to participate with DDD in:

(a) Service planning,

(b) Required quality assurance and program monitoring activities, or

(c) Accepting services agreed to in your plan of care as necessary to meet your health and safety needs.

(8) You are residing in hospital, jail, prison, nursing facility, ICF/MR, or other institution and remain in residence at least one full calendar month, and are still in residence:

(a) At the time your annual waiver reassessment is due; or

(b) On March 31st, the end of the waiver fiscal year, whichever date occurs first.

NEW SECTION

WAC 388-845-0065 What happens if I am terminated or choose to disenroll from a waiver? If you are terminated from a waiver or choose to disenroll from a waiver, DDD will notify you.

(1) DDD cannot guarantee continuation of your current services, including Medicaid eligibility.

(2) Your eligibility for nonwaiver DDD services is based upon availability of funding and program eligibility for a particular service.

NEW SECTION

WAC 388-845-0070 What determines if I need ICF/MR level of care? DDD determines if you need ICF/MR level of care based on your need for waiver services. To reach this decision, DDD uses its department-approved assessment and/or other information.

NEW SECTION

WAC 388-845-0075 How is a child age twelve or younger assessed for ICF/MR level of care? If you are age twelve or younger, DDD assesses you for ICF/MR level of care using the "child's assessment of ICF/MR level of care—current support needs" form. You must have support needs exceeding what is expected of others of the same age.

NEW SECTION

WAC 388-845-0080 What score indicates ICF/MR level of care if I am age twelve or younger? (1) If you are age five or younger you need major or moderate support in five of nine tasks;

(2) If you are age six through twelve, you need major or moderate support in seven of nine of the following tasks.

(3) The form indicates certain tasks that require major support and which require moderate or major support.

(a) Major support for:

(i) Dressing and grooming self,

(ii) Toileting self.

(b) Major or moderate support for:

(i) Eating,

(ii) Mobility,

(iii) Communication,

(iv) Making choices and taking responsibility,

(v) Exploring one's environment,

(vi) Supports needed to meet therapy and health needs

(vii) Family/caregiver support required to maintain the child at home.

NEW SECTION

WAC 388-845-0085 How is a person age thirteen or older assessed for ICF/MR level of care? If you are age thirteen and older, DDD assesses you for ICF/MR level of care using the "assessment of ICF/MR level of care—current support needs" form.

NEW SECTION

WAC 388-845-0090 What score indicates ICF/MR level of care if I am age thirteen or older? If you are age thirteen or older, you must have a qualifying score of at least forty in response to twenty questions assessing your residential, school or employment, and social support needs.

NEW SECTION

WAC 388-845-0095 What if my score on the current needs assessment does not indicate ICF/MR level of care?

(1) If you do not have a qualifying score for determining ICF/MR level of care using the department approved assessment, you may provide DDD other current information that provides evidence of your need for waiver services.

(2) This additional information may include occupational therapy (OT), physical therapy (PT), psychological, nursing, social work, speech and hearing, or other professional evaluations that reflect current needs.

NEW SECTION

WAC 388-845-0100 What determines which waiver I am assigned to? DDD will assign you to a waiver based on the following criteria:

- (1) If you are on the CAP waiver as of March 2004, your initial assignment to the Basic, Basic Plus, CORE, or Community Protection waiver is based on:
 - (a) Services you received from DDD in October 2002 through September 2003; and
 - (b) Services you were authorized to receive in October, November and December 2003.
- (2) If you are new to a waiver since April 1, 2004, assignment is based on your assessment and service plan.
- (3) Additional criteria apply to the assignment to the Community Protection waiver.

NEW SECTION

WAC 388-845-0105 What criteria determine assignment to the Community Protection waiver? DDD may assign you to the Community Protection waiver only if you are at least eighteen years of age, not currently residing in a hospital, jail or other institution, and meet the following criteria:

- (1) You have been identified by DDD as a person who meets one or more of the following:
 - (a) You have been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW;
 - (b) You have been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or persons of casual acquaintance with whom no substantial personal relationship exists;
 - (c) You have been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger as determined by a qualified professional;
 - (d) You have not been convicted and/or charged, but you have a history of stalking, sexually violent, predatory and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence, as determined by a qualified professional;
 - (e) You have committed one or more violent crimes.
- (2) You receive or agree to receive residential services from certified residential community protection provider-intensive supported living services (CP-ISLS); and
- (3) You comply with the specialized supports and restrictions in your:
 - (a) Plan of care (POC);
 - (b) Individual instruction and support plan (IISP); and/or
 - (c) Treatment plan provided by DDD approved certified individuals and agencies.

NEW SECTION

WAC 388-845-0110 Are there limitations to the waiver services I can receive? There are limitations to waiver services. In addition to the limitations to your access to nonwaiver services cited for specific services in WAC 388-845-0115, the following limitations apply:

- (1) A service must be offered in your waiver and authorized in your plan of care.
- (2) Waiver services are limited to services required to prevent ICF/MR placement.
- (3) The cost of your waiver services cannot exceed the average daily cost of an ICF/MR.
- (4) Waiver services cannot replace or duplicate other available paid and unpaid supports and services, including payments authorized to you by DDD to purchase a service directly.
- (5) Waiver funding cannot be authorized for treatments determined by DSHS/medical assistance to be experimental.
- (6) The Basic and Basic Plus waivers have yearly limits on some services and combinations of services.
- (7) Your choice of qualified providers and services is limited to the most cost effective option that meets your assessed needs.
- (8) Services out-of-state are limited to respite care and personal care during vacations.
- (9) Other out-of-state waiver services require an approved exception to rule before DDD can authorize payment.

NEW SECTION

WAC 388-845-0115 Does my waiver eligibility limit my access to DDD nonwaiver services? If you are enrolled in a DDD HCBS waiver:

- (1) You are not eligible for state-only funding for DDD services.
- (2) You are not eligible for Medicaid personal care.

NEW SECTION

WAC 388-845-0120 Will I continue to receive state supplementary payments (SSP) if I am on the waiver? Your participation in the new waivers does not affect your continued receipt of SSP from DDD.

NEW SECTION

WAC 388-845-0200 What waiver services are available to me? Each of the four HCBS waivers has a different scope of service and your service plan defines the waiver services available to you.

NEW SECTION

WAC 388-845-0205 Basic waiver services.

	SERVICES	YEARLY LIMIT
BASIC WAIVER	Behavior management and consultation Community guide Environmental accessibility adaptations Specialized medical equipment/supplies Occupational therapy Specialized psychiatric services	May not exceed \$1425 per year on any combination of these services

EMERGENCY

	SERVICES	YEARLY LIMIT
	Physical therapy Respite care Speech, hearing and language services Staff/family consultation and training Transportation	
	Person-to-person Supported employment Community access Prevocational services	May not exceed \$6500 per year
	Personal care	Limits are determined by CARE assessment
	Mental health diversion services: Behavior management and consultation Crisis respite care Specialized psychiatric services	Limits determined by mental health or DDD
	Emergency assistance is only for services contained in the Basic waiver	\$6000 per year; Preauthorization required

NEW SECTION

WAC 388-845-0210 Basic Plus waiver services.

	SERVICES	YEARLY LIMIT
BASIC PLUS WAIVER	Behavior management and consultation Community guide Environmental accessibility adaptations Specialized medical equipment/supplies Occupational therapy Specialized psychiatric services Physical therapy Respite care Skilled nursing Speech, hearing and language services Staff/family consultation and training Transportation	May not exceed \$6070 per year on any combination of these services
	Person-to-person Supported employment Community access Prevocational services	May not exceed \$9500 per year
	Adult foster care (adult family home) Adult residential care (boarding home)	Determined per department rate structure
	Mental health diversion services: Behavior management and consultation Crisis respite care Specialized psychiatric services Skilled nursing	Limits determined by mental health or DDD
	Personal care	Limits determined by the CARE assessment

	SERVICES	YEARLY LIMIT
	Emergency assistance is only for services contained in the Basic Plus waiver	\$6000 per year; Preauthorization required

NEW SECTION

WAC 388-845-0215 CORE waiver services.

	SERVICES	YEARLY LIMIT
CORE WAIVER	Behavior management and consultation Community guide Environmental accessibility adaptations Specialized medical equipment/supplies Occupational therapy Specialized psychiatric services Physical therapy Respite care Skilled nursing Speech, hearing and language services Staff/family consultation and training Transportation	Limited to the average cost of an ICF/MR for any combination of services
	Residential habilitation	
	Person-to-person Supported employment Community access Prevocational services	
	Personal care	Limited by CARE assessment

NEW SECTION

WAC 388-845-0220 Community protection waiver services.

	SERVICES	YEARLY LIMIT
COMMUNITY PROTECTION WAIVER	Behavior management and consultation Environmental accessibility adaptations Specialized medical equipment/supplies Occupational therapy Specialized psychiatric services Physical therapy Skilled nursing Speech, hearing and language services Staff/family consultation and training Transportation	Limited to the average cost of an ICF/MR for any combination of services
	Residential habilitation	
	Person-to-person Supported employment Prevocational services	

EMERGENCY

WAVIER SERVICES DEFINITIONS

NEW SECTION

WAC 388-845-0300 What are adult family home (AFH) services? Per RCW 70.128.010 an adult family home (AFH) is a regular family abode in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the service. Adult family homes (AFH) may provide residential care to adults in the Basic Plus waiver.

NEW SECTION

WAC 388-845-0305 Who is a qualified provider of AFH services? The provider of AFH services must be licensed and ADSA contracted as an AFH who has successfully completed the DDD specialty training provided by the department.

NEW SECTION

WAC 388-845-0310 Are there limits to the AFH services I can receive? Adult family homes services are limited by the following:

(1) AFH services are defined and limited per chapter 388-72A and 388-71 WAC governing Medicaid personal care and the comprehensive assessment and reporting evaluation (CARE) or the legacy comprehensive assessment.

(2) Rates are determined by and limited to department published rates for the level of care generated by CARE or the legacy comprehensive assessment.

(3) AFH reimbursement cannot be supplemented by other department funding.

NEW SECTION

WAC 388-845-0400 What are adult residential care (ARC) services? Adult residential care (ARC) facilities may provide residential care to adults. This service is available in the Basic Plus waiver.

(1) An ARC is a licensed boarding home for seven or more unrelated adults.

(2) Services include, but are not limited to, individual and group activities; assistance with arranging transportation; assistance with obtaining and maintaining functional aids and equipment; housework; laundry; self-administration of medications and treatments; therapeutic diets; cuing and providing physical assistance with bathing, eating, dressing, locomotion and toileting; stand-by one person assistance for transferring.

NEW SECTION

WAC 388-845-0405 Who is a qualified provider of ARC services? The provider of ARC services must:

- (1) Be a licensed boarding home;
 - (2) Be contracted with ADSA to provide ARC services;
- and

(3) Have completed the required and approved DDD specialty training.

NEW SECTION

WAC 388-845-0410 Are there limits to the ARC services I can receive? ARC services are limited by the following:

(1) ARC services are defined and limited by boarding home licensure and rules and chapter 388-72A and 388-71 WAC governing Medicaid personal care and the comprehensive assessment and reporting evaluation (CARE) or the legacy comprehensive assessment.

(2) Rates are determined and limited to department published rates for the level of care generated by CARE or the legacy comprehensive assessment.

(3) ARC reimbursement cannot be supplemented by other department funding.

NEW SECTION

WAC 388-845-0500 What is behavior management and consultation? Behavior management interventions and consultation may be provided to persons on any of the HCBS waivers and include:

(1) The development and implementation of programs designed to support waiver participants to behave in ways that enhance their inclusion in the community.

(2) Strategies for effectively relating to caregivers and other people in the waiver participant's life.

(3) Direct interventions with the person to decrease aggressive, destructive, and sexually inappropriate or other behaviors that compromise their ability to remain in the community (i.e., training, specialized cognitive counseling).

NEW SECTION

WAC 388-845-0505 Who is a qualified provider of behavior management or consultation? The provider of behavior management or consultation must be one of the following licensed, registered, or certified professionals contracted with DDD to provide this service:

(1) Marriage and family therapist (chapter 246-809 WAC);

(2) Mental health counselor (chapter 246-809; 246-810 WAC);

(3) Psychologist (chapter 246-924 WAC);

(4) Registered counselor (chapter 246-810 WAC);

(5) Sex offender treatment provider (chapter 246-930 WAC);

(6) Social worker (chapter 246-809 WAC).

NEW SECTION

WAC 388-845-0510 Are there limits to the behavior management and consultation I can receive? The following limits apply to your receipt of behavior management or consultation:

(1) DDD and the treating professional will determine the need and amount of service you will receive, subject to the limitations in subsection (2) below.

(2) The dollar limitations in your Basic and Basic Plus waiver limit the amount of service.

(3) DDD reserves the right to require a second opinion from a department-selected provider.

NEW SECTION

WAC 388-845-0600 What is community access?

Community access is a service provided in the community to enhance or maintain the person's competence, integration, physical or mental skills.

(1) If you are age sixty-one or younger, the goal of community access is to help you progress towards employment.

(2) If you are age sixty-two or older, this service is available to meet your retirement needs.

(3) This service is available to adults in the Basic, Basic Plus, and CORE waiver.

NEW SECTION

WAC 388-845-0605 Who is a qualified provider of community access? The provider of community access must be a county or person or agency contracted with a county or DDD.

NEW SECTION

WAC 388-845-0610 Are there limits to community access I can receive? The following limits apply to your receipt of community access:

(1) You must be age twenty-one and graduated from high school or age twenty-two or older.

(2) You cannot be authorized to receive community access services if you receive pre-vocational services or supported employment services.

NEW SECTION

WAC 388-845-0700 What is a community guide service? Community guide service increases access to informal community supports. Services are short-term and designed to develop creative, flexible and supportive community resources for individuals with developmental disabilities. This service is available in Basic, Basic Plus and CORE waivers.

NEW SECTION

WAC 388-845-0705 Who is a qualified community guide? Any individual or agency contracted with DDD as a "community guide" is qualified to provide this service.

NEW SECTION

WAC 388-845-0710 Are there limitations to the community guide services I can receive? You may not receive community guide services if you are receiving residential habilitation services because your residential provider can meet this need.

NEW SECTION

WAC 388-845-0800 What is emergency assistance?

Emergency assistance is a temporary increase to the yearly dollar limit specified in the Basic and Basic Plus waiver when additional waiver services are required to prevent ICF/MR placement. These additional services are limited to the services provided in your waiver.

NEW SECTION

WAC 388-845-0805 Who is a qualified provider of emergency assistance? The provider of the service you need to meet your emergency must meet the provider qualifications for that service.

NEW SECTION

WAC 388-845-0810 How do I qualify for emergency assistance? You qualify for emergency assistance only if you have used all of your waiver funding and your current situation meets one of the following criteria:

(1) You involuntarily lose your present residence for any reason either temporary or permanent;

(2) You lose your present caregiver for any reason, including death;

(3) There are changes in your caregiver's mental or physical status resulting in the caregiver's inability to perform effectively for the individual;

(4) There are significant changes in your emotional or physical condition that requires a temporary increase in the amount of a waiver service.

NEW SECTION

WAC 388-845-0820 Are there limits to my use of emergency assistance? All of the following limitations apply to your use of emergency assistance:

(1) Prior authorization is required based on a reassessment of your plan of care to determine the need for emergency services;

(2) Payment authorizations are reviewed every thirty days and cannot exceed six thousand dollars per twelve months based on the effective date of your current plan of care (POC);

(3) Emergency services are limited to the scope of services in your waiver;

(4) Emergency Assistance may be used for interim services until:

(a) The emergency situation has been resolved; or

(b) You are transferred to alternative supports that meet your assessed needs; or

(c) You are transferred to an alternate waiver that provides the service you need.

NEW SECTION

WAC 388-845-0900 What are environmental accessibility adaptations? (1) Environmental accessibility adaptations are available in all of the HCBS waivers and provide the

physical adaptations to the home required by the individual's plan of care needed to:

(a) Ensure the health, welfare and safety of the individual; or

(b) Enable the individual who would otherwise require institutionalization to function with greater independence in the home.

(2) Environmental accessibility adaptations may include the installation of ramps and grab bars, widening of doorways, modification of bathroom facilities, or installing specialized electrical and/or plumbing systems necessary to accommodate the medical equipment and supplies that are necessary for the welfare of the individual.

NEW SECTION

WAC 388-845-0905 Who is a qualified provider for building these environmental accessibility adaptations? The provider making these environmental accessibility adaptations must be a registered contractor per chapter 18.27 RCW and contracted with DDD.

NEW SECTION

WAC 388-845-0910 What limitations apply to environmental accessibility adaptations? The following service limitations apply to environmental accessibility adaptations:

(1) Prior approval by DDD is required.

(2) Environmental accessibility adaptations or improvements to the home are excluded if they are of general utility without direct medical or remedial benefit to the individual, such as carpeting, roof repair, central air conditioning, etc.

(3) Environmental accessibility adaptations cannot add to the total square footage of the home.

NEW SECTION

WAC 388-845-1000 What are extended state plan services? Extended state plan services refer to physical therapy, occupational therapy, speech hearing and language services available to you under Medicaid without regard to your waiver status. They are "extended" services when the waiver pays for more services than is provided under the state Medicaid plan. These services are available under all four HCBS waivers.

NEW SECTION

WAC 388-845-1010 Who is a qualified provider of extended state plan services? Providers of extended state plan services must be certified, registered or licensed therapists as required by law and contracted with DDD for the therapy they are providing.

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

NEW SECTION

WAC 388-845-1015 Are there limits to the extended state plan services I can receive? (1) Additional therapy may be authorized as a waiver service only after you have

accessed what is available to you under Medicaid and any other private health insurance plan;

(2) The department does not pay for treatment determined by DSHS to be experimental;

(3) The department and the treating professional determine the need for and amount of service you can receive:

(a) The department reserves the right to require a second opinion from a department-selected provider.

(b) The department will require evidence that you have accessed your full benefits through Medicaid and private insurance before authorizing this waiver service.

(4) The Basic and Basic Plus waivers limit the amount of service you can receive.

NEW SECTION

WAC 388-845-1100 What are mental health diversion services? Mental health diversion services stabilize persons in crisis due to a mental health disorder. These services are available in all four waivers to adults determined by mental health professionals or DDD to be at risk of institutionalization in a psychiatric hospital without one of more of the following services.

(1) Behavior management and consultation,

(2) Skilled nursing services,

(3) Specialized psychiatric services,

(4) Mental health crisis respite for the purpose of crisis stabilization.

NEW SECTION

WAC 388-845-1105 Who are qualified providers of mental health diversion services? Providers of these mental health diversion services are listed in the rules in this chapter governing the specific services listed in WAC 388-845-1100.

NEW SECTION

WAC 388-845-1110 Are there limitations to the mental health diversion services that I can receive? Mental health diversion services are intermittent and temporary. The duration and amount of services you need to stabilize your crisis is determined by a mental health professional and/or DDD.

NEW SECTION

WAC 388-845-1200 What is a "person-to-person" service? "Person-to-person" is a day program service intended to assist participants to progress toward employment goals through individualized planning, skill instruction, information and referral, and one to one relationship building. This service may be provided in addition to community access, prevocational services, or supported employment. This service is available to adults in all four HCBS waivers.

NEW SECTION

WAC 388-845-1205 Who is a qualified provider of person-to-person services? The provider of "person-to-per-

son" must be a county or an individual or agency contracted with a county or DDD.

NEW SECTION

WAC 388-845-1210 Are there limits to the person-to-person service I can receive? You must be age twenty-one and graduated from high school or age twenty-two or older to receive person-to-person services.

NEW SECTION

WAC 388-845-1300 What are personal care services? Personal care services are the provision of assistance with personal care tasks as defined in WAC 388-71-0202, Personal care services. These services are available in the Basic, Basic Plus, and CORE waivers.

NEW SECTION

WAC 388-845-1305 Who are the qualified providers of personal care services? (1) Qualified providers of personal care may be individuals or licensed homecare agencies contracted with DDD.

(2) All individual providers and homecare agency providers must meet provider qualifications for in-home caregivers in WAC 388-71-0500 through 388-71-0556.

(3) Providers of adults must comply with the training requirements in these rules governing Medicaid personal care providers in WAC 388-71-05670 through 388-71-05799.

(4) Natural, step, or adoptive parents can be the personal care provider of their adult child age eighteen or older.

NEW SECTION

WAC 388-845-1310 Are there limits to the personal care services I can receive? (1) You must meet the programmatic eligibility for Medicaid personal care in chapter 388-72A and 388-71 WAC governing Medicaid personal care (MPC) using the current department approved assessment form: Comprehensive assessment reporting evaluation (CARE), legacy comprehensive assessment, or children's comprehensive assessment.

(2) The maximum hours of personal care you may receive are determined by the approved department assessment for Medicaid personal care services.

(a) Provider rates are limited to the department established hourly rates for in-home Medicaid personal care.

(b) Homecare agencies must be licensed through the department of health and contracted with DDD.

NEW SECTION

WAC 388-845-1400 What are prevocational services? Prevocational services prepare an adult for paid or unpaid employment through the teaching of such concepts as compliance, attendance, task completion, problem solving and safety. These services are available in all four HCBS waivers.

NEW SECTION

WAC 388-845-1405 Who are the qualified providers of prevocational services? Providers of prevocational services must be a county or an individual or agency contracted with a county or DDD.

NEW SECTION

WAC 388-845-1410 Are there limits to the prevocational services I can receive? The following limitations apply to your receipt of prevocational services.

(1) You must be age twenty-one and graduated from high school or age twenty-two or older.

(2) You are not expected to be competitively employed within one year (excluding supported employment programs).

(3) You cannot be authorized to receive prevocational services if you receive community access services or supported employment services.

NEW SECTION

WAC 388-845-1500 What are residential habilitation services? (1) Residential habilitation services (RHS) services include assistance to learn or improve or retain the social and adaptive skills necessary for living in the community. These services are available in the CORE and Community Protection waivers.

(2) Services may provide instruction and support addressing one or more of the following outcomes:

(a) Health and safety;

(b) Personal power and choice;

(c) Competence and self-reliance;

(d) Positive recognition by self and others;

(e) Positive relationships; and

(f) Integration into the physical and social life of the community.

NEW SECTION

WAC 388-845-1505 Who are qualified providers of residential habilitation services for the CORE waiver? Providers of residential habilitation for participants in the CORE waiver must be one of the following:

(1) Individuals contracted with DDD to provide residential support as a "companion home" provider;

(2) Individuals contracted with DDD to provide training as an "alternative living provider";

(3) Agencies contracted with DDD and certified per chapter 388-820 WAC; State-operated living alternatives (SOLA);

(4) Licensed and contracted group care homes, foster homes, child placing agencies, staffed residential homes (licensed and contracted adult residential rehabilitation center per WAC 246-325-0012).

NEW SECTION

WAC 388-845-1510 Who are qualified providers of residential habilitation services for the Community Pro-

tection waiver? Providers of residential habilitation services for participants of the Community Protection waiver are limited to state-operated living alternatives (SOLA) and supported living providers who:

- (1) Are certified under chapter 388-820 WAC as a residential community protection provider-intensive supported living services (CP-ISLS); and
- (2) Meet the additional standards in DDD Policy 15.04 (Standards for community protection intensive supported living services).

NEW SECTION

WAC 388-845-1515 Are there limits to the residential habilitation services I can receive? (1) You may only receive one type of residential habilitation service at a time.

(2) None of the following can be paid for under the CORE or Community Protection waiver:

- (a) Room and board;
- (b) The cost of building maintenance, upkeep, improvement, modifications or adaptations required to assure the health and safety of residents, or to meet the requirements of the applicable life safety code;
- (c) Activities or supervision already being paid for by another source;
- (d) Services provided in your parent's home unless you are receiving alternative living services for a maximum of six months to transition you from your parent's home into your own home.

(3) The following persons cannot be paid providers for your service:

- (a) Your spouse;
- (b) Your natural, step, or adoptive parents if you are a child age seventeen or younger;
- (c) Your natural, step, or adoptive parent unless your parent is certified as a residential agency per chapter 388-820 WAC or is employed by a certified or licensed agency qualified to provide residential habilitation services.

NEW SECTION

WAC 388-845-1600 What is respite care? Respite care is intended to provide short-term intermittent relief for persons normally providing care for waiver individuals. This service is available in the Basic, Basic Plus, and CORE waivers.

NEW SECTION

WAC 388-845-1605 Who is eligible to receive respite care? The person providing your care is eligible to receive respite care services if you are in the Basic, Basic Plus or CORE waiver and reside in one of the following living situations:

- (1) You are a child under age eighteen living in a private home;
- (2) You live in a licensed children's foster home;
- (3) You are age eighteen or older and live with a contracted companion home provider;
- (4) You are age eighteen or older and live in a private home with your full-time caregiver:

- (a) This includes paid and unpaid caregivers,
- (b) The home cannot be a licensed adult family home or an adult residential care facility or a certified DDD residential program.
- (5) You are age eighteen or older and are authorized respite through mental health crisis diversion.

NEW SECTION

WAC 388-845-1610 Where can respite care be provided? Respite care can be provided in the following location(s):

- (1) Individual's home or place of residence;
- (2) Relative's home;
- (3) Licensed children's foster home;
- (4) Licensed, contracted and DDD certified group home;
- (5) State operated living alternative (SOLA) and other DDD certified supported living settings;
- (6) Licensed boarding home contracted as an adult residential center;
- (7) Adult residential rehabilitation center;
- (8) Licensed and contracted adult family home;
- (9) Children's licensed group home, licensed staffed residential home, or licensed childcare center;
- (10) Other community settings such as camp, senior center, or adult day care center.

NEW SECTION

WAC 388-845-1615 Who are qualified providers of respite care? Providers of respite care can be any of the following individuals or agencies contracted with DDD for respite care:

- (1) Individuals meeting the provider qualifications under chapter 388-825 WAC;
- (2) Homecare/home health agencies, licensed under chapter 246-335 WAC, Part 1;
- (3) Licensed and contracted group homes, foster homes, child placing agencies, staffed residential homes and foster group care homes;
- (4) Licensed and contracted AFH;
- (5) Licensed and contracted ARC;
- (6) Licensed and contracted adult residential rehabilitation center (WAC 246-325-012);
- (7) Licensed childcare center chapter 388-151 WAC;
- (8) Licensed child daycare center chapter 388-151 WAC;
- (9) Adult day care centers contracted with DDD;
- (10) Certified provider per chapter 388-820 WAC when respite is provided within the DDD contract for certified residential services;
- (11) Other DDD contracted providers such as community center, senior center, parks and recreation, summer programs, adult day care.

NEW SECTION

WAC 388-845-1620 Are there limits to the respite care I can receive? The following limitations apply to the respite care you can receive:

(1) Prior approval by DDD is required to exceed fourteen days per month.

(2) Respite cannot be a replacement for daycare while a parent or guardian is at work.

(3) Respite is in addition to any personal care hours available to you.

(4) Respite care cannot be authorized in an unlicensed private home unless it is the client's home or the home of a relative.

(5) When determining your unmet need for respite care, DDD will first consider the personal care hours available to you.

(6) If you require respite from a licensed healthcare professional, your needs will be authorized under skilled nursing per WAC 388-845-1700.

(7) The respite provider cannot be the spouse of the caregiver receiving respite if the spouse and the caregiver reside in the same residence.

NEW SECTION

WAC 388-845-1700 What is skilled nursing? (1) Skilled nursing is continuous, intermittent, or part time nursing services. These services are available in the Basic Plus, CORE, and Community Protection waivers.

(2) Services include nurse delegation services provided by a registered nurse, including the initial visit, follow-up instruction, and/or supervisory visits.

NEW SECTION

WAC 388-845-1705 Who is a qualified provider of skilled nursing services? The provider of skilled nursing services must be a healthcare professional acting within the scope of the Nurse Practice Act chapter 246-845 WAC and contracted with DDD to provide this service.

NEW SECTION

WAC 388-845-1710 Are there limitations to the skilled nursing services I can receive? The following limitations apply to your receipt of skilled nursing services:

(1) Prior department approval is required.

(2) The department and the treating professional determine the need for and amount of service.

(3) The department reserves the right to require a second opinion by a department-selected provider.

NEW SECTION

WAC 388-845-1800 What are specialized medical equipment and supplies? (1) Specialized medical equipment and supplies are services to help individuals with their activities of daily living or to better participate in their environment. These services are available in all four HCBS waivers.

(2) Included are devices, controls, appliances, and items necessary for life support; ancillary supplies and equipment necessary to the proper functioning of such items; and durable and nondurable medical equipment not available through Medicaid under the Medicaid state plan.

NEW SECTION

WAC 388-845-1805 Who are the qualified providers of medical equipment and supplies? The provider of medical equipment and supplies must be a medical equipment supplier contracted with DDD.

NEW SECTION

WAC 388-845-1810 Are there limitations to my receipt of medical equipment and supplies? The following limitations apply to your receipt of medical equipment and supplies:

(1) Prior approval by the department is required for each authorization.

(2) The department reserves the right to require a second opinion by a department-selected provider.

(3) Items reimbursed with waiver funds shall be in addition to any medical equipment and supplies furnished under the Medicaid state plan.

(4) Items are excluded if they are not of direct medical and remedial benefit to the individual.

(5) Medications, prescribed or nonprescribed, and vitamins are excluded.

NEW SECTION

WAC 388-845-1900 What are specialized psychiatric services? (1) Specialized psychiatric services are specific to the individual needs of persons with developmental disabilities who are experiencing mental health symptoms. These services are available in all four HCBS waivers.

(2) Service may be any of the following:

(a) Psychiatric evaluation,

(b) Medication evaluation and monitoring,

(c) Psychiatric consultation.

NEW SECTION

WAC 388-845-1905 Who are qualified providers of specialized psychiatric services? Providers of specialized psychiatric services must be one of the following licensed or registered, and contracted healthcare professionals:

(1) Advanced registered nurse practitioner (ARNP),

(2) Physician assistant,

(3) Psychiatrist.

NEW SECTION

WAC 388-845-1910 Are there limitations to the specialized psychiatric services I can receive? Specialized psychiatric services are excluded if they are available through other Medicaid programs.

NEW SECTION

WAC 388-845-2000 What is staff/family consultation and training? (1) Staff/family consultation and training is professional assistance to families or direct service providers to help them better meet the needs of the waiver person. This service is available in all four HCBS waivers.

(2) Consultation and training is provided to families, direct staff, or personal care providers to meet the specific needs of the waiver participant as outlined in the individual's plan of care.

(3) Special needs include:

- (a) Health and medication monitoring,
- (b) Positioning and transfer,
- (c) Basic and advanced instructional techniques,
- (d) Positive behavior support,
- (e) Augmentative communication systems.

NEW SECTION

WAC 388-845-2005 Who is a qualified provider of staff/family consultation and training? To provide staff/family consultation and training, a provider must be one of the following licensed, registered or certified professionals and be contracted with DDD:

- (1) Audiologist,
- (2) Licensed practical nurse,
- (3) Marriage and family therapist,
- (4) Mental health counselor,
- (5) Occupational therapist,
- (6) Physical therapist,
- (7) Counselor,
- (8) Registered nurse,
- (9) Sex offender treatment provider,
- (10) Speech/language pathologist,
- (11) Social worker,
- (12) Psychologist.

NEW SECTION

WAC 388-845-2010 Are there limitations to the staff/family consultation and training I can receive? Expenses to the family or provider for room and board or attendance, including registration, at conferences are excluded as a service under staff/family consultation and training.

NEW SECTION

WAC 388-845-2100 What is supported employment? Supported employment provides intensive ongoing individual or group support in a work setting to adults with developmental disabilities. This service is available in all four HCBS waivers.

(1) Supported employment includes activities needed to sustain paid work by individuals receiving waiver services, including supervision and training.

(2) Supported employment is conducted in a variety of settings; particularly work sites in which persons without disabilities are employed.

NEW SECTION

WAC 388-845-2105 Who is a qualified provider of supported employment? A supported employment provider must be a county, or agencies or individuals contracted with a county or DDD.

NEW SECTION

WAC 388-845-2110 Are there limits to the supported employment I can receive? The following limitations apply to your receipt of supported employment:

(1) You must be age twenty-one and graduated from high school or age twenty-two or older.

(2) Payment will be made only for the adaptations, supervision and training you require as a result of your disabilities.

(3) Payment is excluded for the supervisory activities rendered as a normal part of the business setting.

(4) You cannot be authorized to receive supported employment services if you receive community access services or prevocational services.

NEW SECTION

WAC 388-845-2200 What are transportation services? Transportation services provide reimbursement to a provider when the transportation is required and specified in the waiver plan of care. This service is available in all four HCBS waivers.

(1) Transportation provides the person access to waiver and other community services, activities and resources, specified by the plan of care.

(2) Whenever possible, the person will use family, neighbors, friends, or community agencies that can provide this service without charge.

NEW SECTION

WAC 388-845-2205 Who is qualified to provide transportation services? The provider of transportation services can be an individual or agency contracted with DDD.

NEW SECTION

WAC 388-845-2210 Are there limitations to the transportation services I can receive? The following limitations apply to transportation services:

(1) Transportation to/from medical or medically related appointments are Medicaid transportation services and are to be considered and used first.

(2) Transportation is offered in addition to medical transportation but shall not replace Medicaid transportation services.

(3) Reimbursement for provider mileage requires prior approval by DDD and is paid according to contract.

(4) This service does not cover the purchase or lease of vehicles.

(5) Reimbursement for provider travel time is not included in this service.

(6) Reimbursement to the provider is limited to transportation that occurs when you are with the provider.

(7) You are not eligible for transportation services if the cost and responsibility for transportation is already included in your waiver provider's contract and payment.

ASSESSMENT AND PLAN OF CARE

NEW SECTION

WAC 388-845-3000 What is the process for determining the services I need? Your service needs are determined through an assessment and service planning process.

(1) You receive an initial and annual assessment of your needs using a department-approved form.

(2) From the assessment, DDD develops your waiver plan of care (POC) with you and/or your legal representative and others who are involved in your life such as your parent or guardian, advocate and service providers.

NEW SECTION

WAC 388-845-3005 What is a waiver plan of care (POC)? (1) A waiver plan of care (POC) is a document that is based on an assessment of your needs and the limitations in WAC 388-845-0110.

(2) Your plan must include:

(a) The services that you and DDD have agreed are necessary for you to receive in order to address your health and welfare needs;

(b) Both paid and unpaid services you receive or need;

(c) How often you will receive each waiver service; how long you will need it; and who will provide it; and

(d) Your signature on the plan indicating your agreement.

(3) You may choose any qualified provider for the service, who meets all of the following:

(a) Is able to meet your needs within the scope of their contract, licensure and certification;

(b) Is reasonably available;

(c) Meets provider qualifications in chapters 388-845 and 388-825 WAC for contracting; and

(d) Agrees to provide the service at department rates.

NEW SECTION

WAC 388-845-3010 When is my plan of care effective? Your plan of care is effective the date a DDD representative signs and approves it.

NEW SECTION

WAC 388-845-3015 How long is my plan effective? Your plan of care is effective for three hundred sixty-five days.

NEW SECTION

WAC 388-845-3020 What happens if I do not sign my plan of care? If DDD is unable to obtain the necessary signature on the plan of care from you or your legal representative, DDD will take one or more of the following actions:

(1) DDD will continue providing services as identified in your most current POC for up to thirty days from the date you were notified of the plan to implement your most current POC.

(2) After thirty days, unless you file an appeal, DDD will assume consent and implement the new POC with or without your signature or the signature of your legal representative.

(3) You will be provided written notification and appeal rights to this action to implement the new POC.

(4) Your appeal rights are in WAC 388-825-120 through 388-825-165.

NEW SECTION

WAC 388-845-3025 What if my needs change? You may request a review of your plan of care at any time by calling your case manager. If there is a significant change in your condition or circumstances, DDD must reassess your plan of care with you and amend the plan to reflect any significant changes. This reassessment does not affect the end date of your annual plan of care.

NEW SECTION

WAC 388-845-3030 What if my needs exceed the maximum yearly funding limit or the scope of services under the Basic or Basic Plus waiver? (1) If you are on the Basic or Basic Plus waiver and your assessed need for services exceeds the maximum permitted, DDD may make the following efforts to meet your health and welfare needs:

(a) Add more available natural supports;

(b) Initiate an exception to rule to access available non-waiver services not included in the Basic or Basic Plus waiver other than natural supports;

(c) Authorize emergency services up to six thousand dollars per year if your needs meet the definition of emergency services in WAC 388-845-0800.

(2) If emergency services and other efforts are not sufficient to meet your needs, you will be offered:

(a) An opportunity to apply for an alternate waiver that has the services you need;

(b) Priority for placement on the alternative waiver when there is capacity to add people to that waiver;

(c) Placement in an ICF/MR.

(3) If none of the options in subsections (1) and (2) above is successful in meeting your health and welfare needs, DDD may terminate your waiver eligibility.

(4) If you are terminated from a waiver, you will remain eligible for nonwaiver DDD services but access is limited by availability of funding.

NEW SECTION

WAC 388-845-3031 What if my needs exceed what can be provided under the CORE or Community Protection waiver? (1) If you are on the CORE or Community Protection waiver and your assessed need for services exceeds the scope of services provided under your waiver, DDD may make the following efforts to meet your health and welfare needs:

(a) Add more available natural supports;

(b) Initiate an exception to rule to access available non-waiver services not included in the CORE or Community Protection waiver other than natural supports;

(c) Offer you the opportunity to apply for an alternate waiver that has the services you need, subject to WAC 388-845-0045;

(d) Offer you placement in an ICF/MR.

(2) If none of the above options is successful in meeting your health and welfare needs, DDD may terminate your waiver eligibility.

(3) If you are terminated from a waiver, you will remain eligible for nonwaiver DDD services but access is limited by availability of funding.

NEW SECTION

WAC 388-845-3032 What if my identified health and welfare needs are less than what is provided in my current waiver? If your identified health and welfare needs are less than what is provided in your current waiver, DDD may require you to apply for an alternative waiver whose services meet but do not exceed what is necessary to meet your identified health and welfare needs.

NEW SECTION

WAC 388-845-3035 Will I have to pay toward the cost of waiver services? (1) Depending on your SSI status, Medicaid status, income and resources, you may be required to participate towards the cost of your care. DDD determines what amount, if any, you pay.

(2) Currently clients are only required to participate towards the cost of residential services provided in a licensed facility.

(3) If you live in a licensed facility, you participate from your earned and unearned income per rules in WAC 388-515-1510:

(a) If you have nonexempt income that exceeds the cost of your Waiver services, you may keep the difference.

(b) If you are an SSI beneficiary who receives only SSI income, you pay only for board and room and you keep a personal allowance of thirty-eight dollars and eighty-four cents.

(c) If you are an SSI beneficiary who receives SSI and SSA benefits, you only pay for board and room and you are allowed to keep an additional twenty dollars for a total personal allowance of fifty-eight dollars and eighty-four cents.

(d) If you are not an SSI beneficiary, you may be required to participate towards the cost of your waiver services in addition to your facility board and room rate.

(e) If you earn wages and are not an SSI beneficiary, the department exempts the first sixty-five dollars and one-half of the remaining earned gross wages from the amount of income used to calculate participation.

(f) Guardianship fees, payee fees and medical expenses not covered by Medicaid are deducted from your available income when calculating the amount of your participation.

NEW SECTION

WAC 388-854-4000 What are my appeal rights under the waiver? You have appeal rights under WAC 388-825-120 to the following decisions:

(1) Any denial, reductions, or termination of a service.

(2) A denial or termination of your choice of a qualified provider.

(3) Your termination from waiver eligibility.

(4) Denial of your request to receive ICF/MR services instead of waiver services.

NEW SECTION

WAC 388-845-4005 Can I appeal a denial of my request to be enrolled in a waiver? If you are not on an HCBS waiver, your appeal rights are limited to WAC 388-825-120. You have an appeal right to a denial of services or provider but you do not have an appeal right to a denial to be enrolled in a waiver.

NEW SECTION

WAC 388-845-4010 How do I appeal a department action? (1) Your rights to appeal a department decision are in RCW 71A.10.050 and WAC 388-825-120 and are limited to an applicant, recipient, or former recipient of services from the division of developmental disabilities.

(2) If you want to appeal a department action, you must file a written appeal with the office of administrative hearings in Olympia within twenty-eight days from receipt of the department notice of the action you are disputing.

NEW SECTION

WAC 388-845-4015 Will my services continue during an appeal? Services may continue during the appeal process except as specified in WAC 388-825-150.

WSR 04-18-007

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-223—Filed August 19, 2004, 4:33 p.m., effective August 19, 2004, 7:00 p.m.]

Effective Date of Rule: August 19, 2004, 7:00 p.m.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000H; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available. Sets an additional fishing period for the third week of August and discontinues the sale of sturgeon harvested from the mainstem Columbia River. This season is consistent with the 2004 fall management agreement, the 2004 non-Indian allocation agreement, and with actions of the Columbia River compact on August 18, 2004, and is

included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been completed by NOAA 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 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.

Date Adopted: August 19, 2004.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-33-01000H Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREAS: SMCRA 1C, 1D, 1E.

a) SEASON: 7:00 p.m. Thursday, August 19, 2004 to 7:00 a.m.. Friday, August 20, 2004.

b) GEAR: 8 inch minimum mesh and 9-3/4 inch maximum mesh. Monofilament gear is allowed.

c) SANCTUARIES: Cowlitz, Kalama-A, Lewis-A, Washougal, Sandy.

d) ALLOWABLE SALE: Salmon. No sturgeon may be possessed or sold.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 20, 2004:

WAC 220-33-01000H Columbia River season below Bonneville.

WSR 04-18-008 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-224—Filed August 20, 2004, 11:11 a.m., effective August 20, 2004]

Effective Date of Rule: Immediately.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-604.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Regulations for the 2004 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. This regulation provides for the Bellingham Bay limited participation purse seine fishery and Area 9A gill net and skiff gill net fishery as negotiated during the North of Falcon. This fishery is not expected to exceed chinook by-catch levels modeled during the preseason process.

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.

Date Adopted: August 20, 2004.

J. P. Koenings
Director

NEW SECTION

WAC 220-47-605 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with

the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Lawful gill net gear:

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches. It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Lawful purse seine gear:

1) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

2) If fishers are enrolled in the "Rolling Wedge" evaluation program they may use the rolling wedge in lieu of brail provided they comply with the following conditions:

(a) Have enrolled by contacting the Department at 902-2717 prior to June 1, 2004

(b) Pay the funding fee of \$100 per day of the opening

(c) Allow WDFW observer on board for all fishing activities

(d) No more than 125 fish may be on deck at any one time.

(e) Place all lethargic or injured fish in the operating recovery box until they appear recovered or they are dead

Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(f) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(g) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

Daily Registration - When daily registration (hail in-hail out) is a condition to fish in an area, the license holder must

report 1) their name, 2) a telephone number where they can be reached, 3) the gear type, and 4) the area they will be fishing. This report must be made 24 hours in advance of EACH DAY of fishing by using one of the following:

- FAX transmission to (360) 902-2949

- E-mail to psfishtickets@dfw.wa.gov

- Toll-free telephone call to 1-866-791-1279 (leave voice message)

"Hailing out" is required as part of daily registration. To "hail out" the vessel operator must notify the Department by phoning toll-free 1-866-791-1279 as they prepare to leave the fishing area and provide adequate notification as to where and when they will land their fish.

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28, 10/29.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Area 7 and 7A:

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

7:00 a.m. to 7:00 p.m. daily

September 12 through November 13

It is unlawful to retain chinook and salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open only to the purse seine vessels Anna Louise, Contender, Norman B, and Farewell from 6:00 a.m. to 8:00 p.m. Wednesday August 25, 2004. Open only to the purse seine vessels Polarland, Memento, Esperanza and Anna Louise from 6:00 a.m. to 8:00 p.m. Wednesday September 1, 2004.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next haul may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iii) The 5-inch strip requirement is not in effect during this opening.

(b) Open in Area 7B to purse seines using the 5-inch strip during the following hours and dates, provided it is unlawful to retain sockeye salmon, and any sockeye salmon caught must be released immediately.

7:00 a.m. September 7 to 8:00 p.m. September 9

7:00 a.m. September 13 to 7 p.m. September 15

7:00 a.m. September 19 to 4 p.m. October 23

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours and Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 22 to 7:00 a.m. August 23
		7:00 p.m. August 24 to 7:00 a.m. August 25
		7:00 p.m. August 26 to 7:00 a.m. August 27
		7:00 p.m. August 29 to 7:00 a.m. August 30
		7:00 p.m. August 31 to 7:00 a.m. September 7:00 p.m. September 2 to 7:00 a.m. September 3
7B	5" minimum	7:00 p.m. September 6 to 8:00 a.m. September 7
		7:00 p.m. September 7 to 8:00 a.m. September 8
		7:00 p.m. September 9 to 8:00 a.m. September 10
7B	5" minimum	6:00 p.m. September 12 to 8:00 a.m. September 13
		6:00 p.m. September 14 to 8:00 a.m. September 15
		6:00 p.m. September 16 to 8:00 a.m. September 17.
7B	5" minimum	7:00 p.m. September 19 through 8:00 p.m. October 23

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/23, 10/4

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m. September 19 to 8:00 a.m. September 20	
6:00 p.m. September 21 to 8:00 a.m. September 22	
6:00 p.m. September 23 to 8:00 a.m. September 24	
6:00 p.m. September 26 to 8:00 a.m. September 27	
6:00 p.m. September 28 to 8:00 a.m. September 29	
6:00 p.m. September 30 to 8:00 a.m. October 1	

Area 9A:

Gill Nets - Open to gill nets no more than 600 feet long and no more than 60 meshes deep using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
7:00 p.m. August 24 to 7:00 a.m. August 25	
7:00 p.m. August 26 to 7:00 a.m. August 27	
6:00 a.m. August 29 through 8:00 p.m. October 30	

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

Skiff Gill Nets - Open to skiff gill nets no more than 600 feet long and no more than 60 meshes deep using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
7:00 p.m. August 24 to 7:00 a.m. August 25	
7:00 p.m. August 26 to 7:00 a.m. August 27	
6:00 a.m. August 29 through 8:00 p.m. October 30	

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

Area 12A:

Beach Seines - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 8/23, 8/24, 8/25, 8/26, 8/27, 8/30, 8/31, 9/1, 9/2, 9/3, 9/6, 9/7, 9/8, 9/9, 9/10, 9/13, 9/14, 9/15, 9/16, 9/17, 9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1. All Chinook and chum salmon must be released immediately.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-604

Puget Sound all-citizen commercial salmon fishery. (04-206)

**WSR 04-18-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-225—Filed August 23, 2004, 9:50 a.m., effective August 23, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

EMERGENCY

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: Opens first four weeks of tribal commercial fishery. Allows commercial sale of platform and hook and line caught fish to be sold in the treaty Indian fishery. Season is consistent with the management agreement and the biological opinion. Consistent with action of the Columbia River compact of August 20, 2004, and conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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.

Date Adopted: August 23, 2004.

Jim Lux
for Jeff Koenings
Director

NEW SECTION

WAC 220-32-05100B Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H, and the Klickitat River and White Salmon rivers, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, sturgeon, steelhead and walleye under the following provisions pursuant to lawfully enacted tribal rules:

- 1) Open Periods: 6:00 a.m. August 25, 2004 to 6:00 p.m. August 27, 2004
- 6:00 a.m. August 31, 2004 to 6:00 p.m. September 3, 2004
- 6:00 a.m. September 7, 2004 to 6:00 p.m. September 10, 2004
- 6:00 a.m. September 13, 2004 to 6:00 p.m. September 17, 2004

- a) Open Areas: SMCRA 1F, 1G, 1H
- b) Gear: Gill Nets. No mesh restriction
- c) Allowable sale includes: chinook, coho, steelhead, walleye, carp, and shad. Sturgeon may not be sold. Sturgeon

between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only. Commercial sales of platform and hook and line caught fish are allowed during commercial gillnet openings.

d) Sanctuaries: All standard sanctuaries except the small 150 foot sanctuary around Spring Creek Hatchery.

2) Open Periods: Immediately until further notice.

a) Open Areas: SMCRA 1F, 1G, 1H, the Klickitat River and the White Salmon River.

b) Gear: Hoop nets, dip bag nets, or hook and line.

c) Allowable sale includes: Chinook, coho, steelhead, walleye, carp and shad. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only. Commercial sales of platform and hook and line caught fish are allowed during commercial gillnet openings. Sockeye may not be sold but may be retained for subsistence purposes. Fish taken in the Klickitat and White Salmon rivers may be sold when those rivers are open pursuant to lawfully enacted tribal rules. The Klickitat River is currently open Tuesday through Saturday weekly and the White Salmon River is open Monday through Saturday weekly.

3) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

4) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

these net pens are harvestable. All fisheries are consistent with the 2004 fall management agreement and the preseason allocation agreement. Rules are consistent with actions of the Columbia River compact on July 29, 2004, and August 20, 2004, and are included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 23, 2004.

Jim Lux
for Jeff Koenings
Director

EMERGENCY

**WSR 04-18-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-226—Filed August 23, 2004, 4:19 p.m., effective August 23, 2004, 7:00 p.m.]

Effective Date of Rule: August 23, 2004, 7:00 p.m.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000I; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets the late August fishery consistent with the allocation agreement. The select areas are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to

NEW SECTION

WAC 220-33-01000I Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREAS: SMCRA 1D, 1E.

a) SEASON: 7:00 p.m. Monday, August 23, 2004 to 7:00 a.m. Tuesday, August 24, 2004.

7:00 p.m. Wednesday, August 25 to 7:00 a.m. Thursday, August 26, 2004.

b) GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh.

Monofilament gear is allowed.

c) SANCTUARIES: Lewis-A, Washougal and Sandy rivers.

d) ALLOWABLE SALE: Salmon and sturgeon. Up to five sturgeon may be possessed or sold for each participating vessel per fishing week. A fishing week is defined as the Sunday through Saturday encompassing the open dates of the fishery.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) OPEN AREA: Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 0.5 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters

extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100-foot radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) SEASON: 7:00 p.m. August 24 to 7:00 p.m. August 27, 2004 and Tuesday, Wednesday, and Thursday nights from August 31 through September 10, 2004, and Monday, Tuesday, Wednesday, and Thursday nights from September 13 through October 29, 2004. Open hours from August 31 through September 10 are 7:00 p.m. to 7:00 a.m. daily and beginning September 10 the open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 9 3/4 inch maximum mesh size prior to September 13 and 6-inch maximum mesh size after September 16. Maximum net length of 100 fathoms. No weight restriction on lead line.

b) GEAR: Gillnet - 9 3/4 inch maximum mesh size prior to September 13 and 6-inch maximum mesh size after September 16. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of five sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The five sturgeon possession and sales limit includes mainstem and Select Area fisheries

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

3) OPEN AREA: Tongue Point/South Channel Select Area

Tongue Point fishing area includes all waters bounded by a line from a yellow marker midway between the red light at Tongue Point and the downstream (northern most) pier (#8) to the flashing green light at the rock jetty on the north-westerly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Tuesday, Wednesday, and Thursday nights from August 31 through September 10, 2004 and Monday, Tuesday, Wednesday, and Thursday nights from September 13 through October 29, 2004. Open hours from August 31 through September 10 are 7:00 p.m. to 7:00 a.m. daily and beginning September 13, the open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: In the Tongue Point area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of

250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of five sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The five sturgeon possession and sales limit includes mainstem and Select Area fisheries.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

4) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights from August 23 through October 29, 2004. Open hours from August 23 through September 10 are 7:00 p.m. to 7:00 a.m. daily and beginning September 13, the open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of five sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The five sturgeon possession and sales limit includes mainstem and Select Area fisheries.

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

5) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Tuesday, Wednesday, and Thursday nights from August 31 through September 10, 2004 and Monday, Tuesday, Wednesday, and Thursday nights from September 13 through October 29, 2004. Open hours from August 31 through September 10 are 7:00 p.m. to 7:00 a.m. daily and beginning September 13 the open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of five sturgeon may be possessed or sold by each vessel participating each calendar week (Sunday through Saturday). The five sturgeon possession and sales limit includes mainstem and Select Area fisheries.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area

with a permit issued by an authorized agency employee after examining the catch.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 26, 2004:

WAC 220-33-010001 Columbia River season below Bonneville.

WSR 04-18-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-227—Filed August 23, 2004, 4:20 p.m., effective August 29, 2004, 12:01 a.m.]

Effective Date of Rule: August 29, 2004, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000S and 232-28-62000T; and amending WAC 232-28-620.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to allow more opportunity for the recreational fishers to keep coho salmon while staying within the overall impact allowances. 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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 23, 2004.

Jim Lux
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-62000T Coastal salmon seasons. Notwithstanding the provisions of WAC 232-28-620 and WAC 220-56-180, effective 12:01 a.m. August 29, 2004, until further notice, it is unlawful to fish for salmon in coastal waters during 2004 except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 1** - Open until further notice - Daily limit 2 salmon, except release wild coho.

Minimum size for chinook salmon is 24 inches in length and 16 inches in length for coho.

(2) **Areas 2, 2-1, and 2-2:**

(a) **Area 2** - Open until further notice - Daily limit 2 salmon, minimum size for chinook salmon is 24 inches in length and 16 inches in length for coho.

(b) **Area 2-1** - Open immediately until further notice, daily limit 6 salmon, not more than two of which may be adult salmon.

(c) **Area 2-2** west of the Buoy 13 line - Open until further notice - Daily limit 2 salmon..

(3) **Area 3** - Open until further notice - Daily limit 2 salmon, except release wild coho. Minimum size for chinook salmon is 24 inches in length and 16 inches in length for coho.

(4) **Area 4:**

(a) Open until further notice - Daily limit 2 salmon not more than one of which may be a chinook, except release chum and wild coho Release chinook east of the Bonilla-Tatoosh Line. Minimum size for chinook salmon is 26 inches in length and 16 inches in length for coho.

(5) It is unlawful to land or possess any unmarked coho in Marine Areas 1, 3, and 4. Unmarked coho are those coho with intact adipose and ventral fins.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 29, 2004:

WAC 232-28-62000S Coastal salmon seasons. (04-211)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 20, 2004:

WAC 232-28-62000T Coastal salmon seasons.

WSR 04-18-022
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-228—Filed August 23, 2004, 4:21 p.m., effective September 1, 2004, 12:01 a.m.]

Effective Date of Rule: September 1, 2004, 12:01 a.m.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000R and 220-24-04000S; and amending WAC 220-24-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 23, 2004.

Jim Lux
for Jeff Koenings
Director

NEW SECTION

WAC 220-24-04000S All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective 12:01 a.m. September 1, 2004, until further notice it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open:

September 1 through September 5, 2004;

September 8 through September 12, 2004;

September 15, 2004.

(2) The Cape Flattery and Columbia River Control Zones are closed.

(3) Landing and possession limit of 500 coho per boat per entire open period in Salmon Management and Catch Reporting Areas 1 and 2.

(4) Landing and possession limit of 125 chinook per boat per entire open period in Salmon Management and Catch Reporting Areas 1, 2, 3 and 4.

(5) Salmon Management and Catch Reporting Areas 1 and 2: Minimum size for chinook salmon is 28 inches in length. Minimum size for coho is 16 inches in length. No minimum size for pink, sockeye or chum salmon.

(6) Salmon Management and Catch Reporting Areas 3 and 4: Minimum size for chinook salmon is 28 inches in length. Minimum size for coho is 16 inches in length and all coho must have a healed adipose fin clip. No minimum size for pink, sockeye or chum salmon. Release chum salmon in Area 4.

(7) All coho salmon without an adipose fin clip can only be possessed and landed in Salmon Management and Catch Reporting Areas 1 and 2.

(8) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(9) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land and deliver within the Salmon Management and Catch Reporting Areas 1, 2, 3 or 4.

(10) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(11) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(12) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(13) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.

wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-04000R All-citizen commercial salmon troll. (04-172)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 16, 2004:

WAC 220-24-04000S All-citizen commercial salmon troll.

WSR 04-18-028 EMERGENCY RULES SECRETARY OF STATE

[Filed August 24, 2004, 2:33 p.m., effective August 24, 2004]

Effective Date of Rule: Immediately.

Purpose: Implement the Help America Vote Act; provide consistency in ballot reconciliation.

Citation of Existing Rules Affected by this Order: Amending WAC 434-253-043, 434-253-045, 434-253-047, and 434-253-049.

Statutory Authority for Adoption: RCW 29A.04.611.

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 primary election is scheduled for September 14, 2004. There is not time to adopt permanent rules in time for counties to prepare for the primary.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 4, 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 3, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 3, Amended 3, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 24, 2004.

Sam Reed
Secretary of State

AMENDATORY SECTION (Amending WSR 02-07-029, filed 3/12/02)

WAC 434-253-043 ((Special)) Provisional ballots—
When issued. A ((special)) provisional ballot is a regular ballot issued to a person seeking to vote ((in a polling place)) under the following circumstances:

(1) The name of the voter does not appear in the poll book;

(2) The voter's name is in the poll book but there is an indication that the voter was issued an absentee ballot, and the voter wishes to vote at the polls; or

(3) The voter fails to produce identification when required;

(4) Other circumstances as determined by the precinct election official.

In the polling place after ((After)) the voter signs the poll book, the precinct election officer shall issue ((a special ballot outer envelope and a security envelope)) a ballot to the voter eligible for a ((special)) provisional ballot. The voter shall vote the ballot in secrecy and when done, place the ballot in ((the)) a security envelope, then place the security envelope with the ballot in it in ((the special)) a provisional ballot outer envelope and return it to the precinct election official. The precinct election official shall ensure that the required information is completed on the outer envelope and have the voter sign it in the appropriate space, and place it in a secure container. (See also WAC 434-240-250 for voters issued an absentee ballot.)

In the case of absentee ballots where the voter was required to produce ID; the ballot shall be considered provisional and processed in the same manner as pollsite provisional ballots.

AMENDATORY SECTION (Amending WSR 02-07-029, filed 3/12/02)

WAC 434-253-045 ((Special)) Provisional ballots—
Required information. At a minimum, the following information will be required to be printed on the outer ((special)) provisional ballot envelope:

(1) Name and signature of voter.

(2) Voter's registered address both present and former if applicable.

(3) Voter's date of birth.

(4) Reason for the ((special)) provisional ballot.

(5) Precinct and polling place at which voter has voted.

(6) Sufficient space to list disposition of the ballot after review by the county auditor.

Each provisional ballot voter shall be required to sign an oath as required by the Help America Vote Act of 2002, Section 302. The oath may be located on the provisional ballot envelope or on the poll book.

No ~~((special))~~ provisional ballot shall be rejected for lack of the information described in this section as long as the voter provides a valid signature and sufficient information to determine eligibility.

~~((County auditors shall be permitted to use any existing stock of special ballot envelopes in the form specified by state law or administrative rule prior to January 1, 2002. Upon exhaustion of that stock or not later than December 31, 2002, county auditors shall comply with the provision of this regulation when ordering special ballot envelopes.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 02-07-029, filed 3/12/02)

WAC 434-253-047 ((Special)) Provisional ballots—Disposition. ~~((1))~~ Upon receipt of the ~~((special))~~ provisional ballot, including ~~((special))~~ provisional ballots from other counties or states, the auditor must investigate the circumstances surrounding the ~~((special))~~ provisional ballot prior to certification of the primary or election. ~~((A special provisional ballot cannot be counted if the registered voter did not sign either the poll book or the special ballot envelope.))~~ A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record.

Once the provisional ballot has been investigated, disposition of the ballot is as follows:

~~((a))~~ (1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the ~~((special))~~ provisional ballot will not be counted.

~~((b))~~ (2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration will be immediately restored and the ~~((special))~~ provisional ballot counted.

~~((c))~~ (3) If the auditor determines that the cancellation was not in error, the voter shall be afforded the opportunity to reregister ~~((at the voter's correct address)),~~ and the ~~((special))~~ provisional ballot will not be counted.

~~((2))~~ (4) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received at his or her designated polling place, the auditor must ensure that only those votes for the positions or measures for which the voter was eligible to vote are counted.

~~((3))~~ (5) If the voter is a registered voter in another county or state, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted including rotation if applicable, within five working days after election day to the supervisor of elections for the county for which the voter is resident. If the ~~((special))~~ provisional ballot envelope is not signed by the voter, a copy of the poll book page shall be included. If the county is not known, it shall be forwarded to the secretary of state, or counterpart, for the state in which the voter is resident.

~~((4))~~ (6) If the auditor finds that an absentee voter who voted a ~~((special))~~ provisional ballot at the polls has also

voted an absentee ballot in that primary or election, the ~~((special))~~ provisional ballot will not be counted.

(7) If a provisional ballot was voted because a voter failed to produce required identification, the ballot shall be counted if the voter is otherwise eligible.

(8) Provisional ballots voted for reasons not covered by this section shall be determined by the county canvassing board.

~~((5))~~ The auditor will prepare a tally displaying the number of ~~((special))~~ provisional ballots received, the number found valid and counted, the number rejected and not counted, and the reason for not counting the ballots, as part of the canvassing process and presented to the canvassing board prior to the certification of the primary or election.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

NEW SECTION

WAC 434-253-048 Provisional ballots—Free access system. Each county shall establish a free access system, as described by the Help America Vote Act, 42 USC sec. 15482 (a)(5), for provisional ballot voters. The system shall include the following:

(1) The voter may determine if their provisional ballot counted and, if not, why not, without cost to the voter. Examples of a free access system include a toll free telephone number, a website, or a letter sent to every provisional ballot voter.

(2) At the time of voting, provisional voters are given written information that state how information on their ballot will be made available to them. In the case of absentee provisional ballots, notification may be sent to the voter promptly after the county auditor determines that the ballot will be treated as a provisional ballot.

(3) The system shall employ measures to ensure the system is restricted to the individual who cast the ballot and the voter's personal information is secure and confidential.

(4) For provisional ballots sent to other counties, information as to where the ballot was sent and how to find out if their ballot was counted in the voter's home county shall be available without cost to the voter.

(5) For ballots received from another county, a provisional ballot voter shall be able to determine if their ballot was counted and, if not, why not, shall be available without cost to the voter. If needed, the county may send instructions to the voter on how to access the information.

(6) Provisional ballot information shall be available on a county's free access system within one week following the certification of a primary or election.

AMENDATORY SECTION (Amending WSR 02-07-029, filed 3/12/02)

WAC 434-253-049 ((Special)) Provisional ballots—Processing. When the disposition of the ballot determines that the ballot is to be counted, the ballot shall be processed in a manner similar to an absentee ballot as provided in chapter 434-240 WAC except the outer ((special)) provisional ballot envelopes must be retained separately from the absentee ballot return envelopes. The manual inspection of the ballots as required in WAC 434-261-070 must also be carried out.

NEW SECTION

WAC 434-253-203 Poll site ballot reconciliation—Central count optical scan and punchcard. Using the poll site ballot accountability forms, the poll books, and election night precinct results, poll site ballots shall be reconciled in the following manner:

(1) Reconciliation must begin as soon as practical after the election.

(2) Each precinct's results shall be reconciled with the precinct's ballot accountability form. The number of ballots issued should equal the number of ballots counted plus any ballots not counted. Ballots not counted may include, but not be limited to: Provisional ballots, ballots referred to the canvassing board, ballots to be enhanced or duplicated, ballots with write-in votes, spoiled ballots.

(3) Any discrepancies must be investigated. At a minimum, the following areas must be checked until the discrepancy is resolved:

- (a) Check the accuracy of the ballot accountability form.
- (b) Recount the signatures in the poll book.
- (c) Check the spoiled ballots.
- (d) Check the provisional ballots.
- (e) Count the ballot stubs.
- (f) Check the bins in the ballot counter.
- (g) Check the poll site supplies for ballots.
- (h) Manually count the number of ballots.
- (i) Call the poll workers.

(4) All steps to reconcile each precinct shall be documented, including any discrepancies that cannot be resolved. Reconciliation of all precincts shall be completed and presented to the county canvassing board before the election can be certified.

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

NEW SECTION

WAC 434-253-204 Precinct or poll site ballot reconciliation—Precinct count optical scan and direct recording devices. Poll site ballots shall be reconciled in the following manner:

(1) Each precinct or poll site ballot counter shall print out results immediately following the closing of the polls. A copy of the results will be posted at the poll site or otherwise made available for public inspection.

(2) The total of votes cast from each counter shall be reconciled with the number of signatures in the poll book(s) prior to transporting to the counting center. The total number

of ballots reported on the results printout should equal the number of signatures in the poll book(s). Discrepancies shall be reported and explained by the Inspector.

(3) In a sealed container, the data pack/chip of each ballot counter shall be transported to the counting center with each results printout.

(4) The number of ballots issued should equal the number of ballots counted plus any ballots not counted. Ballots not counted may include, but not be limited to: Provisional ballots, ballots referred to the canvassing board, ballots to be enhanced or duplicated, ballots with write-in votes, any out-sorted ballots, spoiled ballots.

(5) Any discrepancies must be investigated. At a minimum, the following areas must be checked until the discrepancy is resolved:

- (a) Check the accuracy of the ballot accountability form.
- (b) Recount the signatures in the poll book.
- (c) Ballot counter/direct recording device results.
- (d) Check the spoiled ballots.
- (e) Check the provisional ballots.
- (f) Count the ballot stubs.
- (g) Check the poll site supplies for ballots.
- (h) Manually count the number of ballots.
- (i) Call the poll workers.

(6) All steps to reconcile each precinct shall be documented, including any discrepancies that cannot be resolved. Reconciliation of all precincts shall be completed and presented to the county canvassing board before the election may be certified.

WSR 04-18-029**EMERGENCY RULES****DEPARTMENT OF AGRICULTURE**

[Filed August 24, 2004, 3:22 p.m., effective August 24, 2004]

Effective Date of Rule: Immediately.

Purpose: The purpose as directed by the legislature is to provide for the purchase of automated labor saving equipment that will strengthen the asparagus post-harvest industry, which includes fresh, frozen and pickled asparagus.

Statutory Authority for Adoption: RCW 15.04.402.

Other Authority: ESHB 2459.

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: Immediate adoption of this rule is required in order to implement the equipment purchase programs in time for equipment to be ordered and delivered before the next asparagus harvest season. If the equipment is not delivered in time this will affect the general welfare of the asparagus industry in Washington state.

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 10, 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 10, Amended 0, Repealed 0.

Date Adopted: August 24, 2004.

Valoria H. Loveland
Director

EMERGENCY RULES

CHAPTER 16-730 WAC ASPARAGUS EQUIPMENT LEASE PROGRAM

NEW SECTION

WAC 16-730-005 Purpose of the program. (1) This chapter is promulgated pursuant to ESHB 2459 wherein the department is directed to purchase agricultural products packing equipment for use by the agricultural industry and to negotiate an appropriate agreement for that use and RCW 15.04.402 wherein the department is authorized to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber and maintain the economic well being of the agricultural industry.

(2) The purpose of this chapter is to provide for the purchase of automated labor saving equipment that will strengthen the asparagus post harvest industry, which includes fresh, frozen or pickled asparagus.

NEW SECTION

WAC 16-730-010 Definitions. (1) "**Applicant**" means any person who is commercially handling 250,000 pounds or more of asparagus that applies for approval to participate in the equipment-leasing program.

(2) "**Approved**" means any packer or handler who has submitted an application to the department and met the criteria for participating in the equipment-leasing program.

(3) "**Automation**" means the technique and equipment used to bring about automatic operation and control of a process.

(4) "**Department**" means the department of agriculture of the state of Washington.

(5) "**Director**" means the department of agriculture of the state of Washington.

(6) "**Handler**" means to sell, arrange for the sale of, represent, process, distribute or package fresh, frozen or pickled asparagus.

(7) "**Facility**" includes, but is not limited to, any premises, plan, establishment, facilities and the appurtenances thereto, in whole or in part, where fresh asparagus is prepared, handled and packaged fresh, frozen, or pickled for sale.

(8) "**Labor saving**" means actions or activities designed to decrease the amount of human labor needed.

(9) "**Leasing**" means to grant or obtain use of equipment through the asparagus equipment-leasing program.

(10) "**Packing equipment**" means equipment associated with the post harvest fresh, frozen and pickled asparagus handler.

(11) "**Program administrator**" means the department of agriculture.

(12) "**Review Committee**" means a group of 5 to 7 persons representing the department, Asparagus Commission staff and members, and an agricultural representative not directly affiliated with the industry nor any of the applicants.

NEW SECTION

WAC 16-730-015 Program administration. The department shall administer the asparagus equipment-leasing program using the current guidelines and rules and may develop and implement, as needed any additional processes or guidelines necessary to carry out this program.

NEW SECTION

WAC 16-730-020 Eligibility, application and award process for the equipment leasing program. (1) All post harvest handlers who packed a minimum of 250,000 pounds of fresh, frozen or pickled asparagus in Washington in during the award year are eligible to participate in the equipment-leasing program.

(2) Handlers and their facilities must meet all applicable federal, state, and local laws and rules related to doing business in Washington and handling food products.

(3) Handlers must obtain and file an application with the department that includes but not necessarily be limited to:

(a) Documentation of their business information including the ability to insure proposed equipment;

(b) Intent and ability to participate in the program;

(c) Ability to provide for the necessary upkeep and maintenance of the leased equipment;

(d) Description of the equipment to be leased;

(e) Description of how it will automate the handler's operation and what are the reductions in labor costs that will result; and

(f) Pounds of asparagus processed for the period of years identified on the application with supporting documentation.

(4) Handlers must identify what automated labor saving equipment associated with post harvest packing that they want to lease and the cost of the equipment in order to participate in the program. This equipment must automate their current packing process and reduce labor costs.

(5) The schedule for application, review and selection of participants shall be determined by the department in consultation with the Asparagus Commission, Council and industry. Additional application cycles maybe implemented on an as needed basis in the future in order to insure full participation by handlers in the program.

(6) Review of the application and awards will be completed by the Review Committee, recommendations for approval from the committee will be reviewed and approved

by the director of the department and applicants will be notified within five (5) working days of the results.

(7) Applicants may request a review of the decision. Reviews will follow an informal process conducted by the director's designee to resolve a request for review. The request for review shall:

- (a) Specify the date of the decision or action being appealed;
- (b) Specify precisely as possible the issue to be resolved by the administrative review;
- (c) Include the address of the participant; and
- (d) Include a signature of the applicant.

An administrative review will be conducted within thirty days after submission of the request for review and a conclusion provided to the participant with ten days. The rights of the department, provided in this section shall be exclusive and be in addition to any other rights and remedies provided by law.

(8) Applicants who were not approved for their initial equipment request may re-apply to the department within ten days for the date the announcement of decisions were made for review by the Review Committee. When re-applying the handler must request equipment not included on the first application and/or a different mix of equipment from the original application.

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

NEW SECTION

WAC 16-730-025 Distribution of program benefits for equipment leasing. (1) Program benefits will be distributed to eligible applicants who have completed the application and review process and been approved for an allocation of dollars being provided to a leasing company for purchase and subsequent lease to approved applicants of the equipment.

(2) Benefits will be determined by the department in consultation with the Asparagus Commission, Council and asparagus industry.

(3) The initial benefits for 2004 will be distributed based on documented pounds handled over a four-year period. Appropriate documentation can include Asparagus Commission assessments and other accepted industry documentation. The initial benefits will be distributed based on an average of pounds documented per year reported from 2001 through 2004. The department to address any additional application cycles that may be held to administer current and future allocations may adjust the four-year period.

(4) All eligible and approved applicants will receive a base amount of not less than \$75,000 for the initial program offering in 2004 or an amount adjusted to reflect an appropriate base for future program offerings unless it is determined by the department in consultation with the Asparagus Commission, Council and asparagus industry that the benefit distribution be changed. If the distribution formula is changed after consultation, the department will notify asparagus handlers and industry.

(5) Categories are established for the initial offering that groups handlers into small, medium, large and extra large.

These categories could change in future offerings and handlers and the industry will be notified by the department of any changes. The categories for this initial offering are as follows:

Small	less than 1 million pounds
Medium	1 to 2 million pounds
Large	2 to 5 million pounds
Extra Large	5 million and above

(6) The base distribution for this first offering for a small handler(s) will be \$75,000 per handler and no handler will receive greater than \$195,000 for this current allocation. Allocation distribution other than the "small handler(s)" will be determined based on the amount of funds available after administrative and contract leasing costs are subtracted by the department from the total amount allocated. The department will work with the Review Committee to assure that the allocations are done based on the pounds processed formula in a fair and equitable manner. Each categories above the small handler will be adjusted by the following sequence:

- (a) Small to medium a minimum \$20,000 increment adjustment
- (b) Medium to large up to a \$40,000 increment adjustment and
- (c) Large to extra large up to a \$60,000 increment adjustment.

If the reduced allocation available is not adequate to accommodate the above sequence for this offering then an adjustment will be made to reflect a reduction to all increments of the formula except the small handler.

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

NEW SECTION

WAC 16-730-030 Leasing program. (1) Handlers approved to participate in the leasing program will complete an agreement with the leasing firm selected by the department. The leasing company will purchase and manage the equipment leasing for all approved handlers.

(2) All lease agreements shall be exclusive to the approved handler for the term of the contract with the leasing company and are nontransferable without the written approval of the department.

(3) Lease agreements cannot be paid off in advance of the leasing company's contract termination date.

(4) Other lease requirements for handlers will be identified in the department's contract with the leasing company and handlers will be required to follow any of the requirements in that contract.

NEW SECTION

WAC 16-730-035 Length of program. The length of the initial equipment purchase leasing program shall be determined by the department based on the OFM approved depreciation schedule for each type of equipment and the period of time needed to surplus and transfer equipment and complete program closeout activities. The department will finalize the

schedule. The department for any subsequent offerings may modify the program length, depreciation schedule and any other necessary contracts or agreements.

NEW SECTION

WAC 16-730-040 Depreciation and surplus equipment process. Depreciation schedules for this program shall be determined by the department upon approval from OFM on appropriate useful life determination for asparagus processing and handling equipment. Equipment will be surplus at the end of the depreciation period only and will be offered for sale to the handler who has leased the equipment or his/her designee. A handler must complete a designee form and have it approved by the department.

NEW SECTION

WAC 16-730-045 Program compliance. To ensure that all participants are in compliance with the terms of this program and to ensure that the equipment is being utilized for packing and processing of fresh, frozen or pickled asparagus only, the participating handlers will provide the department with a letter annually that certifies that they equipment is being used for the intended program purpose and a summary of costs and labor savings for that period.

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

NEW SECTION

WAC 16-83-050 Equipment default. In the event that a handler defaults on a lease agreement, the department retains ownership of the equipment and will make the equipment available to other asparagus handlers through a selection process determined by the Department in cooperation with the Washington Asparagus Commission, Council and the asparagus industry representatives. The selection process shall comply with any applicable State and Federal laws and regulations.

Reviser's note: The above new section was filed by the agency as WAC 16-83-050. This section is placed among sections forming new chapter 16-730 WAC, and therefore should be numbered WAC 16-730-050. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

**WSR 04-18-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-229—Filed August 24, 2004, 4:36 p.m., effective August 31, 2004]

Effective Date of Rule: August 31, 2004.
Purpose: Personal use fishing rules.
Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900E.
Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Creel census indicates that catch rates and fishing effort are rapidly declining as sockeye mature and migrate into the Little Wenatchee, White and Napeequa River to spawn in September. The quality of sockeye is also declining as fish approach spawning time. 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.

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.

Date Adopted: August 24, 2004.

J. P. Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective August 31, 2004, one hour after official sunset:

WAC 232-28-61900E Exceptions to statewide rules—Lake Wenatchee. (04-179)

**WSR 04-18-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-230—Filed August 25, 2004, 4:05 p.m., effective August 26, 2004, 7:01 a.m.]

Effective Date of Rule: August 26, 2004, 7:01 a.m.
Purpose: Commercial fishing rules.
Citation of Existing Rules Affected by this Order:
Amending WAC 220-33-010.
Statutory Authority for Adoption: RCW 77.12.047.
Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

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notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets the late August fishery consistent with the allocation agreement. The select areas are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. All fisheries are consistent with the 2004 fall management agreement and the preseason allocation agreement. Rules are consistent with actions of the Columbia River compact on July 29, 2004, and August 20, 2004, and are included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries has been signed. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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.

Date Adopted: August 25, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-33-0100J Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREA: Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 0.5 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge.

Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100-foot radius at

the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) SEASON: Immediately to 7:00 p.m. August 27, 2004 and Tuesday, Wednesday, and Thursday nights from August 31 through September 10, 2004, and Monday, Tuesday, Wednesday, and Thursday nights from September 13 through October 29, 2004. Open hours from August 31 through September 10 are 7:00 p.m. to 7:00 a.m. daily and beginning September 10 the open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 9 3/4 inch maximum mesh size prior to September 13 and 6-inch maximum mesh size after September 16. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of five sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The five sturgeon possession and sales limit includes mainstem and Select Area fisheries

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) OPEN AREA: Tongue Point/South Channel Select Area
Tongue Point fishing area includes all waters bounded by a line from a yellow marker midway between the red light at Tongue Point and the downstream (northern most) pier (#8) to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Tuesday, Wednesday, and Thursday nights from August 31 through September 10, 2004 and Monday, Tuesday, Wednesday, and Thursday nights from September 13 through October 29, 2004. Open hours from August 31 through September 10 are 7:00 p.m. to 7:00 a.m. daily and beginning September 13, the open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: In the Tongue Point area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of five sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The five sturgeon possession and sales limit includes mainstem and Select Area fisheries.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

3) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker "16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 29, 2004. Open hours through September 10 are 7:00 p.m. to 7:00 a.m. daily and beginning September 13, the open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of five sturgeon may be processed or sold by each vessel participating each calendar week (Sunday through Saturday). The five sturgeon possession and sales limit includes mainstem and Select Area fisheries.

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

4) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Tuesday, Wednesday, and Thursday nights from August 31 through September 10, 2004 and Monday, Tuesday, Wednesday, and Thursday nights from September 13 through October 29, 2004. Open hours from August 31 through September 10 are 7:00 p.m. to 7:00 a.m. daily and beginning September 13 the open hours are 4:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of five sturgeon may be possessed or sold by each vessel participating each calendar week (Sunday through Saturday). The five sturgeon possession and sales limit includes mainstem and Select Area fisheries.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240

WSR 04-18-041

**EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-231—Filed August 26, 2004, 11:30 a.m., effective August 26, 2004]

Effective Date of Rule: Immediately.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-310.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Ocean squid encountered by tuna anglers exceed ten pounds in weight. This rule will allow anglers to possess a single squid that exceeds ten pounds. 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.

Date Adopted: August 26, 2004.

J. P. Koenings
Director

NEW SECTION

WAC 220-56-31000V Shellfish—Daily limits. Notwithstanding the provisions of WAC 220-56-310, the personal use daily limit of squid is one squid, which, in the round, may exceed ten pounds in weight, or ten pounds or five quarts of smaller squid, in the round, whichever is achieved first.

WSR 04-18-048

**EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed August 26, 2004, 4:00 p.m., effective September 1, 2004]

Effective Date of Rule: September 1, 2004.

Purpose: Implementation of the comprehensive assessment reporting evaluation (CARE) for children being assessed or reassessed for Medicaid personal care (MPC) requires that the rules governing family support services be revised to be consistent with MPC and CARE rules in chap-

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ters 388-71 and 388-72A WAC. This action includes the adoption of new WAC 388-825-253.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-210, 388-825-228, 388-825-230, 388-825-232, 388-825-234, 388-825-236, 388-825-238, 388-825-242, 388-825-248, 388-825-252, and 388-825-254.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120 [71A.12.120].

Other Authority: Chapter 71A.12 RCW.

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: Proposed rules have been filed for permanent adoption as WSR 04-16-088. The hearing is scheduled for September 7, 2004. However, these revisions must be in place by the September 1, 2004, implementation date of CARE rules governing children to prevent duplication of services between MPC and family support and ensure compliance with first use of Medicaid and prevent the misuse of respite care and MPC for childcare. Many children receiving personal care services through MPC also receive services through the family support program. Revised rules governing MPC and CARE will clearly differentiate personal care from respite care and childcare. It is necessary that the department clarify the family support program rules to differentiate between personal care from respite care; delete Medicaid personal care and CAP waiver as family support services; clarify the purpose of family support, definitions of services, and limitations of services consistent with rules governing personal care.

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 1, Amended 11, 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 11, Repealed 0.

Date Adopted: August 23, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-210 What basic services can my family receive from the family support opportunity program? A number of basic services are available. Some services have their own eligibility requirements. Specific services are:

(1) ~~((Case management services))~~ **Family support plan:** ~~((Your family will benefit from case management services.))~~ The family and the case manager will develop a family support plan which includes needs assessment, referral, service coordination, service authorization, case monitoring and coordination for community guide services.

(2) ~~((Community guide services: Once your case manager assesses your family situation, you will be offered access to the services of a community guide. The community guide will assist your family in using the natural and informal community supports relevant to the age of your family member with developmental disabilities and the specific needs of your family. Community guide services will support your family and help develop connections to your community))~~ **Community guide services per WAC 388-825-220 through 388-825-226.**

(3) ~~((Short-term intervention services: Your family may be eligible for up to eleven hundred dollars in short term intervention funding if necessary services are not otherwise available. This funding is not intended to cover basic subsistence such as food or shelter costs. Short-term intervention funding is available only for those specialized costs directly related to and resulting from your child's disability.~~

(4) ~~Personal care services: Medicaid personal care can provide your family with long term in-home personal assistance. (See WAC 388-15-202 and 388-15-203.) In-home personal assistance may be available through Medicaid personal care or through a state-funded alternative.~~

(5) ~~Community alternatives program (CAP) waiver: If eligible, your family may participate in the CAP waiver program. The CAP waiver gives eligible clients the opportunity to participate in the federal Medicaid program and DDD the opportunity to obtain federal funds for community-based services. (See WAC 388-825-170, 388-825-180 and 388-825-190.)~~

(6) ~~Early intervention services: These services are for your children (from birth through thirty five months old) and include early childhood programs, birth through two public school programs, children with special health care needs programs, and Part C services (IDEA).~~

~~(7))~~ **Short-term intervention services per WAC 388-825-228 and 388-825-230.**

(4) **Emergency services:** Your family can request emergency funds to be used to respond to a single incident, situation or short term crisis such as care giver hospitalization, absence, or incapacity. Your request must be made through your case manager and include an explanation of how you plan to resolve the emergency situation. Your request will be reviewed by ~~((the regional administrator or designee. If approved, you will receive emergency services for a limited time period, not to exceed two months))~~ **DDD.**

(a) If approved, you will receive emergency services for a limited time period, not to exceed two months.

(b) If denied, you have no appeal rights.

~~((8) Serious need services: Your family may request serious need funds to take care of needs not met by other basic services, including short-term intervention services, personal care services or use of a community guide. Serious need funds are short or long-term funds used to provide addi-~~

tional support to allow the individual with disabilities to continue living at home))

(5) Serious need services per WAC 388-825-232 through 388-825-238.

AMENDATORY SECTION (Amending WSR 02-01-074, filed 12/14/01, effective 1/14/02)

WAC 388-825-228 How can short-term intervention services through the family support opportunity program help my family? If your family is eligible, you may receive up to one thousand three hundred fifty dollars per year in short-term intervention ~~((funds))~~, funding to pay for necessary services not otherwise available.

(1) Short-term intervention funds can be authorized for a one-time only need or for an episodic service need that occurs over a one-year period.

(2) Short-term intervention funding cannot be used for basic subsistence such as food or shelter but is available for those specialized costs directly related to and resulting from your child's disability. ~~((Short-term intervention funds can be authorized for a one-time only need or for an episodic service need that occurs over a one-year period.))~~

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-230 Specifically how can short-term intervention funds be used? Short-term intervention funds can be used to purchase ~~((a wide range of services and supports, such as))~~ the following services related to and resulting from the client's disability:

(1) Respite care~~((including))~~ for intermittent relief to the family caregiver and may include community activities providing respite~~((, attendant care or nursing care))~~;

(2) Training ~~((such as parenting classes))~~ and supports such as disability related support groups or parenting classes. This does not include registration or costs related to conferences;

(3) The purchase, rental, loan or refurbishment of specialized equipment, adaptive equipment or supplies not covered by other resources, including Medicaid. Specific examples are mobility devices such as walkers and wheelchairs, communication devices and medical supplies. Diapers may be approved only for those three years of age and older.

(4) Environmental modifications including home damage repairs caused by the client and home modifications ~~((made necessary because of a family member's))~~ specific to the client's disability;

(5) Occupational therapy, physical therapy, communication therapy, behavior management, visual and auditory services, or counseling needed by developmentally disabled individuals ~~((but))~~ and not covered by another resource such as Medicaid, public schools ~~((and))~~ or child development services funding;

(6) Medical/dental services not covered by any other resource. These services may include the payment of insurance premiums and deductibles but are limited to the portion of the premium or deduction that applies to the client.

(7) Nursing services, not covered by another resource, that ~~((cannot be provided by an unlicensed care giver but))~~

can only be rendered by a registered or licensed practical nurse. Examples of such services are ventilation, catheterization, and insulin shots. Parents can provide this service without licensure and will not be paid providers of this service for their natural, step or adopted child;

(8) Special formulas or specially prepared foods necessary because of the client's disability and prescribed by a licensed physician;

(9) Parent/family counseling for grief and loss issues, genetic counseling or behavior management. Payments cannot be approved for services occurring after the death of the DDD client;

(10) Specialized clothing adapted for a physical disability, excessive wear clothing, or specialized footwear;

(11) Specialized utility costs including extraordinary utility costs resulting from the client's disability or medical condition;

(12) If another resource is not available, transportation costs, including gas, ferry or transit cost, so a client can receive essential services and ~~((maintain))~~ appointments; per diem costs may be reimbursed for medical appointments~~((; and~~

~~((13) Other services approved by a DDD regional administrator or designee, according to established department guidelines)).~~

Funds cannot be used for the purchase or rental of a car or for airfare.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-232 How can serious need funds help my family? Your family may need extraordinary support ~~((for children or adults))~~ that exceeds your annual family support opportunity allotment for the child or adult with developmental disabilities living in your home ~~((in addition to the basic family support services))~~. The purpose of serious need funds is to help you get that support when you need it.

(1) If funding is available and your request is approved, it may be short or long-term in nature and can be used for services such as ~~((additional personal care,))~~ respite care, behavior management and licensed nursing care.

(2) If your request is denied, there is no right to appeal since this request exceeds your annual family support opportunity allotment.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-234 How can my family qualify for serious need funds? Your family may qualify for serious need funds if all of the following conditions are met:

(1) The basic program services outlined in WAC 388-825-210 (community guide, ~~((personal care services,))~~ short-term intervention services, etc.) are currently being used by your family or they have been exhausted;

(2) You and your case manager have examined other resources (~~(like the)~~) such as Medicaid personal care, medically intensive (home care program) services; private insurance, local mental health programs and programs available through the public schools (~~(and have found them either unavailable, inappropriate or insufficient for your needs)~~) and the department determines that your need exceeds these services; and

(3) The support is crucial for the child or adult with developmental disabilities to continue living in your home.

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-236 How does my family request serious need funds? You must contact your case manager (~~(who will submit a written request to the appropriate DDD regional administrator)~~) to request serious need funds. The request must:

- (1) Indicate the type of services your family needs;
- (2) Explain why those services can only be obtained through the use of serious need funds;
- (3) Outline the changes you anticipate in your family situation if the requested services are not received; and
- (4) Estimate the length of time your family will need the requested services(~~(and~~
- (5) Propose funding review dates)).

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 02-01-074, filed 12/14/01, effective 1/14/02)

WAC 388-825-238 What amount of serious need funding is available to my family? (1) The maximum amount of funding available is four hundred fifty-two dollars per month or two thousand seven hundred twelve dollars in a six-month period, unless the department determines your family member requires licensed nursing care and the funding is used to pay for nursing care. If licensed care is required, the maximum funding level is two thousand four hundred fifty dollars per month.

(2) (~~(remember:~~

(a)) Funding must be available in order to receive serious need services.

((b)) (3) Services paid for by serious needs funds will be reviewed by DDD every six months.

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-242 What department restrictions apply to family support payments? (1) Family support opportunity services payments are authorized only after you have accessed what is available to you under Medicaid and any other private health insurance plan, including Medicaid personal care, to meet your identified need.

(2) All family support service payments must be authorized by the department.

((2)) (3) The department may contract directly with:

- (a) A service provider, or

(b) A parent for the reimbursement of goods or services purchased by the parent, or

(c) An agency to purchase goods and services on behalf of a client.

((3)) (4) The department's authorization period will start when you agree to be in this program. The period will last one year and may be renewed if you continue to need services.

(5) The department does not pay for treatment determined by DSHS/medical assistance administration (MAA) or private insurance to be experimental.

(6) Respite care cannot be a replacement for child care while the parent or guardian is at work regardless of the age of the client.

(7) The department shall not authorize a birth parent, adoptive parent, step-parent or any other primary caregiver (or their spouse) living in the same household with the client for respite, nursing, therapy, or counseling services.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-248 Who is covered under these rules? These sections (WAC 388-825-200 through 388-825-242) apply to persons enrolled in family support after June 1996. Those enrolled before June 1996 are covered under WAC 388-825-252 through (~~(288-825-256 {388-825-256})~~) 388-825-256.

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-252 Family support services. (1) The purpose of the family support program is to(:

(a)) reduce or eliminate the need for out-of-home residential placement of ((a client where the in-home placement is in the client's best interest;

(b) Allow a client to live in the most independent setting possible; and

(c) Have access to services best suited to a client's needs)) an individual with developmental disabilities where it is in the best interest of the person to continue living with their family.

(2) The department's family support services (~~(shall)~~) include(;) the following and become available only after you have used your full benefits through Medicaid, private insurance, school and child development services:

(a) Respite care((including the use of)) is intermittent relief to the family caregiver and may include community activities which provide respite;

(b) (~~(Attendant care;~~

(c)) Nursing services provided by a registered nurse or licensed practical nurse, that cannot be provided by an unlicensed caregiver, including but not limited to, ventilation, catheterization, insulin injections, etc.((when not covered by another resource;

(d));

(c) Therapeutic services((provided these therapeutic services are not covered by another resource such as medic-

aid, private insurance, public schools, or child development services funding,) including(~~(:~~

- (i) Physical therapy;
- (ii) Occupational therapy;
- (iii) Behavior management therapy; and
- (iv) Communication therapy; or
- (v) Counseling for the client relating to a disability))

occupational therapy, physical therapy, communication therapy, behavior management, or counseling needed by individuals with developmental disabilities.

(3) Receiving family support services is based on:

(a) Funding for state paid services available in the state operating budget;

(b) SSP funding available to the ~~((client))~~ individual/family~~((:or~~

~~((e) HCBS-waiver status)).~~

(4) The following rules, subsections (5) through (9), apply only to family support services authorized by the department and do not govern services purchased by the family with SSP (state supplementary payment) funding (see WAC 388-827-0145 and 388-827-0170).

(5) Up to nine hundred dollars of the service need level amount in WAC 388-825-254 may be used during a one year period for ~~((flexible))~~ use as follows. The requested service must be necessary as a result of the disability of the ~~((client))~~ individual and after you have used your full benefits through Medicaid, private insurance, school and child development services:

(a) Training and supports including parenting classes and disability related support groups. This does not include registration or costs related to conferences;

(b) Specialized equipment and supplies including the purchase, rental, loan or refurbishment of specialized equipment or adaptive equipment not covered by another resource including Medicaid. Mobility devices such as walkers and wheelchairs are included, as well as communication devices and medical supplies such as diapers for ~~((these more than))~~ children three years of age and older;

(c) Environmental modification including home repairs for damages~~((and))~~ or modifications to the home needed because of the disability of the ~~((client))~~ individual;

(d) Medical/dental services not covered by any other resource. This may include the payment of insurance premiums and deductibles and is limited to the premiums and deductibles of the ~~((client))~~ individual;

(e) Special formulas or specially prepared foods as prescribed by a licensed physician and needed because of the disability of the ((client)) individual;

(f) Parent/family counseling related to the individual's disability, dealing with a diagnosis, grief and loss issues, genetic counseling and behavior management. Payments cannot be approved for services occurring after the death of the eligible individual;

(g) Specialized clothing adapted for a physical disability, excessive wear clothing, or specialized footwear;

(h) Specialized utility costs including extraordinary supplemental utility costs related to the ~~((client's))~~ individual's disability or medical condition;

(i) ~~((Transportation costs for gas or tickets (ferry fare, transit cost) for a client to get to essential services and appointments, if another resource is not available;~~

~~((j) Other services approved by the DDD regional administrator or designee that will replace or reduce ongoing departmental expenditures and will reduce the risk of out-of-home placement. Exemption requests under this section are not subject to appeal))~~ If another resource is not available, transportation costs, including gas, ferry or transit cost, so an individual can receive essential services and appointments; per diem costs may be reimbursed for medical appointments. Funds cannot be used for the purchase or rental of a car or for airfare.

(6) Recommendations will be made to the regional administrator by a review committee. The regional administrator will approve or disapprove the request and will communicate reasons for denial to the committee.

(7) Payment for services specified in subsection (5)~~((;~~ ~~except (5)(a) and (h);))~~ shall cover only the portion of cost attributable to the ~~((client))~~ individual.

(8) Requests must be received by DDD no later than midway through the service authorization period unless circumstances exist justifying an emergency.

(9) A plan shall be developed jointly by the family and the department for each service authorization period. The department may choose whether to contract directly with the vendor, to authorize purchase by another agency, or may reimburse the parent of the ~~((client))~~ individual.

(10) Emergency services. Emergency funds may be requested for use in response to a single incident or situation or short term crisis such as care giver hospitalization, absence, or incapacity. The request shall include anticipated resolution of the situation. Funds shall be provided for a limited period not to exceed two months. All requests are to be reviewed and approved or denied by ~~((the regional administrator or designee.~~

~~((11) A departmental service authorization shall state the type, amount, and period (duration) of service. Each department authorization shall constitute a new service for a new period.~~

~~((12) If the client)) DDD.~~

~~((a) If approved, you will receive emergency services for a limited time period, not to exceed two months.~~

~~((b) If denied, you have no appeal rights.~~

~~((11) If the individual becomes eligible and begins to receive Medicaid Personal Care services as defined in ((WAC 388-71-0202 and 388-71-0203)) chapter 388-71 and 388-72A WAC or other DSHS in-home residential support service, the family support funding will be reduced at the beginning of the next month of service. The family will receive notice of the reconfiguration of services at least five working days before the beginning of the month.~~

~~((13) If requested family support services are not authorized, such actions shall be deemed a denial of services.~~

~~((14))~~ ~~((12))~~ Family support services may be authorized below the amount requested by the family for the period. When, during the authorized service period, family support services are reduced or terminated below the amount specified in service authorizations, the department shall deem such actions as a reduction or termination of services.

NEW SECTION

WAC 388-825-253 Family support service restrictions. (1) Family support services payments are authorized only after you have used what is available to you under Medicaid and any other private health insurance plan.

(2) All family support service payments must be authorized by the department.

(3) The department may contract directly with:

(a) A service provider; or

(b) A parent for the reimbursement of goods purchased by the parent; or

(c) An agency to purchase goods and services on behalf of an individual.

(4) The department's authorization period will start when you agree to be in this program. The period will last one year and may be renewed if you continue to need services.

(5) The department does not pay for treatment determined by DSHS/MAA or private insurance to be experimental.

(6) Respite cannot be a replacement for child care while the parent or guardian is at work regardless of the age of the individual.

(7) The department shall not authorize a birth parent, adoptive parent, stepparent or any other primary caregiver (or their spouse) living in the same household with the individual to provide respite, nursing, therapy, or counseling services.

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-254 Service need level rates. (1) The department shall base periodic service authorizations on:

(a) Requests for family support services described in WAC 388-825-252 (2) and (5);

(b) Service need levels. The amount of SSP (state supplementary payment) available to ~~((a-client))~~ an individual will be included when calculating the monthly allocation of state family support dollars.

(c) Availability of family support funding;

(d) Authorization by a review committee, in each regional office, which reviews each request for service;

(e) The amounts designated in subsection (2)(a) through (d) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

(2) Service need level lid amounts as follows:

~~((+))~~ (a) Clients designated for service need level one (WAC 388-825-256) may receive up to one thousand one hundred fifty-six dollars per month or two thousand four hundred sixty-two dollars per month if the ~~((client))~~ individual requires licensed nursing care in the home:

~~((A))~~ If a client)

(i) If an individual is receiving funding through Medicaid Personal Care or other DSHS in-home residential support, the maximum payable through family support shall be five hundred twelve dollars per month;

~~((B))~~ (ii) If the combined total of family support services at this maximum plus in-home support is less than one thousand one hundred fifty-six dollars additional family support can be authorized to bring the total to one thousand one hundred fifty-six dollars.

~~((+))~~ (b) Clients designated for service need level two (WAC 388-825-256) may receive up to four hundred fifty-six dollars per month if not receiving funding through Medicaid personal care:

~~((A))~~ If a client)

(i) If an individual is receiving funds through Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be two hundred fifty-six dollars per month;

~~((B))~~ (ii) If the combined total of family support services at this maximum plus in-home support is less than four hundred fifty-six ~~((hundred-four))~~ dollars, additional family support can be authorized to bring the total to four hundred fifty-six dollars.

~~((+))~~ (c) Clients designated for service need level three (WAC 388-825-256) may receive up to two hundred fifty-six dollars per month provided the ~~((client))~~ individual is not receiving Medicaid personal care. If the ~~((client))~~ individual is receiving Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be one hundred twenty-eight dollars per month; and

~~((+))~~ (d) Clients designated for service level four (WAC 388-825-256) may receive up to one hundred twenty-eight dollars per month family support services.

~~((d))~~ Availability of family support funding;

~~((e))~~ Authorization by a review committee, in each regional office, which reviews each request for service;

~~((f))~~ The amounts designated in subsection (1)(b)(i) through (iv) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

~~((2))~~ (3) The department shall authorize family support services contingent upon the applicant providing accurate and complete information on disability-related requests.

~~((3))~~ (4) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

~~((4))~~ The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant, nursing, therapy, or counseling services for a child seventeen years of age or younger.)

WSR 04-18-052**EMERGENCY RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 04-232—Filed August 27, 2004, 10:59 a.m., effective August 31, 2004, 6:00 a.m.]

Effective Date of Rule: August 31, 2004, 6:00 a.m.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-03000Y; and amending WAC 220-52-030.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: As described in WAC 220-56-372, this area is set-aside for experimental purposes. WDFW fishery managers and research scientists have designed a study that requires the removal of up to 40% of the harvestable razor clams from a portion of the Twin Harbors Razor Clam Sanctuary. This commercial fishery is being opened to accomplish that purpose. Department staff will closely monitor this harvest. 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.

Date Adopted: August 27, 2004.

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-03000Y Commercial razor clams. Notwithstanding the provisions of WAC 220-52-030, effective immediately until further notice, it is unlawful to dig for or possess razor clams taken for commercial purposes from Washington waters except as provided for in this section:

(1) That portion of Razor Clam Area 2 starting from the southern boundary of the Twin Harbors Razor clam sanctuary as described in WAC 220-56-372, to a point 660 feet north, is open to digging and possession of razor clams for commercial purposes during the following dates and times only:

- (a) From 6:00 a.m. to 10:00 a.m. August 31, 2004;
- (b) From 6:30 a.m. to 10:30 a.m. September 1, 2004.

REPEALER

The following section of the Washington Administrative Code is repealed effective 10:31 a.m. September 1, 2004:

WAC 220-52-03000Y Commercial razor clams.

WSR 04-18-053 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-233—Filed August 27, 2004, 12:00 p.m., effective September 2, 2004, 11:59 p.m.]

Effective Date of Rule: September 2, 2004, 11:59 p.m.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-62000T and 232-28-62000U; and amending WAC 232-28-620.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The coho quota for Neah Bay (Area 4) is projected to be reached by Thursday night, September 2, 2004. 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 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 26, 2004.

Jim Lux
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-62000U Coastal salmon seasons. Notwithstanding the provisions of WAC 232-28-620 and WAC 220-56-180, effective 11:59 p.m. September 2, 2004, until further notice, it is unlawful to fish for salmon in coastal waters during 2004 except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Area 1 - Open until further notice - Daily limit 2 salmon, except release wild coho.

Minimum size for chinook salmon is 24 inches in length and 16 inches in length for coho.

(2) Areas 2, 2-1, and 2-2:

(a) Area 2 - Open until further notice - Daily limit 2 salmon, minimum size for chinook salmon is 24 inches in length and 16 inches in length for coho.

(b) **Area 2-1** - Open immediately until further notice, daily limit 6 salmon, not more than two of which may be adult salmon.

(c) **Area 2-2** west of the Buoy 13 line - Open until further notice - Daily limit 2 salmon..

(3) **Area 3** - Open until further notice - Daily limit 2 salmon, except release wild coho. Minimum size for chinook salmon is 24 inches in length and 16 inches in length for coho.

(4) **Area 4**: Closed until further notice.

(5) It is unlawful to land or possess any unmarked coho in Marine Areas 1 and 3. Unmarked coho are those coho with intact adipose and ventral fins.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 2, 2004:

WAC 232-28-62000T Coastal salmon seasons. (04-227)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 20, 2004:

WAC 232-28-62000U Coastal salmon seasons.

WSR 04-18-072

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-235—Filed August 30, 2004, 4:29 p.m., effective September 3, 2004, 7:00 p.m.]

Effective Date of Rule: September 3, 2004, 7:00 p.m.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-33000K; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The recreational crab fishery closure in the above marine areas is necessary to meet allocation requirements. 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.

Date Adopted: August 30, 2004.

Jim Lux
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-33000M Crab—Areas and seasons.

Notwithstanding the provisions of WAC 220-56-330, effective 7:00 p.m., September 3, 2004, it is unlawful to fish for crab or possess crab taken for personal use in those waters of Marine Areas 6, 8-1, 8-2, 9, 10, 11, and 12 and those waters of Marine Area 7 south and west of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary; and westerly of a straight line from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island; and west of a line projected from the southeast point of Sinclair Island to the ferry dock at Shannon Point.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 p.m., September 3, 2004:

WAC 220-56-33000K Crab—Areas and seasons. (04-130)

WSR 04-18-083

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services)

[Filed August 31, 2004, 3:06 p.m., effective August 31, 2004]

Effective Date of Rule: Immediately.

Purpose: The emergency rule revises chapter 388-72A WAC, Comprehensive assessment and reporting evaluation (CARE) tool, to incorporate CARE assessment criteria for children receiving state plan Medicaid personal care (MPC) services.

The department has withdrawn proposed WAC 388-72A-0042 filed under WSR 04-14-099 and scheduled for public hearing on September 7, 2004. This WAC is included in this emergency and has also been filed under a supplemental CR-102 proposed rule. This emergency filing of new

WAC 388-72A-0042 replaces and supersedes only the same section as filed in emergency rules WSR 04-15-013. Other emergency rules in WSR 04-15-013 will remain in effect.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Other Authority: RCW 74.39A.095.

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: Based on fair hearings, the department has determined that confusion about the new CARE assessment as described under current rules in chapter 388-72A WAC is leading to inconsistent hearing decisions and is jeopardizing the fair and equitable administration of home and community programs. Additional information about the CARE algorithm needs to be included in chapter 388-72A WAC immediately in order to allay such confusion and to ensure that clients receive benefits appropriate to their assessed needs.

A supplemental CR-102, Proposed rule-making notice for adoption of permanent rules on this subject has been filed and a public hearing is scheduled for October 5, 2004, see WSR 04-18-071.

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 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 2, Amended 0, Repealed 0.

Date Adopted: August 30, 2004.

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-72A-0042 How are ADLs and IADLs scored for children? For children, the following age appropriate guidelines apply. The table indicates which tasks are considered met per age of the child.

		Activities of Daily Living (ADLs)																
Ages		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																		
Medication Management																		
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Locomotion in Room^{Note}																		
Independent, supervision, limited or extensive		■	■	■														
Total		■																
Locomotion Outside Room^{Note}																		
Independent or supervision		■	■	■	■	■												
Limited or extensive		■	■	■														
Total		■																
Walk in Room^{Note}																		
Independent, supervision, limited or extensive		■	■	■														
Total		■																
Bed Mobility																		
Independent, supervision, limited or extensive		■	■															
Total		■																
Transfers																		
Independent, supervision, limited, extensive or total & under 30 pounds		■	■															
(Total & over 30 pounds=no age limit)																		

EMERGENCY

EMERGENCY

		Activities of Daily Living (ADLs)																
Ages		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																		
Toilet Use																		
Support provided for nighttime wetting only (Independent, supervision, limited, extensive, or total)		■	■	■	■	■	■	■										
Independent, supervision, limited, extensive		■	■	■	■	■												
Total		■	■	■														
Eating																		
Independent, supervision, limited, extensive, or total		■	■															
Bathing																		
Independent or supervision		■	■	■	■	■	■	■	■	■	■							
Physical assistance all/part		■	■	■	■	■	■	■										
Total		■	■	■	■													
Dressing																		
Independent or supervision		■	■	■	■	■	■	■	■	■	■							
Limited or extensive		■	■	■	■	■	■	■										
Total		■	■	■	■													
Personal Hygiene																		
Independent or supervision		■	■	■	■	■	■	■	■	■	■							
Limited or extensive		■	■	■	■	■	■	■										
Total		■	■	■	■													

		Instrumental Activities of Daily Living																
Ages		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																		
Telephone																		
Independent, supervision, limited, extensive, or Total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Transportation																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Shopping																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Wood Supply																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Housework																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Finances																		
Independent, supervision, limited, extensive, or total		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

Instrumental Activities of Daily Living																	
Ages	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
■ = Code status as Met																	
Meal Preparation																	
Independent, supervision, limited, extensive, or total	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

NOTE: If the activity did not occur, the assessor codes self performance as total and status as met.

NEW SECTION

WAC 388-72A-0043 How are other elements in CARE scored for children age seventeen and younger and foster care clients? (1) For children age seventeen and younger, the assessor scores their needs, using the following age appropriate guidelines.

	Ages																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Additional guidelines based on age																	
Any foot care needs																	
Status Need met	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Any skin care (other than feet)																	
Status Need met	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Speech/Hearing																	
Score comprehension as understood	■	■															
Memory																	
Short term memory ok	■	■	■	■	■	■	■	■	■	■	■						
Long term memory ok	■	■	■	■	■	■	■	■	■	■	■						
Depression																	
Select interview= unable to obtain	■	■	■	■	■	■	■	■	■	■	■						
Decision making																	
Rate how client makes decisions = independent	■	■	■	■	■	■	■	■	■	■	■						
Bladder/Bowel																	
Support provided for nighttime wetting only - Individual management= Does not need/use	■	■	■	■	■	■	■	■	■	■	■						
Individual management= Does not need/use	■	■	■	■	■												

(2) For client in foster care, the assessor does not score mental health therapy, behaviors, or depression.

WSR 04-18-084
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-237—Filed August 31, 2004, 4:36 p.m., effective September 1, 2004, 6:00 a.m.]

Effective Date of Rule: September 1, 2004, 6:00 a.m.

Purpose: Commercial fishing rules.
 Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-47-605.
 Statutory Authority for Adoption: RCW 77.12.047.
 Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

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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 revision allows the emergency substitution of the purse seine vessel Norman B. for the originally scheduled Polarland which can not participate due to crew illness. Regulations for the 2004 Puget Sound commercial salmon fishery were discussed at North of Falcon planning meetings in the spring, and subsequently, a package containing permanent regulation changes arising from agreements made by comanagers at those meetings was filed with the Code Reviser's Office under expedited rule procedures. That package of permanent regulations is not yet in effect, and these emergency rules are necessary to initiate fisheries, which are scheduled to commence before those permanent rules will become effective. This regulation provides for the Bellingham Bay limited participation purse seine fishery and Area 9A gill net and skiff gill net fishery as negotiated during the North of Falcon. This fishery is not expected to exceed chinook by-catch levels modeled during the pre-season process. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 31, 2004.

Lew Atkins
for Jeff Koenings
Director

NEW SECTION

WAC 220-47-606 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Lawful gill net gear:

Lawful gill net gear in Puget Sound Areas 7, and 7A, shall not contain meshes of a size less than 5 inches nor greater than 5 1/2 inches. It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator

has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Lawful purse seine gear:

1) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

2) If fishers are enrolled in the "Rolling Wedge" evaluation program they may use the rolling wedge in lieu of brail provided they comply with the following conditions:

(a) Have enrolled by contacting the Department at 902-2717 prior to June 1, 2004

(b) Pay the funding fee of \$100 per day of the opening

(c) Allow WDFW observer on board for all fishing activities

(d) No more than 125 fish may be on deck at any one time.

(e) Place all lethargic or injured fish in the operating recovery box until they appear recovered or they are dead

Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of 48 inches, an inside width measurement of 10 inches, and an inside height measurement of 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(f) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(g) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

Daily Registration - When daily registration (hail in-hail out) is a condition to fish in an area, the license holder must report 1) their name, 2) a telephone number where they can be reached, 3) the gear type, and 4) the area they will be fishing. This report must be made 24 hours in advance of EACH DAY of fishing by using one of the following:

- FAX transmission to (360) 902-2949
- E-mail to psfishtickets@dfw.wa.gov
- Toll-free telephone call to 1-866-791-1279 (leave voice message)

"Hailing out" is required as part of daily registration. To "hail out" the vessel operator must notify the Department by phoning toll-free 1-866-791-1279 as they prepare to leave the fishing area and provide adequate notification as to where and when they will land their fish.

Area 6D:

Skiff Gill Nets - (a) Open to skiff gill nets using 5-inch minimum and 5 1/2-inch maximum mesh from 7:00 a.m. to 7:00 p.m. on the following dates: 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28, 10/29.

(b) It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. Any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

Area 7 and 7A:

Reef Nets - Open to reef net gear according to the times, dates, and conditions as prescribed and listed here:

7:00 a.m. to 7:00 p.m. daily September 12 through November 13

It is unlawful to retain chinook and salmon at all times, and it is unlawful to retain chum salmon and wild coho salmon prior to October 1. It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

Areas 7B and 7C:

Purse Seines - (a) Open only to the purse seine vessels Norman B., Memento, Esperanza and Anna Louise from 6:00 a.m. to 8:00 p.m. Wednesday September 1, 2004.

(i) It is unlawful to retain sockeye or coho salmon, and any sockeye or coho salmon caught must be released immediately.

(ii) It is unlawful to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net, meeting the specifications in WAC 220-47-325, prior to the seine net being removed from the water, except all salmon must be immediately sorted and those required to be released, must be placed in an operating recovery box or released into the water before the next haul may be brought on the deck. However, small numbers of fish may be brought on board the vessel by pulling the net in without mechanical or hydraulic assistance.

(iii) The 5-inch strip requirement is not in effect during this opening.

(b) Open in Area 7B to purse seines using the 5-inch strip during the following hours and dates.

7:00 a.m. September 7 to 8:00 p.m. September 9

7:00 a.m. September 13 to 7 p.m. September 15

7:00 a.m. September 19 to 4 p.m. October 23

Gill Nets - Open to gill nets as follows:

<u>Areas</u>	<u>Mesh Size</u>	<u>Hours and Dates</u>
7B and 7C	7" minimum	7:00 p.m. August 31 to 7:00 a.m. September 1
		7:00 p.m. September 2 to 7:00 a.m. September 3
7B	5" minimum	7:00 p.m. September 6 to 8:00 a.m. September 7
		7:00 p.m. September 7 to 8:00 a.m. September 8
		7:00 p.m. September 9 to 8:00 a.m. September 10
7B	5" minimum	6:00 p.m. September 12 to 8:00 a.m. September 13
		6:00 p.m. September 14 to 8:00 a.m. September 15
		6:00 p.m. September 16 to 8:00 a.m. September 17.
7B	5" minimum	7:00 p.m. September 19 through 8:00 p.m. October 23

Area 8D:

Purse Seine - Open to purse seines using the 5-inch strip as follows:

<u>Hours</u>	<u>Dates</u>
7:00 a.m. to 7:00 p.m.	9/23, 10/4

It is unlawful to retain chinook salmon, and any chinook salmon caught with purse seine gear must be released immediately.

Gill Nets - Open to gill nets using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 p.m. September 19 to 8:00 a.m. September 20	
6:00 p.m. September 21 to 8:00 a.m. September 22	
6:00 p.m. September 23 to 8:00 a.m. September 24	
6:00 p.m. September 26 to 8:00 a.m. September 27	
6:00 p.m. September 28 to 8:00 a.m. September 29	
6:00 p.m. September 30 to 8:00 a.m. October 1	

Area 9A:

Gill Nets - Open to gill nets no more than 600 feet long and no more than 60 meshes deep using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. August 29 through 8:00 p.m. October 30	

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

Skiff Gill Nets - Open to skiff gill nets no more than 600 feet long and no more than 60 meshes deep using 5-inch minimum mesh as follows:

<u>Hours</u>	<u>Dates</u>
6:00 a.m. August 29 through 8:00 p.m. October 30	

It is unlawful to retain chum salmon in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

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Area 12A:

Beach Seines - (a) Open to holders of beach seine permits from 7:00 a.m. to 7:00 p.m. on the following dates: 8/31, 9/1, 9/2, 9/3, 9/6, 9/7, 9/8, 9/9, 9/10, 9/13, 9/14, 9/15, 9/16, 9/17, 9/20, 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1. All Chinook and chum salmon must be released immediately.

(b) Open in those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula.

All Other Saltwater and Freshwater Areas: Closed.

"Quick Reporting" Fisheries:

All fisheries opened under this section.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-605 Puget Sound all-citizen commercial salmon fishery. (04-224)

**WSR 04-18-085
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-236—Filed August 31, 2004, 4:36 p.m., effective August 31, 2004, 11:00 p.m.]

Effective Date of Rule: August 31, 2004, 11:00 p.m.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900F.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Emergency rule is no longer needed as permanent rules have been adopted. 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.

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.

Date Adopted: August 31, 2004.

Lew Atkins
for Jeff Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m., August 31, 2004:

WAC 232-28-61900F Exceptions to statewide rules—2004 North of Falcon. (04-184)

**WSR 04-18-099
EMERGENCY RULES
STATE BOARD OF EDUCATION**

[Filed September 1, 2004, 9:25 a.m., effective September 1, 2004]

Effective Date of Rule: Immediately.

Purpose: The State Board of Education is amending its policy to allow teachers with endorsed certificates to add certain additional endorsements to their certificates through successful passage of the Praxis II subject knowledge test (WEST-E).

Citation of Existing Rules Affected by this Order: Amending WAC 180-82A-204.

Statutory Authority for Adoption: Chapter 28A.410 RCW and RCW 28A.305.130.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency adoption will allow teachers with endorsed certificates to add certain additional endorsements to their certificates through successful passage of the Praxis II subject knowledge test (WEST-E) during the summer testing schedule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 27, 2004.

September 1, 2004

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 03-14-114, filed 6/30/03, effective 7/31/03)

WAC 180-82A-204 Endorsement requirements. (1) Candidates completing endorsements required to obtain a residency certificate, shall complete college/university teacher preparation programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (see WAC 180-78A-264(5)) and field experience/internship (see WAC 180-78A-264(6)) and pursuant to endorsement program approval requirements in this chapter.

(2) In order to add an additional endorsement, the candidate shall:

(a) Have completed a state-approved endorsement program which includes methodology (see WAC 180-78A-264(5)) and addresses all endorsement-specific competencies adopted by the state board of education and published by the superintendent of public instruction. The requirement for field experience shall be at the discretion of the college/university. Provided, that in cases where programs require a field experience/internship, the colleges/universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's teaching schedule; or

(b) Achieve National Board certification in a Washington teaching endorsement area and hold a valid National Board certificate; or

(c) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought. The instructional methodology and content-related skills of the desired subject endorsement must be compatible with one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of Pathway 1 endorsements adopted by the state board of education and published by the superintendent of public instruction. The applicant must document a minimum of ninety days teaching experience, in a public or state approved private school, or state agency providing educational services for students, in the endorsement area that is compatible in instructional methodology and content-related skills to the Pathway 1 endorsement.

(3) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington endorsement area.

(4) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(5) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(6) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

WSR 04-18-102

EMERGENCY RULES

STATE BOARD OF EDUCATION

[Filed September 1, 2004, 9:28 a.m., effective September 1, 2004]

Effective Date of Rule: Immediately.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule is [in] response to a timeline contained in 2SSB 5533 passed by the 2004 Legislature and signed into law by the governor.

Purpose: Adoption of a proposed new chapter to State Board of Education policies: Chapter 180-88 WAC, Definitions of sexual misconduct, verbal abuse, and physical abuse—Mandatory disclosure—Prohibited agreements, as presented herein. RCW 28A.400.301 requires adoption by September 1, 2004.

Statutory Authority for Adoption: RCW 28A.400.301.

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: Rule adoption is mandated by state law passed by the 2004 legislature.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 6, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 27, 2004.

Larry Davis

Executive Director

EMERGENCY

Chapter 180-88 WAC

DEFINITIONS OF SEXUAL MISCONDUCT, VERBAL ABUSE AND PHYSICAL ABUSE—MANDATORY DISCLOSURE—PROHIBITED AGREEMENTS

NEW SECTION

WAC 180-88-010 Purpose and authority. (1) The purpose of this chapter is to provide the safest educational environment for children and staff and to implement legislative direction by:

(a) Defining the term "sexual misconduct" for purposes of requiring school districts to forward known information about employee sexual misconduct to prospective school district employers; and

(b) Defining "sexual misconduct," "verbal abuse," and "physical abuse" for purposes of prohibiting school districts from entering into any contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee, or has the effect of expunging such information from employer files.

(2) The authority for this chapter is RCW 28A.400.301.

NEW SECTION

WAC 180-88-020 Employee—Definition. As used in this chapter, the term "employee" means any employee or former employee of a school district, including all classified employees, all certificated employees, and all substitute employees.

NEW SECTION

WAC 180-88-030 Student—Definition. For purposes of this chapter, "student" shall have the same meaning as defined in WAC 180-87-040.

NEW SECTION

WAC 180-88-040 Verbal abuse—Definition. "Verbal abuse" means the use of malicious or hostile language by an employee that results in harm to another if the school district has determined that there is sufficient evidence to conclude that an employee engaged in the conduct and that it resulted in the employee leaving a position with the school district. Under RCW 28A.400.301, a district is prohibited from entering into any contract or agreement that has the effect of suppressing information about the abuse by a present or former employee or has the effect of expunging such information from employer files.

NEW SECTION

WAC 180-88-050 Physical abuse—Definition. (1) "Physical abuse" means the willful action by an employee of inflicting or attempting to inflict bodily injury against another, or using physical force in excess of what is necessary to restrain a person from harming self or others. To constitute physical abuse, a school district must possess suffi-

cient information to conclude that the employee engaged in the conduct and that it resulted in the employee leaving a position with the school district. Under RCW 28A.400.301, a district is prohibited from entering into any contract or agreement that has the effect of suppressing information about the abuse by a present or former employee or has the effect of expunging such information from employer files.

(2) Authorized use of physical restraints or of aversive interventions consistent with chapter 392-172 WAC shall not constitute physical abuse.

NEW SECTION

WAC 180-88-060 Sexual misconduct—Definition. "Sexual misconduct" means:

(1) Any sexually exploitive act with or to a student. Sexually exploitive acts include, but are not limited to, the following:

(a) Any sexual advance, verbal, written or physical.

(b) Sexual intercourse, as defined in RCW 9A.44.010.

(c) Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a student except to the extent necessary and appropriate to attend to the hygienic or health needs of the student.

(d) Any activities determined to be grooming behavior for purposes of establishing a sexual relationship.

(e) The provisions of (a) through (d) of this subsection shall not apply if at the time of the sexual conduct the participants are married to each other.

(2) Indecent exposure, as defined in RCW 9A.88.010.

(3) Sexual harassment of another as defined under local employer policy.

(4) Commission of a criminal sex offense as defined under chapter 9A.44 RCW.

(5) Sexual abuse or sexual exploitation of any minor as found in any dependency action under chapter 13.34 RCW or in any domestic relations proceeding under Title 26 RCW.

(6) For purposes of this section, sexual misconduct occurs only when a school district determines it has sufficient information to conclude that an employee engaged in the sexual misconduct and it resulted in the employee leaving a position with the school district. Under RCW 28A.400.301, a district is prohibited from entering into any contract or agreement that has the effect of suppressing information about the misconduct of a present or former employee or has the effect of expunging such information from employer files, and a district must forward information regarding sexual misconduct to prospective employing districts.

WSR 04-18-112

EMERGENCY RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed September 1, 2004, 9:38 a.m., effective September 1, 2004]

Effective Date of Rule: Immediately.

Purpose: Crime victims compensation provider reimbursement rates, WAC 296-30-090 What are the maximum allowable fees? Due to an increase in medical costs paid by

the crime victims compensation program, it has been determined that the current appropriation will not be sufficient to carry the program through this biennium. RCW 7.68.080 (2)(b) gives the department the authority to set the service levels and fees no lower than those established by the Department of Social and Health Services under Title 74 RCW. The purpose of this rule is to lower provider reimbursement rates for services to crime victims to those of the Department of Social and Health Services. Lowering the reimbursement rates for services has the least onerous impact on crime victims.

Citation of Existing Rules Affected by this Order: Amending WAC 296-30-090.

Statutory Authority for Adoption: RCW 7.68.030.

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: Due to an increase in medical costs paid by the crime victims compensation program, it has been determined that the current appropriation will not be sufficient to carry the program through the biennium. The time line required for the permanent rule process is too lengthy to affect needed fiscal savings during the current biennium. Lowering the reimbursement rate to providers is the least onerous impact on crime victims.

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 1, Amended 0, Repealed 0.

Date Adopted: September 1, 2004.

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-30-090 What are the maximum allowable fees? (1) ~~((Maximum allowable fees for medical services are those fees published in the Medical Aid Rules and Fee Schedules less any available benefits of public or private insurance.~~

~~(2) Maximum allowable fees for mental health services are those fees published in the Crime Victims Compensation Program Mental Health Treatment Rules and Fees less any available benefits of public or private insurance.~~

EXCEPTION:

~~If any of the maximum allowable fees in the publications entitled Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.~~

(3)) The maximum allowable fees for medical and mental health services will be those rates established by the department of social and health services less any available benefits of public or private insurance.

(2) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes are those rates established by the department of social and health services under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

**WSR 04-18-131
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-238—Filed September 1, 2004, 11:20 a.m., effective September 1, 2004]

Effective Date of Rule: Immediately.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100G; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule, and a fishing depth restriction is required in Crustacean Management Region 2 to protect spot shrimp. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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.

Date Adopted: September 1, 2004

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-52-05100H Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-Shellfish Catch and Reporting Areas 23A-E (east), 23A-W (west), and 23A-C (central).

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Shrimp Management Areas 1B, 1C, 2-E (east), 2-W (west), and Marine Fish-Shellfish Catch and Reporting Areas 23A-S (south), 23B, 23C, 23D, 25A, 25D and 26D.

(iii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(iv) In Crustacean Management Region 2 it is unlawful to set or pull shrimp gear in waters greater than 175 feet deep.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 300 pounds per week from Crustacean Management Region 6, and any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(c) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A, and 22A within Shrimp Management Area 1B, and Marine Fish-Shellfish Management and Catch Reporting Areas 20A: Open immediately, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100G Puget Sound shrimp pot and beam trawl fishery. (04-221)

WSR 04-16-020
AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 23, 2004, 1:38 p.m.]

DSHS SEMI-ANNUAL RULE-MAKING AGENDA

Following is the Department of Social and Health Services' semi-annual rule-making agenda for July 1, 2004, through December 31, 2004. This report is submitted for publication in the state register pursuant to RCW 34.05.314 and distributed to interested parties, and is available online at <http://www1.dshs.wa.gov/msa/rpau/>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal requirements, or to meet unforeseen circumstances.

Semi-Annual Rule-Making Agenda
July 1, 2004 through December 31, 2004

This report describes rules under development by DSHS administrations and divisions from July 1, 2004, through

December 31, 2004. DSHS publishes this rule-making agenda in January and July each year in the Washington State Register to comply with RCW 34.05.314. There may be additional DSHS rule-making activity not included in this report as the department responds to new state laws, to meet federal requirements, or to meet unforeseen circumstances. This document is available online, and will be updated in October 2004 at the DSHS public website, <http://www1.dshs.wa.gov/msa/rpau/>.

If you have questions about this rule-making agenda or the DSHS rule-making process, please contact Andy Fernando, DSHS Rules Coordinator, at P.O. Box 45850, Olympia, WA 98504-5850, by phone at (360) 664-6094, or by e-mail at FernaAX@dshs.wa.gov. If you are interested in receiving DSHS rule-making notices, please contact Fred Swenson at the DSHS Rules and Policies Assistance Unit by phone at (360) 664-6097 or by e-mail at SwensFH@dshs.wa.gov.

Following the tables are explanations of the terms "pre-proposal notice," "proposed rule," "expedited rule," "permanent rule," "emergency rule," and other selected terms used in this agenda.

WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
AGING AND DISABILITY SERVICES ADMINISTRATION (ADSA)							
ADSA - Division of Developmental Disabilities (DDD)							
WAC 388-513-1301, 388-513-1315, and WAC 388-515-1510	Client not in own home—Institutional Alternative living—Institutional	New home and community based services waiver rules	Adopting rules to implement new home and community-based services (HCBS) waivers from the federal Centers for Medicare and Medicaid necessary to provide services for eligible persons with developmental disabilities. New waivers replace the department's current community alternatives program (CAP) waiver. Contact Steve Brink, ADSA-DDD.	WSR 04-15-091 Filed 7/16/04	WSR 03-20-103 Filed 9/30/03	WSR 04-12-101 Hearing 7/6/04	
Chapter 388-825 WAC; New chapter 388-845 WAC	DDD services rules Home and community based waiver services	New home and community based services	Adopting rules to implement new home and community-based services (HCBS) waivers from the federal Centers for Medicare and Medicaid necessary to provide services for eligible persons with developmental disabilities. New waivers replace the department's current community alternatives program (CAP) waiver. Contact Steve Brink, ADSA-DDD.	WSR 04-08-020 Filed 3/29/04	WSR 03-20-103 Filed 9/30/03		
Chapter 388-825 WAC	DDD services rules	Notification	Revising rules to clarify existing notification procedures currently in WAC 388-825-100. Contact Steve Brink, ADSA-DDD.		WSR 04-08-071 Filed 4/5/04	WSR 04-12-100 Hearing 7/6/04	WSR 04-15-093 Effective 8/16/04

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-825-030, 388-825-035, 388-825-040, 388-825-045, 388-825-055 and 388-825-200 through 388-825-256	DDD services rules	Eligibility criteria	Revising rules to change eligibility criteria for conditions such as epilepsy, autism, and other neurological conditions; and to align rules with Part C of the Individuals with Disabilities Education Act (IDEA). Contact Sue Pold, ADSA-DDD.	WSR 04-14-003 Filed 6/23/04 (WAC 388-825-030 only)	WSR 02-07-107 Filed 3/20/02		
WAC 388-825-070 and 388-825-090	DDD services rules	Corrections	Correcting outdated WAC cross-references and references to direct payments. Contact Steve Brink, ADSA-DDD.		Exempt	WSR 04-08-072 Hearing 5/11/04	WSR 04-11-087 Effective 6/18/04
WAC 388-825-210, 388-825-228, 388-825-230, 388-825-232, 388-825-234, 388-825-236, 388-825-238, 388-825-242, 388-825-248, 388-825-252, and new WAC 388-825-254, and related rules	DDD services rules	Children receiving Medicaid personal care (MPC) services	Amending rules to implement the comprehensive assessment reporting and evaluation (CARE) tool for assessment of children receiving MPC services from the division. Contact Shirley Everard or Linda Gil, ADSA-DDD.		WSR 04-12-091 Filed 6/2/04		
Chapter 388-827 WAC	DDD-state supplemental payment program (SSP)	Revising SSP eligibility	Revising rules to expand the population eligible to receive the SSP to include individuals who would be eligible for supplemental security income except for the receipt of Social Security Title II benefits as a "Disabled Adult Child," and to limit SSP eligibility for certain individuals on home and community-based services waivers administered by DDD. Contact Steve Brink, ADSA-DDD.		WSR 04-08-070 Filed 4/5/04	WSR 04-12-102 Hearing 7/6/04	WSR 04-15-094 Effective 8/16/04
Chapter 388-835 WAC and new chapter 388-837 WAC	ICF/MR program and reimbursement system	Residential habilitation centers	Adopting rules to implement the 2003-2005 state operating budget bill (section 205, chapter 25, Laws of 2003, 1st sp.s.), concerning downsizing of the Fircrest School. Contact Jeannie Johnson or Harlan Solomon, ADSA-DDD.	WSR 04-10-016 Filed 4/26/04	WSR 04-02-009 Filed 12/29/03	WSR 04-12-099 Hearing 7/6/04	
Chapter 388-835 WAC	ICF/MR program and reimbursement system	Same	Amending language to reflect new rates.		Planned for future action		
Chapter 388-850 WAC	County plan for developmental disabilities	Same	Rewriting rules in clear rule format and clarifying language.		Planned for future action		

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
ASDA - Home and Community Services Division (HCS)							
Chapters 388-71, 388-72A, and 388-515 WAC	Home and community services and programs Comprehensive assessment, reporting and evaluation tool Alternative living—Institutional medical	Medically needy (MN) in-home waiver program	The department will adopt rules to establish eligibility criteria, applicable income standards, specific waiver services, and amending other sections as needed to establish the medically needy (MN) in-home waiver program authorized by new 2004 state law. Contact Tiffany Sevruk, ADSA-HCS.	WSR 04-10-062 Filed 4/30/04	WSR 04-01-192 Filed 12/23/03	WSR 04-10-101 Hearing 6/22/04	
WAC 388-71-0100 through 388-71-01280	Home and community services and programs	Adult protective services	Adopting rules providing an alleged perpetrator in an adult protective services (APS) report the opportunity to request an administrative hearing. Contact Tiffany Sevruk, ADSA-HCS.	WSR 04-14-013 Filed 6/25/04	WSR 03-17-064 Filed 8/18/03	WSR 04-13-138 Hearing 7/27/04	
WAC 388-71-0531 (Repealed)	Home and community services and programs	Individual provider hours	Repealing the rule to comply with recently enacted legislation, ESHB 2933.	WSR 04-15-011 Filed 7/8/04	WSR 04-07-060 Filed 3/11/04	WSR 04-11-085 Hearing 6/22/04	WSR 04-15-001 Effective 8/7/04
WAC 388-71-0900 through 388-71-0965	Home and community services and programs	Private-duty nursing	Amending rules to clarify the intent of WAC 388-71-0900 through 388-71-0965. Contact Sue McDonough, ADSA-HCS.		WSR 04-07-061 Filed 3/11/04		
Chapter 388-72A WAC	Home and community services and programs; Comprehensive assessment reporting and evaluation tool	Children receiving Medicaid personal care—Assessment criteria	Amending rules to incorporate CARE assessment criteria for children receiving state plan Medicaid personal care (MPC) services and amending other sections as needed to implement this change. Contact Tiffany Sevruk, ADSA-HCS. (Note: Supplemental proposed rule, WSR 04-11-086, was withdrawn and replaced with proposed rule, WSR 04-14-099 - see below and WSR 04-14-096.)		WSR 04-01-087 Filed 12/16/03	WSR 04-11-086 Hearing 6/22/04 Withdrawn.	

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
Chapter 388-72A WAC	Comprehensive assessment, reporting, evaluation (CARE) tool	Same	Revising rules to: Include the CARE algorithm to assure fair and equitable administration of home and community program services; and to incorporate the CARE assessment criteria for children receiving state plan Medicaid personal care; and to clarify other rules. Contact Brooke Buckingham, ADSA-HCS.	WSR 04-15-013 Filed 7/8/04	WSR 04-09-089 Filed 4/20/04	WSR 04-14-099 Hearing 9/7/04	
ADSA - Residential Care Services Division							
Chapter 388-78A WAC	Boarding home licensing	Same	Repealing new rules scheduled to take effect September 1, 2004, (WSR 03-16-047) and adopting new replacement rules to implement 2004 legislation and to address concerns of the industry. Contact Denny McKee, ADSA-RCS.		WSR 04-07-189 Filed 3/24/04	WSR 04-11-116 Hearing 7/6/04	
Chapter 388-78A WAC	Boarding home licensing	Same	To review and update rules to be consistent with current practices in residential care and to make it more applicable to today's boarding home residents. Current rules will be repealed and replaced with new rules in chapter 388-78A WAC. Rules effective September 1, 2004. Contact Denny McKee, ADSA-RCS. (Note: These new rules are proposed for repeal, see WSR 04-11-116 above).		WSR 00-15-014 Filed 7/10/00	WSR 03-03-018 Hearing 3/11/03	WSR 03-16-047 Effective 9/1/04
WAC 388-97-017	Nursing homes	Discrimination prohibited	Amending the rule to be consistent with recently passed legislation, SSB 6466 (chapter 34, Laws of 2004), an act regarding the admission of residents to nursing facilities. Contact Lisa Yanagida, ADSA-RCS.		WSR 04-12-095 Filed 6/2/04		
WAC 388-97-125	Nursing homes	Physician services	Amending the rule to be consistent with recent federal clarification on the regulatory differences concerning physician delegation of tasks in skilled nursing facilities and nursing facilities. Contact Lisa Yanagida, ADSA-RCS.		WSR 04-06-055 Filed 3/1/04		

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
Chapter 388-110 WAC	Contracted residential care services; assisted living services; enhanced adult residential care	Same	To incorporate dementia care pilot project standards into rule for contracting with boarding homes to provide dementia care to department clients, and to make revisions necessary as a result of amendments to chapter 388-78A WAC. Contact Denny McKee, ADSA-RCS.		WSR 03-02-078 Filed 12/30/02	WSR 04-13-022 Hearing 7/27/04	
Chapter 388-820 WAC	Community residential services and support	Home and community based services	Amending rules in this chapter to be consistent with other rules implementing the home and community-based services waiver. Contact Jill Young, ADSA.		WSR 04-13-106 Filed 6/21/04		
ADSA - Rates Management Office							
Chapter 388-96 WAC	Nursing facility Medicaid payment	Same	Implementing 2004 legislative changes that affect the Medicaid nursing facility payment system. Contact Patricia Hague, ADSA-Rates Management.		WSR 04-08-133 Filed 04/7/04		
Chapter 388-96 WAC	Nursing facility Medicaid payment	Same	Codifying current policies and practices; editing previous codifications for substance and form. Contact Patricia Hague, ADSA-Rates Management.		WSR 03-07-031 Filed 3/11/03		
Chapter 388-105 WAC	Medicaid rates for contracted home and community residential care services	Additional payments from clients, friends or family	Adopting rules on when a contracted facility may accept an additional payment from the client, the client's friend or family for an amenity, or an item or service that is not covered by Medicaid rates. Contact Patricia Hague, ASDA-Rates Management.		WSR 04-10-089 Filed 5/4/04		
WAC 388-25-0225, 388-25-0226, 388-25-0227, 388-25-0228, and 388-25-0230	Child welfare services—Foster care	Exemptions to referral to division of child support	Revising rules to extend the exemption of good cause to instances where the best interest of the child is a determining factor when a referral to the Division of Child Support (DCS) is being considered for children in foster care placements and when the foster child is an adopted child receiving adoption assistance payments. Contact Jean Croisant, Children's Administration.	WSR 04-15-082 Filed 7/14/04	WSR 04-08-068 Filed 4/5/04		

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-25-1000, 388-25-1010, 388-25-1020, 388-25-1030, 388-25-1040, and 388-25-1050	Child welfare services—Foster care	State supplemental payments	Adopting new rules to allow state supplemental payments to eligible children in foster care who receive federal supplemental security income (SSI). Contact Cindy Beckman, Children's Administration.	WSR 04-15-055 Filed 7/13/04	WSR 04-07-059 Filed 3/11/04		
Chapter 388-61A WAC	Shelters for victims of family violence	Same	Revising the chapter to clarify confidentiality requirements, fire safety requirements for shelter homes and appeal rights. Contact Susan Hannibal, Children's Administration.		WSR 03-22-087 Filed 11/5/03		
New chapter 388-147 WAC	Licensing requirements for teen parent programs	Same	Creating new standards for programs assisting pregnant or new teen parents. Contact Jean Croisant, Children's Administration.		WSR 00-22-061 Filed 10/27/01		
WAC 388-148-0050	Licensing requirements for foster homes, staffed residential homes, group care facilities and child-placing agencies	Typographical correction	Amending the rule to correct an error in subsection (b)(c), clarifying the rule and eliminating confusion. Contact Jean Croisant, Children's Administration.		Exempt	WSR 04-16-001 Hearing 9/7/04	
Chapter 388-149 WAC	Licensing standards for special model foster homes	Same	Developing consistent standards and providing regular monitoring. Contact Jean Croisant, Children's Administration.		WSR 01-15-080 Filed 7/17/01		
ECONOMIC SERVICES ADMINISTRATION (ESA)							
ESA - Community Services Division							
			No current rule-making activity.				
ESA - Division of Child Care and Early Learning							
Chapter 388-151 WAC, moving to new chapter 388-297 WAC	Minimum requirements for child care centers	Moving entire chapter to new location	Repealing all sections of chapter 388-151 WAC and adopting new chapter 388-297 WAC to reorganize and clarify minimum requirements for child care centers caring exclusively for school age children. Contact Liz Egge, ESA.		WSR 03-20-025 Filed 9/23/03		

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-290-0020, 388-290-0025, 388-290-0030, 388-290-0032, 388-290-0040, 388-290-0045, 388-290-0060, 388-290-0085, 388-290-0090, 388-290-0105, 388-290-0108, 388-290-0110, 388-290-0130, 388-290-0140, 388-290-0155, 388-290-0165, and 388-290-0270	Working connections child care (WCCC)	Correcting errors	Amending rules to add clarity and correct typographical errors and other inadvertent errors made during previous revisions. Contact Lisa Lind, ESA.		WSR 04-13-046 Filed 6/10/04		
WAC 388-290-0200 and 388-290-0205	Working connections child care (WCCC)	Child care reimbursement rates	Increasing the maximums rates DSHS will pay licensed centers and family home providers in Spokane County legislative directive through June 30, 2005. Contact Lisa Lind, ESA.	WSR 04-14-014 Filed 6/25/04			
New chapter 388-296 WAC Repealing all rules in chapter 388-155 WAC	Child care business regulations for family home child care; Minimum licensing requirements for family child care homes	Licensing requirements for family child care homes	Revising this chapter to meet the governor's clear rule-writing mandate. Revisions will result in adopting a new chapter 388-296 WAC and repeal of current rules in chapter 388-155 WAC. Contact Mary Oakden, ESA. Note: The hearing in Yakima on June 15, 2004, was conducted in English and Spanish.		WSR 02-23-015 Filed 11/8/02	WSR 04-07-134, and 04-10-095 Three hearings: Lacey, 6/3/04; Spokane, 6/8/04; and Yakima, 6/15/04	
ESA - Division of Child Support							
Chapter 388-14A WAC	Division of child support rules	Collecting interest on interstate support orders	Adopting rules required by federal law to enforce interest on unpaid support arrears at the request of another state. Contact Nancy Koptur, ESA.		WSR 04-07-113 Filed 3/18/04		
WAC 388-14A-1020 and 388-14A-2810	Division of child support rules	Dependent children	Revising the definition of "dependent child" to make rules consistent with rules on eligibility for temporary assistance to needy families (TANF) for children older than age eighteen. Contact Nancy Koptur, ESA.		WSR 04-06-053 Filed 3/1/04		

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-14A-1020, 388-14A-3140, 388-14A-3370, 388-14A-3600, 388-14A-3810, 388-14A-6300, and other related rules	Division of child support rules	Court ordered parenting plan	Establish rules to deal with situations when a court-ordered parenting plan sets a child's residential schedule so that the child spends an equal amount of time with each parent (a "50-50 custody split"). Contact Nancy Koptur, ESA		WSR 04-09-036 Filed 4/13/04		
WAC 388-14A-1020, 388-14A-4100, 388-14A-4110, 388-14A-4120, and 388-14A-4130	Division of child support rules	Medical child support obligations	Developing new rules and procedures for enforcing medical child support obligations using the National Medical Support Notice. Contact Nancy Koptur, ESA.	WSR 04-14-054 Filed 6/30/04	WSR 04-07-062 Filed 3/11/04	WSR 04-13-139 Hearing 8/10/04	
WAC 388-14A-2000, 388-14A-2025, 388-14A-2080, 388-14A-3800, 388-14A-3810, 388-14A-4000, 388-14A-4300, and 388-14A-4304	Division of child support rules	Modifying support obligations	Amending the rules to allow the Division of Child Support (DCS) to modify support obligations when both parties make informal arrangements and are unable to return to court to officially change the support order. Contact Nancy Koptur, ESA.		WSR 02-03-010 Filed 1/4/02		
WAC 388-14A-3300 through 388-14A-3320	Division of child support rules	Support debt and notice of support owed	Reviewing for clarification the rules regarding the notice of support debt and the notice of support owed. Contact Nancy Koptur, ESA.		WSR 03-23-107 Filed 11/18/03		
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules	Modification of a support order	Revising rules on review and modification of support orders; and rules and procedures regarding prospective modification of administrative support orders. Contact Nancy Koptur, ESA.		WSR 03-22-054 Filed 10/31/03		
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules	Modification of a support order	Allowing for modification of a support order when it will not change by more than the current standard. Contact Nancy Koptur, ESA.		WSR 01-13-020 Filed 6/11/01		
WAC 388-14A-4000 and 388-14A-6300	Division of child support rules	Payments on child support arrearages	Amending or adopting new rules as necessary, dealing with payments on child support arrearages. Contact Nancy Koptur, ESA.		WSR 03-23-106 Filed 11/18/03		
WAC 388-14A-5000, other related rules	Division of child support rules	Distribution of child support payments	Clarifying DCS' ability to delay distribution of collections via the IRS offset period for no more than six months. Contact Nancy Koptur, ESA.		WSR 04-07-166 Filed 3/23/04		

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-14A-5001	Division of child support rules	Support collection	Clarify existing rules regarding distribution to make it clear that the date of collection is the date of receipt of payment. Contact Nancy Koptur, ESA		WSR 04-08-069 Filed 4/5/04		
ESA - Division of Employment and Assistance Programs							
WAC 388-61-001	Family violence	Family violence—Temporary assistance to needy families (TANF)	Amending rules to align their intent with current practice. Contact June Hershey, ESA.		WSR 02-24-068 Filed 12/3/02		
WAC 388-273-0025, 388-273-0030, and 388-273-0035	Washington telephone assistance program (WTAP)	Same	Clarifying the payment limits for reimbursable services, and streamline the billing process. The amendment also adds community service voice mail as a WTAP benefit as provided for by chapter 134, Laws of 2003. Contact Steve Ebben, ESA.	WSR 04-11-080 Filed 5/18/04	WSR 03-13-044 Filed 6/11/03	WSR 04-07-089 Hearing 5/11/04	WSR 04-14-136 Effective 7/23/04
WAC 388-310-0800	WorkFirst	Transportation allotment	Increasing the limits for the transportation allotments to help reduce the financial burden on clients participating in job search. Contact Ian Horlor, ESA.	WSR 04-14-044 Filed 6/29/04	WSR 04-15-129 Filed 7/20/04		
WAC 388-400-0005, 388-400-0010, 388-400-0025, 388-400-0040, 388-438-0110, 388-450-0100, 388-450-0106, 388-450-0116, 388-450-0156, 388-462-0020, 388-505-0210, 388-532-720, and 388-800-0048	Several WAC chapters	Revising cross references	Amending rules to update cross-references to conform to proposed changes in citizenship and alien status WAC, including the proposed repeal of WAC 388-424-0005.		WSR 03-03-007 Filed 1/6/03	WSR 04-10-099 Hearing 6/22/04	WSR 04-15-057 Effective 8/7/04
WAC 388-400-0005	Program summary	Assistance units	Amending the rule to clarify that every TANF assistance unit must contain either an eligible child or a pregnant woman. Contact Tom Berry, ESA.		WSR 04-12-096 Filed 6/2/04		
WAC 388-400-0030	Program summary	Reporting requirements	Updating references to reporting requirements for cash assistance under the department's simplified reporting initiative. Contact John Camp, ESA.		WSR 03-17-085 Filed 8/19/03	WSR 04-15-054 Hearing 8/24/04	
WAC 388-400-0040; 388-408-035; and 388-450-0140	Program summary; Assistance units; Income;	Convicted felon eligibility for assistance	Amending rules to be consistent with eligibility requirements for persons convicted of a drug-related felony as directed by the 2004 legislature under SB 6411. Contact Rebecca Henrie, ESA.	WSR 04-14-039 Filed 6/29/04	Exempt	WSR 04-10-096 Hearing 6/10/04	WSR 04-14-040 Effective 7/30/04

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-408-0005	Assistance units	Who must be in my assistance unit?	Clarifying the rule to make clear that every TANF (temporary assistance to needy families) assistance unit must contain either an "eligible child" or a pregnant woman, although such a rule informally governs current practice. Contact Tom Berry, ESA.		WSR 04-07-164 Filed 3/23/04		
WAC 388-408-0025	Assistance units	When can I choose who is in my TANF or SFA assistance unit?	Amending the rule to clarify that the child's caretaker relative may choose to include no one in the grant but the child in this circumstance. Contact Patti Clark.		WSR 03-19-032 Filed 9/9/03		
WAC 388-412-0005	Benefit issuances	General information about your basic food allotments	Amending the rule to clarify the rule regarding receiving duplicate assistance in two assistance units or two states in the same month. Contact Patti Clark, ESA.		WSR 03-23-108 Filed 11/18/03		
WAC 388-412-0015	Benefit issuances		Amending the rule to clarify the rule regarding receiving duplicate assistance in two assistance units or two states in the same month. Contact Patti Clark, ESA.		WSR 04-13-100 Filed 6/21/04	WSR 04-13-098 Hearing 7/27/04	
WAC 388-414-0001	Categorical eligibility for food assistance	Some food assistance units do not have to meet all eligibility requirements	Updating the rule to clarify requirements for clients and department staff, exercise state options within the food stamp program, and assist in consistent statewide application of policy for the Washington Basic Food Program. Contact John Camp, ESA.	WSR 04-10-061 Filed 4/30/04	WSR 04-08-036 Filed 3/30/04	WSR 04-10-098 Hearing 6/10/04	WSR 04-14-038 Effective 8/1/04
WAC 388-416-0005; 388-418-0007, 388-418-0011 and 388-418-0020; and 388-434-0005	Certification periods Change of circumstances Eligibility review and recertification	Reporting requirements for basic food and temporary assistance to needy families (TANF)	Amending rules to reduce client-reporting requirements under the department's simplified reporting initiative. Contact John Camp, ESA.		WSR 03-17-085 Filed 8/19/03	WSR 04-15-052 Hearing 8/24/04	
WAC 388-418-0005	Change of circumstances	Reporting requirements	Updating references to reporting requirements for cash, food or medical assistance under the department's simplified reporting initiative. Contact John Camp, ESA.		WSR 03-17-085 Filed 8/19/03	WSR 04-15-053 Hearing 8/24/04	

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-424-0001, 388-424-0005, 388-424-0006, 388-424-0007, 388-424-0008, 388-424-0009, 388-424-0010, 388-424-0015, 388-424-0016, 388-424-0020, and 388-424-0025	Citizenship, alien status	Same	Amending the rules and adopting new rules to incorporate changes from federal law, and to revise the rule for clarity. Contact Tom Berry, ESA.		WSR 03-03-007 Filed 1/6/03	WSR 04-10-100 Hearing 6/22/04	WSR 04-15-004 Effective 8/7/04
WAC 388-434-0005	Eligibility review and recertification	Correction	Correcting an incorrect cross-reference without changing the effect of the rule. Contact Patti Clark, ESA.		WSR 03-19-031 Filed 9/9/03		
WAC 388-434-0005, 388-434-0010 and 388-452-0005	Eligibility review and recertification Interview requirements	Same	Amending rules to clarify language and program requirements for the eligibility review process for cash and medical benefits, recertification process for basic food, and interview requirements for department programs. Contact John Camp, ESA.		WSR 03-23-061 Filed 11/17/03		
WAC 388-434-0010	Eligibility review and recertification	Verification	Amending the rule to indicate how late verification will be treated for recertification for food assistance. Contact Rebecca Henrie, ESA.		WSR 04-11-083 Filed 5/18/04		
WAC 388-442-0010	Felons	How being a felon impacts your eligibility for benefits	Implementing 2004 law changes that remove the ban on convicted felons being eligible for the basic food program and for temporary assistance to needy families (TANF) or state financial assistance. Contact Rebecca Henrie, ESA.	WSR 04-14-041 Filed 6/29/04	WSR 04-10-091 Filed 5/4/04	WSR 04-14-042 Hearing 8/10/04	
Chapter 388-444 WAC	Food stamp employment and training	Same	Simplifying and updating language so that the rules are easier to read and use.		Planned for future action		
Chapters 388-446 and 388-464 WAC	Fraud Quality assurance	Fraudulent actions, failure to cooperate with process	Adopting rules to be consistent with federal requirements; updating program language and clarify the impact of fraudulent actions or failure to cooperate with the quality assurance process. Contact Amber Gillum, ESA.		WSR 03-24-100 Filed 12/3/03		
WAC 388-446-0005	Fraud	Corrections	Correcting incorrect WAC or RCW cross-references. Contact Patti Clark, ESA.		WSR 03-20-032 Filed 9/23/03	WSR 04-03-094 Hearing 2/24/04	WSR 04-13-097 Effective 7/22/04

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
Chapter 388-448 WAC	Incapacity	Individual responsibility plan requirements—General assistance	Developing new individual responsibility plan requirements for general assistance recipients enrolled in WorkPlus. Contact Steve Ebben, ESA.		WSR 01-23-065 Filed 11/20/01		
WAC 388-448-0180	Incapacity	How and when we redetermine your eligibility if we decide you are eligible for GAX	Amending the rule to make reference to the correct type of hearing. "Administrative hearing" needs to be replaced by "appeals court review." Contact Glenda Lee, ESA.		WSR 02-11-125 Filed 5/21/02		
WAC 388-450-0005	Income	Income exclusions	Amending the rule to include exemptions for income for payments that go to a third party as specified by a court order or other legal agreement. Contact Rebecca Henrie, ESA		WSR 04-10-094 Withdrawn See WSR 04/13/99		
WAC 388-450-0015	Income	What types of income are not used when figuring out my benefits?	Amending the rule to include exclusions for payments specified by a court order or legal agreement. Rebecca Henrie, ESA.		WSR 04-13-107 Filed 6/21/04		
WAC 388-450-0015	Income	Eligibility—Counting veterans benefits	Amending the rule per federal regulations requiring that veteran's benefits paid to Vietnam veterans who have children with birth defects not be counted when the department determines eligibility for temporary assistance for needy families (TANF). Contact Patti Clark, ESA.		WSR 03-18-098 Filed 9/2/03		
WAC 388-450-0050	Income	Subsidized and unsubsidized income	Simplifying the rule to define what subsidized and unsubsidized income is for Community Jobs and how each affects eligibility for Basic Food and TANF/SFA benefits. Contact Ian Horlor, ESA.		WSR 04-07-085 Filed 4/16/04	WSR 04-11-084 Hearing 6/22/04	WSR 04-14-043 Effective 7/1/04
WAC 388-450-0100	Income	Allocating income	Amending the rule regarding definitions. Contact Patti Clark, ESA.		WSR 04-05-034 Filed 2/11/04		
WAC 388-450-0135	Income	Allocating Income of an ineligible spouse to a GAU client	Simplifying how the department allocates income from an ineligible spouse to a general assistance recipient. Contact Veronica Barnes, ESA.		WSR 02-08-054 Filed 4/1/02		

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				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-450-0185, 388-450-0190, 388-450-0195, 388-478-0060, 388-492-0040, and 388-492-0070	Income Standards for payments Washington Combined Application Project	Annual standards adjustment	Amending all necessary sections in Title 388 WAC to implement annual adjustments to standards for WASHCAP (Washington combined application program) and the Washington Basic Food Program. Contact John Camp, ESA.		WSR 04-12-092 Filed 6/2/04		
WAC 388-450-0500	Income	Counting community jobs income	Clarifying the rule on how the department uses income from community jobs to determine TANF and Basic Food assistance benefits. Contact Ian Horlor, ESA.		WSR 04-07-085 Filed 3/16/04		
WAC 388-452-0005	Interview	Telephone interviews	Amending the rule to incorporate an approved federal waiver allowing phone interviews for clients recertifying benefits regardless of hardship.		WSR 03-23-061 Filed 11/17/03	WSR 04-06-040 Hearing 4/6/04	WSR 04-10-102 Effective 7/1/04
WAC 388-454-0006 and 388-454-0025	Living with a relative	Background checks	Revising rules on background checks on adults who are acting <i>in loco parentis</i> (in place of another) without court ordered custody. Contact Stephanie Del Camp, ESA.		WSR 02-11-061 Filed 5/10/02		
Chapter 388-460 WAC	Payees on benefit issuances	Protective payee policies	Proposing changes to protective payee policies. Contact Brent Low, ESA.		WSR 01-23-067 Filed 11/20/01		
WAC 388-468-0005	Residency	Same	Amending rules to prohibit the receipt of benefits from Washington state while receiving comparable benefits from another state. Contact Ken Adney, ESA.		WSR 03-14-080 Filed 6/27/03		
WAC 388-470-0040	Resources	Correction	Correcting incorrect WAC or RCW cross-references. Contact Patti Clark, ESA.		WSR 03-20-033 Filed 9/23/03		
WAC 388-472-0005	Rights and responsibilities	What are my rights and responsibilities?	Amending this rule to clarify information regarding requirements for receiving children's family medical, pregnancy medical, and SSI-related medical. Contact Patti Clark, ESA.		WSR 03-19-035 Filed 9/9/03		
WAC 388-472-0010	Rights and responsibilities	Correction	Correcting an obsolete WAC cross-reference. Contact Patti Clark, ESA.		WSR 03-21-150 Filed 10/22/03	WSR 04-03-093 Hearing 2/24/04	WSR 04-14-037 Effective 7/30/04

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-473-0010	Ongoing additional requirements	Eligibility	Amending the rule extend the eligibility period for ongoing additional requirements for recipients receiving Supplemental Security Income (SSI) to up to twenty-four months. Contact Lorri Gagnon, ESA.		WSR 04-12-097 Filed 6/2/04		
Chapter 388-490 WAC	Verification	Proof of eligibility	Streamlining the application process by standardizing how the department requests proof of eligibility. Contact Veronica Barnes, ESA.		WSR 02-14-159 Filed 7/2/02		
WAC 388-492-0010, 388-492-0020, 388-492-0030, 388-492-0040, 388-492-0050, 388-492-0060, 388-492-0070, 388-492-0080, 388-492-0090, 388-492-0100, 388-492-0110, 388-492-0120, and 388-492-0130	Washington combined application program (WASH-CAP)	Same	Changing rules to comply with a revised federal waiver. The new rules will further define WASHCAP eligibility. Contact Rebecca Henrie, ESA.	WSR 04-13-001 Filed 6/2/04	WSR 04-04-097 Filed 2/3/04		
WAC chapter not yet specified		Client reporting requirements	Implementing quarterly reporting for clients.		Planned for future action		
WAC chapter not yet specified		Overpayments to clients	Eliminating overpayments caused by agency error and amending all related rules. Contact Veronica Barnes, ESA.		WSR 00-09-036 Filed 4/14/00		
HEALTH AND REHABILITATIVE SERVICES ADMINISTRATION (HSRA)							
HSRA - Division of Alcohol and Substance Abuse (DASA)							
			No current rule-making activity.				
HSRA - Division of Vocational Rehabilitation (DVR)							
Chapter not specified	Background checks for DVR service providers	Background checks for DVR service providers	Adopting rules on background checks for Division of Vocational Rehabilitation (DVR) service providers who have unsupervised access to DVR clients. Contact Susan Hartman, HSRA-DVR.		WSR 03-24-101 Filed 12/3/03		
HSRA - Mental Health Division (MHD)							
Chapter 388-865 WAC	Community mental health and involuntary treatment programs	Consumer peer support counseling	Adopting amended and new rules for consumer peer support services to be consistent with the state's 1915(b) waiver from the federal Center for Medicare and Medicaid Services. Contact Kathy Burns Peterson, HSRA-MHD.		WSR 04-08-122 Filed 04/7/04		

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				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-865-0100 through 388-865-0484	Community mental health and involuntary treatment programs	Community support service providers	Revising rules to be consistent with the federal balanced budget act, and for quality improvement. Contact Karie Castleberry, HRSA-MHD.		WSR 03-08-077 Filed 4/1/03		
WAC 388-865-0335 and 388-865-0340	Community mental health and involuntary treatment programs	Enrollment and disenrollment	Amending and repealing rules to be consistent with the provisions of the waiver (section 1915 (b) of the Social Security Act) from the federal funding source for Medicaid recipients. Contact Hank Balderrama, HRSA-MHD.		WSR 04-05-075 Filed 2/17/04		
WAC 388-865-0465	Community mental health and involuntary treatment programs	Adult residential treatment facility certification—Additional standards	Amending the rule to correct an incorrect WAC cross-reference. Contact Kathy Burns Peterson, HRSA-MHD.		Exempt	WSR 04-05-081 Hearing 3/23/04	WSR 04-12-043 Effective 6/28/04
HRSA - Special Commitment Center							
Chapter 388-885 WAC	Civil commitment cost	Reimbursing attorney and others' fees	Revising rules to update reimbursement fee schedules for allowable activities under chapter 71.09 RCW. Contact Lee Mosley, HRSA-Special Commitment Center.		WSR 04-10-092 Filed 5/4/04		
HRSA - Office of Deaf and Hard of Hearing Services							
			No current rule-making activity.				
JUVENILE REHABILITATION ADMINISTRATION (JRA)							
Chapter 388-700 WAC	Juvenile rehabilitation administration—Practices and procedures	Background checks	Potential revisions due to changes in background check procedures. Contact David Griffith, JRA.		Planned for future action		
Chapter 388-740 WAC	Juvenile parole revocation	Juvenile parole revocation requirements	Potential revision to update confidentiality requirements. Contact Cheryl-Sullivan Colglazier, JRA.		Planned for future action		
Chapter 388-745 WAC	Transfer of juvenile offenders to the Department of Corrections (DOC)	Transfers to DOC	Potential revisions due to changes in transfer procedures. Contact David Griffith, JRA.		Planned for future action		
MANAGEMENT SERVICES ADMINISTRATION (MSA)							
Chapter 388-02 WAC	DSHS hearing rules	Same	Revising rules permitting review by the DSHS Board of Appeals of initial orders entered by Office of Administrative Hearings in adult protective services cases; and to update WAC and/or RCW references. Contact Brian Lindgren, MSA.	WSR 04-15-056 Filed 7/13/04	WSR 03-21-149 Filed 10/22/03		

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				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
Chapter 388-03 WAC	Certification of DSHS spoken language interpreters and translators	Same	Updating the chapter's references to units of DSHS (such as language interpreter services and translations, or LIST) that have been reorganized and renamed, to change time-frames for DSHS mailing of letters notifying applicants of their test dates, and other needed changes. Contact Brian Lindgren, MSA.		WSR 04-01-142 Filed 12/19/03		
MEDICAL ASSISTANCE ADMINISTRATION (MAA)							
WAC 388-416-0020 388-519-0100 and 388-519-0110	Certification periods Spendedown		Changing some of the wording to make the meaning of the rules - who is eligible and when eligibility starts - clearer and easier to understand. Contact Mary Beth Ingram, MAA.		WSR 04-13-102 Filed 6/21/04		
WAC 388-416-0035	Certification periods	Medicare savings program	Amending the rule to reflect a name change for the expanded specified low-income Medicare beneficiary (ESLMB to qualified individual (QI-1) to clarify certification periods. Contact Carole McRae, MAA.		WSR 04-12-098 Filed 6/2/04		
WAC 388-434-0005	Eligibility reviews and recertifications	Eligibility reviews and certifications	Amending the rule to eliminate the requirement for one parent in a household to sign the medical eligibility review, allowing for review received electronically or by phone interview. Contact Mary Wood, MAA.		WSR 04-07-086 Filed 3/16/04		
WAC 388-462-0015	Pregnancy	Medical programs for pregnant women	Revising the rule to describe what is considered acceptable verification for pregnancy and also rewriting the WAC for clarity. Contact Wendy Forslin, MAA.		WSR 04-14-097 Filed 7/6/04		
WAC 388-475-1050 and 388-475-1250	Healthcare for workers with disabilities program	Supplemental security income (SSI) Medicaid	Expedited Rule: Correcting obsolete WAC cross-references created by new and amended rules adopted under WSR 04-09-002, 04-09-003, 04-09-004 and 04-09-005. Contact Stephen Kozak, MAA.		Expedited Rule WSR 04-09-091 Filed 4/20/04	Objection Period Ends 6/21/04	WSR 04-15-002 Effective 8/7/04
WAC 388-478-0075	Standards for payments	Standards	Amending the rule to implement new federal poverty level standards taking effect April 1, 2004. Contact Mary Woods, MAA.	WSR 04-09-001 Filed 4/7/04	WSR 04-07-165 Filed 3/23/04	WSR 04-12-042 Hearing 7/6/04	WSR 04-15-092 Effective 8/16/04

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				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-478-0080	Standards for payments	Supplemental security income (SSI)—Categorically needy income level and countable resource standards	Revising the rule to qualify for continued federal financial participation. Contact Wendy Forslin, MAA.	WSR 04-11-013 Filed 5/6/04	WSR 03-08-085 Filed 4/1/03	WSR 04-13-134 Hearing 7/27/04	
WAC 388-478-0085	Standards for payments	Medicare savings program	Amending the rule to adopt new federal poverty level standards effective April 1, 2004. Contact Joanie Scotson, MAA	WSR 04-07-167 Filed 3/23/04	WSR 03-08-081 Filed 4/1/03	WSR 04-13-135 Hearing 7/27/04	
WAC 388-500-0005	Medical definitions	Same	Rewriting some definitions for clarity; adding definitions that are currently in other WAC chapters, and deleting obsolete definitions. Contact Kevin Sullivan, MAA. (Note: Original proposed rule, WSR 02-23-082 expired.)		WSR 00-22-015 Filed 10/20/00	See note at left.	
WAC 388-502-0160	Administration of medical programs	Billing a client	Amending the rule to implement budget reductions directed by the state legislature. Contact Wendy Boedigheimer, MAA.		WSR 04-07-088 Filed 3/16/04		
WAC 388-502-0220, 388-502-0230, and 388-502-0260	Administration of medical programs—Providers	Vendor dispute resolution	Updating the vendor dispute resolution process. Contact Kevin Sullivan, MAA.		WSR 01-16-135 Filed 7/31/01		
WAC 388-513-1325	Client not in own home—Institutional medical	Income of a single client for long-term care services	Adding income requirements currently found in other rules; correcting incorrect WAC cross-references. Contact Mary Beth Ingram, MAA.		WSR 02-24-070 Filed 12/3/02		
WAC 388-513-1340 and 388-450-0020	Client not in own home—Institutional medical Income	Income exclusions	Clarifying that veterans aid and attendance and unusual medical expense can be considered third-party resources. Contact Mary Beth Ingram, MAA.		WSR 03-08-086 Filed 4/1/03		
WAC 388-517-0300		Medicare saving programs	Amending the rule or adopting new rules to reflect federal law and rules on copayments and program eligibility. Contact Carole McRae, MAA.		WSR 04-10-090 Filed 5/4/04		
WAC 388-519-0120 (expedited repeal)	Spend-down	Medically indigent program	Repealing an obsolete rule because the medically indigent program was eliminated by the legislature. Contact Wendy Forslin, MAA.		Expedited Repeal WSR 04-15-012 Filed 7/8/04	Objection deadline 9/20/04	

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				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
Chapter 388-526 WAC	MAA administrative hearings	Same	Amending this WAC chapter to better define the scope of this rule and to add procedural requirements to MAA's client hearing process. Contact Kevin Sullivan, MAA.		WSR 04-04-096 Filed 2/3/04		
Chapter 388-529 WAC	Scope of medical services	Covered services	Updating the scope of medical services chart that shows what medical services are covered under the department's medical assistance programs. Contact Kevin Sullivan, MAA.		WSR 04-06-054 Filed 3/1/04		
WAC 388-530-1050, 388-530-1125, 388-530-1200, 388-530-1250, 388-530-1260, and related rules	Prescription drugs	Preferred drugs	Implementing 2003 law (SB 6008) establishing an evidence-based prescription drug program that identifies preferred drugs; to provide prescription drugs at a reasonable price, and increase public awareness of safe and effective use. Contact Ann Myers, MAA.		WSR 04-09-035 Filed 4/13/04		
Chapters 388-531 and 388-550 WAC	Physician-related services Hospital services	Bariatric surgery	Adopting rules to establish criteria and pre- and post-operative requirements for clients that would further prevent the likelihood of complications from bariatric surgery. Contact Wendy Boedigheimer, MAA.	WSR 04-15-090 Filed 7/16/04	WSR 04-12-093 Filed 6/2/04		
WAC 388-531-0275	Physician-related services	Medical teaching and residency	Revising rules to remain current with medical teaching and residency programs. Contact Wendy Boedigheimer, MAA.		WSR 03-08-084 Filed 4/1/03		
Chapter 388-532 WAC	Family planning services	Same	Revising rules to clarify the language regarding reproductive health and to clarify the differences between family planning, family planning only, and the TAKE CHARGE program. Contact Wendy Boedigheimer, MAA.		WSR 04-12-094 Filed 6/2/04		
Chapter 388-533 WAC	Maternity-related services	Maternity services and First Steps	Changing eligibility criteria for infant case management, defining core services, changing codes and time limits for billing, integrating maternity case management with maternity support services, and creating a separate rule for childbirth education. Contact Wendy Boedigheimer, MAA.		WSR 03-15-124 Filed 7/11/03	WSR 04-05-083 Hearing 4/6/04	WSR 04-13-049 Effective 7/11/04

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				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-533-0400, 388-533-0500, and 388-533-0600	Maternity-related services	Same	Amending rules to remove references to the Medically Indigent Program and "pilot project" for the Planned Home Birth rules; combining language on births in birthing centers and homes births; elimination reimbursement for prenatal assessment care; and clarifying antepartum care language. Contact Wendy Boedigheimer, MAA.		WSR 04-14-098 Filed 7/6/04		
Chapter 388-535 WAC	Dental related services	Children's dental	Updating and clarifying current policy regarding the children's dental program; updating and clarifying other sections in this chapter. Contact Kathy Sayre, MAA.		WSR 04-07-115 Filed 3/18/04		
WAC 388-535-1050 and 388-535-1065	Dental related services	Corrections	Correcting two typographical errors. Contact Andy Fernando, Rules and Policies Assistance Unit.		Expedited Rule WSR 04-07-142 Filed 3/22/04	No objection filed by the 5/24/04 deadline	WSR 04-14-100 Effective 8/7/04
Chapter 388-535A WAC	Orthodontic services	Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA)	Revising rules to update and clarify existing policy regarding orthodontic services, including program definitions, provider requirements, expedited prior authorization, and reimbursement; and to incorporate federal HIPAA requirements into permanent rule. Contact Kathy Sayre, MAA.	WSR 04-12-041 Filed 5/28/04	WSR 03-20-103 Filed 9/30/03		
Chapter 388-536 WAC	Federally qualified health centers and rural health centers	Same	Adopting a new WAC chapter will comply with federal financial changes, section 702 of BIPA 2000, and legislative directive to implement prospective payment system. Contact Wendy Boedigheimer, MAA.		WSR 02-06-088 Filed 3/1/02		
Chapter 388-538 WAC	Managed care	Integrated health management program	Implementing a legislative directive allowing contracting with health plans for new populations and services not included in healthy options contracts. Contact Wendy Boedigheimer, MAA		WSR 04-13-101 Filed 6/21/04		

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WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-538-060	Managed care	Managed care and choice	Amending the rule to make the process of enrolling for Medicaid managed care more efficient and to simplify the administrative process. Contact Ann Myers, MAA. (Note: This filing was withdrawn, see WSR 04-14-034.)		WSR 03-16-020 Filed 7/28/03 WITHDRAWN		
WAC 388-538-063 and 388-505-0110	Managed care Premiums— Children's medical	Medical care services management pilot project	Implementing a medical care services management pilot project for clients who receive general assistance (GAU) benefits, designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project to be operated in King and Pierce counties. Contact Wendy Boedigheimer, MAA.		WSR 04-04-095 Filed 2/3/04	WSR 04-09-090 Hearing 5/25/04	WSR 04-15-003 Effective 8/7/04
WAC 388-538-112	Managed care	MAA fair hearing process for enrollee appeals of managed care organization (MCO) actions.	Amending the rule to include DSHS as party to hearings - language inadvertently left out of the previous adoption. Contact Ann Myers, MAA.		WSR 03-21-151 Filed 10/22/03	WSR 04-07-135 Hearing 4/27/04	WSR 04-13-002 Effective 7/3/04
Chapter 388-542 WAC WAC 388-505-0211	Children's health insurance program (CHIP) Premium requirements for SCHIP children	Premiums	Revising premium rates and maximums per changes in state law, eligibility termination for non-payment of premiums, and wait periods for reestablishing coverage. Contact Kevin Sullivan, MAA.	WSR 04-13-137 Filed 6/22/04 (WAC 388-542-0250 only)	WSR 04-10-093 Filed 5/4/04	WSR 04-13-140 Hearing 7/27/04	
Chapter 388-544 WAC	Vision and hearing aids	Vision care	Reorganizing vision care rules to ensure consistency with other MAA program rules, to clarify current program policy, to add coverage for disposable contact lenses, and to discontinue or limit coverage for glass lenses. Contact Wendy Boedigheimer, MAA.		WSR 04-07-087 Filed 3/16/04		
Chapter 388-546 WAC	Nonemergency medical transportation	Same	Clarifying language and current policy for non-emergent medical transportation services. Contact Allen Richards, MAA.		WSR 03-08-023 Filed 3/26/03		

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				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
Chapter 388-546 WAC	Nonemergency medical transportation	Same	Updating and clarifying existing policy regarding emergency transportation services; aligning policy with Medicare policy and adding new sections on trauma supplemental payment, and other revisions. Contact Wendy Boedigheimer, MAA.		WSR 04-02-060 Filed 1/6/04	WSR 04-02-103 Hearing 7/27/04	
Chapter 388-550 WAC	Hospital services	Outpatient hospital services— Payment methods	Implementing a new Medicaid payment method for outpatient hospital services provided to Medicaid clients. The outpatient prospective payment system (OPPS) uses claims and cost data to calculate payments for outpatient hospital services provided to eligible medical assistance clients. Contact Kathy Sayre, MAA.		WSR 04-03-092 Filed 1/20/04		
WAC 388-550-1050, 388-550-1700, 388-550-1750, 388-550-2900, 388-550-5900, 388-531-0050	Hospital services Physician-related services	Twenty-four hour criteria for outpatient short-stay	Replacing the twenty-four hour criteria in the definition of "outpatient short-stay"; and clarify prior approval policy for inpatient and outpatient hospital services. Contact Kathy Sayre, MAA.		WSR 04-13-103 Filed 6/21/04		
WAC 388-550-1900	Hospital services	Interns, residents, teaching physicians and physician preceptorships	Amending rules to be consistent with industry standards; establishing MAA standards for supervising interns and residents in nonhospital settings; and expanding definition of "under primary care" exception. Contact Wendy Boedigheimer, MAA.		WSR 02-06-084 Filed 3/1/02		
WAC 388-550-2598	Hospital services	Critical access hospitals	Revising the method for cost settlement for services provided to clients eligible under the department's managed care programs to ensure that critical access hospitals receive the correct level of reimbursement. Contact Kathy Sayre, MAA.		WSR 04-01-141 Filed 12/19/03		

MISC.

WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-550-2800, 388-550-4800, 388-550-5450 (new) and 388-550-6000 chapters 388-531 and 388-546 WAC	Hospital services Physician-related services and Medical transportation	Trauma services network	Adopting rules to encourage participation in the trauma services network. Contact Kathy Sayre, MAA.		WSR 03-04-087 Filed 2/2/03		
WAC 388-550-2800 and 388-550-2900	Hospital services	Newborn infant screening	Incorporating into rule certain newborn screening tests to the newborn metabolic screening panel and lists the specific disorders the screening tests can detect. Tests were approved through legislative direction and are to be performed for medical assistance clients in conjunction with the Department of Health (DOH). Contact Kathy Sayre, MAA.		WSR 04-03-091 Filed 1/20/04		
WAC 388-550-3100	Hospital services	Diagnostic-related group (DRG) formula	Amending the rule to allow the department to use a broader database for calculating relative weights for the diagnostic-related group (DRG) formula. Contact Kathy Sayre, MAA.		WSR 04-05-085A Filed 2/17/04	WSR 04-08-123 Hearing 5/11/04	WSR 04-13-048 Effective 7/11/04
WAC 388-550-3700	Hospital services	Diagnostic-related group (DRG) high-cost and low-cost outliers	Updating the high-cost outlier policy to provide better control and predictability of hospital costs. More hospital costs will be in the basic payment and fewer costs will go into outlier calculation. Contact Kathy Sayre, MAA.		WSR 04-15-130 Filed 7/20/04		
WAC 388-550-3800	Hospital services	Rebasing and recalibration	Recalibrating relative weights in the diagnostic related group (DRG) reimbursement system without rebasing. Contact Kathy Sayre, MAA.		WSR 04-13-105 Filed 6/21/04		

MISC.

WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-550-4800	Hospital services	Diagnosis-related group (DRG) high-cost outliers; Medically indigent program; General assistance-unemployable program	Clarifying how MAA determines payments for state-administered program claims that qualify as diagnosis-related group (DRG) high-cost outliers; removing language regarding enhanced payments for trauma care provided to a client eligible under the medically indigent (MI) program or general assistance-unemployable (GAU) program; adding a table that shows high-cost outlier calculations for qualifying claims for state-administered programs. Contact Kathy Sayre, MAA.		WSR 03-13-089 Filed 6/16/03		
WAC 388-550-4900, 388-550-5000, 388-550-5100, and 388-550-5200; possible new sections in this chapter	Hospital services	Disproportionate share hospital (DSH) programs	Adopting and amending rules to incorporate small rural indigent DSH and nonrural indigent DSH programs and establish payment calculation methods for these programs; clarifying and updating payment methods for other DSH programs; adopting a new section on an administrative appeal process for DSH program participants. Contact Kathy Sayre, MAA.		WSR 04-03-090 Filed 1/20/04	WSR 04-08-124 Hearing 5/11/04	WSR 04-12-044 Effective 6/28/04
WAC 388-550-6000	Hospital services	Outpatient services	Updating reimbursement rules consistent with new Medicaid payment method for outpatient services (the outpatient prospective payment system), and removing the twenty-four hour criteria for outpatient stay. Contact Kathy Sayre, MAA.		WSR 04-13-104 Filed 6/21/04		
Chapter 388-551 WAC	Alternatives to hospital services	Hospice care services; Pediatric palliative care	Incorporating language from current agreements with hospice care centers into the hospice services WAC; the pediatric palliative care program is being incorporated into rule; and clarifying and updating hospice services rules. Contact Kathy Sayre, MAA.		WSR 04-07-114 Filed 3/18/04		
Chapter 388-551 WAC	Alternatives to hospital services	Home health services	Updating and clarifying current program policy and to establish a tiered health care plan that includes a continuum of home health care. Contact Kathy Sayre, MAA.		WSR 04-02-061 Filed 1/7/04		

MISC.

WAC Chapter or WAC #	Chapter or Subpart Caption	Subject Matter or WAC Section Caption	Description and Program Contact Person	Current and Pending Activity			
				Emergency Rules	Preproposal Notice	Proposed Rule	Permanent Rule
WAC 388-551-1000, 388-551-1010, 388-551-1200, 388-551-1210, 388-551-1300, 388-551-1310, 388-551-1315, 388-551-1320, 388-551-1330, 388-551-1340, 388-551-1350, 388-551-1360, 388-551-1400, 388-551-1410, 388-551-1500, 388-551-1510, 388-551-1520, and 388-551-1530	Alternatives to hospital services	Hospice care program	Incorporating language from current agreements with hospice care centers into rule, and to update and clarify language. Contact Kathy Sayre, MAA.		WSR 01-03-095 Filed 1/18/01		
Chapter 388-554 WAC (new)	Medical nutrition program	Same	Establishing the medical nutrition program in rule; setting requirements, limitations and restrictions for the program.		WSR 03-18-102 Filed 9/2/03		
Chapter 388-555 WAC	Interpreter services	Purchase and service delivery	Changing how interpreter services are purchased and delivered. Implements 2002 legislative directives in SB 6832. Contact Myra Davis, MAA.		WSR 02-11-027 Filed 5/21/02		
OFFICE OF THE SECRETARY/DSHS HEADQUARTERS PROGRAMS							
Chapter 388-01 WAC	DSHS organization/disclosure of public records	Same	Updating and clarifying current rules to reflect changes and improvements in procedures for responding to public requests for disclosure of records. Contact Kristal Wiitala Knutson, Office of the Secretary.		WSR 02-01-007 Filed 12/7/01		
Chapter 388-06 WAC	Background checks	Same	Revising background check rules to incorporate additional DSHS programs. Contact Jackie Beery, Background Check Central Unit.		Planned for future filing		

MISC.

Explanation of selected terms used in these tables:

A "Preproposal Notice" is a CR-101 Preproposal Statement of Inquiry, filed under RCW 34.05.310. This is a preliminary notice to the public that the agency is in the planning stages to adopt, amend or repeal rules on a particular subject, and the laws authorizing the agency's action. The notice also lets the public know how to participate in the development of the agency rule, and identifies the agency's contact person. "CR" stands for Code Reviser.

A "Proposed Rule" is a CR-102 Proposed Rule-Making notice, filed under RCW 34.05.320. The proposed rule notice is an announcement that includes: (1) A general description of the rules that the agency proposes to adopt, amend or repeal; (2) the laws authorizing the agency action;

(3) the complete text of proposed rules; (4) if applicable, a small business economic impact statement; (5) how to obtain a copy of the preliminary cost benefit analysis, if applicable; and (6) agency staff that the public may contact about the proposed rules. A proposed rule notice also includes the date and location of a public hearing to take formal comments about the proposed rules, the deadline for written comments, and where written comments may be sent.

An "Expedited Rule" is a CR-105 Expedited Rule-Making notice, filed per RCW 34.05.353. An agency may use this process to notify the public that it intends to adopt, amend or repeal very limited types of rules without accepting public comments or holding a public hearing. An expedited rule notice contains a description of the rule, the laws autho-

ricing the agency's action, and the complete text of the proposed new or amended rule, or the citation and caption of rules being repealed. Within forty-five days after the expedited rule notice is published in the state register, anyone may file a written objection to the agency using the expedited rule-making process to adopt the rule. If a written objection is received, the agency must file a CR-102 proposed rule-making notice, invite public comments and hold a public hearing on the proposed rule before adopting it as permanent. If no objection is received by the deadline, the agency may adopt the rule as permanent by filing a CR-103 permanent rule-making order.

A **"Permanent Rule"** is a **CR-103 Rule-Making Order**, filed under RCW 34.05.360 and 34.05.380. A permanent rule is the official notice that an agency is adopting as final new, amended or repealed rules, completing the rule-making process. A permanent rule order includes the purpose of the rule-making order, the laws authorizing the agency's action, and when the permanent rules will take effect. The permanent rule includes the complete text of the new or amended rules, or the citation and caption of rules being repealed. Agencies also may use a CR-103 notice form to adopt temporary *emergency* rules (see below).

An **"Emergency Rule"** is also a **CR-103 Rule-Making Order**, filed under RCW 34.05.350 and 34.05.380. An emergency rule may be used to meet an urgent public health, safety or welfare need, or if the rule is needed to meet a requirement of a federal or state law, or a deadline for receiving federal funds. Emergency rules take effect as soon as they are filed with the state Code Reviser, or a later date if noted on the order, and are effective for one hundred twenty days after the filing date. Emergency rules may be extended in certain circumstances. Emergency rules may not become permanent rules unless the agency files a preproposal notice and/or a proposed rule notice as applicable, invites public comment on the proposed rules, conducts a public hearing, and complies with other applicable rule-making statutes.

"Rules" as used generally in this document are the Washington Administrative Code, also known as WAC or regulations, and are adopted by state agencies according to the Administrative Procedure Act, chapter 34.05 RCW. References to "federal rules" are United States government regulations, also known as the Code of Federal Regulations, or C.F.R.

State **"Statutes"** are laws adopted by the legislature and signed by the governor, or may be initiatives adopted by the state's voters, and are codified as the Revised Code of Washington (RCW). Recent state statutes may also be identified as session laws, for example: "chapter 140, Laws of 2003," or by legislative bill numbers, such as "ESSB 6387."

All DSHS rule-making notices and adoption orders are filed with the state Office of the Code Reviser for legal publication in the Washington State Register, and are available to the public. Interested persons, businesses, organizations, local governments and agencies may receive copies of DSHS rule-making notices by postal mail or e-mail by contacting Fred Swenson at the DSHS Rules and Policies Assistance Unit, (360) 664-6097, or at SwensFH@dshs.wa.gov. This document is also available from the DSHS public website, at <http://www1.dshs.wa.gov/msa/rpau/>.

WSR 04-18-003

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 19, 2004, 4:21 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-59 MAA.
Subject: Prescription drug program: Prior authorization changes.

Effective Date: July 30, 2004.

Document Description: **Effective the week of August 2, 2004, and after**, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

- Expedited prior authorization changes; and
- Additions to expedited prior authorization codes and criteria.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

August 18, 2004

Ann Myers, Manager

Rules and Publications Section

WSR 04-18-004

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 19, 2004, 4:22 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-61 MAA.
Subject: Prescription drug program: Maximum allowable cost update.

Effective Date: July 16, 2004.

Document Description: **Effective for dates of service on and after August 1, 2004**, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

1. New additions to the maximum allowable cost (MAC) list; and
2. Adjustments to existing MACs.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered

Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

August 18, 2004
Ann Myers, Manager
Rules and Publications Section

icy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

August 18, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 04-18-005
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed August 19, 2004, 4:23 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-62 MAA.
Subject: Indian health services: Encounter rate increase.
Effective Date: July 26, 2004.

Document Description: The purpose of this memorandum is to inform Indian Health Service (IHS) and Tribal Health Clinic providers of an increase in the IHS encounter rate **retroactive for claims with dates of service on and after January 1, 2004.**

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

August 18, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 04-18-006
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed August 19, 2004, 4:24 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-63 MAA.
Subject: Prescription drug program: Maximum allowable cost update.

Effective Date: August 12, 2004.

Document Description: **Effective for dates of services on and after September 1, 2004,** the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

1. New additions to the maximum allowable cost (MAC) list;
2. Deletions from the MAC list; and
3. Adjustments to existing MACs.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Pol-

WSR 04-18-010

NOTICE OF PUBLIC MEETINGS

OFFICE OF THE
INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)
[Memorandum—August 19, 2004]

The September 9 and 10, 2004, IAC meeting will be held in Rooms 175 a & b of the Natural Resources Building (NRB), 1111 Washington Street S.E., Olympia, WA beginning at 8:15 a.m. on September 9. Driving directions can be found on the agency webpage at <http://www.iac.wa.gov/iac/board/schedule.htm>.

Note: Opening sessions will commence as shown; all other times are approximate. If you need special accommodations to participate in this meeting, please notify us by August 25, 2004, at (360) 902-2637 or TDD (360) 902-1996.

WSR 04-18-011

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF AGRICULTURE
(Beef Commission)

[Memorandum—August 16, 2004]

Revised Washington State Beef Commission
Board Meeting Date

The August 2004 Washington State Beef Commission board meeting has been postponed and rescheduled for September 8, 2004, in Ellensburg, Washington.

Should you have questions, please contact Rosalee Mohney at (206) 444-2902.

WSR 04-18-012

RULES COORDINATOR
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 20, 2004, 4:03 p.m.]

Esther Baker has been designated as rules coordinator for the Professional Educator Standards Board. Esther's contact information is as follows: Esther Baker, Program Director, Teacher Assessments, Old Capitol Building, 600 Washington Street South, Room 249, P.O. Box 47236, Olympia,

MISC.

WA 98504-7236, phone (360) 725-6277, fax (360) 586-4548, e-mail ebaker@ospi.wednet.edu.

Jennifer Wallace
Executive Director

WSR 04-18-017

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LOTTERY
(Lottery Commission)
[Memorandum—August 20, 2004]**

**AMENDED WASHINGTON'S LOTTERY
SEPTEMBER COMMISSION MEETING**

The September 23, 2004, commission meeting will be held at 10:00 a.m. in Lottery Headquarters' Drawing Studio. The address is 814 East 4th Avenue, Olympia, WA 98506. Lottery headquarters is a scent free building and those attending the meeting will need to refrain from wearing perfume, cologne or any other type of fragrance.

WSR 04-18-018

**RULES COORDINATOR
WENATCHEE VALLEY COLLEGE
[Filed August 23, 2004, 1:32 p.m.]**

Wenatchee Valley College has assigned a new employee to handle code reviser responsibilities on our campus. Please send all pertinent information to Janet Franz, Executive Assistant to the President, Wenatchee Valley College, 1300 Fifth Street, Wenatchee, WA 98801, e-mail jfranz@wvc.edu.

Jack Bechere
President

WSR 04-18-027

**NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR
(Clemency and Pardons Board)
[Memorandum—August 23, 2004]**

The Washington State Clemency and Pardons Board hereby files with the code reviser the following change in meeting notice:

The rescheduled October 15, 2004, meeting of the Clemency and Pardons Board has been rescheduled and will be held on October 28, and 29, 2004. The meeting will be held in the John A. Cherberg Building, Hearing Room 4, Olympia, Washington, starting at 10:00 a.m.

WSR 04-18-030

**ATTORNEY GENERAL'S OFFICE
[Filed August 24, 2004, 3:55 p.m.]**

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by September 22, 2004. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

04-08-04

**Request by Ronald Zirkle
Yakima County Prosecuting Attorney**

1. Would the proposed donation of property (worth about \$680,000) owned by the county but now leased to a non-profit agency for purposes of work done on behalf of the developmentally disabled, be prohibited under Article 8, sec. 7 of the state constitution?
2. Would the proposed donation be consistent with Referendum 29 and Referendum 37?
3. Would the proposed donation be a violation of the surplus property procedures of RCW 36.34?
4. Would the proposed donation violate the fiduciary duties of the Board of County Commissioners?
5. If the proposed donation is lawful, what procedural requirements apply?

WSR 04-18-031

**ATTORNEY GENERAL'S OFFICE
[Filed August 24, 2004, 3:55 p.m.]**

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys.

MISC.

When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by September 22, 2004. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

**04-08-03 Request by Jeremy Randolph
Lewis County Prosecuting Attorney**

1. In the absence of a contractual relationship, is a county sheriff obligated to accept custody of arrestees presented for booking by agents of the state (i.e. WSP, Fish & Wildlife, DOC, etc.)?
2. Does the answer to question #1 depend on the nature of the crime charged (i.e., misdemeanor, gross misdemeanor, or felony)?
3. If there is a general duty to accept arrestees presented by state agents, may the county sheriff limit the hours within which the state may present arrestees or limit the number of arrestees that state agents may present for booking?
4. If there is a general duty to accept arrestees presented by state agents, does this constitute an unfunded mandate proscribed by RCW 53.135.060?

**WSR 04-18-047
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
[Filed August 26, 2004, 3:59 p.m.]

The public is invited to review the Year 2005 Washington state application for federal substance abuse prevention Apprenticeship Wages:

State of Progression and Hour Range	Prevailing Wage	Overtime Code	Holiday Code	Note Code
1: 0 - 1000 Hours - 50.00%	\$25.44	1M	5D	N/A
2: 1001 - 2000 Hours - 60.00%	\$28.35	1M	5D	N/A
3: 2001 - 3000 Hours - 70.00%	\$31.27	1M	5D	N/A

and treatment (SAPT) block grant funding. The application is submitted annually to the federal Centers for Substance Abuse Treatment and Substance Abuse Prevention. The 2005 application will result in approximately \$35 million in federal funds being awarded to the state of Washington for substance abuse prevention and treatment.

A public hearing to review the application and consider questions or comments will be held September 16, 2004, at 10:00 a.m. The location of the public hearing is the Red Lion Hotel located at 100 Columbia, Vancouver, WA. The hearing is sponsored by The Citizens Advisory Council on Alcoholism and Drug Addiction, a statutorily empowered body charged with the role of advising the Department of Social and Health Services on matters relating to the state substance abuse program.

The application is being prepared by the Department of Social and Health Services, Division of Alcohol and Substance Abuse. A summary of the SAPT block grant requirements and the plan for award allocation is available to anyone interested upon request.

If you have questions, or wish to request a copy of the review material, please contact Vince Collins, Federal Block Grant Administrator, Department of Social and Health Services, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, (360) 438-8226, fax (360) 438-8078, e-mail collivl@dshs.wa.gov.

**WSR 04-18-049
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed August 27, 2004, 9:35 a.m.]

Notice of Prevailing Rate of Wage Change - Cement Mason

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 the Department of Labor and Industries has determined that the prevailing rate of wage published on August 2, 2004 (WSR 04-04-077) for the cement mason classification in Grays Harbor, Island, King, Kitsap, Lewis, Mason, Pierce, Skagit, Snohomish, Thurston, and Whatcom counties was incorrect. The department made the correction and the correct rate will appear in the publication to be effective September 1, 2004. The correct prevailing rate of wage and apprenticeship wages for the cement mason classification in the counties identified above is:

Journey Level Wage:

Prevailing Wage Category	Prevailing Wage	Overtime Code	Holiday Code	Note Code
Cement Mason	\$40.01	1M	5D	N/A

MISC.

State of Progression and Hour Range	Prevailing Wage	Overtime Code	Holiday Code	Note Code
4: 3001 - 4000 Hours - 80.00%	\$34.18	1M	5D	N/A
5: 4001 - 5000 Hours - 90.00%	\$37.10	1M	5D	N/A
6: 5001 - 6000 Hours - 95.00%	\$38.55	1M	5D	N/A

The department has determined that this change is necessary to correct an error that was made in updating these wages. Absent this change, L&I will be enforcing an incorrect prevailing wage, which irreparably harms contractors, workers and the people of the state of Washington. This correction is necessary to ensure the correct application of prevailing wages and the general welfare.

Josh Swanson
Prevailing Wage Manager
Industrial Statistician

WSR 04-18-050

ATTORNEY GENERAL'S OFFICE

[Filed August 27, 2004, 10:52 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by September 22, 2004. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

**04-08-05 Request by David Threedy, Executive Secretary
Board of Industrial Insurance Appeals**

1. May the Board of Industrial Insurance Appeals use Title 51 accident fund and medical aid fund monies to process and adjudicate appeals arising under the various public employee death benefits acts?

2. To what extent may the Board continue receiving, processing, and adjudicating death benefit appeals in the absence of sufficient funds to pay the cost of such processing?

WSR 04-18-055

NOTICE OF PUBLIC MEETINGS SKAGIT VALLEY COLLEGE

[Memorandum—August 27, 2004]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES COMMUNITY COLLEGE DISTRICT NO. 4

SKAGIT VALLEY COLLEGE

2405 East College Way

Mount Vernon, WA 98273

Thursday, August 26, 2004

10:00 a.m.

Farmhouse Inn

13724 La Conner/Whitney Road

Mount Vernon, WA 98273

Chairperson, Tom Moser, has called a special meeting of the board of trustees for Thursday, August 26, 2004, 10:00 a.m., at the Farmhouse Inn, 13724 La Conner/Whitney Road, Mount Vernon, WA. This meeting is being held as a study session for the board of trustees. Study topics will include: A report on college progress toward meeting board ends' policies, strategic goals and objectives, and 2003-04 annual initiatives, a review of the 2004-05 annual initiatives and targets, discussion on monitoring reports for 2004-05, a report on the annual audit, and an update on facilities master planning.

WSR 04-18-056

NOTICE OF PUBLIC MEETINGS SHORELINE COMMUNITY COLLEGE

[Memorandum—August 25, 2004]

The board of trustees of Shoreline Community College will hold a special meeting from Thursday, September 9, through Friday, September 10, 2004, to conduct their annual retreat. The board of trustees, President Holly Moore, board secretary Michele Foley and the Shoreline Community College vice-presidents will be in attendance.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@ctc.edu if you have [want] further information.

WSR 04-18-057
NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM

[Memorandum—August 25, 2004]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the Advanced College Tuition Program, known as Guaranteed Education Tuition Program has adopted the following regular committee meeting schedule:

DATE	TIME	PLACE
November 1, 2004 Monday	2:00 - 4:00 p.m.	Olympia, State Investment Board (Board Room)
February 22, 2005 Tuesday	2:00 - 4:00 p.m.	Olympia, State Investment Board (Board Room)
April 19, 2005 Tuesday	2:00 - 4:00 p.m.	Olympia, State Investment Board (Board Room)
August 2, 2005 Wednesday	2:00 - 4:00 p.m.	Olympia, Utilities and Transportation (Hearing Room)

If anyone wishes to request disability accommodations, notice should be given to the Guaranteed Education Tuition Program at least ten days in advance of the meeting in question. Notice may be given by any of the following methods: (360) 753-7860 (voice); (360) 753-7809 (TDD); or (360) 704-6260 (fax).

WSR 04-18-058
OFFICE OF THE GOVERNOR

[Filed August 27, 2004, 2:54 p.m.]

August 25, 2004

Bobby J. Woolley
 4007 SW 325th Street
 Federal Way, WA 98023

Dear Mr. Woolley:

Pursuant to RCW 34.05.330(3), I have reviewed your appeal of the Department of Retirement Systems' (DRS) decision not to initiate a rule-making procedure to amend the definition of "school year" contained within WAC 415-112-015(10).

I understand that you believe the DRS should use the definition of school year found in RCW 28A.150.040. I also understand that DRS is concerned that using that definition is not consistent with the Legislature's intent as expressed in RCW 41.32 and would have unintended and adverse consequences for the members of TRS Plan 1.

I note that your April 13, 2004, petition to DRS and your subsequent appeal regarding its decision is essentially a repeat of your petition in 2001, except that in 2001 you were addressing a specific concern regarding the impact of the law on teachers working in school districts with extended school years. At that time you asked DRS to use the definition of

school year found in 28A.150.040. I denied your appeal, and requested DRS review the need for legislation to address the specific concern you raised regarding extended school year teachers. Legislation passed in 2003 allowing an exception to the general approach of using fiscal years in TRS Plan 1 for those teachers working in a school district using an extended school year.

The Legislature has not changed RCW 41.32 or RCW 28A.150 since 2001 in a manner that would lead me to conclude that it intends for the definition of school year in RCW 28A.150.040 to apply generally to RCW 41.32. Therefore, I am denying your appeal of the DRS decision not to initiate a rule making process to consider your proposed definition of "school year."

The Department of Retirement Systems has reasonably interpreted RCW 41.32.498(2), which describes the retirement allowance for members and references "earnable compensation"; RCW 41.32.010 (10)(a)(i), which defines "earnable compensation for Plan 1 members and specifies that it includes salaries and wages for services rendered during a "fiscal year"; and RCW 41.32.010(12), which defines "fiscal year" as a year beginning July 1 and ending June 30 of the following year; to mean that the Legislature intends "school year" for TRS Plan 1 to mean fiscal year except in specific expressed cases. The interpretation is bolstered by the fact that the Legislature, when confronted with the issue of districts with extended school years, chose to make a limited exception. It is further bolstered by the fact that the Legislature, when it used the definition of school year contained in RCW 28A.150.040, did so by specifically and narrowly referencing it in RCW 41.32.013 to define school year for a specific purpose and a specific group of teachers. The fact that the Legislature chose in a specific section of one statute to reference a definition in a section in another statute that it found useful, does not mean it intended for DRS to do so in all other cases.

DRS is also justifiably concerned regarding the potential impact of changing TRS Plan 1 from being based on "fiscal year" to being based on "school year" as defined in RCW 28A.150.040. TRS Plan 1 service credit and average final compensation (AFC) is calculated on a yearly basis, not monthly as in other plans, and the AFC is the two highest consecutive years of salary. A wholesale change of the definition of "year" from July 1 through June 30, to September 1 through August 31, would permanently shift that yearly period for calculating benefits two months into the future. As an example of how this would impact members, future TRS Plan 1 retirees would have to wait until September to begin receiving their pension payments. Plan 1 members who need the full year of service to retire must have an effective retirement date after the completion of the year used in the benefit calculation. Since the AFC year would end in August instead of June, their effective retirement date and their first pension payment would be delayed two months by this change.

Another example of the impact is that school administrators are contracted with on a fiscal year basis, and work in each of the twelve calendar months. Under a change from the July through June approach to the September through August

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approach, administrators under Plan 1 would have a two-month gap in salary and benefits from the time their contract ended until the time their pensions started. It would also result in a lower pension calculation for these administrators, as their last and likely highest months of salary, and their vacation leave cash-out, would occur in a year where no salary would be reported for two months (July and August). The pension would be calculated using the highest two years, but the latest year might not be used since it only has ten months of salary. I cite these examples to illustrate that any changes in the WAC have to be made very carefully to avoid unintended and adverse consequences on plan members.

I understand that DRS has initiated a rule making procedure to update WAC 415-112. Included in that process will be changes in the language to clarify exactly when a provision relates to fiscal year, and when a provision relates to the time period September 1 through August 31 because of a specific statutory difference within RCW 41.32. I believe that is a reasonable approach to take in making sure the regulations are clear in the distinction between the time periods without triggering wholesale changes in legislatively directed policy. It also gives you and other members of the public the opportunity to provide testimony concerning each proposed change.

Thank you for your diligence in reviewing how the retirement statutes are being administered. While I am denying this particular appeal, I encourage you to continue to bring issues of concern to DRS and to the Select Committee on Pension Policy.

Sincerely,

Gary Locke
Governor

WSR 04-18-063
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Dry Pea and Lentil Commission)
[Memorandum—August 25, 2004]

Annual Meeting Schedule for Washington Dry Pea and Lentil Commission, FY 2004-2005

The Washington Dry Pea and Lentil Commission announces the following revised meeting schedule for the 2004-2005 fiscal year as of August 24, 2004:

<u>Date</u>	<u>Time</u>	<u>Place</u>
September 23, 2004	9:00 a.m. - 12:00 p.m.	USA Dry Pea and Lentil Council Stataline Offices, Moscow, ID
December 8, 2004	8:30 a.m. - 4:00 p.m.	USADPLC Annual Grower Meeting University Inn, Moscow, ID
December 9, 2004	9:00 a.m. - 12:00 p.m.	USA Dry Pea and Lentil Council Stataline Offices, Moscow, ID
February 3, 2005	9:00 a.m. - 12:00 p.m.	USA Dry Pea and Lentil Council Stataline Offices, Moscow, ID

<u>Date</u>	<u>Time</u>	<u>Place</u>
May 26, 2005	9:00 a.m. - 12:00 p.m.	USA Dry Pea and Lentil Council Stataline Offices, Moscow, ID
June 2, 2005	1:00 p.m. - 4:00 p.m.	USADPLC All Boards Meeting University Inn, Moscow, ID
July 1, 2005	8:30 a.m. - 12:30 p.m.	USADPLC All Boards Meeting Elks Golf Club, Moscow, ID

If you have any questions about the meeting schedule, please contact Todd Scholz or Mark Watson at (208) 882-3023 or e-mail at pulse@pea-lentil.com.

WSR 04-18-076
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
(Capitol Campus Design Advisory Committee)
[Memorandum—August 27, 2004]

This is to inform you that the Capitol Campus Design Advisory Committee [meeting] scheduled for September 2, 2004, is cancelled and will be rescheduled to a later date.

If you have any questions, please contact Pamela G. Robel at (360) 902-0982.

WSR 04-18-086
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed September 1, 2004, 8:18 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Closure of Below Threshold Reports.
Issuing Entity: Podiatric Medical Board.
Subject Matter: Policy provides for a process to expedite disposition of reports that are not investigated.
Effective Date: March 20, 2003.
Contact Person: Arlene Robertson, Program Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47869, Olympia, WA 98504-7860, (360) 236-4945.

WSR 04-18-087
POLICY STATEMENT
DEPARTMENT OF HEALTH
[Filed September 1, 2004, 8:20 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Best Practice Guidelines—Verbal Prescriptions.
Issuing Entity: Podiatric Medical Board.
Description: Agree with podiatric policy statement. Policy states the best person to communicate prescription information to a pharmacist is the prescriber or at her/his dis-

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cretion, a prescriber's employee or a licensed health care provider treating the patient within the scope of their practice.

Effective Date: March 20, 2003.

Contact Person: Arlene Robertson, Program Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47869, Olympia, WA 98504-7860, (360) 236-4945.

Effective Date: April 20, 2004.

Contact Person: Todd Erik Henry, Health Policy Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, (360) 236-4993.

WSR 04-18-088

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed September 1, 2004, 8:21 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Podiatric Physicians Conducting Pre-Surgical Histories & Physicals.

Issuing Entity: Podiatric Medical Board.

Description: Presurgical histories and physicals performed by podiatric physicians.

Effective Date: November 12, 1999.

Contact Person: Arlene Robertson, Program Manager, Health Professions Quality Assurance, Department of Health, P.O. Box 47869, Olympia, WA 98504-7860, (360) 236-4945.

WSR 04-18-089

INTERPRETIVE STATEMENT

DEPARTMENT OF HEALTH

[Filed September 1, 2004, 8:22 a.m.]

NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT

Title: Anesthesia technologists.

Issuing Entity: Nursing Care Quality Assurance Commission.

Subject: Anesthesia technologists scope of practice regarding Level A and B certification.

Effective Date: September 2003.

Contact Person: Chuck Cumiskey, Nurse Practice Manager, Nursing Care Quality Assurance Commission, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4725.

WSR 04-18-090

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed September 1, 2004, 8:23 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy: Commission Pay Policy.

Issuing Entity: Health Professions Quality Assurance Commission.

Subject Matter: Health Professions Quality Assurance Commission pay policy.

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Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1- 21-070	AMD	04-02-071	4- 25-721	AMD-P	04-17-085	16-170-010	NEW	04-08-062
4- 25-400	PREP	04-08-033	4- 25-730	PREP	04-08-033	16-170-020	NEW-P	04-05-119
4- 25-400	AMD-P	04-17-085	4- 25-730	AMD-P	04-17-085	16-170-020	NEW	04-08-062
4- 25-410	PREP	04-08-033	4- 25-735	PREP	04-08-033	16-170-030	NEW-P	04-05-119
4- 25-410	AMD-P	04-17-085	4- 25-735	AMD-P	04-17-085	16-170-030	NEW	04-08-062
4- 25-510	PREP	04-08-033	4- 25-745	PREP	04-08-033	16-170-035	NEW-P	04-05-119
4- 25-510	AMD-P	04-17-085	4- 25-745	AMD-P	04-17-085	16-170-035	NEW	04-08-062
4- 25-530	PREP	04-06-085	4- 25-746	PREP	04-08-033	16-170-037	NEW-P	04-05-119
4- 25-530	AMD-P	04-17-086	4- 25-746	AMD-P	04-17-085	16-170-037	NEW	04-08-062
4- 25-540	PREP	04-08-033	4- 25-750	PREP	04-08-033	16-170-040	NEW-P	04-05-119
4- 25-540	AMD-P	04-17-085	4- 25-750	AMD-P	04-17-085	16-170-040	NEW	04-08-062
4- 25-550	PREP	04-08-033	4- 25-756	PREP	04-11-033	16-170-050	NEW-P	04-05-119
4- 25-550	AMD-P	04-17-085	4- 25-756	AMD-P	04-17-087	16-170-050	NEW	04-08-062
4- 25-551	PREP	04-08-033	4- 25-782	PREP	04-11-033	16-170-060	NEW-P	04-05-119
4- 25-551	AMD-P	04-17-085	4- 25-782	AMD-P	04-17-087	16-170-060	NEW	04-08-062
4- 25-610	PREP	04-08-033	4- 25-783	PREP	04-08-033	16-170-070	NEW-P	04-05-119
4- 25-610	AMD-P	04-17-085	4- 25-783	AMD-P	04-17-085	16-170-070	NEW	04-08-062
4- 25-620	PREP	04-08-033	4- 25-790	PREP	04-08-033	16-170-075	NEW-P	04-05-119
4- 25-620	AMD-P	04-17-085	4- 25-790	AMD-P	04-17-085	16-170-075	NEW	04-08-062
4- 25-626	PREP	04-08-033	4- 25-791	PREP	04-08-033	16-170-080	NEW-P	04-05-119
4- 25-626	AMD-P	04-17-085	4- 25-791	AMD-P	04-17-085	16-170-080	NEW	04-08-062
4- 25-630	PREP	04-08-033	4- 25-792	PREP	04-08-033	16-170-090	NEW-P	04-05-119
4- 25-630	AMD-P	04-17-085	4- 25-792	AMD-P	04-17-085	16-170-090	NEW	04-08-062
4- 25-631	PREP	04-08-033	4- 25-793	PREP	04-08-033	16-170-100	NEW-P	04-05-119
4- 25-631	AMD-P	04-17-085	4- 25-793	AMD-P	04-17-085	16-170-100	NEW	04-08-062
4- 25-640	PREP	04-08-033	4- 25-795	PREP	04-08-033	16-170-110	NEW-P	04-05-119
4- 25-640	AMD-P	04-17-085	4- 25-795	AMD-P	04-17-085	16-170-110	NEW	04-08-062
4- 25-650	PREP	04-08-033	4- 25-820	PREP	04-11-033	16-170-115	NEW-P	04-05-119
4- 25-650	AMD-P	04-17-085	4- 25-820	AMD-P	04-17-087	16-170-115	NEW	04-08-062
4- 25-660	PREP	04-08-033	4- 25-830	PREP	04-08-033	16-170-120	NEW-P	04-05-119
4- 25-660	AMD-P	04-17-085	4- 25-830	AMD-P	04-17-085	16-170-120	NEW	04-08-062
4- 25-661	PREP	04-08-033	4- 25-831	PREP	04-08-033	16-170-125	NEW-P	04-05-119
4- 25-661	AMD-P	04-17-085	4- 25-831	AMD-P	04-17-085	16-170-125	NEW	04-08-062
4- 25-670	PREP	04-08-033	4- 25-910	PREP	04-08-033	16-170-130	NEW-P	04-05-119
4- 25-670	AMD-P	04-17-085	4- 25-910	AMD-P	04-17-085	16-170-130	NEW	04-08-062
4- 25-710	PREP	04-08-033	16- 08-003	NEW	04-02-063	16-170-135	NEW-P	04-05-119
4- 25-710	AMD-P	04-17-085	16- 08-004	NEW	04-02-063	16-170-135	NEW	04-08-062
4- 25-720	PREP	04-08-033	16- 54-030	AMD-E	04-15-021	16-170-140	NEW-P	04-05-119
4- 25-720	AMD-P	04-17-085	16-157-020	AMD-X	04-16-092	16-170-140	NEW	04-08-062
4- 25-721	PREP	04-08-033	16-170-010	NEW-P	04-05-119	16-170-145	NEW-P	04-05-119

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-170-145	NEW	04-08-062	16-230-830	PREP	04-03-004	16-231-505	PREP	04-03-004
16-170-150	NEW-P	04-05-119	16-230-835	PREP	04-03-004	16-231-510	PREP	04-03-004
16-170-150	NEW	04-08-062	16-230-835	PREP	04-13-057	16-231-515	PREP	04-03-004
16-170-155	NEW-P	04-05-119	16-230-840	PREP	04-03-004	16-231-520	PREP	04-03-004
16-170-155	NEW	04-08-062	16-230-845	PREP	04-03-004	16-231-525	PREP	04-03-004
16-170-170	NEW-P	04-05-119	16-230-850	PREP	04-03-004	16-231-530	PREP	04-03-004
16-170-170	NEW	04-08-062	16-230-855	PREP	04-03-004	16-231-600	PREP	04-03-004
16-170-175	NEW-P	04-05-119	16-230-860	PREP	04-03-004	16-231-605	PREP	04-03-004
16-170-175	NEW	04-08-062	16-230-860	PREP	04-13-057	16-231-610	PREP	04-03-004
16-170-180	NEW-P	04-05-119	16-230-861	PREP	04-03-004	16-231-613	PREP	04-03-004
16-170-180	NEW	04-08-062	16-230-862	PREP	04-03-004	16-231-615	PREP	04-03-004
16-219-010	REP-X	04-13-059	16-230-863	PREP	04-03-004	16-231-620	PREP	04-03-004
16-219-010	REP	04-18-024	16-230-864	PREP	04-03-004	16-231-700	PREP	04-03-004
16-219-100	REP-X	04-06-073	16-230-866	PREP	04-03-004	16-231-705	PREP	04-03-004
16-219-100	REP	04-10-105	16-230-868	PREP	04-03-004	16-231-710	PREP	04-03-004
16-219-105	REP-X	04-06-073	16-231-100	PREP	04-03-004	16-231-715	PREP	04-03-004
16-219-105	REP	04-10-105	16-231-105	PREP	04-03-004	16-231-720	PREP	04-03-004
16-228-1220	PREP	04-03-005	16-231-107	PREP	04-03-004	16-231-725	PREP	04-03-004
16-228-1231	PREP	04-03-004	16-231-110	PREP	04-03-004	16-231-800	PREP	04-03-004
16-228-1250	PREP	04-03-004	16-231-115	PREP	04-03-004	16-231-805	PREP	04-03-004
16-229	PREP	04-14-102	16-231-119	PREP	04-03-004	16-231-810	PREP	04-03-004
16-230-250	REP-X	04-13-058	16-231-125	PREP	04-03-004	16-231-815	PREP	04-03-004
16-230-250	REP	04-18-023A	16-231-130	PREP	04-03-004	16-231-820	PREP	04-03-004
16-230-260	REP-X	04-13-058	16-231-135	PREP	04-03-004	16-231-825	PREP	04-03-004
16-230-260	REP	04-18-023A	16-231-140	PREP	04-03-004	16-231-830	PREP	04-03-004
16-230-270	REP-X	04-13-058	16-231-145	PREP	04-03-004	16-231-835	PREP	04-03-004
16-230-270	REP	04-18-023A	16-231-149	PREP	04-03-004	16-231-840	PREP	04-03-004
16-230-281	REP-X	04-13-058	16-231-153	PREP	04-03-004	16-231-900	PREP	04-03-004
16-230-281	REP	04-18-023A	16-231-156	PREP	04-03-004	16-231-905	PREP	04-03-004
16-230-290	REP-X	04-13-058	16-231-159	PREP	04-03-004	16-231-910	PREP	04-03-004
16-230-290	REP	04-18-023A	16-231-162	PREP	04-03-004	16-231-912	PREP	04-03-004
16-230-400	PREP	04-03-004	16-231-165	PREP	04-03-004	16-231-915	PREP	04-03-004
16-230-410	PREP	04-03-004	16-231-168	PREP	04-03-004	16-231-920	PREP	04-03-004
16-230-420	PREP	04-03-004	16-231-171	PREP	04-03-004	16-231-925	PREP	04-03-004
16-230-430	PREP	04-03-004	16-231-174	PREP	04-03-004	16-231-930	PREP	04-03-004
16-230-440	PREP	04-03-004	16-231-177	PREP	04-03-004	16-231-935	PREP	04-03-004
16-230-450	PREP	04-03-004	16-231-180	PREP	04-03-004	16-232-001	PREP	04-03-004
16-230-460	PREP	04-03-004	16-231-183	PREP	04-03-004	16-232-005	PREP	04-03-004
16-230-470	PREP	04-03-004	16-231-200	PREP	04-03-004	16-232-007	PREP	04-03-004
16-230-600	PREP	04-03-004	16-231-205	PREP	04-03-004	16-232-010	PREP	04-03-004
16-230-605	PREP	04-03-004	16-231-210	PREP	04-03-004	16-232-015	PREP	04-03-004
16-230-610	PREP	04-03-004	16-231-215	PREP	04-03-004	16-232-020	PREP	04-03-004
16-230-615	PREP	04-03-004	16-231-220	PREP	04-03-004	16-232-025	PREP	04-03-004
16-230-620	PREP	04-03-004	16-231-225	PREP	04-03-004	16-232-027	PREP	04-03-004
16-230-625	PREP	04-03-004	16-231-230	PREP	04-03-004	16-232-030	PREP	04-03-004
16-230-630	PREP	04-03-004	16-231-235	PREP	04-03-004	16-232-035	PREP	04-03-004
16-230-635	PREP	04-03-004	16-231-300	PREP	04-03-004	16-232-041	PREP	04-03-004
16-230-640	PREP	04-03-004	16-231-305	PREP	04-03-004	16-232-044	PREP	04-03-004
16-230-645	PREP	04-03-004	16-231-310	PREP	04-03-004	16-232-047	PREP	04-03-004
16-230-650	PREP	04-03-004	16-231-315	PREP	04-03-004	16-232-050	PREP	04-03-004
16-230-655	PREP	04-03-004	16-231-320	PREP	04-03-004	16-232-053	PREP	04-03-004
16-230-660	PREP	04-03-004	16-231-325	PREP	04-03-004	16-232-056	PREP	04-03-004
16-230-665	PREP	04-03-004	16-231-330	PREP	04-03-004	16-232-059	PREP	04-03-004
16-230-670	PREP	04-03-004	16-231-335	PREP	04-03-004	16-232-062	PREP	04-03-004
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16-230-675	PREP	04-03-004	16-231-405	PREP	04-03-004	16-232-068	PREP	04-03-004
16-230-800	PREP	04-03-004	16-231-410	PREP	04-03-004	16-232-071	PREP	04-03-004
16-230-810	PREP	04-03-004	16-231-413	PREP	04-03-004	16-232-074	PREP	04-03-004
16-230-813	PREP	04-03-004	16-231-415	PREP	04-03-004	16-232-077	PREP	04-03-004
16-230-815	PREP	04-03-004	16-231-420	PREP	04-03-004	16-232-100	PREP	04-03-004
16-230-820	PREP	04-03-004	16-231-425	PREP	04-03-004	16-232-105	PREP	04-03-004
16-230-825	PREP	04-03-004	16-231-500	PREP	04-03-004	16-232-110	PREP	04-03-004

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-232-115	PREP	04-03-004	16-301-485	REP	04-08-043	16-390-250	NEW	04-11-078
16-232-120	PREP	04-03-004	16-302-385	AMD-P	04-05-120	16-390-260	NEW-P	04-08-128
16-232-200	PREP	04-03-004	16-302-385	AMD	04-08-044	16-390-260	NEW	04-11-078
16-232-205	PREP	04-03-004	16-302-685	AMD	04-06-018	16-390-270	NEW-P	04-08-128
16-232-210	PREP	04-03-004	16-303-340	AMD	04-06-029	16-390-270	NEW	04-11-078
16-232-215	PREP	04-03-004	16-319-041	AMD	04-06-028	16-390-280	NEW-P	04-08-128
16-232-220	PREP	04-03-004	16-324-375	AMD-X	04-07-170	16-390-280	NEW	04-11-078
16-232-225	PREP	04-03-004	16-324-375	AMD	04-12-026	16-400-007	REP-P	04-08-128
16-232-300	PREP	04-03-004	16-324-393	AMD-X	04-07-170	16-400-007	REP	04-11-078
16-232-305	PREP	04-03-004	16-324-393	AMD	04-12-026	16-400-008	REP-P	04-08-128
16-232-310	PREP	04-03-004	16-324-398	AMD-X	04-07-170	16-400-008	REP	04-11-078
16-232-315	PREP	04-03-004	16-324-398	AMD	04-12-026	16-400-010	REP-P	04-08-128
16-250-155	PREP	04-06-074	16-324-720	REP-X	04-07-170	16-400-010	REP	04-11-078
16-250-155	AMD-P	04-11-093	16-324-720	REP	04-12-026	16-400-040	REP-P	04-08-128
16-250-155	AMD	04-14-076	16-324-730	REP-X	04-07-170	16-400-040	REP	04-11-078
16-252-155	PREP	04-06-074	16-324-730	REP	04-12-026	16-400-045	REP-P	04-08-128
16-252-155	AMD-P	04-11-093	16-324-740	REP-X	04-07-170	16-400-045	REP	04-11-078
16-252-155	AMD	04-14-076	16-324-740	REP	04-12-026	16-400-060	REP-P	04-08-128
16-301-250	AMD	04-06-019	16-324-750	REP-X	04-07-170	16-400-060	REP	04-11-078
16-301-265	AMD	04-06-019	16-324-750	REP	04-12-026	16-400-100	REP-P	04-08-128
16-301-270	AMD	04-06-019	16-328	PREP	04-09-082	16-400-100	REP	04-11-078
16-301-310	AMD	04-06-019	16-328-011	AMD-P	04-13-150	16-400-150	REP-P	04-08-128
16-301-325	AMD	04-06-019	16-328-011	AMD	04-17-039	16-400-150	REP	04-11-078
16-301-330	AMD	04-06-019	16-333	PREP	04-09-081	16-400-210	REP-P	04-08-128
16-301-335	AMD	04-06-019	16-333-041	AMD-P	04-13-149	16-400-210	REP	04-11-078
16-301-365	AMD-P	04-05-118	16-333-041	AMD	04-17-038	16-400-270	REP-P	04-08-128
16-301-365	AMD	04-08-043	16-350-040	AMD-P	04-07-171	16-400-270	REP	04-11-078
16-301-375	AMD-P	04-05-118	16-350-040	AMD	04-11-025	16-401	PREP	04-04-108
16-301-375	AMD	04-08-043	16-350-045	AMD-P	04-07-171	16-401	PREP	04-06-082
16-301-380	AMD-P	04-05-118	16-350-045	AMD	04-11-025	16-401	PREP	04-09-079
16-301-380	AMD	04-08-043	16-354	PREP	04-13-145	16-401-027	AMD-P	04-13-146
16-301-395	AMD-P	04-05-118	16-390-005	NEW-P	04-08-128	16-401-027	AMD	04-17-037
16-301-395	AMD	04-08-043	16-390-005	NEW	04-11-078	16-401-070	NEW-P	04-07-172
16-301-396	NEW-P	04-05-118	16-390-010	NEW-P	04-08-128	16-401-070	NEW	04-11-026
16-301-396	NEW	04-08-043	16-390-010	NEW	04-11-078	16-402	AMD-P	04-06-083
16-301-410	AMD-P	04-05-118	16-390-020	NEW-P	04-08-128	16-402	PREP	04-07-045
16-301-410	AMD	04-08-043	16-390-020	NEW	04-11-078	16-402	AMD	04-09-084
16-301-415	AMD-P	04-05-118	16-390-030	NEW-P	04-08-128	16-402-010	AMD-P	04-06-083
16-301-415	AMD	04-08-043	16-390-030	NEW	04-11-078	16-402-010	AMD	04-09-084
16-301-420	AMD-P	04-05-118	16-390-040	NEW-P	04-08-128	16-402-020	AMD-P	04-06-083
16-301-420	AMD	04-08-043	16-390-040	NEW	04-11-078	16-402-020	AMD	04-09-084
16-301-430	AMD-P	04-05-118	16-390-060	NEW-P	04-08-128	16-402-030	NEW-P	04-06-083
16-301-430	AMD	04-08-043	16-390-060	NEW	04-11-078	16-402-030	NEW	04-09-084
16-301-435	AMD-P	04-05-118	16-390-100	NEW-P	04-08-128	16-402-040	NEW-P	04-06-083
16-301-435	AMD	04-08-043	16-390-100	NEW	04-11-078	16-402-040	NEW	04-09-084
16-301-440	AMD-P	04-05-118	16-390-150	NEW-P	04-08-128	16-402-100	NEW-E	04-07-046
16-301-440	AMD	04-08-043	16-390-150	NEW	04-11-078	16-402-100	NEW-P	04-11-111
16-301-450	REP-P	04-05-118	16-390-200	NEW-P	04-08-128	16-402-100	NEW	04-14-090
16-301-450	REP	04-08-043	16-390-200	NEW	04-11-078	16-402-100	NEW-E	04-14-103
16-301-455	REP-P	04-05-118	16-390-210	NEW-P	04-08-128	16-402-110	NEW-E	04-07-046
16-301-455	REP	04-08-043	16-390-210	NEW	04-11-078	16-402-110	NEW-P	04-11-111
16-301-460	REP-P	04-05-118	16-390-220	NEW-P	04-08-128	16-402-110	NEW	04-14-090
16-301-460	REP	04-08-043	16-390-220	NEW	04-11-078	16-402-110	NEW-E	04-14-103
16-301-465	REP-P	04-05-118	16-390-230	NEW-P	04-08-128	16-402-120	NEW-E	04-07-046
16-301-465	REP	04-08-043	16-390-230	NEW	04-11-078	16-402-120	NEW-P	04-11-111
16-301-470	REP-P	04-05-118	16-390-240	NEW-P	04-08-128	16-402-120	NEW	04-14-090
16-301-470	REP	04-08-043	16-390-240	NEW	04-11-078	16-402-120	NEW-E	04-14-103
16-301-475	REP-P	04-05-118	16-390-242	NEW-P	04-08-128	16-402-130	NEW-E	04-07-046
16-301-475	REP	04-08-043	16-390-242	NEW	04-11-078	16-402-130	NEW-P	04-11-111
16-301-480	REP-P	04-05-118	16-390-245	NEW-P	04-08-128	16-402-130	NEW	04-14-090
16-301-480	REP	04-08-043	16-390-245	NEW	04-11-078	16-402-130	NEW-E	04-14-103
16-301-485	REP-P	04-05-118	16-390-250	NEW-P	04-08-128	16-403	PREP	04-18-009

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-449-001	REP	04-05-117	16-481-060	AMD	04-17-035	16-545-005	NEW-P	04-09-104
16-449-010	REP	04-05-117	16-481-070	AMD-P	04-13-147	16-545-006	NEW-P	04-09-104
16-449-020	REP	04-05-117	16-481-070	AMD	04-17-035	16-545-010	AMD-P	04-09-104
16-449-030	REP	04-05-117	16-481-075	REP-P	04-13-147	16-545-020	AMD-P	04-09-104
16-450-005	NEW	04-05-117	16-481-075	REP	04-17-035	16-545-030	REP-P	04-09-104
16-450-010	NEW	04-05-117	16-512-002	REP	04-07-128	16-561-005	NEW-P	04-07-194
16-450-012	NEW	04-05-117	16-512-005	AMD	04-07-128	16-561-005	NEW-C	04-18-132
16-450-014	NEW	04-05-117	16-512-006	NEW	04-07-128	16-561-006	NEW-P	04-07-194
16-450-016	NEW	04-05-117	16-512-010	AMD	04-07-128	16-561-006	NEW-C	04-18-132
16-450-020	NEW	04-05-117	16-512-020	AMD	04-07-128	16-561-010	AMD-P	04-07-194
16-450-022	NEW	04-05-117	16-512-030	REP	04-07-128	16-561-010	AMD-C	04-18-132
16-450-024	NEW	04-05-117	16-512-040	AMD	04-07-128	16-561-020	AMD-P	04-07-194
16-450-026	NEW	04-05-117	16-512-050	AMD	04-07-128	16-561-020	AMD-C	04-18-132
16-450-028	NEW	04-05-117	16-528-004	NEW	04-10-057	16-561-030	REP-P	04-07-194
16-450-032	NEW	04-05-117	16-528-005	NEW	04-10-057	16-561-030	REP-C	04-18-132
16-450-040	NEW	04-05-117	16-528-010	AMD	04-10-057	16-561-040	AMD-P	04-07-194
16-450-042	NEW	04-05-117	16-528-020	AMD	04-10-057	16-561-040	AMD-C	04-18-132
16-450-044	NEW	04-05-117	16-528-030	REP	04-10-057	16-561-060	AMD-P	04-07-194
16-450-046	NEW	04-05-117	16-528-040	AMD	04-10-057	16-561-060	AMD-C	04-18-132
16-450-048	NEW	04-05-117	16-528-110	AMD	04-10-058	16-662-105	AMD-X	04-07-044
16-450-050	NEW	04-05-117	16-528-150	AMD	04-10-058	16-662-105	AMD	04-12-025
16-450-060	NEW	04-05-117	16-528-220	REP	04-10-058	16-675	PREP	04-09-083
16-450-070	NEW	04-05-117	16-530-005	NEW-P	04-03-111	16-690-001	REP	04-05-117
16-458-075	REP-P	04-08-128	16-530-005	NEW	04-16-026	16-690-010	REP	04-05-117
16-458-075	REP	04-11-078	16-530-006	NEW-P	04-03-111	16-690-015	REP	04-05-117
16-458-085	REP-P	04-08-128	16-530-006	NEW	04-16-026	16-690-020	REP	04-05-117
16-458-085	REP	04-11-078	16-530-010	AMD-P	04-03-111	16-690-025	REP	04-05-117
16-459-001	REP	04-05-117	16-530-010	AMD	04-16-026	16-690-030	REP	04-05-117
16-459-00101	REP	04-05-117	16-530-020	AMD-P	04-03-111	16-690-035	REP	04-05-117
16-459-010	REP	04-05-117	16-530-020	AMD	04-16-026	16-690-040	REP	04-05-117
16-459-020	REP	04-05-117	16-530-030	REP-P	04-03-111	16-690-045	REP	04-05-117
16-459-030	REP	04-05-117	16-530-030	REP	04-16-026	16-690-100	REP	04-05-117
16-459-040	REP	04-05-117	16-530-040	AMD-P	04-03-111	16-730-005	NEW-E	04-18-029
16-470	PREP	04-09-080	16-530-040	AMD	04-16-026	16-730-010	NEW-E	04-18-029
16-470-105	AMD-C	04-05-025	16-532-005	NEW-W	04-10-056	16-730-015	NEW-E	04-18-029
16-470-105	AMD	04-09-027	16-532-006	NEW-W	04-10-056	16-730-020	NEW-E	04-18-029
16-470-750	NEW-E	04-08-082	16-532-010	AMD-W	04-10-056	16-730-025	NEW-E	04-18-029
16-470-755	NEW-E	04-08-082	16-532-020	AMD-W	04-10-056	16-730-030	NEW-E	04-18-029
16-470-760	NEW-E	04-08-082	16-532-030	REP-W	04-10-056	16-730-035	NEW-E	04-18-029
16-470-765	NEW-E	04-08-082	16-532-040	AMD-W	04-10-056	16-730-040	NEW-E	04-18-029
16-470-770	NEW-E	04-08-082	16-532-060	AMD-W	04-10-056	16-730-045	NEW-E	04-18-029
16-470-775	NEW-E	04-08-082	16-532-065	REP-W	04-10-056	16-730-050	NEW-E	04-18-029
16-470-912	AMD-P	04-13-148	16-532-101	REP	04-10-059	16-750	PREP	04-13-015
16-470-912	AMD	04-17-036	16-532-103	NEW-W	04-10-055	16-750-011	AMD-X	04-07-021
16-470-917	AMD-P	04-13-148	16-532-105	NEW-W	04-10-055	16-750-011	AMD	04-13-014
16-470-917	AMD	04-17-036	16-532-110	AMD-W	04-10-075	16-750-015	AMD-X	04-07-021
16-481	PREP	04-09-078	16-532-115	NEW-W	04-10-075	16-750-015	AMD	04-13-014
16-481	AMD-P	04-13-147	16-532-120	AMD	04-10-059	16-752	PREP	04-10-111
16-481	AMD	04-17-035	16-536-005	NEW-P	04-04-107	16-752-500	AMD-P	04-14-104
16-481-010	AMD-P	04-13-147	16-536-005	NEW	04-17-021	16-752-505	AMD-P	04-14-104
16-481-010	AMD	04-17-035	16-536-006	NEW-P	04-04-107	16-752-610	AMD-P	04-14-104
16-481-015	AMD-P	04-13-147	16-536-006	NEW	04-17-021	36- 12	PREP	04-09-009
16-481-015	AMD	04-17-035	16-536-010	AMD-P	04-04-107	36- 12-011	AMD-P	04-13-144
16-481-020	AMD-P	04-13-147	16-536-010	AMD	04-17-021	36- 12-011	AMD	04-16-045
16-481-020	AMD	04-17-035	16-536-020	AMD-P	04-04-107	36- 12-500	NEW-P	04-13-144
16-481-025	AMD-P	04-13-147	16-536-020	AMD	04-17-021	36- 12-500	NEW	04-16-045
16-481-025	AMD	04-17-035	16-536-030	REP-P	04-04-107	36- 13	PREP	04-09-009
16-481-030	AMD-P	04-13-147	16-536-030	REP	04-17-021	36- 14	PREP	04-09-009
16-481-030	AMD	04-17-035	16-536-040	AMD-P	04-04-107	36- 14-010	NEW-P	04-13-144
16-481-050	AMD-P	04-13-147	16-536-040	AMD	04-17-021	36- 14-010	AMD	04-16-045
16-481-050	AMD	04-17-035	16-536-060	AMD-P	04-04-107	36- 14-200	NEW-P	04-13-144
16-481-060	AMD-P	04-13-147	16-536-060	AMD	04-17-021	36- 14-200	NEW	04-16-045

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
36-14-300	NEW-P	04-13-144	51-50-003	AMD	04-18-033	118-33-080	REP	04-08-007
36-14-300	NEW	04-16-045	51-50-005	AMD-X	04-13-077	118-33-090	REP	04-08-007
36-14-500	NEW-P	04-13-144	51-50-005	AMD-P	04-17-019	118-33-100	REP	04-08-007
36-14-500	NEW	04-16-045	51-50-005	AMD	04-18-033	118-33-110	REP	04-08-007
51-04-030	AMD-X	04-03-034	51-50-0407	NEW-P	04-17-019	118-33-120	REP	04-08-007
51-04-030	AMD	04-07-193	51-50-1101	AMD-P	04-17-019	131	PREP	04-03-032
51-11	PREP	04-13-073	51-50-1109	AMD-P	04-17-019	131-16-070	AMD-P	04-04-033
51-11-0502	AMD-P	04-17-120	51-50-1208	AMD-P	04-17-019	131-16-070	AMD	04-07-094
51-11-0602	AMD-W	04-07-082	51-50-1210	NEW-P	04-17-019	131-16-091	AMD-P	04-04-033
51-11-1006	AMD-W	04-07-082	51-50-1405	NEW-P	04-17-019	131-16-091	AMD	04-07-094
51-11-1006	AMD-P	04-17-120	51-50-1605	NEW-P	04-17-019	131-16-092	AMD-P	04-04-033
51-11-1132	AMD-W	04-07-082	51-50-1707	NEW-P	04-17-019	131-16-092	AMD	04-07-094
51-11-1132	AMD-P	04-17-120	51-50-2107	NEW-P	04-17-019	131-16-093	AMD-P	04-04-033
51-11-1310	AMD-W	04-07-082	51-50-2108	NEW-P	04-17-019	131-16-093	AMD	04-07-094
51-11-1312	AMD-W	04-07-082	51-50-2900	AMD-P	04-17-019	131-16-094	AMD-P	04-04-033
51-11-1322	AMD-W	04-07-082	51-51-2439	NEW-W	04-07-083	131-16-094	AMD	04-07-094
51-11-1322	AMD-P	04-17-120	51-51-2802	NEW-W	04-07-083	131-16-095	AMD-P	04-04-033
51-11-1323	AMD-W	04-07-082	51-52	PREP	04-13-075	131-16-095	AMD	04-07-094
51-11-1331	AMD-W	04-07-082	51-52-0401	NEW-P	04-17-018	131-16-450	AMD-P	04-07-095
51-11-1331	AMD-P	04-17-120	51-52-0403	NEW-P	04-17-018	131-16-450	AMD	04-11-028
51-11-1334	AMD-W	04-07-082	51-52-0501	NEW-P	04-17-018	131-28-026	AMD-P	04-07-093
51-11-1334	AMD-P	04-17-120	51-52-0504	NEW-W	04-07-084	131-28-026	AMD	04-11-027
51-11-1411	AMD-W	04-07-082	51-54	PREP	04-13-074	132G-124-040	PREP	04-12-001
51-11-1413	AMD-W	04-07-082	51-54-0300	AMD-E	04-13-095	132L-19-010	NEW-P	04-10-052
51-11-1413	AMD-P	04-17-120	51-54-0300	AMD-P	04-17-020	132L-26-010	AMD-P	04-10-052
51-11-1414	AMD-W	04-07-082	51-54-0400	NEW-E	04-13-095	132L-26-025	AMD-P	04-10-052
51-11-1416	AMD-W	04-07-082	51-54-0400	NEW-P	04-17-020	132L-26-030	AMD-P	04-10-052
51-11-1423	AMD-W	04-07-082	51-54-0800	NEW-E	04-13-095	132L-26-035	REP-P	04-10-052
51-11-1423	AMD-P	04-17-120	51-54-0800	NEW-P	04-17-020	132L-26-040	REP-P	04-10-052
51-11-1432	AMD-W	04-07-082	51-54-1500	NEW-P	04-17-020	132L-26-050	REP-P	04-10-052
51-11-1433	AMD-W	04-07-082	51-54-4600	NEW-P	04-17-020	132L-26-055	REP-P	04-10-052
51-11-1433	AMD-P	04-17-120	67-16-020	NEW-X	04-07-110	132L-26-060	REP-P	04-10-052
51-11-1436	AMD-W	04-07-082	67-16-020	NEW	04-12-029	132L-26-065	REP-P	04-10-052
51-11-1437	AMD-W	04-07-082	67-16-030	NEW-X	04-07-110	132L-26-070	REP-P	04-10-052
51-11-1437	AMD-P	04-17-120	67-16-030	NEW	04-12-029	132L-26-075	REP-P	04-10-052
51-11-1440	AMD-W	04-07-082	67-16-040	NEW-X	04-07-110	132L-26-080	REP-P	04-10-052
51-11-1454	AMD-W	04-07-082	67-16-040	NEW	04-12-029	132L-108-050	AMD-P	04-10-052
51-11-1454	AMD-P	04-17-120	82-50-021	AMD-X	04-08-126	132L-108-090	NEW-P	04-10-052
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51-11-1513	AMD-P	04-17-120	106-116-203	AMD-P	04-14-063	132L-117-010	AMD-P	04-10-052
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180- 46-065	REP-W	04-07-081	180- 79A-226	AMD	04-04-011	182- 08-160	REP-P	04-13-156
180- 50	PREP	04-12-108	180- 79A-226	AMD-P	04-15-114	182- 08-160	REP	04-18-039
180- 50-300	AMD-P	04-04-086	180- 79A-231	PREP	04-04-084	182- 08-165	REP-P	04-13-156
180- 50-300	AMD-W	04-17-092	180- 79A-231	AMD-P	04-15-118	182- 08-165	REP	04-18-039
180- 50-320	AMD-P	04-04-086	180- 79A-250	AMD-P	04-15-114	182- 08-175	REP-P	04-13-156
180- 50-320	AMD-W	04-17-092	180- 79A-257	AMD	04-04-009	182- 08-175	REP	04-18-039
180- 51	PREP	04-09-062	180- 79A-257	AMD	04-04-011	182- 08-180	AMD-P	04-13-156
180- 51-035	AMD-P	04-15-043	180- 79A-257	AMD-P	04-15-119	182- 08-180	AMD	04-18-039
180- 51-050	AMD	04-04-093	180- 79A-257	AMD-E	04-15-121	182- 08-190	AMD-P	04-13-156
180- 51-050	AMD-P	04-15-043	180- 81	PREP	04-08-056	182- 08-190	AMD	04-18-039
180- 51-053	NEW-P	04-15-043	180- 82	PREP	04-08-056	182- 08-196	AMD-P	04-13-156
180- 51-061	AMD	04-04-092	180- 82A	PREP	04-08-056	182- 08-196	AMD	04-18-039
180- 51-061	AMD-P	04-18-100	180- 82A-204	AMD-E	04-15-041	182- 08-200	AMD-P	04-13-156
180- 51-063	REP-P	04-18-108	180- 82A-204	AMD-E	04-18-099	182- 08-200	AMD	04-18-039
180- 51-064	REP-P	04-18-108	180- 82A-204	AMD-P	04-18-105	182- 08-210	REP-P	04-13-156
180- 52	PREP	04-12-108	180- 83	PREP	04-08-056	182- 08-210	REP	04-18-039
180- 55	PREP	04-12-108	180- 85	PREP	04-08-056	182- 08-230	NEW-P	04-13-156
180- 55-005	AMD	04-04-093	180- 85-025	AMD-P	04-15-112	182- 08-230	NEW	04-18-039
180- 55-015	AMD	04-04-093	180- 85-033	AMD-P	04-15-112	182- 12	PREP	04-07-080
180- 55-020	AMD	04-04-093	180- 85-077	AMD-P	04-10-087	182- 12-108	NEW-P	04-13-156
180- 55-034	AMD	04-04-093	180- 85-077	AMD	04-15-120	182- 12-108	NEW	04-18-039
180- 55-150	REP	04-04-093	180- 85-105	AMD-P	04-04-085	182- 12-109	NEW-P	04-13-156
180- 56	PREP	04-12-108	180- 85-105	AMD	04-08-054	182- 12-109	NEW	04-18-039
180- 57	PREP	04-09-061	180- 86	PREP	04-08-056	182- 12-110	REP-P	04-13-156
180- 57-070	AMD-P	04-18-109	180- 87	PREP	04-08-056	182- 12-110	REP	04-18-039
180- 72	PREP	04-09-063	180- 88	PREP	04-09-064	182- 12-111	AMD-P	04-13-156
180- 72-040	AMD-P	04-15-043	180- 88-010	NEW-P	04-15-111	182- 12-111	AMD	04-18-039
180- 72-045	REP-P	04-15-043	180- 88-010	NEW-E	04-18-102	182- 12-112	NEW-P	04-13-156
180- 72-050	AMD-P	04-15-043	180- 88-010	NEW-S	04-18-110	182- 12-112	NEW	04-18-039
180- 72-055	REP-P	04-15-043	180- 88-020	NEW-P	04-15-111	182- 12-115	PREP	04-11-011
180- 72-060	AMD-P	04-15-043	180- 88-020	NEW-E	04-18-102	182- 12-117	REP-P	04-13-156
180- 72-065	REP-P	04-15-043	180- 88-020	NEW-S	04-18-110	182- 12-117	REP	04-18-039
180- 77	PREP	04-08-056	180- 88-030	NEW-P	04-15-111	182- 12-118	REP-P	04-13-156
180- 77-120	AMD-P	04-18-101	180- 88-030	NEW-E	04-18-102	182- 12-118	REP	04-18-039
180- 77A	PREP	04-08-056	180- 88-030	NEW-S	04-18-110	182- 12-119	REP-P	04-13-156
180- 78A	PREP	04-08-056	180- 88-040	NEW-P	04-15-111	182- 12-119	REP	04-18-039
180- 78A-010	AMD-P	04-15-113	180- 88-040	NEW-E	04-18-102	182- 12-121	AMD-P	04-13-156
180- 78A-100	AMD	04-04-090	180- 88-040	NEW-S	04-18-110	182- 12-121	AMD	04-18-039
180- 78A-100	AMD-P	04-15-113	180- 88-050	NEW-P	04-15-111	182- 12-123	NEW-P	04-13-156
180- 78A-264	AMD-P	04-15-113	180- 88-050	NEW-E	04-18-102	182- 12-123	NEW	04-18-039
180- 78A-270	AMD	04-04-089	180- 88-050	NEW-S	04-18-110	182- 12-124	REP-P	04-13-156
180- 78A-270	AMD-P	04-15-113	180- 88-060	NEW-P	04-15-111	182- 12-124	REP	04-18-039
180- 78A-272	NEW-P	04-15-116	180- 88-060	NEW-E	04-18-102	182- 12-128	NEW-P	04-13-156
180- 78A-319	NEW-P	04-15-113	180- 88-060	NEW-S	04-18-110	182- 12-128	NEW	04-18-039

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
182-12-131	NEW-P	04-13-156	192-12-011	REP-E	04-02-039	192-23-019	REP-P	04-10-114
182-12-131	NEW	04-18-039	192-12-011	REP-E	04-10-071	192-23-061	REP-E	04-02-039
182-12-132	REP-P	04-13-156	192-12-011	REP-P	04-10-114	192-23-061	REP-E	04-10-071
182-12-132	REP	04-18-039	192-12-012	REP-E	04-02-039	192-23-061	REP-P	04-10-114
182-12-133	NEW-P	04-13-156	192-12-012	REP-E	04-10-071	192-23-096	REP-E	04-02-039
182-12-133	NEW	04-18-039	192-12-012	REP-P	04-10-114	192-23-096	REP-E	04-10-071
182-12-136	NEW-P	04-13-156	192-12-020	REP-E	04-02-039	192-23-096	REP-P	04-10-114
182-12-136	NEW	04-18-039	192-12-020	REP-E	04-10-071	192-23-800	REP-E	04-02-039
182-12-138	NEW-P	04-13-156	192-12-020	REP-P	04-10-114	192-23-800	REP-E	04-10-071
182-12-138	NEW	04-18-039	192-12-180	REP-E	04-02-039	192-23-800	REP-P	04-10-114
182-12-141	NEW-P	04-13-156	192-12-180	REP-E	04-10-071	192-23-810	REP-E	04-02-039
182-12-141	NEW	04-18-039	192-12-180	REP-P	04-10-114	192-23-810	REP-E	04-10-071
182-12-145	REP-P	04-13-156	192-12-184	REP-E	04-02-039	192-23-810	REP-P	04-10-114
182-12-145	REP	04-18-039	192-12-184	REP-E	04-10-071	192-28-105	REP-E	04-02-039
182-12-146	NEW-P	04-13-156	192-12-184	REP-P	04-10-114	192-28-105	REP-E	04-10-071
182-12-146	NEW	04-18-039	192-12-190	REP-E	04-02-039	192-28-105	REP-P	04-10-114
182-12-148	NEW-P	04-13-156	192-12-190	REP-E	04-10-071	192-28-110	REP-E	04-02-039
182-12-148	NEW	04-18-039	192-12-190	REP-P	04-10-114	192-28-110	REP-E	04-10-071
182-12-171	NEW-P	04-13-156	192-12-300	REP-E	04-02-039	192-28-110	REP-P	04-10-114
182-12-171	NEW	04-18-039	192-12-300	REP-E	04-10-071	192-28-115	REP-E	04-02-039
182-12-190	AMD-P	04-13-156	192-12-300	REP-P	04-10-114	192-28-115	REP-E	04-10-071
182-12-190	AMD	04-18-039	192-12-310	REP-E	04-02-039	192-28-115	REP-P	04-10-114
182-12-200	AMD-P	04-13-156	192-12-310	REP-E	04-10-071	192-28-120	REP-E	04-02-039
182-12-200	AMD	04-18-039	192-12-310	REP-P	04-10-114	192-28-120	REP-E	04-10-071
182-12-205	NEW-P	04-13-156	192-12-320	REP-E	04-02-039	192-28-120	REP-P	04-10-114
182-12-205	NEW	04-18-039	192-12-320	REP-E	04-10-071	192-33	PREP	04-15-034
182-12-211	NEW-P	04-13-156	192-12-320	REP-P	04-10-114	192-100-010	NEW-E	04-02-039
182-12-211	NEW	04-18-039	192-12-330	REP-E	04-02-039	192-100-010	NEW-E	04-10-071
182-12-215	REP-P	04-13-156	192-12-330	REP-E	04-10-071	192-100-010	NEW-P	04-10-114
182-12-215	REP	04-18-039	192-12-330	REP-P	04-10-114	192-100-020	NEW-E	04-02-039
182-12-220	REP-P	04-13-156	192-12-340	REP-E	04-02-039	192-100-020	NEW-P	04-10-114
182-12-220	REP	04-18-039	192-12-340	REP-E	04-10-071	192-100-030	NEW-E	04-02-039
182-12-230	REP-P	04-13-156	192-12-340	REP-P	04-10-114	192-100-030	NEW-P	04-10-114
182-12-230	REP	04-18-039	192-16-009	AMD-E	04-02-039	192-100-035	NEW-P	04-10-114
182-12-250	NEW-P	04-13-156	192-16-009	AMD-E	04-10-071	192-110-200	NEW-E	04-02-039
182-12-250	NEW	04-18-039	192-16-009	AMD-P	04-10-114	192-110-200	NEW-P	04-10-114
182-12-260	NEW-P	04-13-156	192-16-015	AMD-E	04-02-039	192-110-210	NEW-E	04-02-039
182-12-260	NEW	04-18-039	192-16-015	AMD-E	04-10-071	192-110-210	NEW-E	04-10-071
182-12-265	NEW-P	04-13-156	192-16-015	AMD-P	04-10-114	192-110-210	NEW-P	04-10-114
182-12-265	NEW	04-18-039	192-16-016	AMD-E	04-02-039	192-120-050	NEW-E	04-02-039
182-12-270	NEW-P	04-13-156	192-16-016	AMD-E	04-10-071	192-120-050	NEW-E	04-10-071
182-12-270	NEW	04-18-039	192-16-016	AMD-P	04-10-114	192-120-050	NEW-P	04-10-114
182-16-040	PREP	04-07-079	192-16-019	REP-E	04-02-039	192-130-060	NEW-E	04-02-039
182-16-040	AMD-P	04-13-156	192-16-019	REP-E	04-10-071	192-130-060	NEW-E	04-10-071
182-16-050	AMD-P	04-13-156	192-16-019	REP-P	04-10-114	192-130-060	NEW-P	04-10-114
182-20-400	AMD	04-03-006	192-16-023	REP-E	04-02-039	192-130-065	NEW-E	04-02-039
182-25-040	AMD-X	04-11-039	192-16-023	REP-E	04-10-071	192-130-065	NEW-E	04-10-071
182-25-040	AMD	04-15-109	192-16-023	REP-P	04-10-114	192-130-065	NEW-P	04-10-114
182-50-001	NEW	04-06-021	192-23-014	REP-E	04-02-039	192-130-070	NEW-E	04-02-039
182-50-005	NEW	04-06-021	192-23-014	REP-E	04-10-071	192-130-070	NEW-E	04-10-071
182-50-010	NEW	04-06-021	192-23-014	REP-P	04-10-114	192-130-070	NEW-P	04-10-114
182-50-015	NEW	04-06-021	192-23-015	REP-E	04-02-039	192-130-080	NEW-E	04-02-039
182-50-025	NEW	04-06-021	192-23-015	REP-E	04-10-071	192-130-080	NEW-E	04-10-071
182-50-030	NEW	04-06-021	192-23-015	REP-P	04-10-114	192-130-080	NEW-P	04-10-114
182-50-035	NEW	04-06-021	192-23-016	REP-E	04-02-039	192-140-070	NEW-E	04-02-039
182-50-200	NEW	04-06-021	192-23-016	REP-E	04-10-071	192-140-070	NEW-E	04-10-071
192-04-040	AMD-E	04-02-039	192-23-016	REP-P	04-10-114	192-140-070	NEW-P	04-10-114
192-04-040	AMD-E	04-10-071	192-23-017	REP-E	04-02-039	192-140-075	NEW-E	04-02-039
192-04-040	AMD-P	04-10-114	192-23-017	REP-E	04-10-071	192-140-075	NEW-E	04-10-071
192-04-050	AMD-E	04-02-039	192-23-017	REP-P	04-10-114	192-140-075	NEW-P	04-10-114
192-04-050	AMD-E	04-10-071	192-23-019	REP-E	04-02-039	192-140-080	NEW-E	04-02-039
192-04-050	AMD-P	04-10-114	192-23-019	REP-E	04-10-071	192-140-080	NEW-E	04-10-071

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-140-080	NEW-P	04-10-114	192-150-200	NEW-E	04-10-071	192-310-010	AMD-E	04-02-039
192-140-085	NEW-E	04-02-039	192-150-200	NEW-P	04-10-114	192-310-010	AMD-E	04-10-071
192-140-085	NEW-E	04-10-071	192-150-205	NEW-E	04-02-039	192-310-010	AMD-P	04-10-113
192-140-085	NEW-P	04-10-114	192-150-205	NEW-E	04-10-071	192-310-025	AMD-E	04-02-039
192-140-090	NEW-E	04-02-039	192-150-205	NEW-P	04-10-114	192-310-025	AMD-E	04-10-071
192-140-090	NEW-E	04-10-071	192-150-210	NEW-E	04-02-039	192-310-025	AMD-P	04-10-113
192-140-090	NEW-P	04-10-114	192-150-210	NEW-E	04-10-071	192-310-030	AMD-E	04-02-039
192-140-100	NEW-E	04-02-039	192-150-210	NEW-P	04-10-114	192-310-030	AMD-E	04-10-071
192-140-100	NEW-E	04-10-071	192-150-215	NEW-E	04-02-039	192-310-030	AMD-P	04-10-113
192-140-100	NEW-P	04-10-114	192-150-215	NEW-E	04-10-071	192-320-070	AMD-E	04-02-039
192-140-120	NEW-E	04-02-039	192-150-215	NEW-P	04-10-114	192-320-070	AMD-E	04-10-071
192-140-120	NEW-E	04-10-071	192-150-220	NEW-E	04-02-039	192-320-070	AMD-P	04-10-113
192-140-120	NEW-P	04-10-114	192-150-220	NEW-E	04-10-071	192-320-075	NEW-E	04-02-039
192-140-200	NEW-E	04-02-039	192-150-220	NEW-P	04-10-114	192-320-075	NEW-E	04-10-071
192-140-200	NEW-E	04-10-071	192-180-010	AMD-E	04-02-039	192-320-075	NEW-P	04-10-113
192-140-200	NEW-P	04-10-114	192-180-010	AMD-E	04-10-071	192-340-100	NEW-E	04-02-039
192-140-210	NEW-E	04-02-039	192-180-010	AMD-P	04-10-114	192-340-100	NEW-E	04-10-071
192-140-210	NEW-E	04-10-071	192-180-015	AMD-E	04-02-039	192-340-100	NEW-P	04-10-113
192-140-210	NEW-P	04-10-114	192-180-015	AMD-E	04-10-071	196-09	AMD	04-04-001
192-150-050	AMD-E	04-02-039	192-180-015	AMD-P	04-10-114	196-09	PREP	04-15-050
192-150-050	AMD-E	04-10-071	192-180-020	AMD-E	04-02-039	196-09-010	AMD	04-04-001
192-150-050	AMD-P	04-10-114	192-180-020	AMD-E	04-10-071	196-09-050	NEW	04-04-001
192-150-055	AMD-E	04-02-039	192-180-020	AMD-P	04-10-114	196-09-055	NEW	04-04-001
192-150-055	AMD-E	04-10-071	192-180-025	AMD-E	04-02-039	196-09-060	NEW	04-04-001
192-150-055	AMD-P	04-10-114	192-180-025	AMD-E	04-10-071	196-09-100	NEW	04-04-001
192-150-060	AMD-E	04-02-039	192-180-025	AMD-P	04-10-114	196-09-110	NEW	04-04-001
192-150-060	AMD-E	04-10-071	192-180-030	AMD-E	04-02-039	196-09-120	NEW	04-04-001
192-150-060	AMD-P	04-10-114	192-180-030	AMD-E	04-10-071	196-12-005	NEW	04-04-001
192-150-065	AMD-E	04-02-039	192-180-030	AMD-P	04-10-114	196-12-010	AMD	04-04-001
192-150-065	AMD-E	04-10-071	192-180-040	NEW-E	04-02-039	196-12-020	AMD	04-04-001
192-150-065	AMD-P	04-10-114	192-180-040	NEW-E	04-10-071	196-12-030	AMD	04-04-001
192-150-085	AMD-E	04-02-039	192-180-040	NEW-P	04-10-114	196-12-045	AMD	04-04-001
192-150-085	AMD-E	04-10-071	192-200-005	NEW-E	04-02-039	196-12-050	AMD	04-04-001
192-150-085	AMD-P	04-10-114	192-200-005	NEW-E	04-10-071	196-12-055	NEW	04-04-001
192-150-090	AMD-E	04-02-039	192-200-005	NEW-P	04-10-114	196-12-065	NEW	04-04-001
192-150-090	AMD-E	04-10-071	192-200-010	NEW-E	04-02-039	196-16-006	NEW	04-04-001
192-150-090	AMD-P	04-10-114	192-200-010	NEW-E	04-10-071	196-16-007	AMD	04-04-001
192-150-110	NEW-E	04-02-039	192-200-010	NEW-P	04-10-114	196-16-010	AMD	04-04-001
192-150-110	NEW-E	04-10-071	192-200-030	NEW-E	04-02-039	196-16-020	AMD	04-04-001
192-150-110	NEW-P	04-10-114	192-200-030	NEW-E	04-10-071	196-16-031	AMD	04-04-001
192-150-115	NEW-E	04-02-039	192-200-030	NEW-P	04-10-114	196-16-035	NEW	04-04-001
192-150-115	NEW-E	04-10-071	192-220-010	NEW-E	04-02-039	196-20-005	NEW-P	04-04-027
192-150-115	NEW-P	04-10-114	192-220-010	NEW-E	04-10-071	196-20-005	NEW	04-10-067
192-150-120	NEW-E	04-02-039	192-220-010	NEW-P	04-10-114	196-20-010	AMD-P	04-04-027
192-150-120	NEW-E	04-10-071	192-220-020	NEW-E	04-02-039	196-20-010	AMD	04-10-067
192-150-120	NEW-P	04-10-114	192-220-020	NEW-E	04-10-071	196-20-020	AMD-P	04-04-027
192-150-125	NEW-E	04-02-039	192-220-020	NEW-P	04-10-114	196-20-020	AMD	04-10-067
192-150-125	NEW-E	04-10-071	192-220-030	NEW-E	04-02-039	196-20-030	AMD-P	04-04-027
192-150-125	NEW-P	04-10-114	192-220-030	NEW-E	04-10-071	196-20-030	AMD	04-10-067
192-150-130	NEW-E	04-02-039	192-220-030	NEW-P	04-10-114	196-21-005	NEW	04-04-001
192-150-130	NEW-E	04-10-071	192-230-100	NEW-E	04-02-039	196-21-010	AMD	04-04-001
192-150-130	NEW-P	04-10-114	192-230-100	NEW-E	04-10-071	196-21-020	AMD	04-04-001
192-150-135	NEW-E	04-02-039	192-230-100	NEW-P	04-10-114	196-21-030	AMD	04-04-001
192-150-135	NEW-E	04-10-071	192-240-035	AMD-E	04-02-039	196-23	PREP	04-10-011
192-150-135	NEW-P	04-10-114	192-240-035	AMD-E	04-10-071	196-23-070	AMD	04-04-001
192-150-140	NEW-E	04-02-039	192-240-035	AMD-P	04-10-114	196-24-041	REP	04-04-001
192-150-140	NEW-E	04-10-071	192-240-040	AMD-E	04-02-039	196-24-080	REP	04-04-001
192-150-140	NEW-P	04-10-114	192-240-040	AMD-E	04-10-071	196-24-085	REP	04-04-001
192-150-150	NEW-E	04-02-039	192-240-040	AMD-P	04-10-114	196-24-100	REP	04-04-001
192-150-150	NEW-E	04-10-071	192-300-050	AMD-E	04-02-039	196-24-105	REP	04-04-001
192-150-150	NEW-P	04-10-114	192-300-050	AMD-E	04-10-071	196-24-110	REP-W	04-05-061
192-150-200	NEW-E	04-02-039	192-300-050	AMD-P	04-10-113	196-25-001	AMD	04-04-001

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
196-25-002	AMD-W	04-05-061	199-08-445	NEW-P	04-18-015	208-690-010	NEW-P	04-11-110
196-25-005	AMD	04-04-001	199-08-450	NEW-E	04-10-002	208-690-010	NEW	04-15-005
196-25-010	AMD	04-04-001	199-08-450	NEW-P	04-18-015	208-690-020	NEW-E	04-07-182
196-25-020	REP	04-04-001	199-08-455	NEW-E	04-10-002	208-690-020	NEW-P	04-11-110
196-25-030	REP	04-04-001	199-08-455	NEW-P	04-18-015	208-690-020	NEW	04-15-005
196-25-040	AMD-W	04-05-061	199-08-460	NEW-E	04-10-002	208-690-030	NEW-E	04-07-182
196-25-050	AMD	04-04-001	199-08-460	NEW-P	04-18-015	208-690-030	NEW-P	04-11-110
196-25-100	REP	04-04-001	199-08-465	NEW-E	04-10-002	208-690-030	NEW	04-15-005
196-26A	PREP	04-10-011	199-08-465	NEW-P	04-18-015	208-690-031	NEW-E	04-07-182
196-26A	PREP	04-15-079	199-08-470	NEW-E	04-10-002	208-690-031	NEW-P	04-11-110
196-27A-025	NEW-W	04-05-061	199-08-470	NEW-P	04-18-015	208-690-035	NEW-E	04-07-182
199-08-300	NEW-E	04-10-002	199-08-475	NEW-E	04-10-002	208-690-035	NEW-P	04-11-110
199-08-300	NEW-P	04-18-015	199-08-475	NEW-P	04-18-015	208-690-035	NEW	04-15-005
199-08-305	NEW-E	04-10-002	199-08-480	NEW-E	04-10-002	208-690-040	NEW-E	04-07-182
199-08-305	NEW-P	04-18-015	199-08-480	NEW-P	04-18-015	208-690-040	NEW-P	04-11-110
199-08-310	NEW-E	04-10-002	199-08-485	NEW-E	04-10-002	208-690-040	NEW	04-15-005
199-08-310	NEW-P	04-18-015	199-08-485	NEW-P	04-18-015	208-690-045	NEW-E	04-07-182
199-08-315	NEW-E	04-10-002	199-08-490	NEW-E	04-10-002	208-690-045	NEW-P	04-11-110
199-08-315	NEW-P	04-18-015	199-08-490	NEW-P	04-18-015	208-690-045	NEW	04-15-005
199-08-320	NEW-E	04-10-002	199-08-495	NEW-E	04-10-002	208-690-050	NEW-E	04-07-182
199-08-320	NEW-P	04-18-015	199-08-495	NEW-P	04-18-015	208-690-050	NEW-P	04-11-110
199-08-325	NEW-E	04-10-002	199-08-500	NEW-E	04-10-002	208-690-050	NEW	04-15-005
199-08-325	NEW-P	04-18-015	199-08-500	NEW-P	04-18-015	208-690-060	NEW-E	04-07-182
199-08-335	NEW-E	04-10-002	199-08-510	NEW-E	04-10-002	208-690-060	NEW-P	04-11-110
199-08-335	NEW-P	04-18-015	199-08-510	NEW-P	04-18-015	208-690-060	NEW	04-15-005
199-08-340	NEW-E	04-10-002	199-08-515	NEW-E	04-10-002	208-690-070	NEW-E	04-07-182
199-08-340	NEW-P	04-18-015	199-08-515	NEW-P	04-18-015	208-690-070	NEW-P	04-11-110
199-08-350	NEW-E	04-10-002	199-08-520	NEW-E	04-10-002	208-690-070	NEW	04-15-005
199-08-350	NEW-P	04-18-015	199-08-520	NEW-P	04-18-015	208-690-075	NEW-E	04-07-182
199-08-385	NEW-E	04-10-002	199-08-525	NEW-E	04-10-002	208-690-075	NEW-P	04-11-110
199-08-385	NEW-P	04-18-015	199-08-525	NEW-P	04-18-015	208-690-075	NEW	04-15-005
199-08-390	NEW-E	04-10-002	199-08-535	NEW-E	04-10-002	208-690-080	NEW-E	04-07-182
199-08-390	NEW-P	04-18-015	199-08-535	NEW-P	04-18-015	208-690-080	NEW-P	04-11-110
199-08-395	NEW-E	04-10-002	199-08-540	NEW-E	04-10-002	208-690-080	NEW	04-15-005
199-08-395	NEW-P	04-18-015	199-08-540	NEW-P	04-18-015	208-690-090	NEW-E	04-07-182
199-08-400	NEW-E	04-10-002	199-08-545	NEW-E	04-10-002	208-690-090	NEW-P	04-11-110
199-08-400	NEW-P	04-18-015	199-08-545	NEW-P	04-18-015	208-690-090	NEW	04-15-005
199-08-405	NEW-E	04-10-002	199-08-550	NEW-E	04-10-002	208-690-100	NEW-E	04-07-182
199-08-405	NEW-P	04-18-015	199-08-550	NEW-P	04-18-015	208-690-100	NEW-P	04-11-110
199-08-410	NEW-E	04-10-002	199-08-555	NEW-E	04-10-002	208-690-100	NEW	04-15-005
199-08-410	NEW-P	04-18-015	199-08-555	NEW-P	04-18-015	208-690-110	NEW-E	04-07-182
199-08-415	NEW-E	04-10-002	199-08-565	NEW-E	04-10-002	208-690-110	NEW-P	04-11-110
199-08-415	NEW-P	04-18-015	199-08-565	NEW-P	04-18-015	208-690-110	NEW	04-15-005
199-08-420	NEW-E	04-10-002	199-08-570	NEW-E	04-10-002	208-690-112	NEW-E	04-07-182
199-08-420	NEW-P	04-18-015	199-08-570	NEW-P	04-18-015	208-690-112	NEW-P	04-11-110
199-08-425	NEW-E	04-10-002	199-08-580	NEW-E	04-10-002	208-690-112	NEW	04-15-005
199-08-425	NEW-P	04-18-015	199-08-580	NEW-P	04-18-015	208-690-115	NEW-E	04-07-182
199-08-426	NEW-E	04-10-002	204-74A	PREP	04-17-132	208-690-115	NEW-P	04-11-110
199-08-426	NEW-P	04-18-015	204-91A	PREP	04-10-054	208-690-115	NEW	04-15-005
199-08-427	NEW-E	04-10-002	204-91A-030	AMD-P	04-13-040	208-690-120	NEW-E	04-07-182
199-08-427	NEW-P	04-18-015	204-91A-040	AMD-P	04-13-040	208-690-120	NEW-P	04-11-110
199-08-428	NEW-E	04-10-002	204-91A-050	AMD-P	04-13-040	208-690-120	NEW	04-15-005
199-08-428	NEW-P	04-18-015	204-91A-060	AMD-P	04-13-040	208-690-130	NEW-E	04-07-182
199-08-429	NEW-E	04-10-002	204-91A-070	AMD-P	04-13-040	208-690-130	NEW-P	04-11-110
199-08-429	NEW-P	04-18-015	204-91A-080	AMD-P	04-13-040	208-690-130	NEW	04-15-005
199-08-430	NEW-E	04-10-002	204-91A-090	AMD-P	04-13-040	208-690-140	NEW-E	04-07-182
199-08-430	NEW-P	04-18-015	204-91A-120	AMD-P	04-13-040	208-690-140	NEW-P	04-11-110
199-08-435	NEW-E	04-10-002	204-91A-130	AMD-P	04-13-040	208-690-140	NEW	04-15-005
199-08-435	NEW-P	04-18-015	204-91A-140	AMD-P	04-13-040	208-690-150	NEW-E	04-07-182
199-08-440	NEW-E	04-10-002	204-91A-170	AMD-P	04-13-040	208-690-150	NEW-P	04-11-110
199-08-440	NEW-P	04-18-015	204-96-010	AMD	04-07-012	208-690-150	NEW	04-15-005
199-08-445	NEW-E	04-10-002	208-690-010	NEW-E	04-07-182	208-690-160	NEW-E	04-07-182

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
208-690-160	NEW-P	04-11-110	220-32-05100P	REP-E	04-04-053	220-33-01000W	REP-E	04-07-078
208-690-160	NEW	04-15-005	220-32-05100Q	NEW-E	04-04-053	220-33-01000X	NEW-E	04-07-078
208-690-170	NEW-E	04-07-182	220-32-05100Q	REP-E	04-04-053	220-33-01000X	REP-E	04-07-118
208-690-170	NEW-P	04-11-110	220-32-05100Q	REP-E	04-07-027	220-33-01000Y	NEW-E	04-07-118
208-690-170	NEW	04-15-005	220-32-05100R	NEW-E	04-07-027	220-33-01000Y	REP-E	04-07-169
208-690-180	NEW-E	04-07-182	220-32-05100R	REP-E	04-07-027	220-33-01000Z	NEW-E	04-07-169
208-690-180	NEW-P	04-11-110	220-32-05100S	NEW-E	04-10-064	220-33-01000Z	REP-E	04-08-011
208-690-180	NEW	04-15-005	220-32-05100S	REP-E	04-10-064	220-33-03000U	NEW-E	04-09-018
212-17-060	AMD-E	04-11-061	220-32-05100T	NEW-E	04-11-022	220-33-03000U	REP-E	04-09-018
212-17-480	NEW-E	04-11-061	220-32-05100T	REP-E	04-11-022	220-33-04000U	REP-E	04-07-117
212-17-485	NEW-E	04-11-061	220-32-05100T	REP-E	04-11-074	220-33-04000V	NEW-E	04-07-117
212-17-490	NEW-E	04-11-061	220-32-05100U	NEW-E	04-11-074	220-33-04000V	REP-E	04-07-117
212-17-495	NEW-E	04-11-061	220-32-05100U	REP-E	04-11-074	220-33-070	NEW-W	04-10-074
212-17-500	NEW-E	04-11-061	220-32-05100U	REP-E	04-12-021	220-36-023	AMD-X	04-11-109
212-17-505	NEW-E	04-11-061	220-32-05100V	NEW-E	04-12-021	220-36-023	AMD	04-16-013
212-17-510	NEW-E	04-11-061	220-32-05100V	REP-E	04-12-021	220-40-027	AMD-X	04-11-109
212-17-515	NEW-E	04-11-061	220-32-05100W	NEW-E	04-13-065	220-40-027	AMD	04-16-013
212-17-520	NEW-E	04-11-061	220-32-05100W	REP-E	04-13-117	220-44-05000A	NEW-E	04-03-010C
212-17-525	NEW-E	04-11-061	220-32-05100X	NEW-E	04-13-117	220-44-05000A	REP-E	04-12-012
212-17-530	NEW-E	04-11-061	220-32-05100X	REP-E	04-13-117	220-44-05000B	NEW-E	04-12-012
212-17-535	NEW-E	04-11-061	220-32-05100X	REP-E	04-14-046	220-44-05000Z	REP-E	04-03-010C
212-17-540	NEW-E	04-11-061	220-32-05100Y	NEW-E	04-14-046	220-47-301	AMD-X	04-12-129
212-80	PREP	04-17-131	220-32-05100Y	REP-E	04-14-046	220-47-301	AMD	04-16-125
220-12-020	AMD	04-07-009	220-32-05100Y	REP-E	04-15-051	220-47-302	AMD-X	04-12-129
220-16-270	AMD	04-07-009	220-32-05100Z	NEW-E	04-15-051	220-47-302	AMD	04-16-125
220-16-470	AMD-X	04-12-073	220-32-05100Z	REP-E	04-15-051	220-47-303	AMD-X	04-12-129
220-16-470	AMD	04-16-126	220-32-05100Z	REP-E	04-15-133	220-47-303	AMD	04-16-125
220-16-47000B	NEW-E	04-10-034	220-32-06000B	NEW-E	04-10-064	220-47-307	AMD-X	04-12-129
220-16-550	AMD	04-07-009	220-32-06000B	REP-E	04-10-064	220-47-307	AMD	04-16-125
220-16-800	NEW	04-07-009	220-33-01000A	NEW-E	04-08-011	220-47-311	AMD-X	04-12-129
220-16-800	NEW-W	04-14-085	220-33-01000A	REP-E	04-08-026	220-47-311	AMD	04-16-125
220-16-810	NEW	04-07-009	220-33-01000B	NEW-E	04-08-026	220-47-325	AMD-X	04-12-129
220-16-810	NEW-W	04-14-085	220-33-01000B	REP-E	04-09-021	220-47-325	AMD	04-16-125
220-16-820	NEW-W	04-14-085	220-33-01000C	NEW-E	04-09-021	220-47-401	AMD-X	04-12-129
220-16-830	NEW-W	04-14-085	220-33-01000C	REP-E	04-11-001	220-47-401	AMD	04-16-125
220-16-840	NEW-W	04-14-085	220-33-01000D	NEW-E	04-11-075	220-47-411	AMD-X	04-12-129
220-16-850	NEW-W	04-14-085	220-33-01000D	REP-E	04-11-075	220-47-411	AMD	04-16-125
220-20-056	REP	04-10-108	220-33-01000E	NEW-E	04-14-048	220-47-428	AMD-X	04-12-129
220-20-080	AMD	04-08-025	220-33-01000E	REP-E	04-14-048	220-47-428	AMD	04-16-125
220-20-100	AMD-W	04-14-085	220-33-01000F	NEW-E	04-16-067	220-47-430	REP-X	04-12-129
220-22-40000F	NEW-E	04-13-024	220-33-01000F	REP-E	04-16-067	220-47-430	REP	04-16-125
220-24-04000L	NEW-E	04-10-001	220-33-01000F	REP-E	04-17-069	220-47-601	NEW-E	04-16-030
220-24-04000L	REP-E	04-10-001	220-33-01000G	NEW-E	04-17-091	220-47-601	REP-E	04-16-049
220-24-04000L	REP-E	04-11-010	220-33-01000G	REP-E	04-17-091	220-47-602	NEW-E	04-16-049
220-24-04000M	NEW-E	04-11-052	220-33-01000H	NEW-E	04-18-007	220-47-602	REP-E	04-16-072
220-24-04000M	REP-E	04-11-052	220-33-01000H	REP-E	04-18-007	220-47-603	NEW-E	04-16-072
220-24-04000N	NEW-E	04-12-011	220-33-01000I	NEW-E	04-18-020	220-47-603	REP-E	04-17-028
220-24-04000N	REP-E	04-12-011	220-33-01000I	REP-E	04-18-020	220-47-604	NEW-E	04-17-028
220-24-04000P	NEW-E	04-14-009	220-33-01000J	NEW-E	04-18-037	220-47-604	REP-E	04-18-008
220-24-04000P	REP-E	04-14-009	220-33-01000Q	REP-E	04-04-071	220-47-605	NEW-E	04-18-008
220-24-04000Q	NEW-E	04-14-092	220-33-01000R	NEW-E	04-04-071	220-47-605	REP-E	04-18-084
220-24-04000Q	REP-E	04-14-092	220-33-01000R	REP-E	04-04-071	220-47-606	NEW-E	04-18-084
220-24-04000Q	REP-E	04-15-086	220-33-01000S	NEW-E	04-06-002	220-48-01500T	NEW-E	04-07-029
220-24-04000R	NEW-E	04-15-086	220-33-01000S	REP-E	04-06-002	220-48-01500T	REP-E	04-14-047
220-24-04000R	REP-E	04-18-022	220-33-01000S	REP-E	04-06-059	220-48-01500U	NEW-E	04-14-047
220-24-04000S	NEW-E	04-18-022	220-33-01000T	NEW-E	04-06-059	220-48-029	AMD-P	04-13-005
220-24-04000S	REP-E	04-18-022	220-33-01000T	REP-E	04-07-008	220-48-029	AMD	04-17-098
220-32-05100A	NEW-E	04-15-133	220-33-01000U	NEW-E	04-07-008	220-48-02900D	NEW-E	04-05-056
220-32-05100A	REP-E	04-15-133	220-33-01000U	REP-E	04-07-028	220-48-02900D	REP-E	04-13-055
220-32-05100B	NEW-E	04-18-016	220-33-01000V	NEW-E	04-07-028	220-48-02900E	NEW-E	04-13-055
220-32-05100P	NEW-E	04-03-075	220-33-01000V	REP-E	04-07-050	220-48-02900F	NEW-E	04-14-007
220-32-05100P	REP-E	04-03-075	220-33-01000W	NEW-E	04-07-050	220-48-032	AMD-P	04-13-005

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-48-032	AMD	04-17-098	220-52-04600M	NEW-E	04-08-038	220-55-061	NEW-P	04-05-068
220-48-03200C	NEW-E	04-05-056	220-52-04600M	REP-E	04-08-038	220-55-061	NEW	04-08-063
220-48-03200C	REP-E	04-13-055	220-52-04600N	NEW-E	04-13-024	220-55-115	AMD-P	04-13-061
220-48-03200D	NEW-E	04-13-055	220-52-04600N	REP-E	04-13-024	220-55-115	AMD	04-17-097
220-48-03200E	NEW-E	04-14-007	220-52-04600P	NEW-E	04-13-060	220-56-100	AMD-W	04-05-060
220-48-062	AMD-P	04-13-005	220-52-04600P	REP-E	04-13-060	220-56-100	AMD	04-07-009
220-48-062	AMD	04-17-098	220-52-05100A	NEW-E	04-16-048	220-56-100	AMD-X	04-11-119
220-48-06200C	NEW-E	04-05-056	220-52-05100A	REP-E	04-16-073	220-56-10000C	NEW-E	04-10-034
220-48-06200C	REP-E	04-13-055	220-52-05100B	NEW-E	04-16-073	220-56-115	AMD	04-07-009
220-48-06200D	NEW-E	04-13-055	220-52-05100B	REP-E	04-16-089	220-56-118	NEW	04-07-009
220-49-020	AMD-P	04-13-005	220-52-05100C	NEW-E	04-16-089	220-56-123	AMD-X	04-11-119
220-49-020	AMD	04-17-098	220-52-05100C	REP-E	04-17-004	220-56-128	AMD-X	04-11-119
220-49-02000P	NEW-E	04-05-056	220-52-05100D	NEW-E	04-17-004	220-56-128	AMD-P	04-13-005
220-49-02000P	REP-E	04-13-055	220-52-05100D	REP-E	04-17-014	220-56-128	AMD	04-17-098
220-49-02000Q	NEW-E	04-13-055	220-52-05100E	NEW-E	04-17-014	220-56-12800H	NEW-E	04-10-034
220-49-023	AMD-P	04-13-163	220-52-05100E	REP-E	04-17-055	220-56-150	AMD	04-07-009
220-49-023	AMD	04-17-089	220-52-05100F	NEW-E	04-17-055	220-56-175	AMD	04-10-033
220-49-056	AMD-P	04-13-005	220-52-05100F	REP-E	04-17-095	220-56-180	AMD-X	04-11-119
220-49-056	AMD	04-17-098	220-52-05100G	NEW-E	04-17-095	220-56-18000C	NEW-E	04-10-034
220-49-05600C	NEW-E	04-05-056	220-52-05100G	REP-E	04-18-131	220-56-195	AMD-X	04-11-119
220-49-05600C	REP-E	04-13-055	220-52-05100H	NEW-E	04-18-131	220-56-19500M	NEW-E	04-10-034
220-49-05600D	NEW-E	04-13-055	220-52-05100P	NEW-E	04-09-007	220-56-215	AMD	04-07-009
220-52-03000U	NEW-E	04-11-051	220-52-05100P	REP-E	04-10-025	220-56-232	NEW-W	04-10-077
220-52-03000U	REP-E	04-11-051	220-52-05100Q	NEW-E	04-10-025	220-56-235	AMD	04-07-009
220-52-03000V	NEW-E	04-14-004	220-52-05100Q	REP-E	04-11-044	220-56-235	AMD-W	04-10-073
220-52-03000V	REP-E	04-14-004	220-52-05100R	NEW-E	04-11-044	220-56-235	AMD-P	04-13-005
220-52-03000W	NEW-E	04-16-031	220-52-05100R	REP-E	04-13-007	220-56-235	AMD	04-17-098
220-52-03000W	REP-E	04-16-031	220-52-05100S	NEW-E	04-13-007	220-56-23500S	NEW-E	04-05-057
220-52-03000W	REP-E	04-16-127	220-52-05100S	REP-E	04-13-027	220-56-23500S	REP-E	04-13-056
220-52-03000W	REP-E	04-17-055	220-52-05100T	NEW-E	04-13-027	220-56-23500T	NEW-E	04-07-006
220-52-03000X	NEW-E	04-16-127	220-52-05100T	REP-E	04-13-082	220-56-23500T	REP-E	04-07-006
220-52-03000X	REP-E	04-17-055	220-52-05100U	NEW-E	04-13-082	220-56-23500U	NEW-E	04-13-056
220-52-03000Y	NEW-E	04-18-052	220-52-05100U	REP-E	04-14-058	220-56-250	AMD	04-07-009
220-52-03000Y	REP-E	04-18-052	220-52-05100V	NEW-E	04-14-058	220-56-250	AMD-W	04-10-073
220-52-04000A	NEW-E	04-13-024	220-52-05100V	REP-E	04-15-024	220-56-25000F	NEW-E	04-07-005
220-52-04000A	REP-E	04-13-024	220-52-05100W	NEW-E	04-15-024	220-56-25000G	NEW-E	04-10-042
220-52-04000B	NEW-E	04-13-060	220-52-05100W	REP-E	04-15-087	220-56-25000G	REP-E	04-10-042
220-52-04000B	REP-E	04-13-060	220-52-05100X	NEW-E	04-15-087	220-56-25500K	NEW-E	04-10-027
220-52-04000U	REP-E	04-05-007	220-52-05100X	REP-E	04-15-132	220-56-25500K	REP-E	04-10-043
220-52-04000V	NEW-E	04-05-007	220-52-05100Y	NEW-E	04-15-132	220-56-25500L	NEW-E	04-10-043
220-52-04000V	REP-E	04-05-014	220-52-05100Y	REP-E	04-16-022	220-56-25500L	REP-E	04-12-002
220-52-04000W	NEW-E	04-05-014	220-52-05100Z	NEW-E	04-16-022	220-56-25500M	NEW-E	04-12-002
220-52-04000W	REP-E	04-06-003	220-52-05100Z	REP-E	04-16-048	220-56-25500M	REP-E	04-12-032
220-52-04000X	NEW-E	04-06-003	220-52-07100D	NEW-E	04-03-031	220-56-25500N	NEW-E	04-12-032
220-52-04000X	REP-E	04-07-013	220-52-07100D	REP-E	04-05-008	220-56-25500N	REP-E	04-13-026
220-52-04000Y	NEW-E	04-07-013	220-52-07100E	NEW-E	04-05-008	220-56-25500P	NEW-E	04-13-026
220-52-04000Y	REP-E	04-07-019	220-52-07100E	REP-E	04-05-045	220-56-25500P	REP-E	04-14-024
220-52-04000Z	NEW-E	04-07-019	220-52-07100F	NEW-E	04-05-045	220-56-25500Q	NEW-E	04-14-024
220-52-04600D	REP-E	04-03-049	220-52-07100F	REP-E	04-06-041	220-56-25500Q	REP-E	04-16-004
220-52-04600F	REP-E	04-05-007	220-52-07100G	NEW-E	04-06-041	220-56-25500R	NEW-E	04-16-004
220-52-04600G	NEW-E	04-03-049	220-52-07100G	REP-E	04-06-041	220-56-25500R	REP-E	04-16-004
220-52-04600G	REP-E	04-06-042	220-52-07100H	NEW-E	04-14-093	220-56-267	AMD-P	04-13-005
220-52-04600H	NEW-E	04-05-007	220-52-07100H	REP-E	04-16-012	220-56-267	AMD	04-17-098
220-52-04600H	REP-E	04-06-013	220-52-07100I	NEW-E	04-16-012	220-56-26700B	NEW-E	04-05-057
220-52-04600I	NEW-E	04-06-013	220-52-07100I	REP-E	04-17-071	220-56-26700B	REP-E	04-13-056
220-52-04600I	REP-E	04-07-013	220-52-07100J	NEW-E	04-17-071	220-56-26700C	NEW-E	04-13-056
220-52-04600J	NEW-E	04-06-042	220-52-073	AMD-P	04-13-033	220-56-270	AMD-P	04-13-005
220-52-04600J	REP-E	04-08-038	220-52-073	AMD	04-17-096	220-56-270	AMD	04-17-098
220-52-04600K	NEW-E	04-07-013	220-52-07300J	REP-E	04-03-010B	220-56-27000R	REP-E	04-07-116
220-52-04600K	REP-E	04-07-042	220-52-07300K	NEW-E	04-03-010B	220-56-27000R	REP-E	04-07-123
220-52-04600L	NEW-E	04-07-042	220-52-07300K	REP-E	04-03-074	220-56-27000S	NEW-E	04-05-057
220-52-04600L	REP-E	04-13-024	220-52-07300L	NEW-E	04-03-074	220-56-27000S	REP-E	04-13-056
			220-52-07300L	REP-E	04-06-012			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-56-27000T	NEW-E	04-07-116	220-56-380	AMD	04-07-009	220-88B-040	AMD	04-05-027
220-56-27000T	REP-E	04-07-116	220-56-38000G	NEW-E	04-03-010A	220-88C-030	AMD-P	04-07-186
220-56-27000T	REP-E	04-07-123	220-56-390	AMD-P	04-13-005	220-88C-030	AMD	04-10-035
220-56-27000U	NEW-E	04-07-123	220-56-390	AMD	04-17-098	220-88C-03000	NEW-E	04-10-041
220-56-27000U	REP-E	04-07-123	220-56-39000B	NEW-E	04-05-057	220-88C-040	AMD-P	04-07-186
220-56-27000V	NEW-E	04-13-056	220-56-39000B	REP-E	04-13-056	220-88C-040	AMD	04-10-035
220-56-282	AMD	04-07-009	220-56-39000C	NEW-E	04-13-056	220-88C-04000	NEW-E	04-10-041
220-56-310	AMD	04-07-009	220-56-410	AMD-P	04-13-005	220-100-110	AMD-X	04-09-046
220-56-310	AMD-P	04-13-023	220-56-410	AMD	04-17-098	220-100-110	AMD	04-14-006
220-56-310	AMD	04-17-088	220-56-41000A	NEW-E	04-05-057	220-110-035	PREP	04-04-008
220-56-31000V	NEW-E	04-18-041	220-56-41000A	REP-E	04-13-056	220-110-035	AMD-P	04-08-064
220-56-315	AMD	04-07-009	220-56-41000B	NEW-E	04-13-056	220-110-035	AMD-C	04-17-013
220-56-325	AMD	04-07-009	220-69-210	AMD-P	04-13-193	220-120-010	REP-P	04-13-141
220-56-32500K	NEW-E	04-09-020	220-69-210	AMD	04-17-096	220-120-010	REP	04-18-051
220-56-32500K	REP-E	04-09-052	220-69-215	AMD-P	04-13-193	220-120-020	REP-P	04-13-141
220-56-32500L	NEW-E	04-09-052	220-69-215	AMD	04-17-096	220-120-020	REP	04-18-051
220-56-32500L	REP-E	04-09-102	220-69-220	AMD-P	04-13-193	220-120-030	REP-P	04-13-141
220-56-32500M	NEW-E	04-09-102	220-69-220	AMD	04-17-096	220-120-030	REP	04-18-051
220-56-32500M	REP-E	04-10-028	220-69-23402	AMD-P	04-13-193	220-120-040	REP-P	04-13-141
220-56-32500N	NEW-E	04-10-028	220-69-23402	AMD	04-17-096	220-120-040	REP	04-18-051
220-56-32500N	REP-E	04-11-014	220-69-236	AMD-P	04-13-193	220-120-050	REP-P	04-13-141
220-56-32500P	NEW-E	04-11-014	220-69-236	AMD	04-17-096	220-120-050	REP	04-18-051
220-56-32500P	REP-E	04-11-077	220-69-240	AMD-P	04-13-033	220-120-060	REP-P	04-13-141
220-56-32500Q	NEW-E	04-11-077	220-69-240	AMD-P	04-13-193	220-120-060	REP	04-18-051
220-56-32500Q	REP-E	04-12-036	220-69-240	AMD	04-17-096	220-120-070	REP-P	04-13-141
220-56-32500R	NEW-E	04-12-036	220-69-241	AMD	04-05-028	220-120-070	REP	04-18-051
220-56-32500R	REP-E	04-12-061	220-69-241	AMD-P	04-13-193	220-120-080	REP-P	04-13-141
220-56-32500S	NEW-E	04-12-061	220-69-241	AMD	04-17-096	220-120-080	REP	04-18-051
220-56-32500S	REP-E	04-13-034	220-69-242	AMD-P	04-13-193	220-120-090	REP-P	04-13-141
220-56-32500T	NEW-E	04-13-034	220-69-242	AMD	04-17-096	220-120-090	REP	04-18-051
220-56-32500T	REP-E	04-13-093	220-69-243	AMD-P	04-13-193	220-120-100	REP-P	04-13-141
220-56-32500U	NEW-E	04-13-093	220-69-243	AMD	04-17-096	220-120-100	REP	04-18-051
220-56-32500U	REP-E	04-15-023	220-69-250	AMD-P	04-13-193	220-125-010	AMD	04-05-026
220-56-32500V	NEW-E	04-15-023	220-69-250	AMD	04-17-096	220-130-04000A	NEW-E	04-16-047
220-56-330	AMD	04-07-009	220-69-254	AMD-P	04-13-193	222-08-010	AMD	04-05-122
220-56-33000J	NEW-E	04-13-004	220-69-254	AMD	04-17-096	222-08-020	AMD	04-05-122
220-56-33000J	REP-E	04-13-028	220-69-260	AMD-P	04-13-193	222-08-020	DECOD	04-05-122
220-56-33000K	NEW-E	04-13-008	220-69-260	AMD	04-17-096	222-08-030	AMD	04-05-122
220-56-33000K	REP-E	04-18-072	220-69-262	REP-P	04-13-193	222-08-030	DECOD	04-05-122
220-56-33000L	NEW-E	04-13-066	220-69-262	REP	04-17-096	222-08-035	DECOD	04-05-122
220-56-33000L	REP-E	04-13-066	220-69-264	AMD-P	04-13-193	222-08-040	AMD	04-05-122
220-56-33000M	NEW-E	04-18-072	220-69-264	AMD	04-17-096	222-08-050	NEW	04-05-122
220-56-335	AMD	04-07-009	220-69-26401	AMD-P	04-13-193	222-08-060	NEW	04-05-122
220-56-350	AMD	04-07-009	220-69-26401	AMD	04-17-096	222-08-070	NEW	04-05-122
220-56-35000Q	NEW-E	04-03-010A	220-69-270	AMD-P	04-13-193	222-08-080	NEW	04-05-122
220-56-35000Q	REP-E	04-06-035	220-69-270	AMD	04-17-096	222-08-090	NEW	04-05-122
220-56-35000R	NEW-E	04-06-035	220-69-274	AMD-P	04-13-193	222-08-100	NEW	04-05-122
220-56-35000R	REP-E	04-07-043	220-69-274	AMD	04-17-096	222-08-120	NEW	04-05-122
220-56-35000S	NEW-E	04-07-043	220-69-280	AMD-P	04-13-193	222-08-130	NEW	04-05-122
220-56-35000S	REP-E	04-09-006	220-69-280	AMD	04-17-096	222-08-140	RECOD	04-05-122
220-56-35000T	NEW-E	04-09-006	220-69-300	AMD-P	04-13-193	222-08-150	RECOD	04-05-122
220-56-36000A	NEW-E	04-10-070	220-69-300	AMD	04-17-096	222-08-160	RECOD	04-05-122
220-56-36000A	REP-E	04-10-070	220-72-01000B	NEW-E	04-08-037	222-12-090	AMD	04-05-087
220-56-36000W	NEW-E	04-03-048	220-72-011	AMD-P	04-05-069	222-16-010	AMD	04-05-087
220-56-36000W	REP-E	04-03-048	220-72-011	AMD-W	04-18-074	230-02-030	AMD-X	04-12-038
220-56-36000X	NEW-E	04-05-100	220-72-089	AMD-P	04-05-069	230-02-030	AMD	04-17-066
220-56-36000X	REP-E	04-05-100	220-72-089	AMD-W	04-18-074	230-02-035	AMD-X	04-12-038
220-56-36000Y	NEW-E	04-07-097	220-72-08900C	NEW-E	04-08-037	230-02-035	AMD	04-17-066
220-56-36000Y	REP-E	04-07-097	220-72-090	AMD-P	04-05-069	230-02-205	AMD-P	04-15-049
220-56-36000Z	NEW-E	04-09-058	220-72-090	AMD-W	04-18-074	230-04-124	AMD-W	04-05-059
220-56-36000Z	REP-E	04-09-058	220-72-09000C	NEW-E	04-08-037	230-04-192	REP-P	04-05-078
220-56-370	REP	04-07-009	220-88B-030	AMD	04-05-027	230-04-192	REP	04-09-028

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-04-196	REP-P	04-05-078	232-28-271	AMD	04-03-026	232-28-61900G	REP-E	04-04-028
230-04-196	REP	04-09-028	232-28-272	AMD-P	04-05-109	232-28-61900G	NEW-E	04-11-003
230-04-208	NEW-P	04-17-124	232-28-272	AMD	04-11-036	232-28-61900G	REP-E	04-11-003
230-12-045	AMD-P	04-07-103	232-28-272	AMD-P	04-13-165	232-28-61900G	NEW-E	04-16-023
230-12-045	AMD	04-11-091	232-28-273	AMD-P	04-05-111	232-28-61900G	REP-E	04-17-136
230-12-330	AMD-P	04-11-090	232-28-273	AMD	04-11-036	232-28-61900H	NEW-E	04-04-028
230-12-340	AMD-P	04-11-090	232-28-282	AMD-P	04-05-111	232-28-61900H	REP-E	04-04-028
230-20-059	AMD	04-07-102	232-28-282	AMD	04-11-036	232-28-61900H	REP-E	04-05-032
230-30-033	AMD-P	04-09-088	232-28-285	NEW-P	04-13-170	232-28-61900H	NEW-E	04-11-021
230-30-033	AMD	04-15-047	232-28-333	AMD-P	04-05-113	232-28-61900H	REP-E	04-11-021
230-30-072	AMD-P	04-02-045	232-28-333	AMD-W	04-18-075	232-28-61900H	NEW-E	04-16-069
230-30-072	AMD-W	04-15-108	232-28-335	AMD-P	04-05-114	232-28-61900I	NEW-E	04-04-060
230-40-070	PREP	04-04-061	232-28-335	AMD	04-11-036	232-28-61900I	NEW-E	04-11-050
230-40-070	AMD-P	04-07-147	232-28-337	AMD-P	04-05-116	232-28-61900I	REP-E	04-11-050
230-40-070	AMD-P	04-09-087	232-28-337	AMD	04-11-036	232-28-61900I	NEW-E	04-16-041
230-40-070	AMD	04-11-092	232-28-341	AMD-P	04-05-112	232-28-61900I	REP-E	04-16-041
230-40-070	AMD	04-17-125	232-28-341	AMD	04-11-036	232-28-61900J	NEW-E	04-05-015
230-40-120	AMD-C	04-04-036	232-28-341	AMD-P	04-13-169	232-28-61900J	REP-E	04-05-015
230-40-120	AMD	04-06-005	232-28-351	AMD-P	04-05-107	232-28-61900J	NEW-E	04-11-076
230-40-120	AMD-W	04-07-051	232-28-351	AMD	04-11-036	232-28-61900J	REP-E	04-11-076
230-40-120	AMD-P	04-15-048	232-28-352	AMD-P	04-05-108	232-28-61900J	NEW-E	04-16-068
230-40-625	AMD-P	04-11-089	232-28-352	AMD	04-11-036	232-28-61900K	NEW-E	04-05-033
230-40-823	AMD	04-06-058	232-28-427	REP-P	04-13-171	232-28-61900K	REP-E	04-05-033
230-40-825	AMD-P	04-11-089	232-28-427	REP	04-17-061	232-28-61900K	REP-E	04-07-026
232-12-004	AMD-P	04-05-099	232-28-428	NEW-P	04-13-171	232-28-61900K	NEW-E	04-12-013
232-12-004	AMD	04-11-036	232-28-428	NEW	04-17-061	232-28-61900K	REP-E	04-12-013
232-12-005	NEW-P	04-05-099	232-28-515	AMD-P	04-13-166	232-28-61900K	NEW-E	04-17-070
232-12-005	NEW	04-11-036	232-28-515	AMD	04-17-061	232-28-61900K	REP-E	04-17-070
232-12-014	AMD-P	04-05-110	232-28-619	AMD	04-07-009	232-28-61900L	NEW-E	04-05-048
232-12-014	AMD	04-11-036	232-28-619	AMD-X	04-11-069	232-28-61900L	REP-E	04-05-048
232-12-019	AMD	04-07-009	232-28-619	AMD-X	04-11-119	232-28-61900L	NEW-E	04-12-033
232-12-021	AMD-E	04-17-060	232-28-619	AMD-P	04-13-094	232-28-61900L	REP-E	04-12-033
232-12-047	AMD-P	04-05-106	232-28-619	AMD	04-16-046	232-28-61900L	NEW-E	04-17-137
232-12-047	AMD	04-11-036	232-28-61900A	NEW-E	04-09-103	232-28-61900L	REP-E	04-17-137
232-12-054	AMD-P	04-05-106	232-28-61900A	REP-E	04-09-103	232-28-61900M	NEW-E	04-07-007
232-12-054	AMD	04-11-036	232-28-61900A	REP-E	04-11-003	232-28-61900M	REP-E	04-07-007
232-12-064	AMD-P	04-05-099	232-28-61900A	NEW-E	04-15-022	232-28-61900M	NEW-E	04-12-060
232-12-064	AMD	04-11-036	232-28-61900B	NEW-E	04-10-005	232-28-61900M	REP-E	04-14-049
232-12-168	AMD	04-07-009	232-28-61900B	REP-E	04-10-005	232-28-61900N	NEW-E	04-07-004
232-12-224	REP-P	04-13-038	232-28-61900B	REP-E	04-10-036	232-28-61900N	REP-E	04-07-004
232-12-224	REP-C	04-17-081	232-28-61900B	NEW-E	04-15-044	232-28-61900N	NEW-E	04-13-035
232-12-243	AMD-P	04-13-165	232-28-61900B	REP-E	04-15-044	232-28-61900N	REP-E	04-13-035
232-12-271	AMD-P	04-05-099	232-28-61900C	NEW-E	04-10-034	232-28-61900P	NEW-E	04-07-026
232-12-271	AMD	04-11-036	232-28-61900C	REP-E	04-13-069	232-28-61900P	REP-E	04-07-026
232-12-275	AMD-P	04-13-167	232-28-61900C	NEW-E	04-15-146	232-28-61900P	REP-E	04-09-049
232-12-31500K	REP-E	04-08-065	232-28-61900C	REP-E	04-15-146	232-28-61900P	NEW-E	04-13-054
232-12-31500L	NEW-E	04-08-065	232-28-61900D	NEW-E	04-10-036	232-28-61900P	REP-E	04-13-054
232-12-31500L	REP-E	04-08-065	232-28-61900D	REP-E	04-10-036	232-28-61900Q	NEW-E	04-07-067
232-12-619	AMD	04-07-009	232-28-61900D	REP-E	04-11-002	232-28-61900Q	REP-E	04-07-067
232-12-619	AMD-X	04-11-119	232-28-61900D	NEW-E	04-16-005	232-28-61900Q	NEW-E	04-13-064
232-12-619	AMD-P	04-13-094	232-28-61900D	REP-E	04-16-069	232-28-61900Q	REP-E	04-13-164
232-12-61900V	NEW-E	04-10-034	232-28-61900E	NEW-E	04-10-063	232-28-61900R	NEW-E	04-08-005
232-12-828	AMD-P	04-05-106	232-28-61900E	REP-E	04-12-060	232-28-61900R	REP-E	04-08-005
232-12-828	AMD	04-11-036	232-28-61900E	NEW-E	04-16-011	232-28-61900R	REP-E	04-08-013
232-16-270	REP-P	04-13-168	232-28-61900E	REP-E	04-18-032	232-28-61900R	NEW-E	04-13-069
232-16-270	REP	04-17-061	232-28-61900F	REP-E	04-07-004	232-28-61900R	REP-E	04-16-021
232-16-610	NEW-P	04-13-168	232-28-61900F	NEW-E	04-11-002	232-28-61900S	NEW-E	04-08-013
232-16-610	NEW	04-17-061	232-28-61900F	REP-E	04-11-073	232-28-61900S	NEW-E	04-13-164
232-16-740	AMD-P	04-13-168	232-28-61900F	NEW-E	04-16-021	232-28-61900S	REP-E	04-14-008
232-16-740	AMD	04-17-061	232-28-61900F	REP-E	04-18-085	232-28-61900T	NEW-E	04-08-049
232-28-248	AMD-P	04-05-115	232-28-61900G	NEW-E	04-03-047	232-28-61900T	REP-E	04-08-049
232-28-248	AMD	04-11-036	232-28-61900G	REP-E	04-03-047	232-28-61900T	NEW-E	04-14-008

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232-28-61900T	REP-E	04-14-091	236-51-302	NEW	04-07-104	246-215-030	REP-P	04-16-109
232-28-61900U	NEW-E	04-09-047	236-51-305	NEW	04-07-104	246-215-031	NEW-P	04-16-109
232-28-61900V	REP-E	04-14-059	236-51-306	NEW	04-07-104	246-215-040	REP-P	04-16-109
232-28-61900V	NEW-E	04-09-019	236-51-310	NEW	04-07-104	246-215-041	NEW-P	04-16-109
232-28-61900V	REP-E	04-09-019	236-51-320	NEW	04-07-104	246-215-050	REP-P	04-16-109
232-28-61900V	NEW-E	04-14-049	236-51-400	NEW	04-07-104	246-215-051	NEW-P	04-16-109
232-28-61900W	NEW-E	04-09-023	236-51-405	NEW	04-07-104	246-215-060	REP-P	04-16-109
232-28-61900W	REP-E	04-09-023	236-51-410	NEW	04-07-104	246-215-061	NEW-P	04-16-109
232-28-61900W	REP-E	04-09-103	236-51-500	NEW	04-07-104	246-215-070	REP-P	04-16-109
232-28-61900W	NEW-E	04-14-057	236-51-502	NEW	04-07-104	246-215-071	NEW-P	04-16-109
232-28-61900X	NEW-E	04-09-022	236-51-505	NEW	04-07-104	246-215-080	REP-P	04-16-109
232-28-61900X	REP-E	04-09-022	236-51-510	NEW	04-07-104	246-215-081	NEW-P	04-16-109
232-28-61900X	NEW-E	04-14-059	236-51-515	NEW	04-07-104	246-215-090	REP-P	04-16-109
232-28-61900X	REP-E	04-15-022	236-51-600	NEW	04-07-104	246-215-091	NEW-P	04-16-109
232-28-61900Y	NEW-E	04-09-048	236-51-605	NEW	04-07-104	246-215-100	REP-P	04-16-109
232-28-61900Y	REP-E	04-11-072	236-51-610	NEW	04-07-104	246-215-110	REP-P	04-16-109
232-28-61900Y	REP-E	04-16-005	236-51-615	NEW	04-07-104	246-215-120	REP-P	04-16-109
232-28-61900Z	NEW-E	04-09-049	236-51-620	NEW	04-07-104	246-215-121	NEW-P	04-16-109
232-28-61900Z	REP-E	04-09-049	236-51-700	NEW	04-07-104	246-215-130	REP-P	04-16-109
232-28-61900Z	REP-E	04-10-005	236-51-710	NEW	04-07-104	246-215-131	NEW-P	04-16-109
232-28-61900Z	NEW-E	04-14-091	236-51-715	NEW	04-07-104	246-215-140	REP-P	04-16-109
232-28-620	AMD-X	04-11-079	236-51-720	NEW	04-07-104	246-215-141	NEW-P	04-16-109
232-28-620	AMD	04-16-006	236-51-725	NEW	04-07-104	246-215-150	REP-P	04-16-109
232-28-62000P	NEW-E	04-10-034	236-51-730	NEW	04-07-104	246-215-151	NEW-P	04-16-109
232-28-62000P	REP-E	04-13-142	236-51-735	NEW	04-07-104	246-215-160	REP-P	04-16-109
232-28-62000Q	NEW-E	04-13-142	236-51-740	NEW	04-07-104	246-215-170	REP-P	04-16-109
232-28-62000Q	REP-E	04-15-110	236-51-745	NEW	04-07-104	246-215-180	REP-P	04-16-109
232-28-62000R	NEW-E	04-15-110	242-02-210	AMD-P	04-18-111	246-215-181	NEW-P	04-16-109
232-28-62000R	REP-E	04-17-059	242-02-230	AMD-P	04-18-111	246-215-190	REP-P	04-16-109
232-28-62000S	NEW-E	04-17-059	242-02-240	AMD-P	04-18-111	246-215-191	NEW-P	04-16-109
232-28-62000S	REP-E	04-18-021	242-02-250	AMD-P	04-18-111	246-215-200	AMD-P	04-16-109
232-28-62000T	NEW-E	04-18-021	242-02-270	AMD-P	04-18-111	246-215-210	AMD-P	04-16-109
232-28-62000T	REP-E	04-18-021	242-02-280	AMD-P	04-18-111	246-215-220	AMD-P	04-16-109
232-28-62000T	REP-E	04-18-053	242-02-310	AMD-P	04-18-111	246-215-220	AMD-P	04-16-109
232-28-62000U	NEW-E	04-18-053	242-02-320	AMD-P	04-18-111	246-215-230	REP-P	04-16-109
232-28-62000U	REP-E	04-18-053	242-02-340	AMD-P	04-18-111	246-215-240	AMD-P	04-16-109
232-28-621	AMD-X	04-11-079	242-02-52001	AMD-P	04-18-111	246-215-250	REP-P	04-16-109
232-28-621	AMD	04-16-006	242-02-893	AMD-P	04-18-111	246-215-251	NEW-P	04-16-109
232-28-62100N	NEW-E	04-10-034	246-01	PREP	04-06-043	246-215-260	AMD-P	04-16-109
232-28-62100N	REP-E	04-13-068	246-08	PREP	04-06-043	246-215-270	REP-P	04-16-109
232-28-62100P	NEW-E	04-13-068	246-50-001	AMD-W	04-02-066	246-215-280	AMD-P	04-16-109
232-28-62100P	REP-E	04-17-005	246-50-005	NEW-W	04-02-066	246-215-290	AMD-P	04-16-109
232-28-62100Q	NEW-E	04-17-005	246-50-010	AMD-W	04-02-066	246-215-300	AMD-P	04-16-109
232-28-62100Q	REP-E	04-17-005	246-50-020	AMD-W	04-02-066	246-215-311	NEW-P	04-16-109
236-12-290	AMD-P	04-05-101	246-50-030	AMD-W	04-02-066	246-217-010	PREP-W	04-06-020
236-12-290	AMD	04-18-064	246-50-035	NEW-W	04-02-066	246-217-010	AMD-P	04-09-056
236-12-470	PREP	04-10-112	246-50-040	REP-W	04-02-066	246-217-010	AMD-C	04-11-097
236-51-001	NEW	04-07-104	246-50-040	REP-W	04-02-066	246-217-010	AMD	04-16-100
236-51-005	NEW	04-07-104	246-50-990	AMD-W	04-02-066	246-217-015	PREP-W	04-06-020
236-51-006	NEW	04-07-104	246-100-166	PREP	04-15-148	246-232-020	AMD	04-04-055
236-51-010	NEW	04-07-104	246-101-015	PREP	04-12-119	246-232-040	AMD	04-04-055
236-51-100	NEW	04-07-104	246-101-101	PREP	04-12-119	246-232-050	AMD	04-04-055
236-51-110	NEW	04-07-104	246-101-101	AMD-E	04-16-099	246-232-060	AMD	04-04-055
236-51-115	NEW	04-07-104	246-101-201	PREP	04-12-119	246-233-001	AMD	04-04-055
236-51-120	NEW	04-07-104	246-101-201	AMD-E	04-16-099	246-233-005	NEW	04-04-055
236-51-200	NEW	04-07-104	246-101-301	PREP	04-12-119	246-233-015	NEW	04-04-055
236-51-205	NEW	04-07-104	246-101-301	AMD-E	04-16-099	246-233-020	AMD	04-04-055
236-51-210	NEW	04-07-104	246-215-001	AMD-P	04-16-109	246-233-025	NEW	04-04-055
236-51-215	NEW	04-07-104	246-215-005	NEW-P	04-16-109	246-233-030	NEW	04-04-055
236-51-220	NEW	04-07-104	246-215-010	REP-P	04-16-109	246-233-035	NEW	04-04-055
236-51-225	NEW	04-07-104	246-215-011	NEW-P	04-16-109	246-233-040	NEW	04-04-055
236-51-300	NEW	04-07-104	246-215-020	REP-P	04-16-109	246-235-093	AMD	04-04-055
			246-215-021	NEW-P	04-16-109	246-235-095	AMD	04-04-055

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246-235-097	AMD	04-04-055	246-260-061	NEW	04-18-096	246-260-240	REP	04-18-096
246-239	PREP	04-18-092	246-260-070	REP-P	04-08-099	246-260-250	REP-P	04-08-099
246-239-080	AMD	04-04-055	246-260-070	REP	04-18-096	246-260-250	REP	04-18-096
246-247-010	AMD-P	04-07-180	246-260-071	NEW-P	04-08-099	246-260-260	REP-P	04-08-099
246-247-010	AMD	04-18-094	246-260-071	NEW	04-18-096	246-260-260	REP	04-18-096
246-247-040	AMD-P	04-07-180	246-260-080	REP-P	04-08-099	246-260-999	NEW-P	04-08-099
246-247-040	AMD	04-18-094	246-260-080	REP	04-18-096	246-260-999	NEW	04-18-096
246-247-045	NEW-P	04-07-180	246-260-081	NEW-P	04-08-099	246-260-99901	NEW-P	04-08-099
246-247-045	NEW	04-18-094	246-260-081	NEW	04-18-096	246-260-99901	NEW	04-18-096
246-247-075	AMD-W	04-02-067	246-260-090	REP-P	04-08-099	246-260-99902	NEW-P	04-08-099
246-247-075	AMD-P	04-07-180	246-260-090	REP	04-18-096	246-260-99902	NEW	04-18-096
246-247-075	AMD	04-18-094	246-260-091	NEW-P	04-08-099	246-272B	PREP	04-03-010
246-247-080	AMD-P	04-07-180	246-260-091	NEW	04-18-096	246-282-990	AMD-P	04-11-098
246-247-080	AMD	04-18-094	246-260-100	REP-P	04-08-099	246-282-990	AMD	04-15-154
246-247-085	AMD-P	04-07-180	246-260-100	REP	04-18-096	246-290	PREP	04-06-044
246-247-085	AMD	04-18-094	246-260-101	NEW-P	04-08-099	246-290-010	AMD	04-04-056
246-247-110	AMD-W	04-02-067	246-260-101	NEW	04-18-096	246-290-025	AMD	04-04-056
246-247-110	AMD-P	04-07-180	246-260-110	REP-P	04-08-099	246-290-130	AMD	04-04-056
246-247-110	AMD	04-18-094	246-260-110	REP	04-18-096	246-290-300	AMD	04-04-056
246-247-120	AMD-W	04-02-067	246-260-111	NEW-P	04-08-099	246-290-310	AMD	04-04-056
246-247-120	AMD-P	04-07-180	246-260-111	NEW	04-18-096	246-290-320	AMD	04-04-056
246-247-120	AMD	04-18-094	246-260-120	REP-P	04-08-099	246-290-480	AMD	04-04-056
246-247-130	AMD-W	04-02-067	246-260-120	REP	04-18-096	246-290-601	AMD	04-04-056
246-247-130	AMD-P	04-07-180	246-260-121	NEW-P	04-08-099	246-290-630	AMD	04-04-056
246-247-130	AMD	04-18-094	246-260-121	NEW	04-18-096	246-290-660	AMD	04-04-056
246-254-053	AMD-P	04-07-181	246-260-130	REP-P	04-08-099	246-290-664	AMD	04-04-056
246-254-053	AMD	04-12-125	246-260-130	REP	04-18-096	246-290-666	AMD	04-04-056
246-254-070	AMD-P	04-07-175	246-260-131	NEW-P	04-08-099	246-290-72010	AMD	04-04-056
246-254-070	AMD	04-12-124	246-260-131	NEW	04-18-096	246-290-72012	AMD	04-04-056
246-254-080	AMD-P	04-07-175	246-260-140	REP-P	04-08-099	246-290-990	AMD-P	04-06-046
246-254-080	AMD	04-12-124	246-260-140	REP	04-18-096	246-290-990	AMD-C	04-10-013
246-254-090	AMD	04-04-055	246-260-140	REP	04-18-096	246-290-990	AMD	04-12-123
246-254-090	AMD-P	04-07-175	246-260-141	NEW-P	04-08-099	246-292	PREP	04-13-051
246-254-090	AMD	04-12-124	246-260-141	NEW	04-18-096	246-292-160	AMD-P	04-06-046
246-254-100	AMD-P	04-07-175	246-260-150	REP-P	04-08-099	246-292-160	AMD-C	04-10-013
246-254-100	AMD	04-12-124	246-260-150	REP	04-18-096	246-292-160	AMD	04-12-123
246-254-120	AMD-P	04-07-175	246-260-151	NEW-P	04-08-099	246-294	PREP	04-15-147
246-254-120	AMD	04-12-124	246-260-151	NEW	04-18-096	246-294-001	AMD	04-06-047
246-260	AMD-C	04-12-118	246-260-160	REP-P	04-08-099	246-294-010	AMD	04-06-047
246-260-001	AMD-P	04-08-099	246-260-160	REP	04-18-096	246-294-020	AMD	04-06-047
246-260-001	AMD	04-18-096	246-260-170	REP-P	04-08-099	246-294-030	AMD	04-06-047
246-260-010	AMD-P	04-08-099	246-260-170	REP	04-18-096	246-294-040	AMD	04-06-047
246-260-010	AMD	04-18-096	246-260-171	NEW-P	04-08-099	246-294-050	AMD	04-06-047
246-260-020	REP-P	04-08-099	246-260-171	NEW	04-18-096	246-294-060	AMD	04-06-047
246-260-020	REP	04-18-096	246-260-181	NEW-P	04-08-099	246-294-070	AMD	04-06-047
246-260-021	NEW-P	04-08-099	246-260-181	NEW	04-18-096	246-294-080	AMD	04-06-047
246-260-021	NEW	04-18-096	246-260-191	NEW-P	04-08-099	246-294-090	AMD	04-06-047
246-260-030	REP-P	04-08-099	246-260-191	NEW	04-18-096	246-310-010	AMD-X	04-10-014
246-260-030	REP	04-18-096	246-260-200	REP-P	04-08-099	246-310-010	PREP	04-15-150
246-260-031	NEW-P	04-08-099	246-260-200	REP	04-18-096	246-310-010	AMD	04-17-054
246-260-031	NEW	04-18-096	246-260-201	NEW-P	04-08-099	246-310-132	REP-P	04-11-099
246-260-040	REP-P	04-08-099	246-260-201	NEW	04-18-096	246-310-210	PREP	04-15-150
246-260-040	REP	04-18-096	246-260-210	REP-P	04-08-099	246-310-210	PREP	04-15-150
246-260-041	NEW-P	04-08-099	246-260-210	REP	04-18-096	246-310-220	PREP	04-15-150
246-260-041	NEW	04-18-096	246-260-211	NEW-P	04-08-099	246-310-230	PREP	04-15-150
246-260-050	REP-P	04-08-099	246-260-211	NEW	04-18-096	246-310-240	PREP	04-15-150
246-260-050	REP	04-18-096	246-260-220	REP-P	04-08-099	246-310-261	AMD-P	04-11-099
246-260-051	NEW-P	04-08-099	246-260-220	REP	04-18-096	246-310-262	AMD-P	04-11-099
246-260-051	NEW	04-18-096	246-260-221	NEW-P	04-08-099	246-310-263	NEW-P	04-11-099
246-260-060	REP-P	04-08-099	246-260-221	NEW	04-18-096	246-310-280	PREP	04-15-150
246-260-060	REP	04-18-096	246-260-230	REP-P	04-08-099	246-310-990	AMD-P	04-11-099
246-260-061	NEW-P	04-08-099	246-260-230	REP	04-18-096	246-320-010	AMD	04-11-057
			246-260-240	REP-P	04-08-099	246-320-370	NEW	04-11-057

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246-320-990	AMD-P	04-13-161	246-828-100	AMD	04-02-068	246-851-160	REP-P	04-15-153
246-322-990	AMD-P	04-13-161	246-828-105	AMD	04-02-068	246-851-170	AMD-P	04-15-153
246-323-990	AMD-P	04-14-066	246-828-220	AMD	04-02-068	246-851-570	NEW	04-05-004
246-324-990	AMD-P	04-13-161	246-828-270	AMD	04-02-068	246-851-580	NEW-P	04-06-045
246-325-990	AMD-P	04-13-161	246-828-290	AMD	04-02-068	246-851-580	NEW	04-12-127
246-326-990	AMD-P	04-13-161	246-828-320	AMD	04-02-068	246-851-590	NEW-P	04-06-045
246-329-990	AMD-P	04-13-161	246-828-330	AMD	04-02-068	246-851-590	NEW	04-12-127
246-335-990	PREP	04-09-054	246-828-350	AMD	04-02-068	246-851-600	NEW	04-05-004
246-335-990	AMD-P	04-13-160	246-828-500	AMD	04-02-068	246-851-610	NEW-P	04-06-045
246-360-001	AMD-P	04-12-117	246-828-500	PREP	04-13-050	246-851-610	NEW	04-12-127
246-360-010	AMD-P	04-12-117	246-828-510	PREP	04-13-050	246-873-090	PREP-W	04-07-010
246-360-020	AMD-P	04-12-117	246-828-530	PREP	04-13-050	246-887-160	AMD-X	04-03-105
246-360-030	AMD-P	04-12-117	246-828-550	AMD	04-02-068	246-887-160	AMD	04-13-162
246-360-035	NEW-P	04-12-117	246-828-550	PREP	04-13-050	246-888-010	AMD-P	04-08-097
246-360-040	AMD-P	04-12-117	246-828-990	AMD	04-02-068	246-888-010	AMD	04-18-095
246-360-050	AMD-P	04-12-117	246-834-990	AMD-P	04-15-152	246-888-020	AMD-P	04-08-097
246-360-070	AMD-P	04-12-117	246-840-010	AMD-E	04-05-043	246-888-020	AMD	04-18-095
246-360-080	AMD-P	04-12-117	246-840-010	AMD-P	04-09-057	246-888-030	AMD-P	04-08-097
246-360-090	AMD-P	04-12-117	246-840-010	AMD	04-13-053	246-888-030	AMD	04-18-095
246-360-100	AMD-P	04-12-117	246-840-700	AMD-E	04-06-009	246-888-040	RECOD-P	04-08-097
246-360-110	AMD-P	04-12-117	246-840-700	AMD-P	04-10-078	246-888-040	REP-P	04-08-097
246-360-120	AMD-P	04-12-117	246-840-700	AMD	04-14-065	246-888-040	REP	04-18-095
246-360-130	AMD-P	04-12-117	246-840-840	AMD-E	04-05-043	246-888-045	RECOD	04-18-095
246-360-140	AMD-P	04-12-117	246-840-840	AMD-P	04-09-057	246-888-050	DECOD-P	04-08-097
246-360-150	AMD-P	04-12-117	246-840-840	AMD	04-13-053	246-888-050	RECOD-P	04-08-097
246-360-160	AMD-P	04-12-117	246-840-850	AMD-E	04-05-043	246-888-050	DECOD	04-18-095
246-360-180	AMD-P	04-12-117	246-840-850	AMD-P	04-09-057	246-888-050	RECOD	04-18-095
246-360-200	AMD-P	04-12-117	246-840-850	AMD	04-13-053	246-888-060	DECOD-P	04-08-097
246-360-220	NEW-P	04-12-117	246-840-860	AMD-E	04-05-043	246-888-060	RECOD-P	04-08-097
246-360-230	NEW-P	04-12-117	246-840-860	AMD-P	04-09-057	246-888-060	DECOD	04-18-095
246-360-500	AMD-P	04-12-117	246-840-860	AMD	04-13-053	246-888-060	RECOD	04-18-095
246-360-990	AMD-P	04-13-161	246-840-870	AMD-E	04-05-043	246-888-070	AMD-P	04-08-097
246-802-060	PREP	04-15-149	246-840-870	AMD-P	04-09-057	246-888-070	DECOD-P	04-08-097
246-808-190	PREP	04-02-064	246-840-870	AMD	04-13-053	246-888-070	RECOD-P	04-08-097
246-808-535	PREP	04-02-064	246-840-880	AMD-E	04-05-043	246-888-070	AMD	04-18-095
246-809	PREP	04-17-052	246-840-880	AMD-P	04-09-057	246-888-070	DECOD	04-18-095
246-809	PREP	04-17-053	246-840-880	AMD	04-13-053	246-888-070	RECOD	04-18-095
246-809-610	AMD	04-06-010	246-840-890	AMD-E	04-05-043	246-888-080	DECOD-P	04-08-097
246-809-620	AMD	04-06-010	246-840-890	AMD-P	04-09-057	246-888-080	RECOD-P	04-08-097
246-809-630	AMD	04-06-010	246-840-890	AMD	04-13-053	246-888-080	DECOD	04-18-095
246-809-700	NEW	04-06-011	246-840-900	REP-E	04-05-043	246-888-080	RECOD	04-18-095
246-809-710	NEW	04-06-011	246-840-900	AMD-P	04-09-057	246-888-090	DECOD-P	04-08-097
246-809-720	NEW	04-06-011	246-840-900	AMD	04-13-053	246-888-090	RECOD-P	04-08-097
246-812	PREP	04-12-120	246-840-905	NEW-P	04-09-057	246-888-090	DECOD	04-18-095
246-815-020	AMD-P	04-12-122	246-840-905	NEW	04-13-053	246-888-090	RECOD	04-18-095
246-815-050	AMD-P	04-12-122	246-840-910	AMD-E	04-06-009	246-888-100	DECOD-P	04-08-097
246-815-100	AMD-P	04-12-122	246-840-910	AMD-P	04-10-078	246-888-100	RECOD-P	04-08-097
246-815-110	AMD-P	04-12-122	246-840-910	AMD	04-14-065	246-888-100	DECOD	04-18-095
246-815-115	AMD-P	04-12-122	246-840-930	AMD-E	04-06-009	246-888-100	RECOD	04-18-095
246-815-990	AMD-P	04-18-093	246-840-930	AMD-P	04-10-078	246-888-110	DECOD-P	04-08-097
246-817-135	PREP	04-08-096	246-840-930	AMD	04-14-065	246-888-110	DECOD	04-18-095
246-817-180	PREP	04-15-151	246-840-940	AMD-E	04-06-009	246-889-050	PREP	04-18-091
246-817-440	PREP	04-08-095	246-840-940	AMD-P	04-10-078	246-915-010	AMD-P	04-08-046
246-817-560	PREP	04-09-055	246-840-940	AMD	04-14-065	246-915-010	AMD	04-13-052
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246-828-045	AMD	04-02-068	246-841-405	AMD-E	04-06-008	246-915-050	PREP	04-07-178
246-828-055	REP	04-02-068	246-841-405	AMD-P	04-10-079	246-915-078	AMD-P	04-08-046
246-828-061	REP	04-02-068	246-841-405	AMD	04-14-064	246-915-078	AMD	04-13-052
246-828-070	REP	04-02-068	246-847	PREP	04-11-094	246-915-085	AMD-P	04-03-104
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246-828-090	AMD	04-02-068	246-847-115	PREP	04-11-096	246-915-100	PREP	04-07-173
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246-915-140	AMD	04-13-052	246-976-935	AMD-P	04-07-179	251-08-160	AMD-P	04-11-115
246-915-160	AMD-P	04-08-046	246-976-935	AMD	04-12-126	251-08-160	AMD	04-15-020
246-915-160	AMD	04-13-052	250-20-041	AMD-P	04-03-108	251-09-080	AMD-P	04-11-115
246-915-180	PREP	04-07-177	250-20-041	AMD	04-08-060	251-09-080	AMD	04-15-020
246-915-182	NEW-P	04-03-119	250-65	PREP	04-08-059	251-09-090	AMD-P	04-11-115
246-915-182	NEW	04-08-102	250-65	AMD-P	04-16-077	251-09-090	AMD	04-15-020
246-915-210	AMD-P	04-03-107	250-65	AMD-E	04-16-078	251-09-094	AMD-P	04-11-115
246-915-210	AMD	04-08-100	250-65-061	NEW-E	04-16-078	251-09-094	AMD	04-15-020
246-915-220	AMD-P	04-03-107	250-65-062	NEW-E	04-16-078	251-09-100	AMD-P	04-11-115
246-915-220	AMD	04-08-100	250-65-063	NEW-E	04-16-078	251-09-100	AMD	04-15-020
246-915-230	AMD-P	04-03-107	250-65-064	NEW-E	04-16-078	251-10-025	AMD-E	04-16-054
246-915-230	AMD	04-08-100	250-65-070	NEW-P	04-16-077	251-10-025	AMD-P	04-16-114
246-915-240	AMD-P	04-03-107	250-65-080	NEW-P	04-16-077	251-14-015	NEW-W	04-07-187
246-915-240	AMD	04-08-100	250-65-090	NEW-P	04-16-077	251-19-070	AMD-P	04-11-115
246-915-250	AMD-P	04-03-107	250-65-100	NEW-P	04-16-077	251-19-070	AMD	04-15-020
246-915-250	AMD	04-08-100	250-65-110	NEW-P	04-16-077	251-19-140	AMD-P	04-11-115
246-915-260	AMD-P	04-03-107	250-65-120	NEW-P	04-16-077	251-19-140	AMD	04-15-020
246-915-260	AMD	04-08-100	250-65-130	NEW-P	04-16-077	251-22-060	AMD-E	04-16-054
246-915-270	AMD-P	04-03-107	251-01-160	AMD-P	04-11-115	251-22-060	AMD-P	04-16-114
246-915-270	AMD	04-08-100	251-01-160	AMD	04-15-020	251-22-165	AMD-P	04-11-115
246-915-280	AMD-P	04-03-107	251-01-201	AMD-P	04-11-115	251-22-165	AMD	04-15-020
246-915-280	AMD	04-08-100	251-01-201	AMD	04-15-020	251-22-200	AMD-E	04-16-054
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246-919-360	AMD	04-04-067	251-01-382	AMD	04-15-020	251-24-010	AMD-P	04-11-115
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246-924-040	PREP	04-17-130	251-04-030	AMD	04-15-020	251-30-010	AMD-P	04-07-188
246-924-060	PREP	04-17-130	251-04-050	REP-P	04-11-115	251-30-010	DECOD-P	04-07-188
246-924-070	PREP	04-17-130	251-04-050	REP	04-15-020	251-30-010	RECOD-P	04-07-188
246-924-080	PREP	04-17-130	251-04-060	AMD-P	04-11-115	251-30-010	AMD	04-11-045
246-924-090	PREP	04-17-130	251-04-060	AMD	04-15-020	251-30-010	DECOD	04-11-045
246-924-095	PREP	04-17-130	251-04-070	AMD-P	04-11-115	251-30-010	RECOD	04-11-045
246-924-100	PREP	04-17-130	251-04-070	AMD	04-15-020	251-30-020	AMD-P	04-07-188
246-924-150	PREP	04-17-130	251-04-160	AMD-P	04-11-115	251-30-020	DECOD-P	04-07-188
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246-924-515	NEW-P	04-08-098	251-05-040	AMD-P	04-11-115	251-30-020	RECOD	04-11-045
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246-930-010	PREP	04-13-158	251-06-010	AMD-P	04-11-115	251-30-030	DECOD-P	04-07-188
246-930-030	PREP-W	04-10-012	251-06-010	AMD	04-15-020	251-30-030	RECOD-P	04-07-188
246-930-040	PREP-W	04-10-012	251-06-020	AMD-P	04-11-115	251-30-030	AMD	04-11-045
246-930-040	PREP	04-13-159	251-06-020	AMD	04-15-020	251-30-030	DECOD	04-11-045
246-930-050	PREP-W	04-10-012	251-06-090	AMD-P	04-11-115	251-30-030	RECOD	04-11-045
246-930-050	PREP	04-13-159	251-06-090	AMD	04-15-020	251-30-032	NEW-P	04-07-188
246-930-060	PREP	04-13-158	251-07-100	AMD-P	04-11-115	251-30-032	NEW	04-11-045
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246-930-075	PREP	04-13-159	251-08-005	AMD-P	04-11-115	251-30-034	NEW	04-11-045
246-930-200	PREP-W	04-10-012	251-08-005	AMD	04-15-020	251-30-040	REP-P	04-07-188
246-930-310	PREP-W	04-10-012	251-08-007	AMD-P	04-11-115	251-30-040	REP	04-11-045
246-930-320	PREP-W	04-10-012	251-08-007	AMD	04-15-020	251-30-040	REP-P	04-07-188
246-930-320	PREP	04-13-158	251-08-031	AMD-P	04-11-115	251-30-050	REP-P	04-07-188
246-930-330	PREP-W	04-10-012	251-08-031	AMD	04-15-020	251-30-050	REP	04-11-045
246-930-330	PREP	04-13-159	251-08-070	AMD-P	04-11-115	251-30-055	AMD-P	04-07-188
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257-01-060	NEW-P	04-15-131	260-48-620	AMD	04-07-077	284-03-015	NEW-P	04-11-107
257-02-020	NEW-P	04-15-131	260-48-700	AMD-E	04-11-056	284-03-015	NEW	04-15-157
257-02-040	NEW-P	04-15-131	260-48-700	AMD-P	04-18-098	284-03-020	AMD-P	04-11-107
257-02-060	NEW-P	04-15-131	260-48-710	AMD-P	04-18-098	284-03-020	AMD	04-15-157
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257-02-100	NEW-P	04-15-131	260-48-890	AMD-P	04-04-048	284-03-025	NEW	04-15-157
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257-02-140	NEW-P	04-15-131	260-48-900	AMD-P	04-04-048	284-03-030	AMD	04-15-157
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257-02-180	NEW-P	04-15-131	260-48-910	AMD-P	04-04-048	284-03-035	NEW	04-15-157
257-02-200	NEW-P	04-15-131	260-48-910	AMD	04-07-077	284-03-040	AMD-P	04-11-107
257-05-020	NEW-P	04-17-138	260-49-010	NEW-E	04-11-056	284-03-040	AMD	04-15-157
257-05-040	NEW-P	04-17-138	260-49-010	NEW-P	04-18-098	284-03-045	NEW-P	04-11-107
257-05-060	NEW-P	04-17-138	260-49-020	NEW-E	04-11-056	284-03-045	NEW	04-15-157
257-05-080	NEW-P	04-17-138	260-49-020	NEW-P	04-18-098	284-03-050	AMD-P	04-11-107
257-05-100	NEW-P	04-17-138	260-49-030	NEW-E	04-11-056	284-03-050	AMD	04-15-157
257-05-120	NEW-P	04-17-138	260-49-030	NEW-P	04-18-098	284-03-055	NEW-P	04-11-107
257-05-130	NEW-P	04-17-138	260-49-040	NEW-E	04-11-056	284-03-055	NEW	04-15-157
257-05-132	NEW-P	04-17-138	260-49-040	NEW-P	04-18-098	284-03-060	AMD-P	04-11-107
257-05-134	NEW-P	04-17-138	260-49-050	NEW-E	04-11-056	284-03-060	AMD	04-15-157
257-05-140	NEW-P	04-17-138	260-49-050	NEW-P	04-18-098	284-03-065	NEW-P	04-11-107
257-05-160	NEW-P	04-17-138	260-49-060	NEW-E	04-11-056	284-03-065	NEW	04-15-157
257-05-180	NEW-P	04-17-138	260-49-060	NEW-P	04-18-098	284-03-070	AMD-P	04-11-107
257-05-200	NEW-P	04-17-138	260-49-070	NEW-E	04-11-056	284-03-070	AMD	04-15-157
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257-05-240	NEW-P	04-17-138	260-49-080	NEW-E	04-11-056	284-03-075	NEW	04-15-157
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260	PREP	04-16-111	260-49-090	NEW-E	04-11-056	284-03-080	REP	04-15-157
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260-08-610	REP	04-05-089	260-49-100	NEW-E	04-11-056	284-03-090	REP	04-15-157
260-08-620	AMD	04-05-089	260-49-100	NEW-P	04-18-098	284-03-100	AMD-P	04-11-107
260-08-630	AMD	04-05-089	260-60-350	AMD	04-05-093	284-03-100	AMD	04-15-157
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260-24-510	AMD-P	04-14-101	263-12-01501	AMD-S	04-16-008	284-03-99001	REP-P	04-11-107
260-24-510	AMD-E	04-15-038	263-12-01501	AMD-W	04-16-096	284-03-99001	REP	04-15-157
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284- 17B-035	NEW-P	04-15-156	296- 17-310041	NEW-P	04-14-081	296- 20-03012	AMD-P	04-03-082
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284- 24A-033	NEW-P	04-17-127	296- 17-31013	AMD-P	04-14-081	296- 20-2030	NEW	04-04-029
284- 24A-045	AMD-P	04-17-127	296- 17-31013	AMD	04-18-025	296- 20-210	REP	04-04-029
284- 24A-050	AMD-P	04-17-127	296- 17-31014	AMD-P	04-13-128	296- 20-210	REP	04-04-029
284- 24A-055	AMD-P	04-17-127	296- 17-31014	AMD-P	04-13-128	296- 23-220	AMD-P	04-05-075
284- 24A-065	AMD-P	04-17-127	296- 17-31014	AMD	04-18-025	296- 23-220	AMD	04-09-100
284- 43	PREP	04-17-126	296- 17-31024	AMD-P	04-13-128	296- 23-230	AMD-P	04-05-075
284- 53-005	AMD-P	04-17-128	296- 17-31024	AMD	04-18-025	296- 23-230	AMD	04-09-100
284- 53-010	AMD-P	04-17-128	296- 17-31025	AMD-P	04-13-128	296- 23-230	AMD	04-09-100
284- 74-400	NEW	04-04-070	296- 17-31025	AMD	04-18-025	296- 23-240	AMD-E	04-13-063
284- 74-410	NEW	04-04-070	296- 17-31030	NEW-P	04-14-081	296- 23-240	PREP	04-13-131
284- 74-420	NEW	04-04-070	296- 17-31031	NEW-P	04-14-081	296- 23-240	AMD-P	04-17-093
284- 74-430	NEW	04-04-070	296- 17-31031	NEW-P	04-14-081	296- 23-241	NEW-E	04-13-063
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287- 01-030	AMD	04-03-114	296- 17-52002	AMD-P	04-14-081	296- 23-260	REP	04-04-029
287- 02-030	AMD	04-03-114	296- 17-52102	AMD-P	04-14-081	296- 23-265	REP	04-04-029
287- 02-130	AMD	04-03-114	296- 17-52150	AMD-P	04-14-081	296- 23-26501	REP	04-04-029
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288- 02-020	NEW-X	04-14-019	296- 17-527	AMD	04-18-025	296- 23-26503	REP	04-04-029
288- 02-030	NEW-X	04-14-019	296- 17-644	AMD-W	04-06-060	296- 23-26504	REP	04-04-029
292- 10-040	AMD-X	04-12-005	296- 17-64999	AMD-P	04-13-128	296- 23-26505	REP	04-04-029
292-110-060	AMD-P	04-12-077	296- 17-64999	AMD	04-18-025	296- 23-26506	REP	04-04-029
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296- 05	PREP	04-15-134	296- 17-67701	NEW	04-13-017	296- 23-270	REP	04-04-029
296- 05-007	AMD-P	04-04-014	296- 17-72202	AMD-P	04-13-128	296- 23-302	NEW	04-04-029
296- 05-007	AMD	04-10-032	296- 17-72202	AMD	04-18-025	296- 23-307	NEW	04-04-029
296- 05-008	NEW-P	04-04-014	296- 17-870	AMD-P	04-07-121	296- 23-312	NEW	04-04-029
296- 05-008	NEW	04-10-032	296- 17-870	AMD	04-10-045	296- 23-317	NEW	04-04-029
296- 14-400	AMD-E	04-13-063	296- 17-895	AMD-P	04-07-122	296- 23-322	NEW	04-04-029
296- 14-400	PREP	04-13-131	296- 17-895	AMD	04-13-017	296- 23-327	NEW	04-04-029
296- 14-400	AMD-P	04-17-093	296- 19A-210	AMD-S	04-03-035	296- 23-332	NEW	04-04-029
296- 14-4121	NEW-P	04-14-082	296- 19A-210	AMD	04-08-045	296- 23-337	NEW	04-04-029
296- 14-4122	NEW-P	04-14-082	296- 19A-480	AMD-S	04-03-035	296- 23-342	NEW	04-04-029
296- 14-4123	NEW-P	04-14-082	296- 19A-480	AMD	04-08-045	296- 23-347	NEW	04-04-029
296- 14-4124	NEW-P	04-14-082	296- 20-01002	AMD-P	04-03-082	296- 23-352	NEW	04-04-029
296- 14-4125	NEW-P	04-14-082	296- 20-01002	AMD	04-08-040	296- 23-357	NEW	04-04-029
296- 14-4126	NEW-P	04-14-082	296- 20-01002	AMD-E	04-13-063	296- 23-362	NEW	04-04-029
296- 14-4127	NEW-P	04-14-082	296- 20-01002	PREP	04-13-131	296- 23-367	NEW	04-04-029
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296- 24	PREP	04-07-154	296- 24-16501	REP	04-14-028	296- 24-19009	REP	04-14-028
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296- 24-110	REP-P	04-03-102	296- 24-16507	REP	04-14-028	296- 24-19015	REP	04-14-028
296- 24-110	REP	04-15-105	296- 24-16509	REP-P	04-03-085	296- 24-195	REP-P	04-03-085
296- 24-11001	REP-P	04-03-102	296- 24-16509	REP	04-14-028	296- 24-195	REP	04-14-028
296- 24-11001	REP	04-15-105	296- 24-16511	REP-P	04-03-085	296- 24-19501	REP-P	04-03-085
296- 24-11003	REP-P	04-03-102	296- 24-16511	REP	04-14-028	296- 24-19501	REP	04-14-028
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296- 24-11007	REP	04-15-105	296- 24-16517	REP-P	04-03-085	296- 24-19507	REP-P	04-03-085
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296- 24-11017	REP-P	04-03-102	296- 24-16525	REP	04-14-028	296- 24-19514	REP	04-14-028
296- 24-11017	REP	04-15-105	296- 24-16527	REP-P	04-03-085	296- 24-19517	REP-P	04-03-085
296- 24-119	REP-P	04-03-102	296- 24-16527	REP	04-14-028	296- 24-19517	REP	04-14-028
296- 24-119	REP	04-15-105	296- 24-16529	REP-P	04-03-085	296- 24-197	REP-P	04-03-085
296- 24-120	REP	04-07-161	296- 24-16529	REP	04-14-028	296- 24-197	REP	04-14-028
296- 24-135	REP-X	04-12-069	296- 24-16531	REP-P	04-03-085	296- 24-200	REP-P	04-03-085
296- 24-135	REP	04-18-080	296- 24-16531	REP	04-14-028	296- 24-200	REP	04-14-028
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296- 24-13501	REP	04-18-080	296- 24-16533	REP	04-14-028	296- 24-20001	REP	04-14-028
296- 24-140	REP-X	04-12-069	296- 24-16535	REP-P	04-03-085	296- 24-20003	REP-P	04-03-085
296- 24-140	REP	04-18-080	296- 24-16535	REP	04-14-028	296- 24-20003	REP	04-14-028
296- 24-14001	REP-X	04-12-069	296- 24-16537	REP-P	04-03-085	296- 24-20005	REP-P	04-03-085
296- 24-14001	REP	04-18-080	296- 24-16537	REP	04-14-028	296- 24-20005	REP	04-14-028
296- 24-14003	REP-X	04-12-069	296- 24-16539	REP-P	04-03-085	296- 24-20007	REP-P	04-03-085
296- 24-14003	REP	04-18-080	296- 24-16539	REP	04-14-028	296- 24-20007	REP	04-14-028
296- 24-14005	REP-X	04-12-069	296- 24-180	REP-P	04-03-085	296- 24-20009	REP-P	04-03-085
296- 24-14005	REP	04-18-080	296- 24-180	REP	04-14-028	296- 24-20009	REP	04-14-028
296- 24-14007	REP-X	04-12-069	296- 24-18001	REP-P	04-03-085	296- 24-20011	REP-P	04-03-085
296- 24-14007	REP	04-18-080	296- 24-18001	REP	04-14-028	296- 24-20011	REP	04-14-028
296- 24-14009	REP-X	04-12-069	296- 24-18003	REP-P	04-03-085	296- 24-20013	REP-P	04-03-085
296- 24-14009	REP	04-18-080	296- 24-18003	REP	04-14-028	296- 24-20013	REP	04-14-028
296- 24-14011	REP-X	04-12-069	296- 24-18005	REP-P	04-03-085	296- 24-20015	REP-P	04-03-085
296- 24-14011	REP	04-18-080	296- 24-18005	REP	04-14-028	296- 24-20015	REP	04-14-028
296- 24-150	REP-P	04-03-085	296- 24-18007	REP-P	04-03-085	296- 24-20017	REP-P	04-03-085
296- 24-150	REP	04-14-028	296- 24-18007	REP	04-14-028	296- 24-20017	REP	04-14-028
296- 24-15001	REP-P	04-03-085	296- 24-18009	REP-P	04-03-085	296- 24-20019	REP-P	04-03-085
296- 24-15001	REP	04-14-028	296- 24-18009	REP	04-14-028	296- 24-20019	REP	04-14-028
296- 24-15003	REP-P	04-03-085	296- 24-190	REP-P	04-03-085	296- 24-20021	REP-P	04-03-085
296- 24-15003	REP	04-14-028	296- 24-190	REP	04-14-028	296- 24-20021	REP	04-14-028
296- 24-15005	REP-P	04-03-085	296- 24-19001	REP-P	04-03-085	296- 24-205	REP-P	04-03-085
296- 24-15005	REP	04-14-028	296- 24-19001	REP	04-14-028	296- 24-205	REP	04-14-028
296- 24-15007	REP-P	04-03-085	296- 24-19003	REP-P	04-03-085	296- 24-20501	REP-P	04-03-085
296- 24-15007	REP	04-14-028	296- 24-19003	REP	04-14-028	296- 24-20501	REP	04-14-028
296- 24-15009	REP-P	04-03-085	296- 24-19005	REP-P	04-03-085	296- 24-20503	REP-P	04-03-085
296- 24-15009	REP	04-14-028	296- 24-19005	REP	04-14-028	296- 24-20503	REP	04-14-028
296- 24-165	REP-P	04-03-085	296- 24-19007	REP-P	04-03-085	296- 24-20505	REP-P	04-03-085

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296-24-20507	REP	04-14-028	296-24-23037	REP-P	04-08-039	296-46B-110	AMD	04-12-049
296-24-20509	REP-P	04-03-085	296-24-233	AMD-P	04-12-071	296-46B-210	AMD-P	04-08-088
296-24-20509	REP	04-14-028	296-24-260	REP	04-09-099	296-46B-210	AMD	04-12-049
296-24-20511	REP-P	04-03-085	296-24-33009	AMD-X	04-12-069	296-46B-250	AMD-P	04-08-088
296-24-20511	REP	04-14-028	296-24-33009	AMD	04-18-080	296-46B-250	AMD	04-12-049
296-24-20513	REP-P	04-03-085	296-24-37013	AMD-X	04-12-069	296-46B-300	AMD-P	04-08-088
296-24-20513	REP	04-14-028	296-24-37013	AMD	04-18-080	296-46B-300	AMD	04-12-049
296-24-20515	REP-P	04-03-085	296-24-47511	AMD-P	04-08-039	296-46B-314	AMD-P	04-08-088
296-24-20515	REP	04-14-028	296-24-56527	AMD	04-07-161	296-46B-314	AMD	04-12-049
296-24-20517	REP-P	04-03-085	296-24-61703	AMD	04-07-161	296-46B-334	AMD-P	04-08-088
296-24-20517	REP	04-14-028	296-24-63399	AMD	04-07-161	296-46B-334	AMD	04-12-049
296-24-20519	REP-P	04-03-085	296-24-67509	PREP	04-07-155	296-46B-410	AMD-P	04-08-088
296-24-20519	REP	04-14-028	296-24-69003	AMD-P	04-03-085	296-46B-410	AMD	04-12-049
296-24-20521	REP-P	04-03-085	296-24-69003	AMD	04-14-028	296-46B-430	AMD-P	04-08-088
296-24-20521	REP	04-14-028	296-24-75011	AMD	04-07-161	296-46B-430	AMD	04-12-049
296-24-20523	REP-P	04-03-085	296-24-860	REP-P	04-14-027	296-46B-900	AMD-P	04-08-088
296-24-20523	REP	04-14-028	296-24-86005	REP-P	04-14-027	296-46B-900	AMD	04-12-049
296-24-20525	REP-P	04-03-085	296-24-86010	REP-P	04-14-027	296-46B-900	PREP	04-14-088
296-24-20525	REP	04-14-028	296-24-86015	REP-P	04-14-027	296-46B-900	AMD-E	04-16-076
296-24-20527	REP-P	04-03-085	296-24-86020	REP-P	04-14-027	296-46B-900	AMD-P	04-17-094
296-24-20527	REP	04-14-028	296-24-861	REP-P	04-14-027	296-46B-905	AMD-P	04-08-088
296-24-20529	REP-P	04-03-085	296-24-86105	REP-P	04-14-027	296-46B-905	AMD	04-12-049
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296-24-20531	REP-P	04-03-085	296-24-86115	REP-P	04-14-027	296-46B-905	AMD-P	04-17-094
296-24-20531	REP	04-14-028	296-24-86120	REP-P	04-14-027	296-46B-910	AMD-P	04-08-088
296-24-20533	REP-P	04-03-085	296-24-86125	REP-P	04-14-027	296-46B-910	AMD	04-12-049
296-24-20533	REP	04-14-028	296-24-86130	REP-P	04-14-027	296-46B-911	AMD-P	04-08-088
296-24-20699	REP-P	04-03-085	296-24-88020	AMD-P	04-03-085	296-46B-911	AMD	04-12-049
296-24-20699	REP	04-14-028	296-24-88020	AMD	04-14-028	296-46B-915	AMD-P	04-08-088
296-24-20700	REP-P	04-03-085	296-24-90003	AMD-P	04-03-085	296-46B-915	AMD	04-12-049
296-24-20700	REP	04-14-028	296-24-90003	AMD	04-14-028	296-46B-915	PREP	04-14-088
296-24-20710	REP-P	04-03-085	296-24-95603	AMD	04-07-161	296-46B-915	AMD-P	04-17-094
296-24-20710	REP	04-14-028	296-24-975	AMD-P	04-03-102	296-46B-920	AMD-P	04-08-088
296-24-20720	REP-P	04-03-085	296-24-975	AMD	04-15-105	296-46B-920	AMD	04-12-049
296-24-20720	REP	04-14-028	296-24-980	AMD-X	04-12-069	296-46B-925	AMD-P	04-08-088
296-24-20730	REP-P	04-03-085	296-24-980	AMD	04-18-080	296-46B-925	AMD	04-12-049
296-24-20730	REP	04-14-028	296-30-081	PREP	04-04-099	296-46B-925	PREP	04-14-088
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296-24-21703	REP-P	04-12-071	296-30-081	AMD	04-14-069	296-46B-930	AMD-P	04-08-088
296-24-21707	REP-P	04-12-071	296-30-090	AMD-P	04-17-093	296-46B-930	AMD	04-12-049
296-24-21709	REP-P	04-12-071	296-30-090	AMD-E	04-18-112	296-46B-935	AMD-P	04-08-088
296-24-21711	REP-P	04-12-071	296-31-070	AMD-P	04-08-091	296-46B-935	AMD	04-12-049
296-24-21713	REP-P	04-12-071	296-31-070	AMD	04-14-069	296-46B-940	AMD-P	04-08-088
296-24-230	REP-P	04-08-039	296-37-510	AMD-X	04-11-065	296-46B-940	AMD	04-12-049
296-24-23001	REP-P	04-08-039	296-37-510	AMD	04-18-078	296-46B-945	AMD-P	04-08-088
296-24-23003	REP-P	04-08-039	296-37-515	AMD-X	04-11-065	296-46B-945	AMD	04-12-049
296-24-23005	REP-P	04-08-039	296-37-515	AMD	04-18-078	296-46B-950	AMD-P	04-08-088
296-24-23007	REP-P	04-08-039	296-37-570	AMD-X	04-11-065	296-46B-950	AMD	04-12-049
296-24-23009	REP-P	04-08-039	296-37-570	AMD	04-18-078	296-46B-970	AMD-P	04-08-088
296-24-23011	REP-P	04-08-039	296-37-575	AMD	04-10-026	296-46B-970	AMD	04-12-049
296-24-23013	REP-P	04-08-039	296-37-595	NEW-X	04-11-065	296-46B-970	PREP	04-14-088
296-24-23015	REP-P	04-08-039	296-37-595	NEW	04-18-078	296-46B-970	AMD-E	04-16-076
296-24-23017	REP-P	04-08-039	296-45-125	AMD	04-07-160	296-46B-970	AMD-P	04-17-094
296-24-23019	REP-P	04-08-039	296-45-175	AMD-P	04-03-102	296-46B-990	AMD-P	04-08-088
296-24-23021	REP-P	04-08-039	296-45-175	AMD	04-15-105	296-46B-990	AMD	04-12-049
296-24-23023	REP-P	04-08-039	296-46B-010	AMD-P	04-08-088	296-46B-995	AMD-P	04-08-088
296-24-23025	REP-P	04-08-039	296-46B-010	AMD	04-12-049	296-46B-995	AMD	04-12-049
296-24-23027	REP-P	04-08-039	296-46B-020	AMD-P	04-08-088	296-46B-999	AMD-P	04-08-088
296-24-23029	REP-P	04-08-039	296-46B-020	AMD	04-12-049	296-46B-999	AMD	04-12-049
296-24-23031	REP-P	04-08-039	296-46B-030	AMD-P	04-08-088	296-54-573	AMD-P	04-03-085

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-54-573	AMD	04-14-028	296-62-07184	REP-P	04-15-107	296-62-07314	AMD	04-10-026
296-54-57310	AMD-P	04-03-102	296-62-07186	REP-P	04-15-107	296-62-07329	AMD	04-10-026
296-54-57310	AMD	04-15-105	296-62-07188	REP-P	04-15-107	296-62-07336	AMD	04-10-026
296-56	PREP	04-07-154	296-62-07190	REP-P	04-15-107	296-62-07342	AMD	04-10-026
296-56-60115	AMD-X	04-05-072	296-62-07192	REP-P	04-15-107	296-62-07347	REP-P	04-18-077
296-56-60115	AMD	04-11-066	296-62-07194	REP-P	04-15-107	296-62-07375	AMD	04-10-026
296-56-60243	AMD-X	04-05-072	296-62-07201	REP-P	04-15-107	296-62-07427	AMD	04-10-026
296-56-60243	AMD	04-11-066	296-62-07202	REP-P	04-15-107	296-62-07460	AMD	04-10-026
296-59-130	AMD-P	04-03-085	296-62-07203	REP-P	04-15-107	296-62-07470	AMD	04-10-026
296-59-130	AMD	04-14-028	296-62-07205	REP-P	04-15-107	296-62-075	REP-P	04-15-107
296-62	PREP	04-05-073	296-62-07206	REP-P	04-15-107	296-62-07501	REP-P	04-15-107
296-62	PREP	04-07-155	296-62-07208	REP-P	04-15-107	296-62-07503	REP-P	04-15-107
296-62	PREP	04-07-156	296-62-07209	REP-P	04-15-107	296-62-07505	REP-P	04-15-107
296-62	PREP	04-09-097	296-62-07210	REP-P	04-15-107	296-62-07507	REP-P	04-15-107
296-62-052	REP	04-10-026	296-62-07212	REP-P	04-15-107	296-62-07509	REP-P	04-15-107
296-62-05201	REP	04-10-026	296-62-07213	REP-P	04-15-107	296-62-07510	REP-P	04-15-107
296-62-05203	REP	04-10-026	296-62-07214	REP-P	04-15-107	296-62-07511	REP-P	04-15-107
296-62-05205	REP	04-10-026	296-62-07217	REP-P	04-15-107	296-62-07513	REP-P	04-15-107
296-62-05207	REP	04-10-026	296-62-07218	REP-P	04-15-107	296-62-07515	REP-P	04-15-107
296-62-05209	REP	04-10-026	296-62-07219	REP-P	04-15-107	296-62-07521	AMD	04-10-026
296-62-05213	REP	04-10-026	296-62-07222	REP-P	04-15-107	296-62-07523	AMD-P	04-15-106
296-62-05215	REP	04-10-026	296-62-07223	REP-P	04-15-107	296-62-07540	AMD	04-10-026
296-62-05217	REP	04-10-026	296-62-07224	REP-P	04-15-107	296-62-07631	AMD	04-10-026
296-62-05219	REP	04-10-026	296-62-07225	REP-P	04-15-107	296-62-07727	AMD	04-10-026
296-62-05221	REP	04-10-026	296-62-07230	REP-P	04-15-107	296-62-08001	REP-P	04-15-107
296-62-05223	REP	04-10-026	296-62-07231	REP-P	04-15-107	296-62-08050	REP-P	04-15-107
296-62-05305	AMD-P	04-07-159	296-62-07233	REP-P	04-15-107	296-62-09015	REP-P	04-15-107
296-62-05305	AMD	04-14-026	296-62-07234	REP-P	04-15-107	296-62-09017	REP-P	04-15-107
296-62-071	REP-P	04-15-107	296-62-07235	REP-P	04-15-107	296-62-09019	REP-P	04-15-107
296-62-07101	REP-P	04-15-107	296-62-07236	REP-P	04-15-107	296-62-09021	REP-P	04-15-107
296-62-07102	REP-P	04-15-107	296-62-07238	REP-P	04-15-107	296-62-09023	REP-P	04-15-107
296-62-07103	REP-P	04-15-107	296-62-07239	REP-P	04-15-107	296-62-09024	REP-P	04-15-107
296-62-07105	REP-P	04-15-107	296-62-07240	REP-P	04-15-107	296-62-09025	REP-P	04-15-107
296-62-07107	REP-P	04-15-107	296-62-07242	REP-P	04-15-107	296-62-09026	REP-P	04-15-107
296-62-07109	REP-P	04-15-107	296-62-07243	REP-P	04-15-107	296-62-09027	REP-P	04-15-107
296-62-07111	REP-P	04-15-107	296-62-07245	REP-P	04-15-107	296-62-09029	REP-P	04-15-107
296-62-07113	REP-P	04-15-107	296-62-07246	REP-P	04-15-107	296-62-09031	REP-P	04-15-107
296-62-07115	REP-P	04-15-107	296-62-07247	REP-P	04-15-107	296-62-09033	REP-P	04-15-107
296-62-07117	REP-P	04-15-107	296-62-07248	REP-P	04-15-107	296-62-09035	REP-P	04-15-107
296-62-07130	REP-P	04-15-107	296-62-07251	REP-P	04-15-107	296-62-09037	REP-P	04-15-107
296-62-07131	REP-P	04-15-107	296-62-07253	REP-P	04-15-107	296-62-09039	REP-P	04-15-107
296-62-07132	REP-P	04-15-107	296-62-07255	REP-P	04-15-107	296-62-09041	AMD	04-10-026
296-62-07133	REP-P	04-15-107	296-62-07257	REP-P	04-15-107	296-62-09041	REP-P	04-15-107
296-62-07150	REP-P	04-15-107	296-62-07260	REP-P	04-15-107	296-62-09043	REP-P	04-15-107
296-62-07151	REP-P	04-15-107	296-62-07261	REP-P	04-15-107	296-62-09045	REP-P	04-15-107
296-62-07152	REP-P	04-15-107	296-62-07263	REP-P	04-15-107	296-62-09047	REP-P	04-15-107
296-62-07153	REP-P	04-15-107	296-62-07265	REP-P	04-15-107	296-62-09049	REP-P	04-15-107
296-62-07154	REP-P	04-15-107	296-62-07267	REP-P	04-15-107	296-62-09051	REP-P	04-15-107
296-62-07155	REP-P	04-15-107	296-62-07269	REP-P	04-15-107	296-62-09053	REP-P	04-15-107
296-62-07156	REP-P	04-15-107	296-62-07271	REP-P	04-15-107	296-62-09055	REP-P	04-15-107
296-62-07160	REP-P	04-15-107	296-62-07273	REP-P	04-15-107	296-62-141	AMD	04-03-081
296-62-07161	REP-P	04-15-107	296-62-07275	REP-P	04-15-107	296-62-141	REP-P	04-15-107
296-62-07162	REP-P	04-15-107	296-62-07277	REP-P	04-15-107	296-62-14100	REP-P	04-15-107
296-62-07170	REP-P	04-15-107	296-62-07279	REP-P	04-15-107	296-62-14105	REP-P	04-15-107
296-62-07171	REP-P	04-15-107	296-62-07281	REP-P	04-15-107	296-62-14110	REP-P	04-15-107
296-62-07172	REP-P	04-15-107	296-62-07283	REP-P	04-15-107	296-62-14115	REP-P	04-15-107
296-62-07175	REP-P	04-15-107	296-62-07285	REP-P	04-15-107	296-62-14120	REP-P	04-15-107
296-62-07176	REP-P	04-15-107	296-62-07287	REP-P	04-15-107	296-62-14125	REP-P	04-15-107
296-62-07177	REP-P	04-15-107	296-62-07289	REP-P	04-15-107	296-62-14130	REP-P	04-15-107
296-62-07178	REP-P	04-15-107	296-62-07291	REP-P	04-15-107	296-62-14135	REP-P	04-15-107
296-62-07179	REP-P	04-15-107	296-62-07293	REP-P	04-15-107	296-62-14140	REP-P	04-15-107
296-62-07182	REP-P	04-15-107	296-62-07295	REP-P	04-15-107	296-62-14145	REP-P	04-15-107

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-14150	REP-P	04-15-107	296-62-30615	REP-P	04-15-107	296-78-660	AMD-P	04-03-085
296-62-14155	REP-P	04-15-107	296-62-3070	REP-P	04-15-107	296-78-660	AMD	04-14-028
296-62-14170	REP-P	04-15-107	296-62-30705	REP-P	04-15-107	296-78-665	AMD-P	04-03-085
296-62-14171	REP-P	04-15-107	296-62-30710	REP-P	04-15-107	296-78-665	AMD	04-14-028
296-62-14172	REP-P	04-15-107	296-62-30715	REP-P	04-15-107	296-78-690	AMD-P	04-03-085
296-62-14173	REP-P	04-15-107	296-62-3080	REP-P	04-15-107	296-78-690	AMD	04-14-028
296-62-14174	REP-P	04-15-107	296-62-3090	REP-P	04-15-107	296-78-70503	AMD-P	04-03-085
296-62-14175	REP-P	04-15-107	296-62-30905	REP-P	04-15-107	296-78-70503	AMD	04-14-028
296-62-14176	REP-P	04-15-107	296-62-30910	REP-P	04-15-107	296-78-710	PREP	04-06-078
296-62-14533	AMD	04-10-026	296-62-30915	REP-P	04-15-107	296-78-710	PREP-W	04-18-044
296-62-20023	AMD	04-10-026	296-62-30920	REP-P	04-15-107	296-78-71001	AMD-X	04-12-069
296-62-300	AMD	04-02-053	296-62-30925	REP-P	04-15-107	296-78-71001	AMD	04-18-080
296-62-300	REP-P	04-15-107	296-62-30930	REP-P	04-15-107	296-78-71007	AMD-P	04-03-085
296-62-30001	REP-P	04-15-107	296-62-30935	REP-P	04-15-107	296-78-71007	AMD	04-14-028
296-62-30003	REP-P	04-15-107	296-62-30940	REP-P	04-15-107	296-78-71017	AMD-P	04-03-085
296-62-3010	REP-P	04-15-107	296-62-3100	REP-P	04-15-107	296-78-71017	AMD	04-14-028
296-62-30105	REP-P	04-15-107	296-62-31005	REP-P	04-15-107	296-78-71505	AMD-P	04-03-085
296-62-30110	REP-P	04-15-107	296-62-31110	REP-P	04-15-107	296-78-71505	AMD	04-14-028
296-62-30115	REP-P	04-15-107	296-62-3120	REP-P	04-15-107	296-79-030	AMD-P	04-03-085
296-62-30120	REP-P	04-15-107	296-62-3130	REP-P	04-15-107	296-79-030	AMD	04-14-028
296-62-30125	REP-P	04-15-107	296-62-31305	REP-P	04-15-107	296-79-220	AMD-P	04-03-102
296-62-30130	REP-P	04-15-107	296-62-31310	REP-P	04-15-107	296-79-220	AMD	04-15-105
296-62-30135	REP-P	04-15-107	296-62-31315	REP-P	04-15-107	296-96-00500	AMD-P	04-08-087
296-62-30140	REP-P	04-15-107	296-62-31320	REP-P	04-15-107	296-96-00500	AMD	04-12-047
296-62-30145	REP-P	04-15-107	296-62-31325	REP-P	04-15-107	296-96-00600	AMD-P	04-08-087
296-62-3020	REP-P	04-15-107	296-62-31330	REP-P	04-15-107	296-96-00600	AMD	04-12-047
296-62-30205	REP-P	04-15-107	296-62-31335	REP-P	04-15-107	296-96-00650	AMD-P	04-08-087
296-62-30210	REP-P	04-15-107	296-62-3138	REP-P	04-15-107	296-96-00650	AMD	04-12-047
296-62-30215	REP-P	04-15-107	296-62-3140	REP-P	04-15-107	296-96-00700	AMD-P	04-08-087
296-62-30220	REP-P	04-15-107	296-62-31405	REP-P	04-15-107	296-96-00700	AMD	04-12-047
296-62-30225	REP-P	04-15-107	296-62-31410	REP-P	04-15-107	296-96-00800	AMD-P	04-08-087
296-62-30230	REP-P	04-15-107	296-62-31415	REP-P	04-15-107	296-96-00800	AMD	04-12-047
296-62-30235	REP-P	04-15-107	296-62-31420	REP-P	04-15-107	296-96-00805	NEW-P	04-08-087
296-62-3030	REP-P	04-15-107	296-62-31425	REP-P	04-15-107	296-96-00805	NEW	04-12-047
296-62-30305	REP-P	04-15-107	296-62-31430	REP-P	04-15-107	296-96-00900	NEW-P	04-08-087
296-62-30310	REP-P	04-15-107	296-62-31435	REP-P	04-15-107	296-96-00900	NEW	04-12-047
296-62-30315	REP-P	04-15-107	296-62-31440	REP-P	04-15-107	296-96-00902	NEW-P	04-08-087
296-62-3040	REP-P	04-15-107	296-62-31445	REP-P	04-15-107	296-96-00902	NEW	04-12-047
296-62-30405	REP-P	04-15-107	296-62-31450	REP-P	04-15-107	296-96-00903	NEW-P	04-08-087
296-62-30410	REP-P	04-15-107	296-62-31455	REP-P	04-15-107	296-96-00903	NEW	04-12-047
296-62-30415	REP-P	04-15-107	296-62-31460	REP-P	04-15-107	296-96-00904	NEW-P	04-08-087
296-62-30420	REP-P	04-15-107	296-62-31465	REP-P	04-15-107	296-96-00904	NEW	04-12-047
296-62-30425	REP-P	04-15-107	296-62-31470	REP-P	04-15-107	296-96-00906	NEW-P	04-08-087
296-62-30430	REP-P	04-15-107	296-62-3152	REP-P	04-15-107	296-96-00906	NEW	04-12-047
296-62-30435	REP-P	04-15-107	296-62-3160	REP-P	04-15-107	296-96-00910	NEW-P	04-08-087
296-62-30440	REP-P	04-15-107	296-62-3170	REP-P	04-15-107	296-96-00910	NEW	04-12-047
296-62-30445	REP-P	04-15-107	296-62-3180	REP-P	04-15-107	296-96-00912	NEW-P	04-08-087
296-62-30450	REP-P	04-15-107	296-62-3190	REP-P	04-15-107	296-96-00912	NEW	04-12-047
296-62-30455	REP-P	04-15-107	296-62-3195	REP-P	04-15-107	296-96-00914	NEW-P	04-08-087
296-62-30460	REP-P	04-15-107	296-62-40019	AMD	04-10-026	296-96-00914	NEW	04-12-047
296-62-30465	REP-P	04-15-107	296-65	PREP	04-05-073	296-96-00916	NEW-P	04-08-087
296-62-3050	REP-P	04-15-107	296-78-540	AMD	04-07-160	296-96-00916	NEW	04-12-047
296-62-30505	REP-P	04-15-107	296-78-56511	AMD-P	04-03-085	296-96-00918	NEW-P	04-08-087
296-62-30510	REP-P	04-15-107	296-78-56511	AMD	04-14-028	296-96-00918	NEW	04-12-047
296-62-30515	REP-P	04-15-107	296-78-590	AMD-P	04-03-085	296-96-00920	NEW-P	04-08-087
296-62-30520	REP-P	04-15-107	296-78-590	AMD	04-14-028	296-96-00920	NEW	04-12-047
296-62-30525	REP-P	04-15-107	296-78-605	AMD-P	04-03-085	296-96-00922	NEW-P	04-08-087
296-62-30530	REP-P	04-15-107	296-78-605	AMD	04-14-028	296-96-00922	NEW	04-12-047
296-62-30535	REP-P	04-15-107	296-78-615	AMD-P	04-03-085	296-96-00924	NEW-P	04-08-087
296-62-3060	REP-P	04-15-107	296-78-615	AMD	04-14-028	296-96-00924	NEW	04-12-047
296-62-30605	REP-P	04-15-107	296-78-650	AMD-P	04-03-085	296-96-00926	NEW-P	04-08-087
296-62-30610	REP-P	04-15-107	296-78-650	AMD	04-14-028	296-96-00926	NEW	04-12-047

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296- 96-00930	NEW-P	04-08-087	296- 96-02325	AMD-P	04-08-087	296- 96-07215	NEW-P	04-08-087
296- 96-00930	NEW	04-12-047	296- 96-02325	AMD	04-12-047	296- 96-07215	NEW	04-12-047
296- 96-01000	AMD-P	04-08-087	296- 96-02330	AMD-P	04-08-087	296- 96-07230	AMD-P	04-08-087
296- 96-01000	AMD	04-12-047	296- 96-02330	AMD	04-12-047	296- 96-07230	AMD	04-12-047
296- 96-01005	AMD-P	04-08-087	296- 96-02340	AMD-P	04-08-087	296- 96-07250	AMD-P	04-08-087
296- 96-01005	AMD	04-12-047	296- 96-02340	AMD	04-12-047	296- 96-07250	AMD	04-12-047
296- 96-01006	NEW-P	04-08-087	296- 96-02350	AMD-P	04-08-087	296- 96-08010	AMD-P	04-08-087
296- 96-01006	NEW	04-12-047	296- 96-02350	AMD	04-12-047	296- 96-08010	AMD	04-12-047
296- 96-01007	NEW-P	04-08-087	296- 96-02355	AMD-P	04-11-063	296- 96-08020	AMD-P	04-08-087
296- 96-01007	NEW	04-12-047	296- 96-02355	AMD	04-15-104	296- 96-08020	AMD	04-12-047
296- 96-01009	NEW-P	04-08-087	296- 96-02360	AMD-P	04-08-087	296- 96-08022	NEW-P	04-08-087
296- 96-01009	NEW	04-12-047	296- 96-02360	AMD	04-12-047	296- 96-08022	NEW	04-12-047
296- 96-01010	AMD-P	04-08-087	296- 96-02361	NEW-P	04-08-087	296- 96-08024	NEW-P	04-08-087
296- 96-01010	AMD	04-12-047	296- 96-02361	NEW	04-12-047	296- 96-08024	NEW	04-12-047
296- 96-01027	AMD-P	04-08-087	296- 96-02362	NEW-P	04-08-087	296- 96-08030	AMD-P	04-08-087
296- 96-01027	AMD	04-12-047	296- 96-02362	NEW	04-12-047	296- 96-08030	AMD	04-12-047
296- 96-01035	AMD-P	04-08-087	296- 96-02363	NEW-P	04-08-087	296- 96-08050	AMD-P	04-08-087
296- 96-01035	AMD	04-12-047	296- 96-02363	NEW	04-12-047	296- 96-08050	AMD	04-12-047
296- 96-01070	AMD-P	04-08-087	296- 96-02364	NEW-P	04-08-087	296- 96-08060	AMD-P	04-08-087
296- 96-01070	AMD	04-12-047	296- 96-02364	NEW	04-12-047	296- 96-08060	AMD	04-12-047
296- 96-01075	NEW-P	04-08-087	296- 96-02365	REP-P	04-08-087	296- 96-08090	AMD-P	04-08-087
296- 96-01075	NEW	04-12-047	296- 96-02365	REP	04-12-047	296- 96-08090	AMD	04-12-047
296- 96-01080	REP-P	04-08-087	296- 96-02366	NEW-P	04-08-087	296- 96-08100	AMD-P	04-08-087
296- 96-01080	REP	04-12-047	296- 96-02366	NEW	04-12-047	296- 96-08100	AMD	04-12-047
296- 96-02230	NEW-P	04-08-087	296- 96-02367	NEW-P	04-08-087	296- 96-08110	AMD-P	04-08-087
296- 96-02230	NEW	04-12-047	296- 96-02367	NEW	04-12-047	296- 96-08110	AMD	04-12-047
296- 96-02232	NEW-P	04-08-087	296- 96-02370	NEW-P	04-08-087	296- 96-08140	AMD-P	04-08-087
296- 96-02232	NEW	04-12-047	296- 96-02370	NEW	04-12-047	296- 96-08140	AMD	04-12-047
296- 96-02235	NEW-P	04-08-087	296- 96-02371	NEW-P	04-08-087	296- 96-08150	AMD-P	04-08-087
296- 96-02235	NEW	04-12-047	296- 96-02371	NEW	04-12-047	296- 96-08150	AMD	04-12-047
296- 96-02240	AMD-P	04-08-087	296- 96-05010	AMD-P	04-08-087	296- 96-08160	AMD-P	04-08-087
296- 96-02240	AMD	04-12-047	296- 96-05010	AMD	04-12-047	296- 96-08160	AMD	04-12-047
296- 96-02275	AMD-P	04-08-087	296- 96-05030	AMD-P	04-08-087	296- 96-08170	AMD-P	04-08-087
296- 96-02275	AMD	04-12-047	296- 96-05030	AMD	04-12-047	296- 96-08170	AMD	04-12-047
296- 96-02276	NEW-P	04-08-087	296- 96-05070	AMD-P	04-08-087	296- 96-08175	AMD-P	04-08-087
296- 96-02276	NEW	04-12-047	296- 96-05070	AMD	04-12-047	296- 96-08175	AMD	04-12-047
296- 96-02277	AMD-P	04-08-087	296- 96-05160	AMD-P	04-08-087	296- 96-08180	AMD-P	04-08-087
296- 96-02277	AMD	04-12-047	296- 96-05160	AMD	04-12-047	296- 96-08180	AMD	04-12-047
296- 96-02278	AMD-P	04-08-087	296- 96-05170	AMD-P	04-08-087	296- 96-08190	AMD-P	04-08-087
296- 96-02278	AMD	04-12-047	296- 96-05170	AMD	04-12-047	296- 96-08190	AMD	04-12-047
296- 96-02280	AMD-P	04-08-087	296- 96-05230	AMD-P	04-08-087	296- 96-08200	AMD-P	04-08-087
296- 96-02280	AMD	04-12-047	296- 96-05230	AMD	04-12-047	296- 96-08200	AMD	04-12-047
296- 96-02281	AMD-P	04-08-087	296- 96-05290	AMD-P	04-08-087	296- 96-08215	NEW-P	04-08-087
296- 96-02281	AMD	04-12-047	296- 96-05290	AMD	04-12-047	296- 96-08215	NEW	04-12-047
296- 96-02282	NEW-P	04-08-087	296- 96-07010	AMD-P	04-08-087	296- 96-08220	AMD-P	04-08-087
296- 96-02282	NEW	04-12-047	296- 96-07010	AMD	04-12-047	296- 96-08220	AMD	04-12-047
296- 96-02283	NEW-P	04-08-087	296- 96-07021	NEW-P	04-08-087	296- 96-08230	AMD-P	04-08-087
296- 96-02283	NEW	04-12-047	296- 96-07021	NEW	04-12-047	296- 96-08230	AMD	04-12-047
296- 96-02285	NEW-P	04-08-087	296- 96-07024	NEW-P	04-08-087	296- 96-08250	AMD-P	04-08-087
296- 96-02285	NEW	04-12-047	296- 96-07024	NEW	04-12-047	296- 96-08250	AMD	04-12-047
296- 96-02290	NEW-P	04-08-087	296- 96-07080	AMD-P	04-08-087	296- 96-09002	AMD-P	04-08-087
296- 96-02290	NEW	04-12-047	296- 96-07080	AMD	04-12-047	296- 96-09002	AMD	04-12-047
296- 96-02310	AMD-P	04-08-087	296- 96-07100	AMD-P	04-08-087	296- 96-09003	NEW-P	04-08-087
296- 96-02310	AMD	04-12-047	296- 96-07100	AMD	04-12-047	296- 96-09003	NEW	04-12-047
296- 96-02315	AMD-P	04-08-087	296- 96-07170	AMD-P	04-08-087	296- 96-09004	NEW-P	04-08-087
296- 96-02315	AMD	04-12-047	296- 96-07170	AMD	04-12-047	296- 96-09004	NEW	04-12-047
296- 96-02317	NEW-P	04-08-087	296- 96-07180	AMD-P	04-08-087	296- 96-10002	NEW-P	04-08-087
296- 96-02317	NEW	04-12-047	296- 96-07180	AMD	04-12-047	296- 96-10002	NEW	04-12-047
296- 96-02318	NEW-P	04-08-087	296- 96-07190	AMD-P	04-08-087	296- 96-11000	REP-P	04-08-087
296- 96-02318	NEW	04-12-047	296- 96-07190	AMD	04-12-047	296- 96-11000	REP	04-12-047
296- 96-02320	AMD-P	04-08-087	296- 96-07200	AMD-P	04-08-087	296- 96-11001	AMD-P	04-08-087
296- 96-02320	AMD	04-12-047	296- 96-07200	AMD	04-12-047	296- 96-11001	AMD	04-12-047

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-11016	AMD-P	04-08-087	296-96-23118	NEW-P	04-08-087	296-155	PREP	04-03-084
296-96-11016	AMD	04-12-047	296-96-23118	NEW	04-12-047	296-155	PREP	04-05-074
296-96-11019	AMD-P	04-08-087	296-96-23119	NEW-P	04-08-087	296-155	PREP	04-11-062
296-96-11019	AMD	04-12-047	296-96-23119	NEW	04-12-047	296-155-120	AMD	04-07-160
296-96-11022	AMD-P	04-08-087	296-96-23151	AMD-P	04-08-087	296-155-165	AMD-P	04-14-083
296-96-11022	AMD	04-12-047	296-96-23151	AMD	04-12-047	296-155-17331	AMD	04-10-026
296-96-11045	AMD-P	04-08-087	296-96-23240	AMD-P	04-08-087	296-155-174	AMD	04-10-026
296-96-11045	AMD	04-12-047	296-96-23240	AMD	04-12-047	296-155-200	AMD-P	04-14-083
296-96-11057	AMD-P	04-08-087	296-96-23270	AMD-P	04-08-087	296-155-300	REP-X	04-12-069
296-96-11057	AMD	04-12-047	296-96-23270	AMD	04-12-047	296-155-300	AMD-P	04-14-083
296-96-11078	AMD-P	04-08-087	296-96-23287	AMD-P	04-08-087	296-155-300	REP	04-18-080
296-96-11078	AMD	04-12-047	296-96-23287	AMD	04-12-047	296-155-305	AMD-P	04-14-083
296-96-11080	NEW-P	04-08-087	296-96-23303	NEW-P	04-11-063	296-155-310	AMD-P	04-14-083
296-96-11080	NEW	04-12-047	296-96-23303	NEW	04-15-104	296-155-315	AMD-P	04-14-083
296-96-13135	NEW-P	04-08-087	296-96-23610	AMD-P	04-08-087	296-155-429	AMD-P	04-03-102
296-96-13135	NEW	04-12-047	296-96-23610	AMD	04-12-047	296-155-429	AMD	04-15-105
296-96-13139	NEW-P	04-08-087	296-104	PREP	04-08-114	296-155-481	REP-P	04-14-027
296-96-13139	NEW	04-12-047	296-104-010	AMD-P	04-17-100	296-155-482	REP-P	04-14-027
296-96-13143	NEW-P	04-08-087	296-104-050	AMD-P	04-17-100	296-155-483	REP-P	04-14-027
296-96-13143	NEW	04-12-047	296-104-100	AMD-P	04-17-100	296-155-484	REP-P	04-14-027
296-96-13145	NEW-P	04-08-087	296-104-102	AMD-P	04-17-100	296-155-485	REP-P	04-14-027
296-96-13145	NEW	04-12-047	296-104-140	AMD-P	04-17-100	296-155-485	REP-P	04-14-027
296-96-13147	NEW-P	04-08-087	296-104-200	AMD-P	04-17-100	296-155-487	AMD-P	04-03-085
296-96-13147	NEW	04-12-047	296-104-300	AMD-P	04-17-100	296-155-487	REP-P	04-14-027
296-96-13149	NEW-P	04-08-087	296-104-301	NEW-P	04-17-100	296-155-487	AMD	04-14-028
296-96-13149	NEW	04-12-047	296-104-302	NEW-P	04-17-100	296-155-488	AMD-P	04-03-085
296-96-13151	NEW-P	04-08-087	296-104-303	NEW-P	04-17-100	296-155-488	REP-P	04-14-027
296-96-13151	NEW	04-12-047	296-104-405	AMD-P	04-17-100	296-155-488	AMD	04-14-028
296-96-13153	NEW-P	04-08-087	296-104-502	AMD-P	04-17-100	296-155-489	REP-P	04-14-027
296-96-13153	NEW	04-12-047	296-104-520	AMD-P	04-17-100	296-155-490	REP-P	04-14-027
296-96-13155	NEW-P	04-08-087	296-104-700	AMD-P	04-08-115	296-155-493	REP-P	04-14-027
296-96-13155	NEW	04-12-047	296-104-700	AMD	04-13-044	296-155-494	REP-P	04-14-027
296-96-13157	NEW-P	04-08-087	296-104-700	AMD-P	04-17-100	296-155-496	REP-P	04-14-027
296-96-13157	NEW	04-12-047	296-104-701	AMD-P	04-17-100	296-155-497	REP-P	04-14-027
296-96-13159	NEW-P	04-08-087	296-115-050	AMD-P	04-03-085	296-155-498	REP-P	04-14-027
296-96-13159	NEW	04-12-047	296-115-050	AMD	04-14-028	296-155-525	AMD-P	04-03-085
296-96-13161	NEW-P	04-08-087	296-127	PREP	04-06-063	296-155-525	AMD	04-14-028
296-96-13161	NEW	04-12-047	296-127-011	AMD-X	04-03-083	296-155-575	REP	04-09-099
296-96-13167	NEW-P	04-08-087	296-127-011	AMD	04-10-083	296-155-576	REP	04-09-099
296-96-13167	NEW	04-12-047	296-127-01377	AMD-P	04-12-068	296-155-610	AMD-E	04-10-107
296-96-13169	NEW-P	04-08-087	296-127-01377	AMD	04-16-094	296-155-610	AMD-P	04-14-083
296-96-13169	NEW	04-12-047	296-150C	PREP	04-13-132	296-155-615	AMD-P	04-14-083
296-96-13171	NEW-P	04-08-087	296-150C-3000	AMD-P	04-08-092	296-155-617	PREP	04-07-154
296-96-13171	NEW	04-12-047	296-150C-3000	AMD	04-12-048	296-155-617	REP-P	04-12-071
296-96-14045	AMD-P	04-08-087	296-150F	PREP	04-13-132	296-155-61701	REP-P	04-12-071
296-96-14045	AMD	04-12-047	296-150F-3000	AMD-P	04-08-092	296-155-61703	REP-P	04-12-071
296-96-14060	AMD-P	04-08-087	296-150F-3000	AMD	04-12-048	296-155-61705	REP-P	04-12-071
296-96-14060	AMD	04-12-047	296-150M	PREP	04-13-132	296-155-61707	REP-P	04-12-071
296-96-14070	AMD-P	04-08-087	296-150M-3000	AMD-P	04-08-092	296-155-61709	REP-P	04-12-071
296-96-14070	AMD	04-12-047	296-150M-3000	AMD	04-12-048	296-155-61711	REP-P	04-12-071
296-96-14080	AMD-P	04-08-087	296-150P	PREP	04-13-132	296-155-61713	REP-P	04-12-071
296-96-14080	AMD	04-12-047	296-150P-3000	AMD-P	04-08-092	296-155-655	AMD-P	04-14-083
296-96-16040	AMD-P	04-08-087	296-150P-3000	AMD	04-12-048	296-155-682	AMD-P	04-03-085
296-96-16040	AMD	04-12-047	296-150R	PREP	04-13-132	296-155-682	AMD	04-14-028
296-96-16150	AMD-P	04-08-087	296-150R-3000	AMD-P	04-08-092	296-200A-900	AMD-P	04-08-092
296-96-16150	AMD	04-12-047	296-150R-3000	AMD	04-12-048	296-200A-900	AMD	04-12-048
296-96-23100	AMD-P	04-08-087	296-150T	PREP	04-13-132	296-301-020	AMD-P	04-03-085
296-96-23100	AMD	04-12-047	296-150T-3000	AMD-P	04-08-092	296-301-020	PREP	04-06-078
296-96-23101	AMD-P	04-08-087	296-150T-3000	AMD	04-12-048	296-301-020	AMD-X	04-12-069
296-96-23101	AMD	04-12-047	296-150V	PREP	04-13-132	296-301-020	AMD	04-14-028
296-96-23117	NEW-P	04-08-087	296-150V-3000	AMD-P	04-08-092	296-301-020	PREP-W	04-18-044
296-96-23117	NEW	04-12-047	296-150V-3000	AMD	04-12-048	296-301-020	AMD	04-18-080
						296-301-170	AMD-P	04-03-085

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-301-170	AMD	04-14-028	296-302-06513	REP	04-14-028	296-307-45800	REP-P	04-15-107
296-302-010	REP-P	04-03-085	296-302-06515	REP-P	04-03-085	296-307-46000	REP-P	04-15-107
296-302-010	REP	04-14-028	296-302-06515	REP	04-14-028	296-307-50025	AMD-P	04-15-107
296-302-015	REP-P	04-03-085	296-302-06517	REP-P	04-03-085	296-307-50029	AMD-P	04-15-107
296-302-015	REP	04-14-028	296-302-06517	REP	04-14-028	296-307-550	AMD-P	04-15-107
296-302-020	REP-P	04-03-085	296-302-06519	REP-P	04-03-085	296-307-55015	AMD-P	04-15-107
296-302-020	REP	04-14-028	296-302-06519	REP	04-14-028	296-307-55030	AMD-P	04-15-107
296-302-025	REP-P	04-03-085	296-302-06521	REP-P	04-03-085	296-307-55035	AMD-P	04-15-107
296-302-025	REP	04-14-028	296-302-06521	REP	04-14-028	296-307-55060	AMD-P	04-15-107
296-302-02501	REP-P	04-03-085	296-302-06523	REP-P	04-03-085	296-307-560	AMD-P	04-15-107
296-302-02501	REP	04-14-028	296-302-06523	REP	04-14-028	296-307-56025	AMD-P	04-15-107
296-302-02503	REP-P	04-03-085	296-302-06525	REP-P	04-03-085	296-307-56050	AMD-P	04-15-107
296-302-02503	REP	04-14-028	296-302-06525	REP	04-14-028	296-307-594	NEW-P	04-15-107
296-302-02505	REP-P	04-03-085	296-302-06527	REP-P	04-03-085	296-307-596	NEW-P	04-15-107
296-302-02505	REP	04-14-028	296-302-06527	REP	04-14-028	296-307-59605	NEW-P	04-15-107
296-302-02507	REP-P	04-03-085	296-302-06529	REP-P	04-03-085	296-307-598	NEW-P	04-15-107
296-302-02507	REP	04-14-028	296-302-06529	REP	04-14-028	296-307-59805	NEW-P	04-15-107
296-302-02509	REP-P	04-03-085	296-302-06531	REP-P	04-03-085	296-307-59810	NEW-P	04-15-107
296-302-02509	REP	04-14-028	296-302-06531	REP	04-14-028	296-307-600	NEW-P	04-15-107
296-302-02511	REP-P	04-03-085	296-303-030	AMD-P	04-03-085	296-307-60005	NEW-P	04-15-107
296-302-02511	REP	04-14-028	296-303-030	AMD	04-14-028	296-307-60010	NEW-P	04-15-107
296-302-02513	REP-P	04-03-085	296-305-01515	AMD	04-07-160	296-307-602	NEW-P	04-15-107
296-302-02513	REP	04-14-028	296-305-02501	AMD	04-10-026	296-307-60205	NEW-P	04-15-107
296-302-02515	REP-P	04-03-085	296-305-04501	PREP	04-08-090	296-307-604	NEW-P	04-15-107
296-302-02515	REP	04-14-028	296-305-04501	PREP	04-11-062	296-307-60405	NEW-P	04-15-107
296-302-02517	REP-P	04-03-085	296-305-06519	AMD-P	04-03-085	296-307-606	NEW-P	04-15-107
296-302-02517	REP	04-14-028	296-305-06519	AMD	04-14-028	296-307-60605	NEW-P	04-15-107
296-302-02519	REP-P	04-03-085	296-307	PREP	04-09-097	296-307-608	NEW-P	04-15-107
296-302-03001	REP-P	04-03-085	296-307-018	AMD-P	04-15-107	296-307-60805	NEW-P	04-15-107
296-302-03001	REP	04-14-028	296-307-039	AMD	04-07-160	296-307-610	NEW-P	04-15-107
296-302-03003	REP-P	04-03-085	296-307-039	AMD-P	04-15-107	296-307-61005	NEW-P	04-15-107
296-302-03003	REP	04-14-028	296-307-03905	AMD	04-07-160	296-307-61010	NEW-P	04-15-107
296-302-035	REP-P	04-03-085	296-307-03910	REP	04-07-160	296-307-61015	NEW-P	04-15-107
296-302-035	REP	04-14-028	296-307-03915	REP	04-07-160	296-307-612	NEW-P	04-15-107
296-302-040	REP-P	04-03-085	296-307-03920	AMD-P	04-15-107	296-307-61205	NEW-P	04-15-107
296-302-040	REP	04-14-028	296-307-03925	REP	04-07-160	296-307-61210	NEW-P	04-15-107
296-302-045	REP-P	04-03-085	296-307-061	AMD-P	04-15-107	296-307-614	NEW-P	04-15-107
296-302-045	REP	04-14-028	296-307-07013	AMD-P	04-15-107	296-307-61405	NEW-P	04-15-107
296-302-050	REP-P	04-03-085	296-307-11015	AMD-P	04-15-107	296-307-616	NEW-P	04-15-107
296-302-050	REP	04-14-028	296-307-13045	AMD-P	04-15-107	296-307-61605	NEW-P	04-15-107
296-302-05501	REP-P	04-03-085	296-307-14505	AMD-X	04-07-162	296-307-61610	NEW-P	04-15-107
296-302-05501	REP	04-14-028	296-307-14505	AMD	04-13-129	296-307-61615	NEW-P	04-15-107
296-302-05503	REP-P	04-03-085	296-307-14510	AMD-X	04-07-162	296-307-618	NEW-P	04-15-107
296-302-05503	REP	04-14-028	296-307-14510	AMD	04-13-129	296-307-61805	NEW-P	04-15-107
296-302-05503	REP	04-14-028	296-307-16340	AMD-P	04-15-107	296-307-620	NEW-P	04-15-107
296-302-060	REP-P	04-03-085	296-307-45010	AMD-P	04-15-107	296-307-62005	NEW-P	04-15-107
296-302-060	REP	04-14-028	296-307-45035	AMD-P	04-15-107	296-307-62010	NEW-P	04-15-107
296-302-065	REP-P	04-03-085	296-307-45045	AMD-P	04-15-107	296-307-62015	NEW-P	04-15-107
296-302-065	REP	04-14-028	296-307-452	REP-P	04-15-107	296-307-62020	NEW-P	04-15-107
296-302-06501	REP-P	04-03-085	296-307-45210	REP-P	04-15-107	296-307-622	NEW-P	04-15-107
296-302-06501	REP	04-14-028	296-307-45220	REP-P	04-15-107	296-307-624	NEW-P	04-15-107
296-302-06503	REP-P	04-03-085	296-307-45230	REP-P	04-15-107	296-307-626	NEW-P	04-15-107
296-302-06503	REP	04-14-028	296-307-45240	REP-P	04-15-107	296-307-62605	NEW-P	04-15-107
296-302-06505	REP-P	04-03-085	296-307-45400	REP-P	04-15-107	296-307-62610	NEW-P	04-15-107
296-302-06505	REP	04-14-028	296-307-45410	REP-P	04-15-107	296-307-62615	NEW-P	04-15-107
296-302-06507	REP-P	04-03-085	296-307-45420	REP-P	04-15-107	296-307-62620	NEW-P	04-15-107
296-302-06507	REP	04-14-028	296-307-45430	REP-P	04-15-107	296-307-62625	NEW-P	04-15-107
296-302-06509	REP-P	04-03-085	296-307-45440	REP-P	04-15-107	296-307-628	NEW-P	04-15-107
296-302-06509	REP	04-14-028	296-307-45450	REP-P	04-15-107	296-307-630	NEW-P	04-15-107
296-302-06511	REP-P	04-03-085	296-307-45600	REP-P	04-15-107	296-307-632	NEW-P	04-15-107
296-302-06511	REP	04-14-028	296-307-45610	REP-P	04-15-107	296-307-63205	NEW-P	04-15-107
296-302-06513	REP-P	04-03-085	296-307-45620	REP-P	04-15-107	296-307-63210	NEW-P	04-15-107

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-63215	NEW-P	04-15-107	296-307-69010	NEW-P	04-15-107	296-400A-030	AMD-P	04-08-089
296-307-63220	NEW-P	04-15-107	296-307-69015	NEW-P	04-15-107	296-400A-030	AMD	04-12-046
296-307-63225	NEW-P	04-15-107	296-307-692	NEW-P	04-15-107	296-400A-031	AMD-P	04-08-089
296-307-63230	NEW-P	04-15-107	296-307-69205	NEW-P	04-15-107	296-400A-031	AMD	04-12-046
296-307-63235	NEW-P	04-15-107	296-307-69210	NEW-P	04-15-107	296-400A-035	AMD-P	04-08-089
296-307-63240	NEW-P	04-15-107	296-307-694	NEW-P	04-15-107	296-400A-035	AMD	04-12-046
296-307-634	NEW-P	04-15-107	296-307-69405	NEW-P	04-15-107	296-400A-045	AMD-P	04-08-089
296-307-63405	NEW-P	04-15-107	296-307-69410	NEW-P	04-15-107	296-400A-045	AMD	04-12-046
296-307-63410	NEW-P	04-15-107	296-307-69415	NEW-P	04-15-107	296-400A-120	AMD-P	04-08-089
296-307-63415	NEW-P	04-15-107	296-307-69420	NEW-P	04-15-107	296-400A-120	AMD	04-12-046
296-307-636	NEW-P	04-15-107	296-307-69425	NEW-P	04-15-107	296-400A-121	AMD-P	04-08-089
296-307-63605	NEW-P	04-15-107	296-307-69430	NEW-P	04-15-107	296-400A-121	AMD	04-12-046
296-307-63610	NEW-P	04-15-107	296-307-69435	NEW-P	04-15-107	296-400A-122	AMD-P	04-08-089
296-307-63615	NEW-P	04-15-107	296-307-69440	NEW-P	04-15-107	296-400A-122	AMD	04-12-046
296-307-63620	NEW-P	04-15-107	296-307-696	NEW-P	04-15-107	296-400A-130	AMD-P	04-08-089
296-307-63625	NEW-P	04-15-107	296-307-69605	NEW-P	04-15-107	296-400A-130	AMD	04-12-046
296-307-63630	NEW-P	04-15-107	296-307-69610	NEW-P	04-15-107	296-400A-135	NEW-P	04-08-089
296-307-63635	NEW-P	04-15-107	296-307-69615	NEW-P	04-15-107	296-400A-135	NEW	04-12-046
296-307-638	NEW-P	04-15-107	296-307-69620	NEW-P	04-15-107	296-400A-140	AMD-P	04-08-089
296-307-63805	NEW-P	04-15-107	296-307-69625	NEW-P	04-15-107	296-400A-140	AMD	04-12-046
296-307-63810	NEW-P	04-15-107	296-307-69630	NEW-P	04-15-107	296-400A-150	NEW-P	04-08-089
296-307-63815	NEW-P	04-15-107	296-307-698	NEW-P	04-15-107	296-400A-150	NEW	04-12-046
296-307-63820	NEW-P	04-15-107	296-307-69805	NEW-P	04-15-107	296-400A-155	NEW-P	04-08-089
296-307-63825	NEW-P	04-15-107	296-307-69810	NEW-P	04-15-107	296-400A-155	NEW	04-12-046
296-307-640	NEW-P	04-15-107	296-307-69815	NEW-P	04-15-107	296-400A-300	AMD-P	04-08-089
296-307-642	NEW-P	04-15-107	296-307-69820	NEW-P	04-15-107	296-400A-300	AMD	04-12-046
296-307-644	NEW-P	04-15-107	296-307-69825	NEW-P	04-15-107	296-400A-400	AMD-P	04-08-089
296-307-64402	NEW-P	04-15-107	296-307-69830	NEW-P	04-15-107	296-400A-400	AMD	04-12-046
296-307-64404	NEW-P	04-15-107	296-307-700	NEW-P	04-15-107	296-400A-425	AMD-P	04-08-089
296-307-64406	NEW-P	04-15-107	296-307-70005	NEW-P	04-15-107	296-400A-425	AMD	04-12-046
296-307-646	NEW-P	04-15-107	296-307-702	NEW-P	04-15-107	296-800	PREP	04-07-157
296-307-64602	NEW-P	04-15-107	296-307-704	NEW-P	04-15-107	296-800-11045	PREP	04-06-078
296-307-64604	NEW-P	04-15-107	296-307-70410	NEW-P	04-15-107	296-800-11045	AMD-X	04-12-069
296-307-648	NEW-P	04-15-107	296-307-70415	NEW-P	04-15-107	296-800-11045	PREP-W	04-18-044
296-307-64802	NEW-P	04-15-107	296-307-70420	NEW-P	04-15-107	296-800-11045	AMD	04-18-080
296-307-64804	NEW-P	04-15-107	296-307-70425	NEW-P	04-15-107	296-800-150	AMD	04-07-160
296-307-650	NEW-P	04-15-107	296-307-70430	NEW-P	04-15-107	296-800-15005	AMD	04-07-160
296-307-65002	NEW-P	04-15-107	296-307-70435	NEW-P	04-15-107	296-800-15010	REP	04-07-160
296-307-65004	NEW-P	04-15-107	296-307-70440	NEW-P	04-15-107	296-800-15015	REP	04-07-160
296-307-65006	NEW-P	04-15-107	296-307-70445	NEW-P	04-15-107	296-800-15025	REP	04-07-160
296-307-65008	NEW-P	04-15-107	296-307-70450	NEW-P	04-15-107	296-800-17005	AMD	04-10-026
296-307-65010	NEW-P	04-15-107	296-307-70455	NEW-P	04-15-107	296-800-180	AMD	04-10-026
296-307-65012	NEW-P	04-15-107	296-307-70460	NEW-P	04-15-107	296-800-310	AMD-W	04-11-058
296-307-65014	NEW-P	04-15-107	296-307-70465	NEW-P	04-15-107	296-800-31010	AMD-W	04-11-058
296-307-65016	NEW-P	04-15-107	296-307-70470	NEW-P	04-15-107	296-800-31020	AMD-W	04-11-058
296-307-65018	NEW-P	04-15-107	296-307-70475	NEW-P	04-15-107	296-800-31070	AMD-W	04-11-058
296-307-65020	NEW-P	04-15-107	296-307-70480	NEW-P	04-15-107	296-800-35052	PREP	04-06-078
296-307-65022	NEW-P	04-15-107	296-400A	PREP	04-16-093	296-800-35052	AMD-X	04-12-069
296-307-65024	NEW-P	04-15-107	296-400A-005	AMD-P	04-08-089	296-800-35052	PREP-W	04-18-044
296-307-652	NEW-P	04-15-107	296-400A-005	AMD	04-12-046	296-800-35052	AMD	04-18-080
296-307-65202	NEW-P	04-15-107	296-400A-020	AMD-P	04-08-089	296-800-370	AMD-W	04-11-058
296-307-65204	NEW-P	04-15-107	296-400A-020	AMD	04-12-046	296-802-100	NEW	04-10-026
296-307-654	NEW-P	04-15-107	296-400A-021	AMD-P	04-08-089	296-802-200	NEW	04-10-026
296-307-65402	NEW-P	04-15-107	296-400A-021	AMD	04-12-046	296-802-20005	NEW	04-10-026
296-307-65404	NEW-P	04-15-107	296-400A-023	NEW-P	04-08-089	296-802-20010	NEW	04-10-026
296-307-656	NEW-P	04-15-107	296-400A-023	NEW	04-12-046	296-802-20015	NEW	04-10-026
296-307-686	NEW-P	04-15-107	296-400A-026	AMD-P	04-08-089	296-802-300	NEW	04-10-026
296-307-688	NEW-P	04-15-107	296-400A-026	AMD	04-12-046	296-802-30005	NEW	04-10-026
296-307-68805	NEW-P	04-15-107	296-400A-028	NEW-P	04-08-089	296-802-400	NEW	04-10-026
296-307-68810	NEW-P	04-15-107	296-400A-028	NEW	04-12-046	296-802-40005	NEW	04-10-026
296-307-690	NEW-P	04-15-107	296-400A-029	NEW-P	04-08-089	296-802-40010	NEW	04-10-026
296-307-69005	NEW-P	04-15-107	296-400A-029	NEW	04-12-046	296-802-40015	NEW	04-10-026

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-802-500	NEW	04-10-026	296-803-70005	NEW-P	04-03-102	296-806-20052	NEW-P	04-03-085
296-802-50005	NEW	04-10-026	296-803-70005	NEW	04-15-105	296-806-20052	NEW	04-14-028
296-802-50010	NEW	04-10-026	296-803-70010	NEW-P	04-03-102	296-806-20054	NEW-P	04-03-085
296-802-600	NEW	04-10-026	296-803-70010	NEW	04-15-105	296-806-20054	NEW	04-14-028
296-802-60005	NEW	04-10-026	296-803-70015	NEW-P	04-03-102	296-806-20056	NEW-P	04-03-085
296-802-900	NEW	04-10-026	296-803-70015	NEW	04-15-105	296-806-20056	NEW	04-14-028
296-803-100	NEW-P	04-03-102	296-803-800	NEW-P	04-03-102	296-806-20058	NEW-P	04-03-085
296-803-100	NEW	04-15-105	296-803-800	NEW	04-15-105	296-806-20058	NEW	04-14-028
296-803-200	NEW-P	04-03-102	296-806-100	NEW-P	04-03-085	296-806-300	NEW-P	04-03-085
296-803-200	NEW	04-15-105	296-806-100	NEW	04-14-028	296-806-300	NEW-W	04-18-073
296-803-20005	NEW-P	04-03-102	296-806-200	NEW-P	04-03-085	296-806-30002	NEW-P	04-03-085
296-803-20005	NEW	04-15-105	296-806-200	NEW	04-14-028	296-806-30002	NEW	04-14-028
296-803-300	NEW-P	04-03-102	296-806-20002	NEW-P	04-03-085	296-806-30004	NEW-P	04-03-085
296-803-300	NEW	04-15-105	296-806-20002	NEW	04-14-028	296-806-30004	NEW	04-14-028
296-803-30005	NEW-P	04-03-102	296-806-20004	NEW-P	04-03-085	296-806-30006	NEW-P	04-03-085
296-803-30005	NEW	04-15-105	296-806-20004	NEW	04-14-028	296-806-30006	NEW	04-14-028
296-803-400	NEW-P	04-03-102	296-806-20006	NEW-P	04-03-085	296-806-30008	NEW-P	04-03-085
296-803-400	NEW	04-15-105	296-806-20006	NEW	04-14-028	296-806-30008	NEW	04-14-028
296-803-40005	NEW-P	04-03-102	296-806-20008	NEW-P	04-03-085	296-806-30010	NEW-P	04-03-085
296-803-40005	NEW	04-15-105	296-806-20008	NEW	04-14-028	296-806-30010	NEW	04-14-028
296-803-40010	NEW-P	04-03-102	296-806-20010	NEW-P	04-03-085	296-806-30012	NEW-P	04-03-085
296-803-40010	NEW	04-15-105	296-806-20010	NEW	04-14-028	296-806-30012	NEW	04-14-028
296-803-40015	NEW-P	04-03-102	296-806-20012	NEW-P	04-03-085	296-806-30014	NEW-P	04-03-085
296-803-40015	NEW	04-15-105	296-806-20012	NEW	04-14-028	296-806-30014	NEW	04-14-028
296-803-40020	NEW-P	04-03-102	296-806-20014	NEW-P	04-03-085	296-806-30016	NEW-P	04-03-085
296-803-40020	NEW	04-15-105	296-806-20014	NEW	04-14-028	296-806-30016	NEW	04-14-028
296-803-500	NEW-P	04-03-102	296-806-20016	NEW-P	04-03-085	296-806-30018	NEW-P	04-03-085
296-803-500	NEW	04-15-105	296-806-20016	NEW	04-14-028	296-806-30018	NEW	04-14-028
296-803-50005	NEW-P	04-03-102	296-806-20018	NEW-P	04-03-085	296-806-30020	NEW-P	04-03-085
296-803-50005	NEW	04-15-105	296-806-20018	NEW	04-14-028	296-806-30020	NEW	04-14-028
296-803-50010	NEW-P	04-03-102	296-806-20020	NEW-P	04-03-085	296-806-30022	NEW-P	04-03-085
296-803-50010	NEW	04-15-105	296-806-20020	NEW	04-14-028	296-806-30022	NEW	04-14-028
296-803-50015	NEW-P	04-03-102	296-806-20022	NEW-P	04-03-085	296-806-30024	NEW-P	04-03-085
296-803-50015	NEW	04-15-105	296-806-20022	NEW	04-14-028	296-806-30024	NEW	04-14-028
296-803-50020	NEW-P	04-03-102	296-806-20024	NEW-P	04-03-085	296-806-30026	NEW-P	04-03-085
296-803-50020	NEW	04-15-105	296-806-20024	NEW	04-14-028	296-806-30026	NEW	04-14-028
296-803-50025	NEW-P	04-03-102	296-806-20026	NEW-P	04-03-085	296-806-30028	NEW-P	04-03-085
296-803-50025	NEW	04-15-105	296-806-20026	NEW	04-14-028	296-806-30028	NEW	04-14-028
296-803-50030	NEW-P	04-03-102	296-806-20028	NEW-P	04-03-085	296-806-30030	NEW-P	04-03-085
296-803-50030	NEW	04-15-105	296-806-20028	NEW	04-14-028	296-806-30030	NEW	04-14-028
296-803-50035	NEW-P	04-03-102	296-806-20030	NEW-P	04-03-085	296-806-30032	NEW-P	04-03-085
296-803-50035	NEW	04-15-105	296-806-20030	NEW	04-14-028	296-806-30032	NEW	04-14-028
296-803-50040	NEW-P	04-03-102	296-806-20032	NEW-P	04-03-085	296-806-30034	NEW-P	04-03-085
296-803-50040	NEW	04-15-105	296-806-20032	NEW	04-14-028	296-806-30034	NEW	04-14-028
296-803-50045	NEW-P	04-03-102	296-806-20034	NEW-P	04-03-085	296-806-30036	NEW-P	04-03-085
296-803-50045	NEW	04-15-105	296-806-20034	NEW	04-14-028	296-806-30036	NEW	04-14-028
296-803-50050	NEW-P	04-03-102	296-806-20036	NEW-P	04-03-085	296-806-30038	NEW-P	04-03-085
296-803-50050	NEW	04-15-105	296-806-20036	NEW	04-14-028	296-806-30038	NEW	04-14-028
296-803-50055	NEW-P	04-03-102	296-806-20038	NEW-P	04-03-085	296-806-400	NEW-P	04-03-085
296-803-50055	NEW	04-15-105	296-806-20038	NEW	04-14-028	296-806-400	NEW	04-14-028
296-803-50060	NEW-P	04-03-102	296-806-20040	NEW-P	04-03-085	296-806-405	NEW-P	04-03-085
296-803-50060	NEW	04-15-105	296-806-20040	NEW	04-14-028	296-806-405	NEW	04-14-028
296-803-600	NEW-P	04-03-102	296-806-20042	NEW-P	04-03-085	296-806-40502	NEW-P	04-03-085
296-803-600	NEW	04-15-105	296-806-20042	NEW	04-14-028	296-806-40502	NEW	04-14-028
296-803-60005	NEW-P	04-03-102	296-806-20044	NEW-P	04-03-085	296-806-40504	NEW-P	04-03-085
296-803-60005	NEW	04-15-105	296-806-20044	NEW	04-14-028	296-806-40504	NEW	04-14-028
296-803-60010	NEW-P	04-03-102	296-806-20046	NEW-P	04-03-085	296-806-40506	NEW-P	04-03-085
296-803-60010	NEW	04-15-105	296-806-20046	NEW	04-14-028	296-806-40506	NEW	04-14-028
296-803-60015	NEW-P	04-03-102	296-806-20048	NEW-P	04-03-085	296-806-40508	NEW-P	04-03-085
296-803-60015	NEW	04-15-105	296-806-20048	NEW	04-14-028	296-806-40508	NEW	04-14-028
296-803-700	NEW-P	04-03-102	296-806-20050	NEW-P	04-03-085	296-806-40510	NEW-P	04-03-085
296-803-700	NEW	04-15-105	296-806-20050	NEW	04-14-028	296-806-40510	NEW	04-14-028

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-806-48024	NEW-P	04-03-085	296-806-48086	NEW-P	04-03-085	296-823-13005	AMD	04-12-070
296-806-48024	NEW	04-14-028	296-806-48086	NEW	04-14-028	296-823-14005	AMD-X	04-07-158
296-806-48026	NEW-P	04-03-085	296-806-48088	NEW-P	04-03-085	296-823-14005	AMD	04-12-070
296-806-48026	NEW	04-14-028	296-806-48088	NEW	04-14-028	296-823-14015	AMD-X	04-07-158
296-806-48028	NEW-P	04-03-085	296-806-485	NEW-P	04-03-085	296-823-14015	AMD	04-12-070
296-806-48028	NEW	04-14-028	296-806-485	NEW	04-14-028	296-823-14025	AMD-X	04-07-158
296-806-48030	NEW-P	04-03-085	296-806-48502	NEW-P	04-03-085	296-823-14025	AMD	04-12-070
296-806-48030	NEW	04-14-028	296-806-48502	NEW	04-14-028	296-823-14050	AMD-X	04-07-158
296-806-48032	NEW-P	04-03-085	296-806-500	NEW-P	04-03-085	296-823-14050	AMD	04-12-070
296-806-48032	NEW	04-14-028	296-806-500	NEW	04-14-028	296-823-14060	AMD-X	04-07-158
296-806-48034	NEW-P	04-03-085	296-809-100	NEW	04-03-081	296-823-14060	AMD	04-12-070
296-806-48034	NEW	04-14-028	296-809-200	NEW	04-03-081	296-823-14065	AMD-X	04-07-158
296-806-48036	NEW-P	04-03-085	296-809-20002	NEW	04-03-081	296-823-14065	AMD	04-12-070
296-806-48036	NEW	04-14-028	296-809-20004	NEW	04-03-081	296-823-15010	AMD-X	04-07-158
296-806-48038	NEW-P	04-03-085	296-809-20006	NEW	04-03-081	296-823-15010	AMD	04-12-070
296-806-48038	NEW	04-14-028	296-809-300	NEW	04-03-081	296-823-15015	AMD-X	04-07-158
296-806-48040	NEW-P	04-03-085	296-809-30002	NEW	04-03-081	296-823-15015	AMD	04-12-070
296-806-48040	NEW	04-14-028	296-809-30004	NEW	04-03-081	296-823-15020	AMD-X	04-07-158
296-806-48042	NEW-P	04-03-085	296-809-400	NEW	04-03-081	296-823-15020	AMD	04-12-070
296-806-48042	NEW	04-14-028	296-809-40002	NEW	04-03-081	296-823-160	AMD-X	04-07-158
296-806-48044	NEW-P	04-03-085	296-809-40004	NEW	04-03-081	296-823-160	AMD	04-12-070
296-806-48044	NEW	04-14-028	296-809-500	NEW	04-03-081	296-823-16005	AMD-X	04-07-158
296-806-48046	NEW-P	04-03-085	296-809-50002	NEW	04-03-081	296-823-16005	AMD	04-12-070
296-806-48046	NEW	04-14-028	296-809-50004	NEW	04-03-081	296-823-16010	AMD-X	04-07-158
296-806-48048	NEW-P	04-03-085	296-809-50006	NEW	04-03-081	296-823-16010	AMD	04-12-070
296-806-48048	NEW	04-14-028	296-809-50008	NEW	04-03-081	296-823-16015	AMD-X	04-07-158
296-806-48050	NEW-P	04-03-085	296-809-50010	NEW	04-03-081	296-823-16015	AMD	04-12-070
296-806-48050	NEW	04-14-028	296-809-50012	NEW	04-03-081	296-823-16025	AMD-X	04-07-158
296-806-48052	NEW-P	04-03-085	296-809-50014	NEW	04-03-081	296-823-16025	AMD	04-12-070
296-806-48052	NEW	04-14-028	296-809-50016	NEW	04-03-081	296-823-16030	AMD-X	04-07-158
296-806-48054	NEW-P	04-03-085	296-809-50018	NEW	04-03-081	296-823-16030	AMD	04-12-070
296-806-48054	NEW	04-14-028	296-809-50020	NEW	04-03-081	296-823-17010	AMD-X	04-07-158
296-806-48056	NEW-P	04-03-085	296-809-50022	NEW	04-03-081	296-823-17010	AMD	04-12-070
296-806-48056	NEW	04-14-028	296-809-50024	NEW	04-03-081	296-823-180	AMD-X	04-07-158
296-806-48058	NEW-P	04-03-085	296-809-600	NEW	04-03-081	296-823-180	AMD	04-12-070
296-806-48058	NEW	04-14-028	296-809-60002	NEW	04-03-081	296-823-18015	AMD-X	04-07-158
296-806-48060	NEW-P	04-03-085	296-809-60004	NEW	04-03-081	296-823-18015	AMD	04-12-070
296-806-48060	NEW	04-14-028	296-809-700	NEW	04-03-081	296-823-18045	AMD-X	04-07-158
296-806-48062	NEW-P	04-03-085	296-809-70002	NEW	04-03-081	296-823-18045	AMD	04-12-070
296-806-48062	NEW	04-14-028	296-809-70004	NEW	04-03-081	296-823-18050	AMD-X	04-07-158
296-806-48064	NEW-P	04-03-085	296-809-800	NEW	04-03-081	296-823-18050	AMD	04-12-070
296-806-48064	NEW	04-14-028	296-816-100	NEW-P	04-07-159	296-823-18055	AMD-X	04-07-158
296-806-48066	NEW-P	04-03-085	296-816-100	NEW	04-14-026	296-823-18055	AMD	04-12-070
296-806-48066	NEW	04-14-028	296-816-200	NEW-P	04-07-159	296-823-200	AMD-X	04-07-158
296-806-48068	NEW-P	04-03-085	296-816-200	NEW	04-14-026	296-823-200	AMD	04-12-070
296-806-48068	NEW	04-14-028	296-816-20005	NEW-P	04-07-159	296-829-100	NEW	04-09-099
296-806-48070	NEW-P	04-03-085	296-816-20005	NEW	04-14-026	296-829-200	NEW	04-09-099
296-806-48070	NEW	04-14-028	296-816-20010	NEW-P	04-07-159	296-829-20005	NEW	04-09-099
296-806-48072	NEW-P	04-03-085	296-816-20010	NEW	04-14-026	296-829-20010	NEW	04-09-099
296-806-48072	NEW	04-14-028	296-816-20015	NEW-P	04-07-159	296-829-300	NEW	04-09-099
296-806-48074	NEW-P	04-03-085	296-816-20015	NEW	04-14-026	296-829-30005	NEW	04-09-099
296-806-48074	NEW	04-14-028	296-816-20020	NEW-P	04-07-159	296-829-30010	NEW	04-09-099
296-806-48076	NEW-P	04-03-085	296-816-20020	NEW	04-14-026	296-829-400	NEW	04-09-099
296-806-48076	NEW	04-14-028	296-816-300	NEW-P	04-07-159	296-829-40005	NEW	04-09-099
296-806-48078	NEW-P	04-03-085	296-816-300	NEW	04-14-026	296-829-40010	NEW	04-09-099
296-806-48078	NEW	04-14-028	296-823-100	AMD-X	04-07-158	296-829-40015	NEW	04-09-099
296-806-48080	NEW-P	04-03-085	296-823-100	AMD	04-12-070	296-829-40020	NEW	04-09-099
296-806-48080	NEW	04-14-028	296-823-11010	AMD-X	04-07-158	296-829-500	NEW	04-09-099
296-806-48082	NEW-P	04-03-085	296-823-11010	AMD	04-12-070	296-841	PREP	04-07-155
296-806-48082	NEW	04-14-028	296-823-12010	AMD-X	04-07-158	296-841	PREP	04-07-156
296-806-48084	NEW-P	04-03-085	296-823-12010	AMD	04-12-070	296-841-100	AMD-X	04-11-064
296-806-48084	NEW	04-14-028	296-823-13005	AMD-X	04-07-158	296-841-100	AMD	04-18-079

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296-841-20005	AMD-X	04-11-064	296-848-400	NEW-P	04-18-077	296-863-50005	NEW-P	04-08-039
296-841-20005	AMD	04-18-079	296-848-40005	NEW-P	04-18-077	296-863-600	NEW-P	04-08-039
296-841-20010	AMD-X	04-11-064	296-848-40020	NEW-P	04-18-077	296-863-60005	NEW-P	04-08-039
296-841-20010	AMD	04-18-079	296-848-40025	NEW-P	04-18-077	296-863-60010	NEW-P	04-08-039
296-841-20020	AMD-X	04-11-064	296-848-40030	NEW-P	04-18-077	296-863-60015	NEW-P	04-08-039
296-841-20020	AMD	04-18-079	296-848-40040	NEW-P	04-18-077	296-863-700	NEW-P	04-08-039
296-841-20025	NEW-X	04-11-064	296-848-40045	NEW-P	04-18-077	296-864-100	NEW-P	04-12-071
296-841-20025	NEW	04-18-079	296-848-500	NEW-P	04-18-077	296-864-200	NEW-P	04-12-071
296-841-300	AMD-X	04-11-064	296-849-100	NEW-P	04-15-106	296-864-20005	NEW-P	04-12-071
296-841-300	AMD	04-18-079	296-849-110	NEW-P	04-15-106	296-864-20010	NEW-P	04-12-071
296-843-100	NEW	04-02-053	296-849-11010	NEW-P	04-15-106	296-864-20015	NEW-P	04-12-071
296-843-110	NEW	04-02-053	296-849-11020	NEW-P	04-15-106	296-864-300	NEW-P	04-12-071
296-843-11005	NEW	04-02-053	296-849-11030	NEW-P	04-15-106	296-864-30005	NEW-P	04-12-071
296-843-11010	NEW	04-02-053	296-849-11040	NEW-P	04-15-106	296-864-30010	NEW-P	04-12-071
296-843-120	NEW	04-02-053	296-849-11050	NEW-P	04-15-106	296-864-30015	NEW-P	04-12-071
296-843-12005	NEW	04-02-053	296-849-11065	NEW-P	04-15-106	296-864-400	NEW-P	04-12-071
296-843-130	NEW	04-02-053	296-849-11070	NEW-P	04-15-106	296-864-40005	NEW-P	04-12-071
296-843-13005	NEW	04-02-053	296-849-11090	NEW-P	04-15-106	296-864-40010	NEW-P	04-12-071
296-843-13010	NEW	04-02-053	296-849-120	NEW-P	04-15-106	296-864-40015	NEW-P	04-12-071
296-843-140	NEW	04-02-053	296-849-12010	NEW-P	04-15-106	296-864-40020	NEW-P	04-12-071
296-843-14005	NEW	04-02-053	296-849-12030	NEW-P	04-15-106	296-864-500	NEW-P	04-12-071
296-843-150	NEW	04-02-053	296-849-12050	NEW-P	04-15-106	296-864-50005	NEW-P	04-12-071
296-843-15005	NEW	04-02-053	296-849-12080	NEW-P	04-15-106	296-864-50010	NEW-P	04-12-071
296-843-15010	NEW	04-02-053	296-849-130	NEW-P	04-15-106	296-864-50015	NEW-P	04-12-071
296-843-15015	NEW	04-02-053	296-849-13005	NEW-P	04-15-106	296-864-50020	NEW-P	04-12-071
296-843-160	NEW	04-02-053	296-849-13020	NEW-P	04-15-106	296-864-600	NEW-P	04-12-071
296-843-16005	NEW	04-02-053	296-849-13045	NEW-P	04-15-106	296-864-60005	NEW-P	04-12-071
296-843-170	NEW	04-02-053	296-849-190	NEW-P	04-15-106	296-864-60010	NEW-P	04-12-071
296-843-17005	NEW	04-02-053	296-863-10005	NEW-P	04-08-039	296-864-700	NEW-P	04-12-071
296-843-180	NEW	04-02-053	296-863-200	NEW-P	04-08-039	296-874-100	NEW-P	04-14-027
296-843-18005	NEW	04-02-053	296-863-20005	NEW-P	04-08-039	296-874-200	NEW-P	04-14-027
296-843-18010	NEW	04-02-053	296-863-20010	NEW-P	04-08-039	296-874-20002	NEW-P	04-14-027
296-843-18015	NEW	04-02-053	296-863-20015	NEW-P	04-08-039	296-874-20004	NEW-P	04-14-027
296-843-18020	NEW	04-02-053	296-863-20020	NEW-P	04-08-039	296-874-20006	NEW-P	04-14-027
296-843-190	NEW	04-02-053	296-863-20025	NEW-P	04-08-039	296-874-20008	NEW-P	04-14-027
296-843-19005	NEW	04-02-053	296-863-20030	NEW-P	04-08-039	296-874-20010	NEW-P	04-14-027
296-843-200	NEW	04-02-053	296-863-20035	NEW-P	04-08-039	296-874-20012	NEW-P	04-14-027
296-843-20005	NEW	04-02-053	296-863-20040	NEW-P	04-08-039	296-874-20014	NEW-P	04-14-027
296-843-20010	NEW	04-02-053	296-863-300	NEW-P	04-08-039	296-874-20016	NEW-P	04-14-027
296-843-20015	NEW	04-02-053	296-863-30005	NEW-P	04-08-039	296-874-20018	NEW-P	04-14-027
296-843-20020	NEW	04-02-053	296-863-30010	NEW-P	04-08-039	296-874-20020	NEW-P	04-14-027
296-843-20025	NEW	04-02-053	296-863-30015	NEW-P	04-08-039	296-874-20022	NEW-P	04-14-027
296-843-20030	NEW	04-02-053	296-863-30020	NEW-P	04-08-039	296-874-20024	NEW-P	04-14-027
296-843-20035	NEW	04-02-053	296-863-30025	NEW-P	04-08-039	296-874-20026	NEW-P	04-14-027
296-843-210	NEW	04-02-053	296-863-30030	NEW-P	04-08-039	296-874-20028	NEW-P	04-14-027
296-843-21005	NEW	04-02-053	296-863-30035	NEW-P	04-08-039	296-874-20030	NEW-P	04-14-027
296-843-220	NEW	04-02-053	296-863-30040	NEW-P	04-08-039	296-874-20032	NEW-P	04-14-027
296-843-22005	NEW	04-02-053	296-863-400	NEW-P	04-08-039	296-874-20034	NEW-P	04-14-027
296-843-22010	NEW	04-02-053	296-863-40005	NEW-P	04-08-039	296-874-20036	NEW-P	04-14-027
296-843-300	NEW	04-02-053	296-863-40010	NEW-P	04-08-039	296-874-20038	NEW-P	04-14-027
296-848-100	NEW-P	04-18-077	296-863-40015	NEW-P	04-08-039	296-874-20040	NEW-P	04-14-027
296-848-200	NEW-P	04-18-077	296-863-40020	NEW-P	04-08-039	296-874-20042	NEW-P	04-14-027
296-848-20010	NEW-P	04-18-077	296-863-40025	NEW-P	04-08-039	296-874-20044	NEW-P	04-14-027
296-848-20025	NEW-P	04-18-077	296-863-40030	NEW-P	04-08-039	296-874-20046	NEW-P	04-14-027
296-848-20060	NEW-P	04-18-077	296-863-40035	NEW-P	04-08-039	296-874-20048	NEW-P	04-14-027
296-848-20070	NEW-P	04-18-077	296-863-40040	NEW-P	04-08-039	296-874-20050	NEW-P	04-14-027
296-848-20090	NEW-P	04-18-077	296-863-40045	NEW-P	04-08-039	296-874-20052	NEW-P	04-14-027
296-848-300	NEW-P	04-18-077	296-863-40050	NEW-P	04-08-039	296-874-20054	NEW-P	04-14-027
296-848-30005	NEW-P	04-18-077	296-863-40055	NEW-P	04-08-039	296-874-20056	NEW-P	04-14-027
296-848-30010	NEW-P	04-18-077	296-863-40060	NEW-P	04-08-039	296-874-20058	NEW-P	04-14-027
296-848-30030	NEW-P	04-18-077	296-863-40065	NEW-P	04-08-039	296-874-20060	NEW-P	04-14-027
296-848-30080	NEW-P	04-18-077	296-863-500	NEW-P	04-08-039	296-874-20062	NEW-P	04-14-027

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296-874-20066	NEW-P	04-14-027	308- 14-085	AMD	04-17-072	308- 56A-525	AMD-P	04-15-080
296-874-20068	NEW-P	04-14-027	308- 14-090	AMD-P	04-14-073	308- 56A-525	AMD-W	04-16-070
296-874-20070	NEW-P	04-14-027	308- 14-090	AMD	04-17-072	308- 56A-530	PREP	04-17-064
296-874-20072	NEW-P	04-14-027	308- 14-115	NEW-P	04-14-073	308- 56A-640	AMD	04-03-016
296-874-20074	NEW-P	04-14-027	308- 14-115	NEW	04-17-072	308- 61-135	PREP	04-12-010
296-874-20076	NEW-P	04-14-027	308- 14-130	AMD-P	04-14-073	308- 61-190	AMD-P	04-06-004
296-874-300	NEW-P	04-14-027	308- 14-130	AMD	04-17-072	308- 61-190	AMD	04-12-063
296-874-30002	NEW-P	04-14-027	308- 14-135	AMD-P	04-14-073	308- 63	PREP	04-11-104
296-874-30004	NEW-P	04-14-027	308- 14-135	AMD	04-17-072	308- 63-090	PREP	04-12-009
296-874-30006	NEW-P	04-14-027	308- 14-190	NEW-P	04-14-073	308- 65	PREP	04-11-105
296-874-30008	NEW-P	04-14-027	308- 14-190	NEW	04-17-072	308- 66-110	AMD-P	04-12-079
296-874-30010	NEW-P	04-14-027	308- 14-200	AMD-P	04-14-074	308- 66-110	AMD	04-16-090
296-874-30012	NEW-P	04-14-027	308- 14-200	AMD	04-17-073	308- 66-120	AMD-P	04-12-079
296-874-30014	NEW-P	04-14-027	308- 15	PREP	04-04-050	308- 66-120	AMD	04-16-090
296-874-30016	NEW-P	04-14-027	308- 17-150	AMD-P	04-07-032	308- 66-140	AMD-P	04-12-079
296-874-30018	NEW-P	04-14-027	308- 17-150	AMD	04-12-024	308- 66-140	AMD	04-16-090
296-874-30020	NEW-P	04-14-027	308- 18-150	AMD-P	04-07-031	308- 66-145	AMD-P	04-12-079
296-874-30022	NEW-P	04-14-027	308- 18-150	AMD	04-12-023	308- 66-145	AMD	04-16-090
296-874-30024	NEW-P	04-14-027	308- 20	PREP	04-16-116	308- 66-152	AMD-P	04-12-079
296-874-30026	NEW-P	04-14-027	308- 20-010	AMD	04-05-005	308- 66-152	AMD	04-16-090
296-874-30028	NEW-P	04-14-027	308- 20-040	AMD	04-05-005	308- 66-155	AMD-P	04-12-079
296-874-30030	NEW-P	04-14-027	308- 20-055	NEW	04-05-005	308- 66-155	AMD	04-16-090
296-874-30032	NEW-P	04-14-027	308- 20-090	AMD	04-05-005	308- 66-157	AMD-P	04-12-079
296-874-30034	NEW-P	04-14-027	308- 20-101	NEW	04-05-005	308- 66-157	AMD	04-16-090
296-874-30036	NEW-P	04-14-027	308- 20-110	AMD	04-05-005	308- 66-160	AMD-P	04-12-079
296-874-30038	NEW-P	04-14-027	308- 20-550	AMD	04-05-005	308- 66-160	AMD	04-16-090
296-874-30040	NEW-P	04-14-027	308- 20-555	NEW	04-05-005	308- 66-165	AMD-P	04-12-079
296-874-30042	NEW-P	04-14-027	308- 29-045	AMD-P	04-14-070	308- 66-165	AMD	04-16-090
296-874-30044	NEW-P	04-14-027	308- 29-045	AMD	04-18-043	308- 66-175	AMD-P	04-12-079
296-874-30046	NEW-P	04-14-027	308- 56A	PREP	04-05-121	308- 66-175	AMD	04-16-090
296-874-400	NEW-P	04-14-027	308- 56A-020	AMD-P	04-04-006	308- 66-180	AMD-P	04-12-079
296-874-40002	NEW-P	04-14-027	308- 56A-020	AMD	04-08-080	308- 66-180	AMD	04-16-090
296-874-40004	NEW-P	04-14-027	308- 56A-024	NEW-P	04-11-112	308- 66-190	AMD-P	04-12-079
296-874-40006	NEW-P	04-14-027	308- 56A-030	AMD-P	04-03-120	308- 66-190	AMD	04-16-090
296-874-40008	NEW-P	04-14-027	308- 56A-030	AMD	04-07-168	308- 66-195	AMD-P	04-12-079
296-874-40010	NEW-P	04-14-027	308- 56A-040	AMD-P	04-03-120	308- 66-195	AMD	04-16-090
296-874-40012	NEW-P	04-14-027	308- 56A-040	AMD	04-07-168	308- 66-200	AMD-P	04-12-079
296-874-40014	NEW-P	04-14-027	308- 56A-075	AMD-X	04-09-033	308- 66-200	AMD	04-16-090
296-874-40016	NEW-P	04-14-027	308- 56A-075	AMD	04-13-118	308- 66-210	AMD-P	04-12-079
296-874-40018	NEW-P	04-14-027	308- 56A-140	AMD-P	04-04-006	308- 66-210	AMD	04-16-090
296-874-40020	NEW-P	04-14-027	308- 56A-140	AMD	04-08-080	308- 66-211	AMD-P	04-12-079
296-874-40022	NEW-P	04-14-027	308- 56A-150	AMD-P	04-04-022	308- 66-211	AMD	04-16-090
296-874-40024	NEW-P	04-14-027	308- 56A-150	AMD	04-08-002	308- 66-212	AMD-P	04-12-079
296-874-40026	NEW-P	04-14-027	308- 56A-250	PREP	04-08-006	308- 66-212	AMD	04-16-090
296-874-40028	NEW-P	04-14-027	308- 56A-250	AMD-P	04-14-016	308- 66-214	AMD-P	04-12-079
296-874-40030	NEW-P	04-14-027	308- 56A-405	PREP	04-11-106	308- 66-214	AMD	04-16-090
296-874-40032	NEW-P	04-14-027	308- 56A-410	PREP	04-11-106	308- 66-220	AMD-P	04-12-079
296-874-40034	NEW-P	04-14-027	308- 56A-415	PREP	04-11-106	308- 66-220	AMD	04-16-090
296-874-40036	NEW-P	04-14-027	308- 56A-420	PREP	04-11-106	308- 66-225	AMD-P	04-12-079
296-874-40038	NEW-P	04-14-027	308- 56A-450	AMD-P	04-04-022	308- 66-225	AMD	04-16-090
296-874-40040	NEW-P	04-14-027	308- 56A-450	AMD	04-08-002	308- 66-227	AMD-P	04-12-079
296-874-40042	NEW-P	04-14-027	308- 56A-455	AMD-P	04-04-006	308- 66-227	AMD	04-16-090
296-874-500	NEW-P	04-14-027	308- 56A-455	AMD	04-08-080	308- 66-250	NEW-P	04-12-079
308- 08	PREP	04-15-040	308- 56A-460	AMD-P	04-04-006	308- 66-250	NEW	04-16-090
308- 11-030	AMD-P	04-14-075	308- 56A-460	AMD	04-08-080	308- 66-260	NEW-P	04-12-079
308- 11-030	AMD	04-17-074	308- 56A-500	AMD-P	04-04-049	308- 66-260	NEW	04-16-090
308- 13-150	PREP	04-06-030	308- 56A-500	AMD	04-08-081	308- 77-180	REP	04-09-012
308- 13-150	AMD-P	04-13-143	308- 56A-500	PREP	04-17-064	308- 78-010	AMD	04-06-001
308- 13-150	AMD	04-17-026	308- 56A-505	AMD-P	04-04-049	308- 78-045	AMD	04-06-001
308- 14-010	NEW-P	04-14-073	308- 56A-505	AMD	04-08-081	308- 93-030	PREP	04-07-054
308- 14-010	NEW	04-17-072	308- 56A-505	PREP	04-18-040	308- 93-050	PREP	04-07-054

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308-96A	PREP	04-03-003	308-104-105	AMD	04-18-059	308-390-204	AMD	04-15-100
308-96A	PREP	04-13-078	308-124A-025	AMD-P	04-03-039	308-390-300	AMD-P	04-09-105
308-96A-005	PREP	04-03-002	308-124A-025	AMD	04-08-012	308-390-300	AMD	04-15-100
308-96A-005	AMD-P	04-10-003	308-124A-110	AMD-P	04-03-039	308-390-302	AMD-P	04-09-105
308-96A-005	AMD	04-14-077	308-124A-110	AMD	04-07-153	308-390-302	AMD	04-15-100
308-96A-021	AMD-P	04-03-121	308-124A-440	AMD-P	04-03-039	308-390-401	AMD-P	04-09-105
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356-60-020	AMD-P	04-07-188	357-01-185	NEW-P	04-13-179	357-04-105	NEW-P	04-13-180
356-60-020	DECOD-P	04-07-188	357-01-190	NEW-P	04-13-179	357-04-110	NEW-P	04-13-180
356-60-020	RECOD-P	04-07-188	357-01-195	NEW-P	04-13-179	357-04-115	NEW-P	04-13-180
356-60-020	AMD	04-11-045	357-01-200	NEW-P	04-13-179	357-04-120	NEW-P	04-13-180
356-60-020	DECOD	04-11-045	357-01-205	NEW-P	04-13-179	357-07-005	NEW-P	04-13-181
356-60-020	RECOD	04-11-045	357-01-210	NEW-P	04-13-179	357-07-010	NEW-P	04-13-181
356-60-030	AMD-P	04-07-188	357-01-215	NEW-P	04-13-179	357-07-015	NEW-P	04-13-181
356-60-030	DECOD-P	04-07-188	357-01-220	NEW-P	04-13-179	357-07-020	NEW-P	04-13-181
356-60-030	RECOD-P	04-07-188	357-01-225	NEW-P	04-13-179	357-07-025	NEW-P	04-13-181

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357- 25-010	NEW-P	04-13-186	357- 28-265	NEW-P	04-13-029	357- 40-050	NEW-P	04-13-190
357- 25-015	NEW-P	04-13-186	357- 28-275	NEW-P	04-13-029	357- 40-050	NEW-W	04-18-115
357- 25-020	NEW-P	04-13-186	357- 28-280	NEW-P	04-13-029	357- 40-055	NEW-P	04-13-190
357- 25-030	NEW-P	04-13-186	357- 28-285	NEW-P	04-13-029	357- 40-055	NEW-W	04-18-115
357- 25-035	NEW-P	04-13-186	357- 28-295	NEW-P	04-13-029	357- 40-060	NEW-P	04-13-190
357- 25-040	NEW-P	04-13-186	357- 28-300	NEW-P	04-13-029	357- 40-060	NEW-W	04-18-115
357- 25-045	NEW-P	04-13-186	357- 28-310	NEW-P	04-13-029	357- 40-065	NEW-P	04-13-190
357- 25-050	NEW-P	04-13-186	357- 28-315	NEW-P	04-13-029	357- 40-065	NEW-W	04-18-115
357- 25-055	NEW-P	04-13-186	357- 28-325	NEW-P	04-13-029	357- 43-001	NEW-P	04-13-191
357- 26-005	NEW-P	04-13-187	357- 34-005	NEW-P	04-13-188	357- 43-005	NEW-P	04-13-191
357- 26-010	NEW-P	04-13-187	357- 34-010	NEW-P	04-13-188	357- 43-007	NEW-P	04-18-124
357- 26-015	NEW-P	04-13-187	357- 34-015	NEW-P	04-13-188	357- 43-010	NEW-P	04-13-191
357- 26-020	NEW-P	04-13-187	357- 34-020	NEW-P	04-13-188	357- 43-015	NEW-P	04-13-191
357- 26-025	NEW-P	04-13-187	357- 34-025	NEW-P	04-13-188	357- 43-020	NEW-P	04-13-191
357- 28-010	NEW-P	04-13-029	357- 34-030	NEW-P	04-13-188	357- 43-025	NEW-P	04-13-191
357- 28-015	NEW-P	04-13-029	357- 34-035	NEW-P	04-13-188	357- 43-030	NEW-P	04-13-191
357- 28-020	NEW-P	04-13-029	357- 34-045	NEW-P	04-13-188	357- 43-035	NEW-P	04-13-191
357- 28-025	NEW-P	04-13-029	357- 34-050	NEW-P	04-13-188	357- 43-040	NEW-P	04-13-191
357- 28-030	NEW-P	04-13-029	357- 34-055	NEW-P	04-12-087	357- 43-045	NEW-P	04-13-191
357- 28-035	NEW-P	04-13-029	357- 34-055	NEW	04-15-015	357- 43-050	NEW-P	04-13-191
357- 28-040	NEW-P	04-13-029	357- 34-060	NEW-P	04-13-188	357- 43-055	NEW-P	04-13-191
357- 28-045	NEW-P	04-13-029	357- 34-065	NEW-P	04-13-188	357- 43-060	NEW-P	04-13-191
357- 28-050	NEW-P	04-13-029	357- 34-070	NEW-P	04-12-087	357- 43-065	NEW-P	04-13-191
357- 28-055	NEW-P	04-13-029	357- 34-070	NEW	04-15-015	357- 43-070	NEW-P	04-13-191
357- 28-060	NEW-P	04-13-029	357- 34-075	NEW-P	04-12-087	357- 43-075	NEW-P	04-13-191
357- 28-065	NEW-P	04-13-029	357- 34-075	NEW	04-15-015	357- 43-080	NEW-P	04-13-191
357- 28-070	NEW-P	04-13-029	357- 34-080	NEW-P	04-12-087	357- 43-085	NEW-P	04-13-191
357- 28-075	NEW-P	04-13-029	357- 34-080	NEW-W	04-15-014	357- 43-090	NEW-P	04-13-191
357- 28-080	NEW-P	04-13-029	357- 34-085	NEW-P	04-12-087	357- 43-090	NEW-W	04-18-117
357- 28-090	NEW-P	04-13-029	357- 34-085	NEW	04-15-015	357- 43-095	NEW-P	04-13-191
357- 28-095	NEW-P	04-13-029	357- 34-090	NEW-P	04-13-188	357- 43-095	NEW-C	04-18-123
357- 28-100	NEW-P	04-13-029	357- 37-010	NEW-P	04-13-189	357- 43-100	NEW-P	04-13-191
357- 28-110	NEW-P	04-13-029	357- 37-015	NEW-P	04-13-189	357- 43-100	NEW-C	04-18-123
357- 28-115	NEW-P	04-13-029	357- 37-020	NEW-P	04-13-189	357- 43-105	NEW-P	04-13-191
357- 28-120	NEW-P	04-13-029	357- 37-025	NEW-P	04-13-189	357- 43-110	NEW-P	04-13-191
357- 28-125	NEW-P	04-13-029	357- 37-030	NEW-P	04-13-189	357- 43-115	NEW-P	04-13-191
357- 28-130	NEW-P	04-13-029	357- 37-035	NEW-P	04-13-189	357- 46-005	NEW-P	04-13-030
357- 28-135	NEW-P	04-13-029	357- 37-040	NEW-P	04-13-189	357- 46-005	NEW	04-18-114
357- 28-140	NEW-P	04-13-029	357- 37-045	NEW-P	04-13-189	357- 46-010	NEW-P	04-13-030
357- 28-145	NEW-P	04-13-029	357- 37-050	NEW-P	04-13-189	357- 46-010	NEW	04-18-114
357- 28-150	NEW-P	04-13-029	357- 37-055	NEW-P	04-13-189	357- 46-015	NEW-P	04-13-030
357- 28-155	NEW-P	04-13-029	357- 37-060	NEW-P	04-13-189	357- 46-015	NEW	04-18-114
357- 28-160	NEW-P	04-13-029	357- 37-065	NEW-P	04-13-189	357- 46-020	NEW-P	04-13-030
357- 28-165	NEW-P	04-13-029	357- 37-070	NEW-P	04-13-189	357- 46-020	NEW	04-18-114
357- 28-175	NEW-P	04-13-029	357- 37-075	NEW-P	04-13-189	357- 46-025	NEW-P	04-13-030
357- 28-180	NEW-P	04-13-029	357- 37-080	NEW-P	04-13-189	357- 46-025	NEW	04-18-114
357- 28-185	NEW-P	04-13-029	357- 40-010	NEW-P	04-13-190	357- 46-030	NEW-P	04-13-030
357- 28-190	NEW-P	04-13-029	357- 40-010	NEW	04-18-113	357- 46-030	NEW	04-18-114
357- 28-195	NEW-P	04-13-029	357- 40-015	NEW-P	04-13-190	357- 46-035	NEW-P	04-13-030
357- 28-200	NEW-P	04-13-029	357- 40-015	NEW	04-18-113	357- 46-035	NEW	04-18-114
357- 28-205	NEW-P	04-13-029	357- 40-020	NEW-P	04-13-190	357- 46-040	NEW-P	04-13-030
357- 28-210	NEW-P	04-13-029	357- 40-020	NEW	04-18-113	357- 46-040	NEW	04-18-114
357- 28-220	NEW-P	04-13-029	357- 40-025	NEW-P	04-13-190	357- 46-045	NEW-P	04-13-030
357- 28-225	NEW-P	04-13-029	357- 40-025	NEW	04-18-113	357- 46-045	NEW	04-18-114
357- 28-230	NEW-P	04-13-029	357- 40-030	NEW-P	04-13-190	357- 46-050	NEW-P	04-13-030
357- 28-235	NEW-P	04-13-029	357- 40-030	NEW	04-18-113	357- 46-050	NEW	04-18-114
357- 28-240	NEW-P	04-13-029	357- 40-035	NEW-P	04-13-190	357- 46-060	NEW-P	04-13-030
357- 28-245	NEW-P	04-13-029	357- 40-035	NEW	04-18-113	357- 46-060	NEW	04-18-114
357- 28-250	NEW-P	04-13-029	357- 40-040	NEW-P	04-13-190	357- 46-070	NEW-P	04-13-030
357- 28-252	NEW-P	04-13-029	357- 40-040	NEW	04-18-113	357- 46-070	NEW	04-18-114
357- 28-255	NEW-P	04-13-029	357- 40-045	NEW-P	04-13-190	357- 46-075	NEW-P	04-13-030
357- 28-260	NEW-P	04-13-029	357- 40-045	NEW	04-18-113	357- 46-075	NEW	04-18-114

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357-46-080	NEW-P	04-13-030	357-49-020	NEW-C	04-18-126	365-230-010	NEW-P	04-05-062
357-46-080	NEW	04-18-114	357-52-005	NEW-P	04-18-119	365-230-010	NEW	04-10-037
357-46-085	NEW-P	04-13-030	357-52-010	NEW-P	04-18-119	365-230-015	NEW-P	04-05-062
357-46-085	NEW	04-18-114	357-52-015	NEW-P	04-18-119	365-230-015	NEW	04-10-037
357-46-090	NEW-P	04-13-030	357-52-020	NEW-P	04-18-119	365-230-016	NEW-P	04-05-062
357-46-090	NEW	04-18-114	357-52-025	NEW-P	04-18-119	365-230-016	NEW	04-10-037
357-46-095	NEW-P	04-13-030	357-52-030	NEW-P	04-18-119	365-230-020	NEW-P	04-05-062
357-46-095	NEW	04-18-114	357-52-035	NEW-P	04-18-119	365-230-020	NEW	04-10-037
357-46-100	NEW-P	04-13-030	357-52-040	NEW-P	04-18-119	365-230-030	NEW-P	04-05-062
357-46-100	NEW	04-18-114	357-52-045	NEW-P	04-18-119	365-230-030	NEW	04-10-037
357-46-105	NEW-P	04-13-030	357-52-050	NEW-P	04-18-119	365-230-035	NEW-P	04-05-062
357-46-105	NEW	04-18-114	357-52-055	NEW-P	04-18-119	365-230-035	NEW	04-10-037
357-46-110	NEW-P	04-13-030	357-52-060	NEW-P	04-18-119	365-230-040	NEW-P	04-05-062
357-46-110	NEW	04-18-114	357-52-065	NEW-P	04-18-119	365-230-040	NEW	04-10-037
357-46-115	NEW-P	04-13-030	357-52-070	NEW-P	04-18-119	365-230-050	NEW-P	04-05-062
357-46-115	NEW	04-18-114	357-52-075	NEW-P	04-18-119	365-230-050	NEW	04-10-037
357-46-120	NEW-P	04-13-030	357-52-077	NEW-P	04-18-119	365-230-060	NEW-P	04-05-062
357-46-120	NEW	04-18-114	357-52-080	NEW-P	04-18-119	365-230-060	NEW	04-10-037
357-46-125	NEW-P	04-13-030	357-52-085	NEW-P	04-18-119	365-230-070	NEW-P	04-05-062
357-46-125	NEW	04-18-114	357-52-090	NEW-P	04-18-119	365-230-070	NEW	04-10-037
357-46-130	NEW-P	04-13-030	357-52-095	NEW-P	04-18-119	365-230-080	NEW-P	04-05-062
357-46-130	NEW	04-18-114	357-52-100	NEW-P	04-18-118	365-230-080	NEW	04-10-037
357-46-135	NEW-P	04-13-030	357-52-105	NEW-P	04-18-118	365-230-090	NEW-P	04-05-062
357-46-135	NEW	04-18-114	357-52-110	NEW-P	04-18-118	365-230-090	NEW	04-10-037
357-46-140	NEW-P	04-13-030	357-52-115	NEW-P	04-18-118	365-230-100	NEW-P	04-05-062
357-46-140	NEW-S	04-18-125	357-52-120	NEW-P	04-18-118	365-230-100	NEW	04-10-037
357-46-145	NEW-P	04-13-030	357-52-125	NEW-P	04-18-118	365-230-110	NEW-P	04-05-062
357-46-145	NEW	04-18-114	357-52-130	NEW-P	04-18-118	365-230-110	NEW	04-10-037
357-46-147	NEW-P	04-18-120	357-52-135	NEW-P	04-18-118	365-230-120	NEW-P	04-05-062
357-46-150	NEW-P	04-13-030	357-52-140	NEW-P	04-18-118	365-230-120	NEW	04-10-037
357-46-150	NEW	04-18-114	357-52-145	NEW-P	04-18-118	365-230-130	NEW-P	04-05-062
357-46-155	NEW-P	04-13-030	357-52-150	NEW-P	04-18-118	365-230-130	NEW	04-10-037
357-46-155	NEW	04-18-114	357-52-155	NEW-P	04-18-118	365-230-132	NEW-P	04-05-062
357-46-160	NEW-P	04-13-030	357-52-160	NEW-P	04-18-118	365-230-132	NEW	04-10-037
357-46-160	NEW	04-18-114	357-52-165	NEW-P	04-18-118	365-230-134	NEW-P	04-05-062
357-46-165	NEW-P	04-13-030	357-52-170	NEW-P	04-18-118	365-230-134	NEW	04-10-037
357-46-165	NEW	04-18-114	357-52-175	NEW-P	04-18-118	365-230-140	NEW-P	04-05-062
357-46-170	NEW-P	04-13-030	357-52-180	NEW-P	04-18-118	365-230-140	NEW	04-10-037
357-46-170	NEW	04-18-114	357-52-185	NEW-P	04-18-118	365-230-150	NEW-P	04-05-062
357-46-175	NEW-P	04-13-030	357-52-190	NEW-P	04-18-118	365-230-150	NEW	04-10-037
357-46-175	NEW	04-18-114	357-52-195	NEW-P	04-18-118	365-230-160	NEW-P	04-05-062
357-46-180	NEW-P	04-13-030	357-52-200	NEW-P	04-18-118	365-230-160	NEW	04-10-037
357-46-180	NEW	04-18-114	357-52-205	NEW-P	04-18-118	365-230-170	NEW-P	04-05-062
357-46-185	NEW-P	04-13-030	357-52-210	NEW-P	04-18-118	365-230-170	NEW	04-10-037
357-46-185	NEW	04-18-114	357-52-215	NEW-P	04-18-118	365-230-180	NEW-P	04-05-062
357-46-190	NEW-P	04-13-030	357-52-220	NEW-P	04-18-118	365-230-180	NEW	04-10-037
357-46-190	NEW	04-18-114	357-52-225	NEW-P	04-18-118	365-230-190	NEW-P	04-05-062
357-46-195	NEW-P	04-13-030	357-52-230	NEW-P	04-18-118	365-230-190	NEW	04-10-037
357-46-195	NEW	04-18-114	357-52-235	NEW-P	04-18-118	365-230-200	NEW-P	04-05-062
357-46-200	NEW-P	04-13-030	357-52-240	NEW-P	04-18-118	365-230-200	NEW	04-10-037
357-46-200	NEW	04-18-114	357-52-245	NEW-P	04-18-118	365-230-210	NEW-P	04-05-062
357-46-205	NEW-P	04-13-030	357-52-250	NEW-P	04-18-118	365-230-210	NEW	04-10-037
357-46-205	NEW	04-18-114	357-52-255	NEW-P	04-18-118	365-230-220	NEW-P	04-05-062
357-46-210	NEW	04-18-114	357-52-260	NEW-P	04-18-118	365-230-220	NEW	04-10-037
357-46-215	NEW	04-18-114	357-52-265	NEW-P	04-18-118	365-230-230	NEW-P	04-05-062
357-46-220	NEW	04-18-114	363-116-070	AMD-P	04-10-030	365-230-230	NEW	04-10-037
357-46-225	NEW	04-18-114	363-116-070	AMD	04-14-017	365-230-240	NEW-P	04-05-062
357-49-010	NEW-P	04-13-192	363-116-185	AMD-P	04-10-031	365-230-240	NEW	04-10-037
357-49-010	NEW-S	04-18-127	363-116-185	AMD	04-14-018	365-230-250	NEW-P	04-05-062
357-49-015	NEW-P	04-13-192	363-116-300	AMD-P	04-08-008	365-230-250	NEW	04-10-037
357-49-015	NEW-C	04-18-126	363-116-300	AMD	04-12-014	365-230-260	NEW-P	04-05-062
357-49-020	NEW-P	04-13-192	365-110-035	AMD-X	04-17-139	365-230-260	NEW	04-10-037

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
365-230-270	NEW-P	04-05-062	388- 14A-4124	NEW-P	04-13-139	388- 25-0228	NEW-E	04-15-082
365-230-270	NEW	04-10-037	388- 14A-4124	NEW-E	04-14-054	388- 25-0230	PREP	04-08-068
371- 08	PREP	04-15-009	388- 14A-4124	NEW	04-17-119	388- 25-0230	REP-E	04-15-082
371- 08-305	AMD-E	04-15-010	388- 14A-4125	NEW-E	04-07-057	388- 25-1000	NEW-E	04-07-091
371- 08-306	NEW	04-03-001	388- 14A-4125	NEW-P	04-13-139	388- 25-1000	NEW-E	04-15-055
371- 08-315	AMD	04-03-001	388- 14A-4125	NEW-E	04-14-054	388- 25-1010	NEW-E	04-07-091
371- 08-335	AMD-E	04-15-010	388- 14A-4125	NEW	04-17-119	388- 25-1010	NEW-E	04-15-055
388- 02-0215	AMD-E	04-07-090	388- 14A-4126	NEW-E	04-07-057	388- 25-1020	NEW-E	04-07-091
388- 02-0215	AMD-E	04-15-056	388- 14A-4126	NEW-P	04-13-139	388- 25-1020	NEW-E	04-15-055
388- 11-032	PREP-W	04-07-112	388- 14A-4126	NEW-E	04-14-054	388- 25-1030	NEW-E	04-07-091
388- 11-045	PREP-W	04-07-112	388- 14A-4126	NEW	04-17-119	388- 25-1030	NEW-E	04-15-055
388- 11-048	PREP-W	04-07-112	388- 14A-4130	PREP-W	04-07-022	388- 25-1040	NEW-E	04-07-091
388- 11-205	PREP-W	04-07-112	388- 14A-4130	AMD-E	04-07-057	388- 25-1040	NEW-E	04-15-055
388- 14-045	PREP-W	04-07-112	388- 14A-4130	PREP	04-07-062	388- 25-1050	NEW-E	04-07-091
388- 14-450	PREP-W	04-07-112	388- 14A-4130	AMD-P	04-13-139	388- 25-1050	NEW-E	04-15-055
388- 14A	PREP	04-07-113	388- 14A-4130	AMD-E	04-14-054	388- 27-0120	AMD-E	04-03-018
388- 14A-1020	PREP	04-06-053	388- 14A-4130	AMD	04-17-119	388- 27-0120	AMD	04-06-024
388- 14A-1020	AMD-E	04-07-057	388- 14A-4135	NEW-E	04-07-057	388- 27-0130	AMD-E	04-03-018
388- 14A-1020	PREP	04-09-036	388- 14A-4135	NEW-P	04-13-139	388- 27-0130	AMD	04-06-024
388- 14A-1020	AMD-P	04-13-139	388- 14A-4135	NEW-E	04-14-054	388- 27-0135	AMD-E	04-03-018
388- 14A-1020	AMD-E	04-14-054	388- 14A-4135	NEW	04-17-119	388- 27-0135	AMD	04-06-024
388- 14A-1020	AMD	04-17-119	388- 14A-4140	NEW-E	04-07-057	388- 27-0155	AMD-E	04-03-018
388- 14A-3140	PREP	04-09-036	388- 14A-4140	NEW-P	04-13-139	388- 27-0155	AMD	04-06-024
388- 14A-3370	PREP	04-09-036	388- 14A-4140	NEW-E	04-14-054	388- 27-0160	AMD-E	04-03-018
388- 14A-3600	PREP	04-09-036	388- 14A-4140	NEW	04-17-119	388- 27-0160	AMD	04-06-024
388- 14A-3810	PREP	04-06-053	388- 14A-4143	NEW-E	04-07-057	388- 27-0165	AMD-E	04-03-018
388- 14A-3810	PREP	04-09-036	388- 14A-4143	NEW-P	04-13-139	388- 27-0165	AMD	04-06-024
388- 14A-4040	AMD-E	04-07-057	388- 14A-4143	NEW-E	04-14-054	388- 27-0175	AMD-E	04-03-018
388- 14A-4040	AMD-P	04-13-139	388- 14A-4143	NEW	04-17-119	388- 27-0175	AMD	04-06-024
388- 14A-4040	AMD-E	04-14-054	388- 14A-4145	NEW-E	04-07-057	388- 27-0190	AMD-E	04-03-018
388- 14A-4040	AMD	04-17-119	388- 14A-4145	NEW-P	04-13-139	388- 27-0190	AMD	04-06-024
388- 14A-4100	PREP-W	04-07-022	388- 14A-4145	NEW-E	04-14-054	388- 27-0195	AMD-E	04-03-018
388- 14A-4100	AMD-E	04-07-057	388- 14A-4145	NEW	04-17-119	388- 27-0195	AMD	04-06-024
388- 14A-4100	PREP	04-07-062	388- 14A-4150	NEW-E	04-07-057	388- 27-0200	AMD-E	04-03-018
388- 14A-4100	AMD-P	04-13-139	388- 14A-4150	NEW-P	04-13-139	388- 27-0200	AMD	04-06-024
388- 14A-4100	AMD-E	04-14-054	388- 14A-4150	NEW-E	04-14-054	388- 27-0210	AMD-E	04-03-018
388- 14A-4100	AMD	04-17-119	388- 14A-4150	NEW	04-17-119	388- 27-0210	AMD	04-06-024
388- 14A-4110	PREP-W	04-07-022	388- 14A-4160	NEW-E	04-07-057	388- 27-0215	AMD-E	04-03-018
388- 14A-4110	AMD-E	04-07-057	388- 14A-4160	NEW-P	04-13-139	388- 27-0215	AMD	04-06-024
388- 14A-4110	PREP	04-07-062	388- 14A-4160	NEW-E	04-14-054	388- 27-0220	AMD-E	04-03-018
388- 14A-4110	AMD-P	04-13-139	388- 14A-4160	NEW	04-17-119	388- 27-0220	AMD	04-06-024
388- 14A-4110	AMD-E	04-14-054	388- 14A-4165	NEW-E	04-07-057	388- 27-0225	REP-E	04-03-018
388- 14A-4110	AMD	04-17-119	388- 14A-4165	NEW-P	04-13-139	388- 27-0225	REP	04-06-024
388- 14A-4120	PREP-W	04-07-022	388- 14A-4165	NEW-E	04-14-054	388- 27-0230	AMD-E	04-03-018
388- 14A-4120	AMD-E	04-07-057	388- 14A-4165	NEW	04-17-119	388- 27-0230	AMD	04-06-024
388- 14A-4120	PREP	04-07-062	388- 14A-4170	NEW-E	04-07-057	388- 27-0235	REP-E	04-03-018
388- 14A-4120	AMD-P	04-13-139	388- 14A-4170	NEW-P	04-13-139	388- 27-0235	REP	04-06-024
388- 14A-4120	AMD-E	04-14-054	388- 14A-4170	NEW-E	04-14-054	388- 27-0240	REP-E	04-03-018
388- 14A-4120	AMD	04-17-119	388- 14A-4170	NEW	04-17-119	388- 27-0240	REP	04-06-024
388- 14A-4121	NEW-E	04-07-057	388- 14A-4175	NEW-E	04-07-057	388- 27-0245	REP-E	04-03-018
388- 14A-4121	NEW-P	04-13-139	388- 14A-4175	NEW-P	04-13-139	388- 27-0245	REP	04-06-024
388- 14A-4121	NEW-E	04-14-054	388- 14A-4175	NEW-E	04-14-054	388- 27-0270	REP-E	04-03-018
388- 14A-4121	NEW	04-17-119	388- 14A-4175	NEW	04-17-119	388- 27-0270	REP	04-06-024
388- 14A-4122	NEW-E	04-07-057	388- 14A-5000	PREP	04-07-166	388- 61-001	AMD-P	04-16-105
388- 14A-4122	NEW-P	04-13-139	388- 14A-5001	PREP	04-08-069	388- 71-0100	AMD-P	04-13-138
388- 14A-4122	NEW-E	04-14-054	388- 14A-6300	PREP	04-09-036	388- 71-0105	AMD-E	04-06-039
388- 14A-4122	NEW	04-17-119	388- 25	PREP	04-07-059	388- 71-0105	AMD-P	04-13-138
388- 14A-4123	NEW-E	04-07-057	388- 25-0225	PREP	04-08-068	388- 71-0105	AMD-E	04-14-013
388- 14A-4123	NEW-P	04-13-139	388- 25-0225	AMD-E	04-15-082	388- 71-0110	AMD-P	04-13-138
388- 14A-4123	NEW-E	04-14-054	388- 25-0226	PREP	04-08-068	388- 71-0115	AMD-P	04-13-138
388- 14A-4123	NEW	04-17-119	388- 25-0226	NEW-E	04-15-082	388- 71-0116	NEW-E	04-06-039
388- 14A-4124	NEW-E	04-07-057	388- 25-0227	NEW-E	04-15-082	388- 71-0116	NEW-E	04-14-013

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-71-0120	REP-P	04-13-138	388-71-0531	REP-E	04-15-011	388-72A-0041	NEW-E	04-09-094
388-71-01205	NEW-P	04-13-138	388-71-05665	AMD-E	04-10-062	388-72A-0041	NEW-P	04-10-097
388-71-0121	NEW-P	04-13-138	388-71-05665	AMD-P	04-10-101	388-72A-0041	NEW-W	04-11-082
388-71-01210	NEW-P	04-13-138	388-71-05665	AMD	04-16-029	388-72A-0041	NEW-S	04-11-086
388-71-01215	NEW-P	04-13-138	388-71-0700	AMD-E	04-10-062	388-72A-0041	NEW-W	04-14-096
388-71-01220	NEW-P	04-13-138	388-71-0700	AMD-P	04-10-101	388-72A-0041	NEW-P	04-14-099
388-71-01225	NEW-P	04-13-138	388-71-0700	AMD	04-16-029	388-72A-0041	NEW-E	04-15-013
388-71-01230	NEW-P	04-13-138	388-71-0708	AMD-E	04-10-062	388-72A-0042	NEW-P	04-10-097
388-71-01235	NEW-P	04-13-138	388-71-0708	AMD-P	04-10-101	388-72A-0042	NEW-W	04-11-082
388-71-01240	NEW-P	04-13-138	388-71-0708	AMD	04-16-029	388-72A-0042	NEW-S	04-11-086
388-71-01245	NEW-P	04-13-138	388-71-0900	PREP	04-07-061	388-72A-0042	NEW-W	04-14-096
388-71-01250	NEW-P	04-13-138	388-71-0905	PREP	04-07-061	388-72A-0042	NEW-P	04-14-099
388-71-01255	NEW-P	04-13-138	388-71-0910	PREP	04-07-061	388-72A-0042	NEW-E	04-15-013
388-71-01260	NEW-P	04-13-138	388-71-0915	PREP	04-07-061	388-72A-0042	NEW-W	04-18-070
388-71-01265	NEW-P	04-13-138	388-71-0915	AMD-E	04-10-062	388-72A-0042	NEW-S	04-18-071
388-71-01270	NEW-P	04-13-138	388-71-0915	AMD-P	04-10-101	388-72A-0042	NEW-E	04-18-083
388-71-01275	NEW-P	04-13-138	388-71-0915	AMD	04-16-029	388-72A-0043	NEW-S	04-18-071
388-71-01280	NEW-P	04-13-138	388-71-0920	PREP	04-07-061	388-72A-0043	NEW-E	04-18-083
388-71-0150	REP-P	04-13-138	388-71-0925	PREP	04-07-061	388-72A-0053	NEW-E	04-10-062
388-71-0155	REP-P	04-13-138	388-71-0930	PREP	04-07-061	388-72A-0053	NEW-P	04-10-101
388-71-0194	AMD-E	04-10-062	388-71-0935	PREP	04-07-061	388-72A-0053	NEW	04-16-029
388-71-0194	AMD-P	04-10-101	388-71-0940	PREP	04-07-061	388-72A-0055	AMD-E	04-09-094
388-71-0194	AMD	04-16-029	388-71-0945	PREP	04-07-061	388-72A-0055	AMD-P	04-14-099
388-71-0202	AMD	04-04-042	388-71-0950	PREP	04-07-061	388-72A-0055	AMD-E	04-15-013
388-71-0202	AMD-E	04-10-062	388-71-0955	PREP	04-07-061	388-72A-0057	NEW-E	04-10-062
388-71-0202	AMD-P	04-10-101	388-71-0960	PREP	04-07-061	388-72A-0057	NEW-P	04-10-101
388-71-0202	AMD	04-16-029	388-71-0960	AMD-E	04-10-062	388-72A-0057	NEW	04-16-029
388-71-0405	AMD-E	04-10-062	388-71-0960	AMD-P	04-10-101	388-72A-0058	NEW-E	04-10-062
388-71-0405	AMD-P	04-10-101	388-71-0960	AMD	04-16-029	388-72A-0058	NEW-P	04-10-101
388-71-0405	AMD	04-16-029	388-71-0965	PREP	04-07-061	388-72A-0058	NEW	04-16-029
388-71-0410	AMD-E	04-10-062	388-71-1105	AMD-E	04-10-062	388-72A-0060	AMD-E	04-09-094
388-71-0410	AMD-P	04-10-101	388-71-1105	AMD-P	04-10-101	388-72A-0060	AMD-E	04-10-062
388-71-0410	AMD	04-16-029	388-71-1105	AMD	04-16-029	388-72A-0060	AMD-P	04-10-101
388-71-0415	AMD-E	04-10-062	388-72A	PREP	04-09-089	388-72A-0060	AMD-P	04-14-099
388-71-0415	AMD-P	04-10-101	388-72A-0010	AMD-E	04-09-094	388-72A-0060	AMD-E	04-15-013
388-71-0415	AMD	04-16-029	388-72A-0010	AMD-P	04-10-097	388-72A-0060	AMD	04-16-029
388-71-0420	AMD-E	04-10-062	388-72A-0010	AMD-W	04-11-082	388-72A-0065	AMD-E	04-09-094
388-71-0420	AMD-P	04-10-101	388-72A-0010	AMD-S	04-11-086	388-72A-0065	AMD-E	04-10-062
388-71-0420	AMD	04-16-029	388-72A-0010	AMD-W	04-14-096	388-72A-0065	AMD-P	04-10-101
388-71-0425	AMD-E	04-10-062	388-72A-0010	AMD-P	04-14-099	388-72A-0065	AMD-P	04-14-099
388-71-0425	AMD-P	04-10-101	388-72A-0010	AMD-E	04-15-013	388-72A-0065	AMD-E	04-15-013
388-71-0425	AMD	04-16-029	388-72A-0035	AMD-P	04-14-099	388-72A-0065	AMD	04-16-029
388-71-0440	AMD-E	04-10-062	388-72A-0035	AMD-E	04-15-013	388-72A-0069	NEW-E	04-09-094
388-71-0440	AMD-P	04-10-101	388-72A-0036	NEW-E	04-09-094	388-72A-0069	NEW-P	04-14-099
388-71-0440	AMD	04-16-029	388-72A-0036	NEW-P	04-10-097	388-72A-0069	NEW-E	04-15-013
388-71-0465	AMD-E	04-10-062	388-72A-0036	NEW-W	04-11-082	388-72A-0070	AMD-E	04-09-094
388-71-0465	AMD-P	04-10-101	388-72A-0036	NEW-S	04-11-086	388-72A-0070	AMD-P	04-14-099
388-71-0465	AMD	04-16-029	388-72A-0036	NEW-W	04-14-096	388-72A-0070	AMD-E	04-15-013
388-71-0470	AMD-E	04-10-062	388-72A-0036	NEW-P	04-14-099	388-72A-0075	REP-E	04-09-094
388-71-0470	AMD-P	04-10-101	388-72A-0036	NEW-E	04-15-013	388-72A-0075	REP-P	04-14-099
388-71-0470	AMD	04-16-029	388-72A-0037	NEW-E	04-09-094	388-72A-0075	REP-E	04-15-013
388-71-0480	AMD-E	04-10-062	388-72A-0037	NEW-P	04-14-099	388-72A-0080	AMD-E	04-09-094
388-71-0480	AMD-P	04-10-101	388-72A-0037	NEW-E	04-15-013	388-72A-0080	AMD-P	04-14-099
388-71-0480	AMD	04-16-029	388-72A-0038	NEW-E	04-09-094	388-72A-0080	AMD-E	04-15-013
388-71-0510	AMD-E	04-10-062	388-72A-0038	NEW-P	04-14-099	388-72A-0081	NEW-E	04-09-094
388-71-0510	AMD-P	04-10-101	388-72A-0038	NEW-E	04-15-013	388-72A-0081	NEW-P	04-14-099
388-71-0510	AMD	04-16-029	388-72A-0039	NEW-E	04-09-094	388-72A-0081	NEW-E	04-15-013
388-71-0531	NEW	04-04-042	388-72A-0039	NEW-P	04-14-099	388-72A-0082	NEW-E	04-09-094
388-71-0531	REP-E	04-07-058	388-72A-0039	NEW-E	04-15-013	388-72A-0082	NEW-P	04-14-099
388-71-0531	PREP	04-07-060	388-72A-0040	REP-E	04-09-094	388-72A-0082	NEW-E	04-15-013
388-71-0531	REP-P	04-11-085	388-72A-0040	REP-P	04-14-099	388-72A-0083	NEW-E	04-09-094
388-71-0531	REP	04-15-001	388-72A-0040	REP-E	04-15-013	388-72A-0083	NEW-P	04-14-099

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 72A-0083	NEW-E	04-15-013	388- 78A-0110	REP	04-16-065	388- 78A-0420	REP	04-16-065
388- 72A-0084	NEW-E	04-09-094	388- 78A-0120	REP-P	04-11-116	388- 78A-0430	REP-P	04-11-116
388- 72A-0084	NEW-P	04-14-099	388- 78A-0120	REP	04-16-065	388- 78A-0430	REP	04-16-065
388- 72A-0084	NEW-E	04-15-013	388- 78A-0130	REP-P	04-11-116	388- 78A-0440	REP-P	04-11-116
388- 72A-0085	AMD-E	04-09-094	388- 78A-0130	REP	04-16-065	388- 78A-0440	REP	04-16-065
388- 72A-0085	AMD-P	04-14-099	388- 78A-0140	REP-P	04-11-116	388- 78A-0450	REP-P	04-11-116
388- 72A-0085	AMD-E	04-15-013	388- 78A-0140	REP	04-16-065	388- 78A-0450	REP	04-16-065
388- 72A-0086	NEW-E	04-09-094	388- 78A-0150	REP-P	04-11-116	388- 78A-0460	REP-P	04-11-116
388- 72A-0086	NEW-P	04-10-097	388- 78A-0150	REP	04-16-065	388- 78A-0460	REP	04-16-065
388- 72A-0086	NEW-W	04-11-082	388- 78A-0160	REP-P	04-11-116	388- 78A-0470	REP-P	04-11-116
388- 72A-0086	NEW-S	04-11-086	388- 78A-0160	REP	04-16-065	388- 78A-0470	REP	04-16-065
388- 72A-0086	NEW-W	04-14-096	388- 78A-0170	REP-P	04-11-116	388- 78A-0480	REP-P	04-11-116
388- 72A-0086	NEW-P	04-14-099	388- 78A-0170	REP	04-16-065	388- 78A-0480	REP	04-16-065
388- 72A-0086	NEW-E	04-15-013	388- 78A-0180	REP-P	04-11-116	388- 78A-0490	REP-P	04-11-116
388- 72A-0087	NEW-E	04-09-094	388- 78A-0180	REP	04-16-065	388- 78A-0490	REP	04-16-065
388- 72A-0087	NEW-P	04-14-099	388- 78A-0190	REP-P	04-11-116	388- 78A-0500	REP-P	04-11-116
388- 72A-0087	NEW-E	04-15-013	388- 78A-0190	REP	04-16-065	388- 78A-0500	REP	04-16-065
388- 72A-0090	AMD-E	04-09-094	388- 78A-0200	REP-P	04-11-116	388- 78A-0510	REP-P	04-11-116
388- 72A-0090	AMD-P	04-14-099	388- 78A-0200	REP	04-16-065	388- 78A-0510	REP	04-16-065
388- 72A-0090	AMD-E	04-15-013	388- 78A-0210	REP-P	04-11-116	388- 78A-0520	REP-P	04-11-116
388- 72A-0092	NEW-E	04-09-094	388- 78A-0210	REP	04-16-065	388- 78A-0520	REP	04-16-065
388- 72A-0092	NEW-P	04-14-099	388- 78A-0220	REP-P	04-11-116	388- 78A-0530	REP-P	04-11-116
388- 72A-0092	NEW-E	04-15-013	388- 78A-0220	REP	04-16-065	388- 78A-0530	REP	04-16-065
388- 72A-0095	AMD-E	04-09-094	388- 78A-0230	REP-P	04-11-116	388- 78A-0540	REP-P	04-11-116
388- 72A-0095	AMD-P	04-10-097	388- 78A-0230	REP	04-16-065	388- 78A-0540	REP	04-16-065
388- 72A-0095	AMD-W	04-11-082	388- 78A-0240	REP-P	04-11-116	388- 78A-0550	REP-P	04-11-116
388- 72A-0095	AMD-S	04-11-086	388- 78A-0240	REP	04-16-065	388- 78A-0550	REP	04-16-065
388- 72A-0095	AMD-W	04-14-096	388- 78A-0250	REP-P	04-11-116	388- 78A-0560	REP-P	04-11-116
388- 72A-0095	AMD-P	04-14-099	388- 78A-0250	REP	04-16-065	388- 78A-0560	REP	04-16-065
388- 72A-0095	AMD-E	04-15-013	388- 78A-0260	REP-P	04-11-116	388- 78A-0570	REP-P	04-11-116
388- 72A-0100	AMD-E	04-10-062	388- 78A-0260	REP	04-16-065	388- 78A-0570	REP	04-16-065
388- 72A-0100	AMD-P	04-10-101	388- 78A-0270	REP-P	04-11-116	388- 78A-0580	REP-P	04-11-116
388- 72A-0100	AMD	04-16-029	388- 78A-0270	REP	04-16-065	388- 78A-0580	REP	04-16-065
388- 72A-0115	NEW-E	04-09-094	388- 78A-0280	REP-P	04-11-116	388- 78A-0590	REP-P	04-11-116
388- 72A-0115	NEW-P	04-14-099	388- 78A-0280	REP	04-16-065	388- 78A-0590	REP	04-16-065
388- 72A-0115	NEW-E	04-15-013	388- 78A-0290	REP-P	04-11-116	388- 78A-0600	REP-P	04-11-116
388- 72A-0120	NEW-P	04-14-099	388- 78A-0290	REP	04-16-065	388- 78A-0600	REP	04-16-065
388- 72A-0120	NEW-E	04-15-013	388- 78A-0300	REP-P	04-11-116	388- 78A-0605	REP-P	04-11-116
388- 78A	PREP	04-06-072	388- 78A-0300	REP	04-16-065	388- 78A-0605	REP	04-16-065
388- 78A	PREP	04-07-189	388- 78A-0310	REP-P	04-11-116	388- 78A-0610	REP-P	04-11-116
388- 78A	PREP-W	04-08-034	388- 78A-0310	REP	04-16-065	388- 78A-0610	REP	04-16-065
388- 78A-0010	REP-P	04-11-116	388- 78A-0320	REP-P	04-11-116	388- 78A-0620	REP-P	04-11-116
388- 78A-0010	REP	04-16-065	388- 78A-0320	REP	04-16-065	388- 78A-0620	REP	04-16-065
388- 78A-0020	REP-P	04-11-116	388- 78A-0330	REP-P	04-11-116	388- 78A-0630	REP-P	04-11-116
388- 78A-0020	REP	04-16-065	388- 78A-0330	REP	04-16-065	388- 78A-0630	REP	04-16-065
388- 78A-0030	REP-P	04-11-116	388- 78A-0340	REP-P	04-11-116	388- 78A-0635	REP-P	04-11-116
388- 78A-0030	REP	04-16-065	388- 78A-0340	REP	04-16-065	388- 78A-0635	REP	04-16-065
388- 78A-0040	REP-P	04-11-116	388- 78A-0350	REP-P	04-11-116	388- 78A-0640	REP-P	04-11-116
388- 78A-0040	REP	04-16-065	388- 78A-0350	REP	04-16-065	388- 78A-0640	REP	04-16-065
388- 78A-0050	REP-P	04-11-116	388- 78A-0360	REP-P	04-11-116	388- 78A-0650	REP-P	04-11-116
388- 78A-0050	REP	04-16-065	388- 78A-0360	REP	04-16-065	388- 78A-0650	REP	04-16-065
388- 78A-0060	REP-P	04-11-116	388- 78A-0370	REP-P	04-11-116	388- 78A-0660	REP-P	04-11-116
388- 78A-0060	REP	04-16-065	388- 78A-0370	REP	04-16-065	388- 78A-0660	REP	04-16-065
388- 78A-0070	REP-P	04-11-116	388- 78A-0380	REP-P	04-11-116	388- 78A-0670	REP-P	04-11-116
388- 78A-0070	REP	04-16-065	388- 78A-0380	REP	04-16-065	388- 78A-0670	REP	04-16-065
388- 78A-0080	REP-P	04-11-116	388- 78A-0390	REP-P	04-11-116	388- 78A-0680	REP-P	04-11-116
388- 78A-0080	REP	04-16-065	388- 78A-0390	REP	04-16-065	388- 78A-0680	REP	04-16-065
388- 78A-0090	REP-P	04-11-116	388- 78A-0400	REP-P	04-11-116	388- 78A-0690	REP-P	04-11-116
388- 78A-0090	REP	04-16-065	388- 78A-0400	REP	04-16-065	388- 78A-0690	REP	04-16-065
388- 78A-0100	REP-P	04-11-116	388- 78A-0410	REP-P	04-11-116	388- 78A-0700	REP-P	04-11-116
388- 78A-0100	REP	04-16-065	388- 78A-0410	REP	04-16-065	388- 78A-0700	REP	04-16-065
388- 78A-0110	REP-P	04-11-116	388- 78A-0420	REP-P	04-11-116	388- 78A-0710	REP-P	04-11-116

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-96-749	NEW-P	04-17-144	388-110-140	AMD	04-16-063	388-140-0200	NEW-E	04-03-010D
388-96-766	AMD-P	04-17-144	388-110-140	AMD	04-18-001	388-140-0205	NEW-E	04-03-010D
388-96-776	AMD-P	04-17-144	388-110-150	AMD-P	04-13-021	388-140-0210	NEW-E	04-03-010D
388-96-779	REP-P	04-17-144	388-110-150	AMD	04-16-063	388-140-0215	NEW-E	04-03-010D
388-96-780	REP-P	04-17-144	388-110-170	REP-P	04-13-021	388-140-0220	NEW-E	04-03-010D
388-96-782	AMD-P	04-17-144	388-110-170	REP	04-16-063	388-140-0225	NEW-E	04-03-010D
388-96-783	NEW-P	04-17-144	388-110-180	REP-P	04-13-021	388-140-0230	NEW-E	04-03-010D
388-96-901	AMD-P	04-17-144	388-110-180	REP	04-16-063	388-140-0235	NEW-E	04-03-010D
388-96-904	AMD-P	04-17-144	388-110-190	REP-P	04-13-021	388-140-0240	NEW-E	04-03-010D
388-97-017	PREP	04-12-095	388-110-190	REP	04-16-063	388-140-0245	NEW-E	04-03-010D
388-97-017	AMD-P	04-17-107	388-110-200	REP-P	04-13-021	388-140-0250	NEW-E	04-03-010D
388-97-125	PREP	04-06-055	388-110-200	REP	04-16-063	388-140-0255	NEW-E	04-03-010D
388-105	PREP	04-10-089	388-110-220	AMD-P	04-13-021	388-140-0260	NEW-E	04-03-010D
388-105	PREP	04-18-066	388-110-220	AMD	04-16-063	388-140-0265	NEW-E	04-03-010D
388-105-0005	AMD-P	04-04-044	388-110-220	AMD	04-18-001	388-140-0270	NEW-E	04-03-010D
388-105-0005	AMD-E	04-06-038	388-110-240	AMD-P	04-13-021	388-140-0275	NEW-E	04-03-010D
388-105-0005	AMD-W	04-06-056	388-110-240	AMD	04-16-063	388-140-0280	NEW-E	04-03-010D
388-105-0005	AMD-P	04-06-075	388-110-260	AMD-P	04-13-021	388-140-0285	NEW-E	04-03-010D
388-105-0005	AMD	04-09-092	388-110-260	AMD	04-16-063	388-140-0290	NEW-E	04-03-010D
388-105-0030	AMD-P	04-04-044	388-110-270	AMD-P	04-13-021	388-140-0295	NEW-E	04-03-010D
388-105-0030	AMD-E	04-06-038	388-110-270	AMD	04-16-063	388-140-0300	NEW-E	04-03-010D
388-105-0030	AMD-W	04-06-056	388-110-280	AMD-P	04-13-021	388-140-0305	NEW-E	04-03-010D
388-105-0030	AMD-P	04-06-075	388-110-280	AMD	04-16-063	388-140-0310	NEW-E	04-03-010D
388-105-0030	AMD	04-09-092	388-140-0005	NEW-E	04-03-010D	388-140-0315	NEW-E	04-03-010D
388-105-0040	AMD-P	04-04-044	388-140-0010	NEW-E	04-03-010D	388-140-0320	NEW-E	04-03-010D
388-105-0040	AMD-E	04-06-038	388-140-0015	NEW-E	04-03-010D	388-140-0325	NEW-E	04-03-010D
388-105-0040	AMD-W	04-06-056	388-140-0020	NEW-E	04-03-010D	388-140-0330	NEW-E	04-03-010D
388-105-0040	AMD-P	04-06-075	388-140-0025	NEW-E	04-03-010D	388-140-0335	NEW-E	04-03-010D
388-105-0040	AMD	04-09-092	388-140-0030	NEW-E	04-03-010D	388-140-0340	NEW-E	04-03-010D
388-105-0045	NEW-P	04-04-044	388-140-0035	NEW-E	04-03-010D	388-140-0345	NEW-E	04-03-010D
388-105-0045	NEW-E	04-06-038	388-140-0040	NEW-E	04-03-010D	388-140-0350	NEW-E	04-03-010D
388-105-0045	NEW-W	04-06-056	388-140-0045	NEW-E	04-03-010D	388-140-0355	NEW-E	04-03-010D
388-105-0045	NEW-P	04-06-075	388-140-0050	NEW-E	04-03-010D	388-140-0360	NEW-E	04-03-010D
388-105-0045	NEW	04-09-092	388-140-0055	NEW-E	04-03-010D	388-140-0365	NEW-E	04-03-010D
388-110	AMD-P	04-13-021	388-140-0060	NEW-E	04-03-010D	388-140-0370	NEW-E	04-03-010D
388-110	AMD	04-16-063	388-140-0065	NEW-E	04-03-010D	388-140-0375	NEW-E	04-03-010D
388-110-005	AMD-P	04-13-021	388-140-0070	NEW-E	04-03-010D	388-140-0380	NEW-E	04-03-010D
388-110-005	AMD	04-16-063	388-140-0075	NEW-E	04-03-010D	388-140-0385	NEW-E	04-03-010D
388-110-010	AMD-P	04-13-021	388-140-0080	NEW-E	04-03-010D	388-140-0390	NEW-E	04-03-010D
388-110-010	AMD	04-16-063	388-140-0085	NEW-E	04-03-010D	388-140-0395	NEW-E	04-03-010D
388-110-020	AMD-P	04-13-021	388-140-0090	NEW-E	04-03-010D	388-140-0400	NEW-E	04-03-010D
388-110-020	AMD	04-16-063	388-140-0095	NEW-E	04-03-010D	388-140-0405	NEW-E	04-03-010D
388-110-020	AMD	04-18-001	388-140-0100	NEW-E	04-03-010D	388-140-0410	NEW-E	04-03-010D
388-110-030	AMD-P	04-13-021	388-140-0105	NEW-E	04-03-010D	388-140-0415	NEW-E	04-03-010D
388-110-030	AMD	04-16-063	388-140-0110	NEW-E	04-03-010D	388-140-0420	NEW-E	04-03-010D
388-110-040	AMD-P	04-13-021	388-140-0115	NEW-E	04-03-010D	388-140-0425	NEW-E	04-03-010D
388-110-040	AMD	04-16-063	388-140-0120	NEW-E	04-03-010D	388-140-0430	NEW-E	04-03-010D
388-110-050	AMD-P	04-13-021	388-140-0125	NEW-E	04-03-010D	388-140-0435	NEW-E	04-03-010D
388-110-050	AMD	04-16-063	388-140-0130	NEW-E	04-03-010D	388-140-0440	NEW-E	04-03-010D
388-110-060	REP-P	04-13-021	388-140-0135	NEW-E	04-03-010D	388-140-0445	NEW-E	04-03-010D
388-110-060	REP	04-16-063	388-140-0140	NEW-E	04-03-010D	388-140-0450	NEW-E	04-03-010D
388-110-070	AMD-P	04-13-021	388-140-0145	NEW-E	04-03-010D	388-140-0455	NEW-E	04-03-010D
388-110-070	AMD	04-16-063	388-140-0150	NEW-E	04-03-010D	388-140-0460	NEW-E	04-03-010D
388-110-080	REP-P	04-13-021	388-140-0155	NEW-E	04-03-010D	388-140-0465	NEW-E	04-03-010D
388-110-080	REP	04-16-063	388-140-0160	NEW-E	04-03-010D	388-140-0470	NEW-E	04-03-010D
388-110-090	AMD-P	04-13-021	388-140-0165	NEW-E	04-03-010D	388-140-0475	NEW-E	04-03-010D
388-110-090	AMD	04-16-063	388-140-0170	NEW-E	04-03-010D	388-140-0480	NEW-E	04-03-010D
388-110-100	AMD-P	04-13-021	388-140-0175	NEW-E	04-03-010D	388-140-0485	NEW-E	04-03-010D
388-110-100	AMD	04-16-063	388-140-0180	NEW-E	04-03-010D	388-140-0490	NEW-E	04-03-010D
388-110-120	AMD-P	04-13-021	388-140-0185	NEW-E	04-03-010D	388-140-0495	NEW-E	04-03-010D
388-110-120	AMD	04-16-063	388-140-0190	NEW-E	04-03-010D	388-140-0500	NEW-E	04-03-010D
388-110-140	AMD-P	04-13-021	388-140-0195	NEW-E	04-03-010D	388-140-0505	NEW-E	04-03-010D

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-140-0510	NEW-E	04-03-010D	388-147-0360	NEW-P	04-18-045	388-148-0055	AMD-P	04-03-116
388-140-0515	NEW-E	04-03-010D	388-147-0370	NEW-P	04-18-045	388-148-0055	AMD	04-08-073
388-140-0520	NEW-E	04-03-010D	388-147-0380	NEW-P	04-18-045	388-148-0058	NEW-P	04-03-116
388-140-0525	NEW-E	04-03-010D	388-147-0390	NEW-P	04-18-045	388-148-0058	NEW-E	04-05-035
388-140-0530	NEW-E	04-03-010D	388-147-0400	NEW-P	04-18-045	388-148-0058	NEW	04-08-073
388-140-0535	NEW-E	04-03-010D	388-147-0410	NEW-P	04-18-045	388-148-0060	AMD-P	04-03-116
388-140-0540	NEW-E	04-03-010D	388-147-0420	NEW-P	04-18-045	388-148-0060	AMD-E	04-05-035
388-140-0545	NEW-E	04-03-010D	388-147-0430	NEW-P	04-18-045	388-148-0060	AMD	04-08-073
388-140-0550	NEW-E	04-03-010D	388-147-0440	NEW-P	04-18-045	388-148-0065	AMD-P	04-03-116
388-140-0560	NEW-E	04-03-010D	388-147-0450	NEW-P	04-18-045	388-148-0065	AMD-E	04-05-035
388-140-0565	NEW-E	04-03-010D	388-147-0460	NEW-P	04-18-045	388-148-0065	AMD	04-08-073
388-140-0570	NEW-E	04-03-010D	388-147-0470	NEW-P	04-18-045	388-148-0070	AMD-P	04-03-116
388-140-0575	NEW-E	04-03-010D	388-147-0480	NEW-P	04-18-045	388-148-0070	AMD	04-08-073
388-140-0580	NEW-E	04-03-010D	388-147-0490	NEW-P	04-18-045	388-148-0075	AMD-P	04-03-116
388-140-0585	NEW-E	04-03-010D	388-147-0500	NEW-P	04-18-045	388-148-0075	AMD	04-08-073
388-140-0590	NEW-E	04-03-010D	388-147-0510	NEW-P	04-18-045	388-148-0075	AMD	04-08-073
388-140-0595	NEW-E	04-03-010D	388-147-0520	NEW-P	04-18-045	388-148-0085	AMD-P	04-03-116
388-140-0600	NEW-E	04-03-010D	388-147-0530	NEW-P	04-18-045	388-148-0085	AMD	04-08-073
388-140-0605	NEW-E	04-03-010D	388-147-0540	NEW-P	04-18-045	388-148-0090	AMD-P	04-03-116
388-140-0610	NEW-E	04-03-010D	388-147-0550	NEW-P	04-18-045	388-148-0090	AMD	04-08-073
388-140-0615	NEW-E	04-03-010D	388-147-0560	NEW-P	04-18-045	388-148-0095	AMD-P	04-03-116
388-140-0620	NEW-E	04-03-010D	388-147-0570	NEW-P	04-18-045	388-148-0095	AMD-E	04-05-035
388-140-0625	NEW-E	04-03-010D	388-147-0580	NEW-P	04-18-045	388-148-0095	AMD	04-08-073
388-140-0630	NEW-E	04-03-010D	388-147-0590	NEW-P	04-18-045	388-148-0098	NEW-P	04-03-116
388-140-0635	NEW-E	04-03-010D	388-147-0600	NEW-P	04-18-045	388-148-0098	NEW	04-08-073
388-145-0100	PREP	04-18-069	388-147-0610	NEW-P	04-18-045	388-148-0100	AMD-P	04-03-116
388-145-0230	PREP	04-18-069	388-147-0620	NEW-P	04-18-045	388-148-0100	AMD	04-08-073
388-147-0010	NEW-P	04-18-045	388-147-0630	NEW-P	04-18-045	388-148-0110	AMD-P	04-03-116
388-147-0020	NEW-P	04-18-045	388-147-0640	NEW-P	04-18-045	388-148-0110	AMD	04-08-073
388-147-0030	NEW-P	04-18-045	388-147-0650	NEW-P	04-18-045	388-148-0120	AMD-P	04-03-116
388-147-0040	NEW-P	04-18-045	388-147-0660	NEW-P	04-18-045	388-148-0120	AMD-E	04-05-035
388-147-0050	NEW-P	04-18-045	388-147-0670	NEW-P	04-18-045	388-148-0120	AMD	04-08-073
388-147-0060	NEW-P	04-18-045	388-147-0680	NEW-P	04-18-045	388-148-0125	AMD-P	04-03-116
388-147-0070	NEW-P	04-18-045	388-147-0690	NEW-P	04-18-045	388-148-0125	AMD-E	04-05-035
388-147-0080	NEW-P	04-18-045	388-147-0700	NEW-P	04-18-045	388-148-0125	AMD	04-08-073
388-147-0090	NEW-P	04-18-045	388-147-0710	NEW-P	04-18-045	388-148-0127	NEW-P	04-03-116
388-147-0100	NEW-P	04-18-045	388-147-0720	NEW-P	04-18-045	388-148-0127	NEW	04-08-073
388-147-0110	NEW-P	04-18-045	388-148	AMD-P	04-03-116	388-148-0130	AMD-P	04-03-116
388-147-0120	NEW-P	04-18-045	388-148	AMD	04-08-073	388-148-0130	AMD	04-08-073
388-147-0130	NEW-P	04-18-045	388-148-0005	AMD-P	04-03-116	388-148-0135	AMD-P	04-03-116
388-147-0140	NEW-P	04-18-045	388-148-0005	AMD	04-08-073	388-148-0135	AMD	04-08-073
388-147-0150	NEW-P	04-18-045	388-148-0010	AMD-P	04-03-116	388-148-0140	AMD-P	04-03-116
388-147-0160	NEW-P	04-18-045	388-148-0010	AMD	04-08-073	388-148-0140	AMD-E	04-05-035
388-147-0170	NEW-P	04-18-045	388-148-0015	AMD-P	04-03-116	388-148-0140	AMD	04-08-073
388-147-0180	NEW-P	04-18-045	388-148-0015	AMD	04-08-073	388-148-0150	AMD-P	04-03-116
388-147-0190	NEW-P	04-18-045	388-148-0020	AMD-P	04-03-116	388-148-0150	AMD	04-08-073
388-147-0200	NEW-P	04-18-045	388-148-0020	AMD	04-08-073	388-148-0165	AMD-P	04-03-116
388-147-0210	NEW-P	04-18-045	388-148-0025	AMD-P	04-03-116	388-148-0165	AMD	04-08-073
388-147-0220	NEW-P	04-18-045	388-148-0025	AMD	04-08-073	388-148-0170	AMD-P	04-03-116
388-147-0230	NEW-P	04-18-045	388-148-0035	AMD-P	04-03-116	388-148-0170	AMD-E	04-05-035
388-147-0240	NEW-P	04-18-045	388-148-0035	AMD-E	04-05-035	388-148-0170	AMD	04-08-073
388-147-0250	NEW-P	04-18-045	388-148-0035	AMD	04-08-073	388-148-0180	AMD-P	04-03-116
388-147-0260	NEW-P	04-18-045	388-148-0040	AMD-P	04-03-116	388-148-0180	AMD	04-08-073
388-147-0270	NEW-P	04-18-045	388-148-0040	AMD-E	04-05-035	388-148-0185	AMD-P	04-03-116
388-147-0280	NEW-P	04-18-045	388-148-0040	AMD	04-08-073	388-148-0185	AMD	04-08-073
388-147-0290	NEW-P	04-18-045	388-148-0045	AMD-P	04-03-116	388-148-0200	AMD-P	04-03-116
388-147-0300	NEW-P	04-18-045	388-148-0045	AMD-E	04-05-035	388-148-0200	AMD	04-08-073
388-147-0310	NEW-P	04-18-045	388-148-0045	AMD	04-08-073	388-148-0210	AMD-P	04-03-116
388-147-0320	NEW-P	04-18-045	388-148-0050	AMD-P	04-03-116	388-148-0210	AMD	04-08-073
388-147-0330	NEW-P	04-18-045	388-148-0050	AMD-E	04-05-035	388-148-0220	AMD-P	04-03-116
388-147-0340	NEW-P	04-18-045	388-148-0050	AMD	04-08-073	388-148-0220	AMD-E	04-05-035
388-147-0350	NEW-P	04-18-045	388-148-0050	AMD-P	04-16-001	388-148-0220	AMD	04-08-073
						388-148-0225	AMD-P	04-03-116

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388-148-0225	AMD	04-08-073	388-148-0395	AMD	04-08-073	388-148-0615	REP-P	04-03-116
388-148-0230	AMD-P	04-03-116	388-148-0400	AMD-P	04-03-116	388-148-0615	REP	04-08-073
388-148-0230	AMD	04-08-073	388-148-0400	AMD	04-08-073	388-148-0620	AMD-P	04-03-116
388-148-0235	AMD-P	04-03-116	388-148-0422	NEW-P	04-03-116	388-148-0620	AMD	04-08-073
388-148-0235	AMD	04-08-073	388-148-0422	NEW	04-08-073	388-148-0625	AMD-P	04-03-116
388-148-0240	AMD-P	04-03-116	388-148-0425	AMD-P	04-03-116	388-148-0625	AMD	04-08-073
388-148-0240	AMD	04-08-073	388-148-0425	AMD	04-08-073	388-148-0630	REP-P	04-03-116
388-148-0245	AMD-P	04-03-116	388-148-0427	NEW-E	04-05-035	388-148-0630	AMD-E	04-05-035
388-148-0245	AMD	04-08-073	388-148-0430	AMD-P	04-03-116	388-148-0630	REP	04-08-073
388-148-0250	AMD-P	04-03-116	388-148-0430	AMD	04-08-073	388-148-0635	REP-P	04-03-116
388-148-0250	AMD	04-08-073	388-148-0430	AMD	04-08-073	388-148-0635	REP	04-08-073
388-148-0255	AMD-P	04-03-116	388-148-0445	AMD-P	04-03-116	388-148-0640	AMD-P	04-03-116
388-148-0255	AMD	04-08-073	388-148-0445	AMD	04-08-073	388-148-0640	AMD	04-08-073
388-148-0260	AMD-P	04-03-116	388-148-0450	REP-P	04-03-116	388-148-0640	AMD	04-08-073
388-148-0260	AMD-E	04-05-035	388-148-0450	REP	04-08-073	388-148-0645	AMD-P	04-03-116
388-148-0260	AMD	04-08-073	388-148-0455	AMD-P	04-03-116	388-148-0645	AMD	04-08-073
388-148-0265	AMD-P	04-03-116	388-148-0455	AMD	04-08-073	388-148-0650	REP-P	04-03-116
388-148-0265	AMD	04-08-073	388-148-0460	AMD-P	04-03-116	388-148-0650	REP	04-08-073
388-148-0270	AMD-P	04-03-116	388-148-0460	AMD-E	04-05-035	388-148-0655	AMD-P	04-03-116
388-148-0270	AMD-E	04-05-035	388-148-0460	AMD	04-08-073	388-148-0655	AMD	04-08-073
388-148-0270	AMD	04-08-073	388-148-0462	NEW-E	04-05-035	388-148-0660	AMD-P	04-03-116
388-148-0275	AMD-P	04-03-116	388-148-0470	AMD-P	04-03-116	388-148-0660	AMD	04-08-073
388-148-0275	AMD	04-08-073	388-148-0470	AMD	04-08-073	388-148-0670	AMD-P	04-03-116
388-148-0285	REP-P	04-03-116	388-148-0480	AMD-P	04-03-116	388-148-0670	AMD	04-08-073
388-148-0285	REP	04-08-073	388-148-0480	AMD	04-08-073	388-148-0685	AMD-P	04-03-116
388-148-0300	AMD-P	04-03-116	388-148-0485	AMD-P	04-03-116	388-148-0685	AMD	04-08-073
388-148-0300	AMD	04-08-073	388-148-0485	AMD	04-08-073	388-148-0695	AMD-P	04-03-116
388-148-0305	AMD-P	04-03-116	388-148-0487	NEW-P	04-03-116	388-148-0695	AMD	04-08-073
388-148-0305	AMD	04-08-073	388-148-0487	NEW	04-08-073	388-148-0700	AMD-P	04-03-116
388-148-0315	AMD-P	04-03-116	388-148-0488	NEW-P	04-03-116	388-148-0700	AMD-E	04-05-035
388-148-0315	AMD	04-08-073	388-148-0488	NEW	04-08-073	388-148-0700	AMD	04-08-073
388-148-0320	AMD-P	04-03-116	388-148-0490	AMD-P	04-03-116	388-148-0705	AMD-P	04-03-116
388-148-0320	AMD	04-08-073	388-148-0490	AMD	04-08-073	388-148-0705	AMD	04-08-073
388-148-0325	AMD-P	04-03-116	388-148-0500	REP-P	04-03-116	388-148-0710	AMD-P	04-03-116
388-148-0325	AMD	04-08-073	388-148-0500	REP	04-08-073	388-148-0710	AMD	04-08-073
388-148-0335	AMD-P	04-03-116	388-148-0520	AMD-P	04-03-116	388-148-0715	AMD-P	04-03-116
388-148-0335	AMD-E	04-05-035	388-148-0520	AMD-E	04-05-035	388-148-0715	AMD	04-08-073
388-148-0335	AMD	04-08-073	388-148-0520	AMD	04-08-073	388-148-0718	NEW-P	04-03-116
388-148-0340	AMD-P	04-03-116	388-148-0525	AMD-P	04-03-116	388-148-0718	NEW	04-08-073
388-148-0340	AMD	04-08-073	388-148-0525	AMD	04-08-073	388-148-0720	AMD-P	04-03-116
388-148-0345	AMD-P	04-03-116	388-148-0535	AMD-P	04-03-116	388-148-0720	AMD-E	04-05-035
388-148-0345	AMD-E	04-05-035	388-148-0535	AMD	04-08-073	388-148-0720	AMD	04-08-073
388-148-0345	AMD	04-08-073	388-148-0540	AMD-P	04-03-116	388-148-0722	NEW-P	04-03-116
388-148-0350	AMD-P	04-03-116	388-148-0540	AMD	04-08-073	388-148-0722	NEW-E	04-05-035
388-148-0350	AMD-E	04-05-035	388-148-0541	NEW-P	04-03-116	388-148-0722	NEW	04-08-073
388-148-0350	AMD	04-08-073	388-148-0541	NEW	04-08-073	388-148-0725	AMD-P	04-03-116
388-148-0352	NEW-P	04-03-116	388-148-0542	NEW-P	04-03-116	388-148-0725	AMD-E	04-05-035
388-148-0352	NEW	04-08-073	388-148-0542	NEW-E	04-05-035	388-148-0725	AMD	04-08-073
388-148-0355	AMD-P	04-03-116	388-148-0542	NEW	04-08-073	388-148-0730	AMD-P	04-03-116
388-148-0355	AMD	04-08-073	388-148-0555	AMD-P	04-03-116	388-148-0730	AMD	04-08-073
388-148-0360	REP-P	04-03-116	388-148-0555	AMD	04-08-073	388-148-0735	REP-P	04-03-116
388-148-0360	REP	04-08-073	388-148-0560	AMD-P	04-03-116	388-148-0735	REP	04-08-073
388-148-0365	AMD-P	04-03-116	388-148-0560	AMD-E	04-05-035	388-148-0750	AMD-P	04-03-116
388-148-0365	AMD	04-08-073	388-148-0560	AMD	04-08-073	388-148-0750	AMD	04-08-073
388-148-0375	AMD-P	04-03-116	388-148-0585	AMD-P	04-03-116	388-148-0765	AMD-P	04-03-116
388-148-0375	AMD	04-08-073	388-148-0585	AMD-E	04-05-035	388-148-0765	AMD	04-08-073
388-148-0380	AMD-P	04-03-116	388-148-0585	AMD	04-08-073	388-148-0775	AMD-P	04-03-116
388-148-0380	AMD	04-08-073	388-148-0600	AMD-P	04-03-116	388-148-0775	AMD	04-08-073
388-148-0385	AMD-P	04-03-116	388-148-0600	AMD	04-08-073	388-148-0785	AMD-P	04-03-116
388-148-0385	AMD	04-08-073	388-148-0600	AMD	04-08-073	388-148-0785	AMD-E	04-05-035
388-148-0395	AMD-P	04-03-116	388-148-0605	AMD-P	04-03-116	388-148-0785	AMD	04-08-073
388-148-0395	AMD-E	04-05-035	388-148-0605	AMD	04-08-073	388-148-0795	AMD-P	04-03-116
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			388-148-0610	AMD	04-08-073			

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388-148-0805	AMD-P	04-03-116	388-148-1077	NEW-E	04-05-035	388-155-070	REP	04-18-082
388-148-0805	AMD	04-08-073	388-148-1077	NEW	04-08-073	388-155-080	REP-P	04-07-134
388-148-0810	AMD-P	04-03-116	388-148-1078	NEW-P	04-03-116	388-155-080	REP-W	04-18-046
388-148-0810	AMD	04-08-073	388-148-1078	NEW-E	04-05-035	388-155-083	REP-P	04-07-134
388-148-0830	AMD-P	04-03-116	388-148-1078	NEW	04-08-073	388-155-083	REP	04-18-082
388-148-0830	AMD	04-08-073	388-148-1079	NEW-P	04-03-116	388-155-085	REP-P	04-07-134
388-148-0860	AMD-P	04-03-116	388-148-1079	NEW-E	04-05-035	388-155-085	REP	04-18-082
388-148-0860	AMD	04-08-073	388-148-1079	NEW	04-08-073	388-155-090	REP-P	04-07-134
388-148-0870	AMD-P	04-03-116	388-148-1085	AMD-P	04-03-116	388-155-090	REP	04-18-082
388-148-0870	AMD	04-08-073	388-148-1085	AMD	04-08-073	388-155-092	REP-P	04-07-134
388-148-0875	AMD-P	04-03-116	388-148-1115	AMD-P	04-03-116	388-155-092	REP	04-18-082
388-148-0875	AMD	04-08-073	388-148-1115	AMD-E	04-05-035	388-155-093	REP-P	04-07-134
388-148-0880	AMD-P	04-03-116	388-148-1115	AMD	04-08-073	388-155-093	REP	04-18-082
388-148-0880	AMD-E	04-05-035	388-148-1120	AMD-P	04-03-116	388-155-094	REP-P	04-07-134
388-148-0880	AMD	04-08-073	388-148-1120	AMD-E	04-05-035	388-155-094	REP	04-18-082
388-148-0885	AMD-P	04-03-116	388-148-1120	AMD	04-08-073	388-155-095	REP-P	04-07-134
388-148-0885	AMD	04-08-073	388-148-1205	NEW-P	04-03-116	388-155-095	REP	04-18-082
388-148-0890	AMD-P	04-03-116	388-148-1205	NEW	04-08-073	388-155-096	REP-P	04-07-134
388-148-0890	AMD	04-08-073	388-148-1210	NEW-P	04-03-116	388-155-096	REP	04-18-082
388-148-0892	NEW-P	04-03-116	388-148-1210	NEW	04-08-073	388-155-097	REP-P	04-07-134
388-148-0892	NEW-E	04-05-035	388-148-1215	NEW-P	04-03-116	388-155-097	REP	04-18-082
388-148-0892	NEW	04-08-073	388-148-1215	NEW	04-08-073	388-155-098	REP-P	04-07-134
388-148-0895	AMD-P	04-03-116	388-148-1220	NEW-P	04-03-116	388-155-098	REP	04-18-082
388-148-0895	AMD	04-08-073	388-148-1220	NEW	04-08-073	388-155-100	REP-P	04-07-134
388-148-0900	AMD-P	04-03-116	388-148-1225	NEW-P	04-03-116	388-155-100	REP	04-18-082
388-148-0900	AMD	04-08-073	388-148-1225	NEW	04-08-073	388-155-110	REP-P	04-07-134
388-148-0905	AMD-P	04-03-116	388-148-1230	NEW-P	04-03-116	388-155-110	REP	04-18-082
388-148-0905	AMD	04-08-073	388-148-1230	NEW	04-08-073	388-155-120	REP-P	04-07-134
388-148-0915	AMD-P	04-03-116	388-148-1235	NEW-P	04-03-116	388-155-120	REP	04-18-082
388-148-0915	AMD-E	04-05-035	388-148-1235	NEW	04-08-073	388-155-130	REP-P	04-07-134
388-148-0915	AMD	04-08-073	388-148-1240	NEW-P	04-03-116	388-155-130	REP	04-18-082
388-148-0935	REP-P	04-03-116	388-148-1240	NEW	04-08-073	388-155-140	REP-P	04-07-134
388-148-0935	REP	04-08-073	388-148-1245	NEW-P	04-03-116	388-155-140	REP	04-18-082
388-148-0995	AMD-P	04-03-116	388-148-1245	NEW	04-08-073	388-155-150	REP-P	04-07-134
388-148-0995	AMD-E	04-05-035	388-148-1250	NEW-P	04-03-116	388-155-150	REP	04-18-082
388-148-0995	AMD	04-08-073	388-148-1250	NEW	04-08-073	388-155-160	REP-P	04-07-134
388-148-1020	REP-P	04-03-116	388-148-1255	NEW-P	04-03-116	388-155-160	REP	04-18-082
388-148-1020	REP	04-08-073	388-148-1255	NEW	04-08-073	388-155-165	REP-P	04-07-134
388-148-1025	AMD-P	04-03-116	388-148-1260	NEW-P	04-03-116	388-155-165	REP	04-18-082
388-148-1025	AMD	04-08-073	388-148-1260	NEW	04-08-073	388-155-170	REP-P	04-07-134
388-148-1030	AMD-P	04-03-116	388-148-1265	NEW-P	04-03-116	388-155-170	REP	04-18-082
388-148-1030	AMD	04-08-073	388-148-1265	NEW	04-08-073	388-155-180	REP-P	04-07-134
388-148-1035	AMD-P	04-03-116	388-148-1270	NEW-P	04-03-116	388-155-180	REP	04-18-082
388-148-1035	AMD	04-08-073	388-148-1270	NEW	04-08-073	388-155-190	REP-P	04-07-134
388-148-1045	AMD-P	04-03-116	388-148-1275	NEW-P	04-03-116	388-155-190	REP	04-18-082
388-148-1045	AMD	04-08-073	388-148-1275	NEW	04-08-073	388-155-200	REP-P	04-07-134
388-148-1050	AMD-P	04-03-116	388-148-1280	NEW-P	04-03-116	388-155-200	REP	04-18-082
388-148-1050	AMD	04-08-073	388-148-1280	NEW	04-08-073	388-155-220	REP-P	04-07-134
388-148-1060	AMD-P	04-03-116	388-155	REP-C	04-10-095	388-155-220	REP	04-18-082
388-148-1060	AMD-E	04-05-035	388-155-005	REP-P	04-07-134	388-155-230	REP-P	04-07-134
388-148-1060	AMD	04-08-073	388-155-005	REP	04-18-082	388-155-230	REP	04-18-082
388-148-1065	REP-P	04-03-116	388-155-010	REP-P	04-07-134	388-155-240	REP-P	04-07-134
388-148-1065	REP	04-08-073	388-155-010	REP	04-18-082	388-155-240	REP	04-18-082
388-148-1066	NEW-P	04-03-116	388-155-020	REP-P	04-07-134	388-155-250	REP-P	04-07-134
388-148-1066	NEW	04-08-073	388-155-020	REP	04-18-082	388-155-250	REP	04-18-082
388-148-1070	AMD-P	04-03-116	388-155-040	REP-P	04-07-134	388-155-270	REP-P	04-07-134
388-148-1070	AMD-E	04-05-035	388-155-040	REP	04-18-082	388-155-270	REP	04-18-082
388-148-1070	AMD	04-08-073	388-155-050	REP-P	04-07-134	388-155-280	REP-P	04-07-134
388-148-1076	NEW-P	04-03-116	388-155-050	REP	04-18-082	388-155-280	REP	04-18-082
388-148-1076	NEW-E	04-05-035	388-155-060	REP-P	04-07-134	388-155-290	REP-P	04-07-134

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388-155-295	REP	04-18-082	388-155-991	REP	04-18-082	388-290-0045	AMD	04-08-134
388-155-310	REP-P	04-07-134	388-155-992	REP-P	04-07-134	388-290-0045	PREP	04-13-046
388-155-310	REP	04-18-082	388-155-992	REP	04-18-082	388-290-0050	AMD-P	04-02-047
388-155-320	REP-P	04-07-134	388-155-993	REP-P	04-07-134	388-290-0050	AMD	04-08-021
388-155-320	REP	04-18-082	388-155-993	REP	04-18-082	388-290-0050	AMD	04-08-134
388-155-330	REP-P	04-07-134	388-160-0075	PREP	04-18-067	388-290-0055	AMD-P	04-02-047
388-155-330	REP	04-18-082	388-160-0195	PREP	04-18-067	388-290-0055	AMD	04-08-021
388-155-340	REP-P	04-07-134	388-273-0025	AMD-E	04-03-097	388-290-0055	AMD	04-08-134
388-155-340	REP	04-18-082	388-273-0025	AMD-P	04-07-089	388-290-0060	AMD-P	04-02-047
388-155-350	REP-P	04-07-134	388-273-0025	AMD-E	04-11-080	388-290-0060	AMD	04-08-021
388-155-350	REP	04-18-082	388-273-0025	AMD	04-13-136	388-290-0060	AMD	04-08-134
388-155-360	REP-P	04-07-134	388-273-0030	AMD-E	04-03-097	388-290-0060	PREP	04-13-046
388-155-360	REP	04-18-082	388-273-0030	AMD-P	04-07-089	388-290-0065	AMD-P	04-02-047
388-155-370	REP-P	04-07-134	388-273-0030	AMD-E	04-11-080	388-290-0065	AMD	04-08-021
388-155-370	REP	04-18-082	388-273-0030	AMD	04-13-136	388-290-0065	AMD	04-08-134
388-155-380	REP-P	04-07-134	388-273-0035	AMD-E	04-03-097	388-290-0070	AMD-P	04-02-047
388-155-380	REP	04-18-082	388-273-0035	AMD-P	04-07-089	388-290-0070	AMD	04-08-021
388-155-390	REP-P	04-07-134	388-273-0035	AMD-E	04-11-080	388-290-0070	AMD	04-08-134
388-155-390	REP	04-18-082	388-273-0035	AMD	04-13-136	388-290-0075	AMD-P	04-02-047
388-155-400	REP-P	04-07-134	388-290-0001	AMD-P	04-02-047	388-290-0075	AMD-E	04-05-079
388-155-400	REP	04-18-082	388-290-0001	AMD	04-08-021	388-290-0075	AMD	04-08-021
388-155-410	REP-P	04-07-134	388-290-0001	AMD	04-08-134	388-290-0075	AMD	04-08-134
388-155-410	REP	04-18-082	388-290-0005	AMD-P	04-02-047	388-290-0080	REP-P	04-02-047
388-155-420	REP-P	04-07-134	388-290-0005	AMD	04-08-021	388-290-0080	REP	04-08-021
388-155-420	REP	04-18-082	388-290-0005	AMD	04-08-134	388-290-0080	REP	04-08-134
388-155-430	REP-P	04-07-134	388-290-0010	AMD-P	04-02-047	388-290-0082	NEW-P	04-02-047
388-155-430	REP	04-18-082	388-290-0010	AMD	04-08-021	388-290-0082	NEW	04-08-021
388-155-440	REP-P	04-07-134	388-290-0010	AMD	04-08-134	388-290-0082	NEW	04-08-134
388-155-440	REP	04-18-082	388-290-0012	NEW-P	04-02-047	388-290-0085	AMD-P	04-02-047
388-155-450	REP-P	04-07-134	388-290-0012	NEW	04-08-021	388-290-0085	AMD-E	04-05-079
388-155-450	REP	04-18-082	388-290-0012	NEW	04-08-134	388-290-0085	AMD	04-08-021
388-155-460	REP-P	04-07-134	388-290-0015	AMD-P	04-02-047	388-290-0085	AMD	04-08-134
388-155-460	REP	04-18-082	388-290-0015	AMD	04-08-021	388-290-0085	PREP	04-13-046
388-155-470	REP-P	04-07-134	388-290-0015	AMD	04-08-134	388-290-0090	AMD-P	04-02-047
388-155-470	REP	04-18-082	388-290-0020	AMD-P	04-02-047	388-290-0090	AMD	04-08-021
388-155-480	REP-P	04-07-134	388-290-0020	AMD	04-08-021	388-290-0090	AMD	04-08-134
388-155-480	REP	04-18-082	388-290-0020	AMD	04-08-134	388-290-0090	PREP	04-13-046
388-155-490	REP-P	04-07-134	388-290-0020	PREP	04-13-046	388-290-0095	AMD-P	04-02-047
388-155-490	REP	04-18-082	388-290-0025	AMD-P	04-02-047	388-290-0095	AMD	04-08-021
388-155-500	REP-P	04-07-134	388-290-0025	AMD	04-08-021	388-290-0095	AMD	04-08-134
388-155-500	REP	04-18-082	388-290-0025	AMD	04-08-134	388-290-0100	AMD-P	04-02-047
388-155-600	REP-P	04-07-134	388-290-0025	PREP	04-13-046	388-290-0100	AMD	04-08-021
388-155-600	REP	04-18-082	388-290-0030	AMD-P	04-02-047	388-290-0100	AMD	04-08-134
388-155-605	REP-P	04-07-134	388-290-0030	AMD	04-08-021	388-290-0105	AMD-P	04-02-047
388-155-605	REP	04-18-082	388-290-0030	AMD	04-08-134	388-290-0105	AMD	04-08-021
388-155-610	REP-P	04-07-134	388-290-0030	PREP	04-13-046	388-290-0105	AMD	04-08-134
388-155-610	REP	04-18-082	388-290-0031	NEW-P	04-02-047	388-290-0105	PREP	04-13-046
388-155-620	REP-P	04-07-134	388-290-0031	NEW	04-08-021	388-290-0107	NEW-P	04-02-047
388-155-620	REP	04-18-082	388-290-0031	NEW	04-08-134	388-290-0107	NEW	04-08-021
388-155-630	REP-P	04-07-134	388-290-0032	NEW-P	04-02-047	388-290-0107	NEW	04-08-134
388-155-630	REP	04-18-082	388-290-0032	NEW	04-08-021	388-290-0108	NEW-P	04-02-047
388-155-640	REP-P	04-07-134	388-290-0032	NEW	04-08-134	388-290-0108	NEW	04-08-021
388-155-640	REP	04-18-082	388-290-0032	PREP	04-13-046	388-290-0108	NEW	04-08-134
388-155-650	REP-P	04-07-134	388-290-0035	AMD-P	04-02-047	388-290-0108	PREP	04-13-046
388-155-650	REP	04-18-082	388-290-0035	AMD	04-08-021	388-290-0110	AMD-P	04-02-047
388-155-660	REP-P	04-07-134	388-290-0035	AMD	04-08-134	388-290-0110	AMD	04-08-021
388-155-660	REP	04-18-082	388-290-0040	AMD-P	04-02-047	388-290-0110	AMD	04-08-134
388-155-670	REP-P	04-07-134	388-290-0040	AMD	04-08-021	388-290-0110	PREP	04-13-046
388-155-670	REP	04-18-082	388-290-0040	AMD	04-08-134	388-290-0120	AMD-P	04-02-047
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388-290-0125	AMD	04-08-021	388-290-0230	AMD-P	04-02-047	388-295-5030	AMD-P	04-05-084
388-290-0125	AMD	04-08-134	388-290-0230	AMD	04-08-021	388-295-5030	AMD	04-09-093
388-290-0130	AMD-P	04-02-047	388-290-0230	AMD	04-08-134	388-295-5150	AMD-P	04-05-084
388-290-0130	AMD-E	04-04-030	388-290-0235	AMD-P	04-02-047	388-295-5150	AMD	04-09-093
388-290-0130	AMD	04-08-021	388-290-0235	AMD	04-08-021	388-295-6010	PREP	04-17-105
388-290-0130	AMD	04-08-134	388-290-0235	AMD	04-08-134	388-295-7010	AMD-P	04-05-084
388-290-0130	PREP	04-13-046	388-290-0245	AMD-P	04-02-047	388-295-7010	AMD	04-09-093
388-290-0135	AMD-P	04-02-047	388-290-0245	AMD	04-08-021	388-295-7040	AMD-P	04-05-084
388-290-0135	AMD	04-08-021	388-290-0245	AMD	04-08-134	388-295-7040	AMD	04-09-093
388-290-0135	AMD	04-08-134	388-290-0247	NEW-P	04-02-047	388-295-7050	AMD-P	04-05-084
388-290-0140	AMD-P	04-02-047	388-290-0247	NEW	04-08-021	388-295-7050	AMD	04-09-093
388-290-0140	AMD	04-08-021	388-290-0247	NEW	04-08-134	388-296	NEW-C	04-10-095
388-290-0140	AMD	04-08-134	388-290-0250	AMD-P	04-02-047	388-296-0010	NEW-P	04-07-134
388-290-0140	PREP	04-13-046	388-290-0250	AMD	04-08-021	388-296-0010	NEW	04-18-082
388-290-0143	AMD-P	04-02-047	388-290-0250	AMD	04-08-134	388-296-0020	NEW-P	04-07-134
388-290-0143	AMD	04-08-021	388-290-0255	AMD-P	04-02-047	388-296-0020	NEW	04-18-082
388-290-0143	AMD	04-08-134	388-290-0255	AMD	04-08-021	388-296-0110	NEW-P	04-07-134
388-290-0145	AMD-P	04-02-047	388-290-0255	AMD	04-08-134	388-296-0110	NEW	04-18-082
388-290-0145	AMD	04-08-021	388-290-0260	AMD-P	04-02-047	388-296-0120	NEW-P	04-07-134
388-290-0145	AMD	04-08-134	388-290-0260	AMD	04-08-021	388-296-0120	NEW	04-18-082
388-290-0150	AMD-P	04-02-047	388-290-0260	AMD	04-08-134	388-296-0125	NEW-P	04-07-134
388-290-0150	AMD	04-08-021	388-290-0265	AMD-P	04-02-047	388-296-0125	NEW	04-18-082
388-290-0150	AMD	04-08-134	388-290-0265	AMD	04-08-021	388-296-0130	NEW-P	04-07-134
388-290-0155	AMD-P	04-02-047	388-290-0265	AMD	04-08-134	388-296-0130	NEW	04-18-082
388-290-0155	AMD	04-08-021	388-290-0270	AMD-P	04-02-047	388-296-0140	NEW-P	04-07-134
388-290-0155	AMD	04-08-134	388-290-0270	AMD	04-08-021	388-296-0140	NEW	04-18-082
388-290-0155	PREP	04-13-046	388-290-0270	AMD	04-08-134	388-296-0150	NEW-P	04-07-134
388-290-0160	AMD-P	04-02-047	388-290-0270	PREP	04-13-046	388-296-0150	NEW	04-18-082
388-290-0160	AMD	04-08-021	388-290-0271	NEW-P	04-02-047	388-296-0160	NEW-P	04-07-134
388-290-0160	AMD	04-08-134	388-290-0271	NEW	04-08-021	388-296-0160	NEW	04-18-082
388-290-0165	AMD-P	04-02-047	388-290-0271	NEW	04-08-134	388-296-0170	NEW-P	04-07-134
388-290-0165	AMD	04-08-021	388-290-0273	NEW-P	04-02-047	388-296-0170	NEW	04-18-082
388-290-0165	AMD	04-08-134	388-290-0273	NEW	04-08-021	388-296-0180	NEW-P	04-07-134
388-290-0165	PREP	04-13-046	388-290-0273	NEW	04-08-134	388-296-0180	NEW	04-18-082
388-290-0167	AMD-P	04-02-047	388-295-0020	AMD-P	04-05-084	388-296-0190	NEW-P	04-07-134
388-290-0167	AMD	04-08-021	388-295-0020	AMD	04-09-093	388-296-0190	NEW	04-18-082
388-290-0167	AMD	04-08-134	388-295-0060	AMD-P	04-05-084	388-296-0195	NEW	04-18-082
388-290-0180	AMD-P	04-02-047	388-295-0060	AMD	04-09-093	388-296-0200	NEW-P	04-07-134
388-290-0180	AMD	04-08-021	388-295-0070	AMD-P	04-05-084	388-296-0200	NEW	04-18-082
388-290-0180	AMD	04-08-134	388-295-0070	AMD	04-09-093	388-296-0205	NEW	04-18-082
388-290-0190	AMD-P	04-02-047	388-295-0090	AMD-P	04-05-084	388-296-0210	NEW-P	04-07-134
388-290-0190	AMD-E	04-05-079	388-295-0090	AMD	04-09-093	388-296-0210	NEW	04-18-082
388-290-0190	AMD	04-08-021	388-295-0100	AMD-P	04-05-084	388-296-0215	NEW	04-18-082
388-290-0190	AMD	04-08-134	388-295-0100	AMD	04-09-093	388-296-0220	NEW-P	04-07-134
388-290-0200	AMD-P	04-02-047	388-295-0110	AMD-P	04-05-084	388-296-0220	NEW	04-18-082
388-290-0200	AMD	04-08-021	388-295-0110	AMD	04-09-093	388-296-0230	NEW-P	04-07-134
388-290-0200	AMD	04-08-134	388-295-1070	AMD-P	04-05-084	388-296-0230	NEW	04-18-082
388-290-0200	AMD-E	04-14-014	388-295-1070	AMD	04-09-093	388-296-0240	NEW-P	04-07-134
388-290-0205	AMD-P	04-02-047	388-295-1110	AMD-P	04-05-084	388-296-0240	NEW	04-18-082
388-290-0205	AMD	04-08-021	388-295-1110	AMD	04-09-093	388-296-0250	NEW-P	04-07-134
388-290-0205	AMD	04-08-134	388-295-2010	AMD-P	04-05-084	388-296-0250	NEW	04-18-082
388-290-0205	AMD-E	04-14-014	388-295-2010	AMD	04-09-093	388-296-0260	NEW-P	04-07-134
388-290-0210	REP-P	04-02-047	388-295-2090	AMD-P	04-05-084	388-296-0260	NEW	04-18-082
388-290-0210	REP-E	04-05-079	388-295-2090	AMD	04-09-093	388-296-0270	NEW-P	04-07-134
388-290-0210	REP	04-08-021	388-295-2100	AMD-P	04-05-084	388-296-0270	NEW	04-18-082
388-290-0210	REP	04-08-134	388-295-2100	AMD	04-09-093	388-296-0280	NEW-P	04-07-134
388-290-0220	AMD-P	04-02-047	388-295-3010	AMD-P	04-05-084	388-296-0280	NEW	04-18-082
388-290-0220	AMD	04-08-021	388-295-3010	AMD	04-09-093	388-296-0290	NEW-P	04-07-134
388-290-0220	AMD	04-08-134	388-295-4010	AMD-P	04-05-084	388-296-0290	NEW	04-18-082
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388-296-1290	NEW-P	04-07-134	388-408-0035	AMD-P	04-10-096	388-436-0002	AMD-E	04-03-098
388-296-1290	NEW	04-18-082	388-408-0035	AMD-E	04-14-039	388-436-0002	AMD	04-07-023
388-296-1300	NEW-P	04-07-134	388-408-0035	AMD	04-14-040	388-436-0015	AMD-C	04-02-057
388-296-1300	NEW	04-18-082	388-408-0055	PREP	04-18-068	388-436-0015	AMD	04-05-013
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388-296-1320	NEW	04-18-082	388-410-0001	AMD	04-05-010	388-436-0040	AMD	04-05-010
388-296-1330	NEW-P	04-07-134	388-412-0005	PREP	04-13-100	388-438-0100	REP-P	04-04-074
388-296-1330	NEW	04-18-082	388-412-0005	AMD-P	04-17-116	388-438-0100	REP-E	04-06-023
388-296-1340	NEW-P	04-07-134	388-412-0015	AMD-P	04-13-098	388-438-0100	REP	04-07-141
388-296-1340	NEW	04-18-082	388-414-0001	AMD-P	04-04-076	388-438-0110	AMD-P	04-10-099
388-296-1350	NEW-P	04-07-134	388-414-0001	AMD	04-07-139	388-438-0110	AMD	04-15-057
388-296-1350	NEW	04-18-082	388-414-0001	PREP	04-08-036	388-440	PREP-W	04-03-052
388-296-1360	NEW-P	04-07-134	388-414-0001	AMD-E	04-10-061	388-440-0001	AMD-C	04-02-058
388-296-1360	NEW	04-18-082	388-414-0001	AMD-P	04-10-098	388-440-0001	AMD	04-05-010
388-296-1370	NEW-P	04-07-134	388-414-0001	AMD	04-14-038	388-442-0010	PREP	04-10-091
388-296-1370	NEW	04-18-082	388-416-0005	AMD-P	04-15-052	388-442-0010	AMD-E	04-14-041
388-296-1380	NEW-P	04-07-134	388-416-0015	AMD	04-03-019	388-442-0010	AMD-P	04-14-042
388-296-1380	NEW	04-18-082	388-416-0015	AMD-P	04-17-117	388-442-0010	AMD	04-18-002
388-296-1390	NEW-P	04-07-134	388-416-0020	PREP	04-13-102	388-444-0055	AMD-C	04-02-058
388-296-1390	NEW	04-18-082	388-416-0030	REP-P	04-04-074	388-444-0055	AMD	04-05-010
388-296-1400	NEW-P	04-07-134	388-416-0030	REP	04-07-141	388-446-0005	AMD-P	04-03-094
388-296-1400	NEW	04-18-082	388-416-0035	PREP	04-12-098	388-446-0005	AMD	04-13-097
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388-296-1410	NEW	04-18-082	388-418-0005	AMD-P	04-02-072	388-448-0001	AMD	04-07-140
388-296-1420	NEW-P	04-07-134	388-418-0005	AMD-E	04-02-073	388-448-0010	AMD-P	04-02-048
388-296-1420	NEW	04-18-082	388-418-0005	AMD	04-06-026	388-448-0010	AMD	04-07-140
388-296-1430	NEW-P	04-07-134	388-418-0005	AMD-P	04-15-053	388-448-0020	AMD-P	04-02-048
388-296-1430	NEW	04-18-082	388-418-0005	AMD-S	04-17-108	388-448-0020	AMD	04-07-140
388-296-1440	NEW-P	04-07-134	388-418-0007	AMD-P	04-15-052	388-448-0030	AMD-P	04-02-048
388-296-1440	NEW	04-18-082	388-418-0011	NEW-P	04-15-052	388-448-0030	AMD	04-07-140
388-296-1450	NEW-P	04-07-134	388-418-0020	AMD-P	04-15-052	388-448-0120	AMD-P	04-02-048
388-296-1450	NEW	04-18-082	388-418-0025	AMD	04-03-019	388-448-0120	AMD	04-07-140
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388-310-0800	PREP	04-15-129	388-424-0001	NEW	04-15-004	388-448-0160	AMD-E	04-02-051
388-310-1500	AMD-C	04-02-058	388-424-0005	REP-P	04-10-100	388-448-0160	AMD-E	04-03-010E
388-310-1500	AMD	04-05-010	388-424-0005	REP	04-15-004	388-448-0160	AMD	04-07-140
388-310-1600	AMD-P	04-03-095	388-424-0005	REP	04-15-004	388-448-0170	REP-P	04-02-048
388-310-1600	AMD	04-07-025	388-424-0006	NEW-P	04-10-100	388-448-0170	REP-E	04-02-051
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388-310-2000	AMD-C	04-02-058	388-424-0007	NEW	04-15-004	388-448-0170	REP	04-07-140
388-310-2000	AMD	04-05-010	388-424-0008	NEW-P	04-10-100	388-448-0180	AMD-P	04-02-048
388-400-0005	AMD-P	04-10-099	388-424-0008	NEW	04-15-004	388-448-0180	AMD	04-07-140
388-400-0005	PREP	04-12-096	388-424-0009	NEW-P	04-10-100	388-448-0190	REP-P	04-02-048
388-400-0005	AMD	04-15-057	388-424-0009	NEW	04-15-004	388-448-0190	REP-E	04-02-051
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388-400-0010	AMD	04-15-057	388-424-0010	AMD	04-15-004	388-448-0190	REP	04-07-140
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388-400-0040	AMD-P	04-10-099	388-424-0020	AMD-P	04-10-100	388-450-0005	AMD-C	04-02-058
388-400-0040	AMD-E	04-14-039	388-424-0020	AMD	04-15-004	388-450-0005	AMD-W	04-04-034
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388-450-0106	AMD-P	04-10-099	388-478-0015	PREP	04-17-102	388-505-0211	AMD-P	04-13-140
388-450-0106	AMD	04-15-057	388-478-0055	AMD-S	04-03-096	388-505-0211	AMD	04-16-064
388-450-0116	AMD-P	04-10-099	388-478-0055	AMD	04-07-024	388-505-0220	PREP	04-17-106
388-450-0116	AMD	04-15-057	388-478-0060	PREP	04-12-092	388-511-1130	REP	04-09-004
388-450-0140	AMD-P	04-10-096	388-478-0075	AMD-E	04-07-143	388-513-1301	AMD-E	04-08-019
388-450-0140	AMD-E	04-14-039	388-478-0075	PREP	04-07-165	388-513-1301	AMD-P	04-12-101
388-450-0140	AMD	04-14-040	388-478-0075	AMD-E	04-09-001	388-513-1301	AMD-E	04-15-091
388-450-0150	REP	04-09-005	388-478-0075	AMD-P	04-12-042	388-513-1301	AMD	04-18-054
388-450-0156	AMD-P	04-10-099	388-478-0075	AMD	04-15-092	388-513-1315	AMD-E	04-08-019
388-450-0156	AMD	04-15-057	388-478-0080	AMD-E	04-11-013	388-513-1315	AMD-P	04-12-101
388-450-0165	AMD-C	04-02-058	388-478-0080	AMD-P	04-13-134	388-513-1315	AMD-E	04-15-091
388-450-0165	AMD	04-05-010	388-478-0080	AMD	04-16-107	388-513-1315	AMD	04-18-054
388-450-0170	AMD	04-03-051	388-478-0085	AMD-E	04-07-167	388-513-1350	AMD-C	04-02-056
388-450-0185	PREP	04-12-092	388-478-0085	AMD-P	04-13-135	388-513-1350	AMD	04-04-072
388-450-0190	AMD-P	04-04-075	388-478-0085	AMD-E	04-16-106	388-513-1350	PREP	04-16-027
388-450-0190	AMD	04-07-138	388-478-0085	AMD	04-17-076	388-513-1380	AMD-C	04-02-056
388-450-0190	PREP	04-12-092	388-484-0005	AMD-C	04-02-058	388-513-1380	AMD	04-04-072
388-450-0195	PREP	04-12-092	388-484-0005	AMD	04-05-010	388-513-1380	PREP	04-16-027
388-450-0200	PREP	04-17-103	388-492	PREP-W	04-04-094	388-513-1380	AMD-E	04-16-028
388-450-0215	AMD	04-06-052	388-492	PREP	04-04-097	388-515-1510	AMD-E	04-08-019
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388-452-0005	AMD-P	04-06-040	388-492-0010	REP-E	04-13-001	388-515-1510	AMD	04-18-054
388-452-0005	AMD	04-10-102	388-492-0020	AMD-E	04-05-003	388-515-1550	NEW-E	04-10-062
388-454-0010	AMD-C	04-03-010F	388-492-0020	AMD-E	04-13-001	388-515-1550	NEW-P	04-10-101
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388-462-0020	AMD-P	04-10-099	388-492-0040	AMD-E	04-05-003	388-519-0100	PREP	04-13-102
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388-470-0040	REP	04-09-003	388-492-0050	AMD-E	04-13-001	388-527-2700	AMD-P	04-05-082
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388-472-0010	AMD	04-14-037	388-492-0060	AMD-E	04-13-001	388-527-2730	AMD-P	04-05-082
388-473-0010	PREP	04-12-097	388-492-0070	AMD-E	04-05-003	388-527-2730	AMD	04-10-060
388-474-0012	PREP	04-17-075	388-492-0070	PREP	04-12-092	388-527-2733	AMD-P	04-05-082
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388-475-0150	NEW	04-09-002	388-492-0080	AMD-E	04-13-001	388-527-2740	AMD	04-10-060
388-475-0200	NEW	04-09-002	388-492-0090	AMD-E	04-05-003	388-527-2742	AMD-P	04-05-082
388-475-0250	NEW	04-09-002	388-492-0090	AMD-E	04-13-001	388-527-2742	AMD	04-10-060
388-475-0300	NEW	04-09-002	388-492-0100	AMD-E	04-05-003	388-527-2750	AMD-P	04-05-082
388-475-0350	NEW	04-09-003	388-492-0100	AMD-E	04-13-001	388-527-2750	AMD	04-10-060
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388-475-0450	NEW	04-09-003	388-492-0110	AMD-E	04-13-001	388-527-2754	AMD	04-10-060
388-475-0500	NEW	04-09-003	388-492-0120	AMD-E	04-05-003	388-527-2790	AMD-P	04-05-082
388-475-0550	NEW	04-09-004	388-492-0120	AMD-E	04-13-001	388-527-2790	AMD	04-10-060
388-475-0600	NEW	04-09-004	388-492-0130	AMD-E	04-05-003	388-527-2792	NEW-P	04-05-082
388-475-0650	NEW	04-09-004	388-492-0130	AMD-E	04-13-001	388-527-2792	NEW	04-10-060
388-475-0700	NEW	04-09-004	388-500-0005	AMD-W	04-11-060	388-527-2795	AMD-P	04-05-082
388-475-0750	NEW	04-09-004	388-501-0165	AMD-W	04-11-059	388-527-2795	AMD	04-10-060
388-475-0800	NEW	04-09-005	388-502-0160	PREP	04-07-088	388-529	PREP	04-06-054
388-475-0820	NEW	04-09-005	388-502-0160	PREP	04-16-087	388-530-1050	PREP	04-09-035
388-475-0840	NEW	04-09-005	388-503-0505	AMD-P	04-04-074	388-530-1125	PREP	04-09-035
388-475-0860	NEW	04-09-005	388-503-0505	AMD-E	04-06-023	388-530-1200	PREP	04-09-035
388-475-0880	NEW	04-09-005	388-503-0505	AMD	04-07-141	388-530-1250	PREP	04-09-035
388-475-0900	NEW	04-09-005	388-503-0510	PREP	04-18-065	388-530-1260	PREP	04-09-035
388-475-1050	AMD-X	04-09-091	388-505-0110	PREP	04-04-095	388-530-1850	PREP	04-03-089
388-475-1050	AMD	04-15-002	388-505-0110	AMD-P	04-09-090	388-530-1850	AMD-P	04-07-137
388-475-1250	AMD-X	04-09-091	388-505-0110	AMD	04-15-003	388-530-1850	AMD	04-11-009
388-475-1250	AMD	04-15-002	388-505-0210	AMD-P	04-10-099	388-531	PREP	04-12-093
388-478-0005	AMD-C	04-02-058	388-505-0210	AMD	04-15-057	388-531-0050	PREP	04-13-103

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-531-0050	AMD-E	04-15-090	388-533-710	NEW-P	04-07-136	388-546-0100	AMD	04-17-118
388-531-0050	AMD-P	04-17-113	388-533-710	NEW	04-11-008	388-546-0150	AMD-P	04-12-103
388-531-0150	AMD-E	04-15-090	388-533-720	NEW-P	04-07-136	388-546-0150	AMD	04-17-118
388-531-0200	AMD-E	04-15-090	388-533-720	NEW	04-11-008	388-546-0200	AMD-P	04-12-103
388-531-0650	AMD-E	04-15-090	388-533-730	NEW-P	04-07-136	388-546-0200	AMD	04-17-118
388-531-1600	AMD-E	04-15-090	388-533-730	NEW	04-11-008	388-546-0250	AMD-P	04-12-103
388-531-2000	NEW-P	04-16-017	388-535	PREP	04-07-115	388-546-0250	AMD	04-17-118
388-532	PREP	04-12-094	388-535-1050	AMD-X	04-07-142	388-546-0300	AMD-P	04-12-103
388-532-001	NEW	04-05-011	388-535-1050	AMD	04-14-100	388-546-0300	AMD	04-17-118
388-532-050	AMD	04-05-011	388-535-1065	AMD-X	04-07-142	388-546-0400	AMD-P	04-12-103
388-532-100	AMD	04-05-011	388-535-1065	AMD	04-14-100	388-546-0400	AMD	04-17-118
388-532-110	NEW	04-05-011	388-535A-0050	AMD-E	04-04-073	388-546-0425	NEW-P	04-12-103
388-532-120	NEW	04-05-011	388-535A-0050	AMD-E	04-12-041	388-546-0425	NEW	04-17-118
388-532-130	NEW	04-05-011	388-535A-0060	AMD-E	04-04-073	388-546-0450	AMD-P	04-12-103
388-532-140	NEW	04-05-011	388-535A-0060	AMD-E	04-12-041	388-546-0450	AMD	04-17-118
388-532-500	NEW	04-05-011	388-538	PREP	04-13-101	388-546-0500	AMD-P	04-12-103
388-532-510	NEW	04-05-011	388-538	PREP-W	04-16-082	388-546-0500	AMD	04-17-118
388-532-520	NEW	04-05-011	388-538	PREP	04-16-086	388-546-0600	AMD-P	04-12-103
388-532-530	NEW	04-05-011	388-538-060	PREP-W	04-14-034	388-546-0600	AMD	04-17-118
388-532-540	NEW	04-05-011	388-538-063	PREP	04-04-095	388-546-0700	AMD-P	04-12-103
388-532-550	NEW	04-05-011	388-538-063	NEW-P	04-09-090	388-546-0700	AMD	04-17-118
388-532-720	AMD-P	04-10-099	388-538-063	NEW	04-15-003	388-546-0800	AMD-P	04-12-103
388-532-720	AMD	04-15-057	388-538-112	AMD-P	04-07-135	388-546-0800	AMD	04-17-118
388-533-0300	AMD-P	04-05-083	388-538-112	AMD	04-13-002	388-546-0900	NEW-P	04-12-103
388-533-0300	AMD	04-13-049	388-542	PREP	04-10-093	388-546-0900	NEW	04-17-118
388-533-0310	NEW-P	04-05-083	388-542	AMD-P	04-13-140	388-546-1000	AMD-P	04-12-103
388-533-0310	NEW	04-13-049	388-542	AMD	04-16-064	388-546-1000	AMD	04-17-118
388-533-0315	NEW-P	04-05-083	388-542-0010	NEW-P	04-13-140	388-546-1500	NEW-P	04-12-103
388-533-0315	NEW	04-13-049	388-542-0010	NEW	04-16-064	388-546-1500	NEW	04-17-118
388-533-0320	NEW-P	04-05-083	388-542-0020	NEW-P	04-13-140	388-546-2500	NEW-P	04-12-103
388-533-0320	NEW	04-13-049	388-542-0020	NEW	04-16-064	388-546-2500	NEW	04-17-118
388-533-0325	NEW-P	04-05-083	388-542-0050	AMD-P	04-13-140	388-546-3000	NEW-P	04-12-103
388-533-0325	NEW	04-13-049	388-542-0050	AMD	04-16-064	388-546-3000	NEW	04-17-118
388-533-0330	NEW-P	04-05-083	388-542-0100	AMD	04-08-018	388-546-4000	NEW-P	04-12-103
388-533-0330	NEW	04-13-049	388-542-0100	REP-P	04-13-140	388-546-4000	NEW	04-17-118
388-533-0340	NEW-P	04-05-083	388-542-0100	REP	04-16-064	388-547	PREP-W	04-04-031
388-533-0340	NEW	04-13-049	388-542-0125	AMD	04-08-018	388-550	PREP	04-03-092
388-533-0345	NEW-P	04-05-083	388-542-0125	REP-P	04-13-140	388-550	PREP	04-12-093
388-533-0345	NEW	04-13-049	388-542-0125	REP	04-16-064	388-550	PREP	04-13-103
388-533-0350	REP-P	04-05-083	388-542-0150	REP-P	04-13-140	388-550-1050	PREP	04-13-103
388-533-0350	REP	04-13-049	388-542-0150	REP	04-16-064	388-550-1050	AMD-P	04-17-111
388-533-0360	NEW-P	04-05-083	388-542-0200	REP-P	04-13-140	388-550-1700	PREP	04-13-103
388-533-0360	NEW	04-13-049	388-542-0200	REP	04-16-064	388-550-1700	AMD-P	04-17-112
388-533-0365	NEW-P	04-05-083	388-542-0220	REP-P	04-13-140	388-550-1750	PREP	04-13-103
388-533-0365	NEW	04-13-049	388-542-0220	REP	04-16-064	388-550-1750	REP-P	04-17-112
388-533-0370	NEW-P	04-05-083	388-542-0250	AMD-E	04-13-137	388-550-2301	NEW-E	04-15-090
388-533-0370	NEW	04-13-049	388-542-0250	REP-P	04-13-140	388-550-2800	PREP	04-03-091
388-533-0375	NEW-P	04-05-083	388-542-0250	REP	04-16-064	388-550-2800	AMD-P	04-16-017
388-533-0375	NEW	04-13-049	388-542-0275	REP-P	04-13-140	388-550-2900	PREP	04-03-091
388-533-0380	NEW-P	04-05-083	388-542-0275	REP	04-16-064	388-550-2900	PREP	04-13-103
388-533-0380	NEW	04-13-049	388-542-0300	AMD-P	04-13-140	388-550-2900	AMD-P	04-17-112
388-533-0385	NEW-P	04-05-083	388-542-0300	AMD	04-16-064	388-550-3100	PREP	04-05-085A
388-533-0385	NEW	04-13-049	388-542-0500	AMD	04-08-018	388-550-3100	AMD-P	04-08-123
388-533-0386	NEW-P	04-05-083	388-542-0500	REP-P	04-13-140	388-550-3100	AMD	04-13-048
388-533-0386	NEW	04-13-049	388-542-0500	REP	04-16-064	388-550-3700	PREP	04-15-130
388-533-0390	NEW-P	04-05-083	388-544	PREP-W	04-04-031	388-550-3800	PREP	04-13-105
388-533-0390	NEW	04-13-049	388-544	PREP	04-07-087	388-550-3800	AMD-P	04-17-114
388-533-0400	PREP	04-14-098	388-545	PREP-W	04-04-031	388-550-4800	AMD-P	04-16-017
388-533-0500	PREP	04-14-098	388-546	PREP	04-02-060	388-550-4900	PREP	04-03-090
388-533-0600	PREP	04-14-098	388-546-0001	AMD-P	04-12-103	388-550-4900	AMD-P	04-08-124
388-533-701	NEW-P	04-07-136	388-546-0001	AMD	04-17-118	388-550-4900	AMD	04-12-044
388-533-701	NEW	04-11-008	388-546-0100	AMD-P	04-12-103	388-550-5000	PREP	04-03-090

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388-550-5100	PREP	04-03-090	388-820-405	NEW	04-04-043	388-825-232	AMD-P	04-16-088
388-550-5100	AMD-P	04-08-124	388-820-410	AMD	04-04-043	388-825-232	AMD-E	04-18-048
388-550-5100	AMD	04-12-044	388-820-550	AMD	04-04-043	388-825-234	PREP	04-12-091
388-550-5200	PREP	04-03-090	388-820-555	NEW	04-04-043	388-825-234	AMD-P	04-16-088
388-550-5200	AMD-P	04-08-124	388-820-560	AMD	04-04-043	388-825-234	AMD-E	04-18-048
388-550-5200	AMD	04-12-044	388-820-600	AMD	04-04-043	388-825-236	PREP	04-12-091
388-550-5210	NEW-P	04-08-124	388-820-650	AMD	04-04-043	388-825-236	AMD-P	04-16-088
388-550-5210	NEW	04-12-044	388-820-690	AMD	04-04-043	388-825-236	AMD-E	04-18-048
388-550-5220	NEW-P	04-08-124	388-825	PREP	04-08-071	388-825-238	PREP	04-12-091
388-550-5220	NEW	04-12-044	388-825-030	AMD-E	04-14-003	388-825-238	AMD-P	04-16-088
388-550-5450	NEW-P	04-16-017	388-825-070	AMD-P	04-08-072	388-825-238	AMD-E	04-18-048
388-550-5900	PREP	04-13-103	388-825-070	AMD	04-11-087	388-825-242	PREP	04-12-091
388-550-5900	REP-P	04-17-112	388-825-090	AMD-P	04-08-072	388-825-242	AMD-P	04-16-088
388-550-6000	PREP	04-13-104	388-825-090	AMD	04-11-087	388-825-242	AMD-E	04-18-048
388-550-6000	AMD-P	04-17-110	388-825-100	AMD-P	04-12-100	388-825-248	PREP	04-12-091
388-550-7000	NEW-P	04-17-109	388-825-100	AMD	04-15-093	388-825-248	AMD-P	04-16-088
388-550-7050	NEW-P	04-17-109	388-825-101	NEW-P	04-12-100	388-825-248	AMD-E	04-18-048
388-550-7100	NEW-P	04-17-109	388-825-101	NEW	04-15-093	388-825-252	PREP	04-12-091
388-550-7200	NEW-P	04-17-109	388-825-102	NEW-P	04-12-100	388-825-252	AMD-P	04-16-088
388-550-7300	NEW-P	04-17-109	388-825-102	NEW	04-15-093	388-825-252	AMD-E	04-18-048
388-550-7400	NEW-P	04-17-109	388-825-103	NEW-P	04-12-100	388-825-253	PREP	04-12-091
388-550-7500	NEW-P	04-17-109	388-825-103	NEW	04-15-093	388-825-253	NEW-P	04-16-088
388-550-7600	NEW-P	04-17-109	388-825-104	NEW-P	04-12-100	388-825-253	NEW-E	04-18-048
388-551	PREP	04-02-061	388-825-104	NEW	04-15-093	388-825-254	PREP	04-12-091
388-551	PREP-W	04-07-111	388-825-105	NEW-P	04-12-100	388-825-254	AMD-P	04-16-088
388-551	PREP	04-07-114	388-825-105	NEW	04-15-093	388-825-254	AMD-E	04-18-048
388-553-100	NEW-C	04-02-055	388-825-120	AMD-E	04-08-020	388-825-260	AMD-E	04-18-048
388-553-100	NEW	04-11-007	388-825-120	AMD-E	04-16-019	388-825-260	REP-E	04-08-020
388-553-200	NEW-C	04-02-055	388-825-125	NEW-E	04-08-020	388-825-260	REP-E	04-16-019
388-553-200	NEW	04-11-007	388-825-125	NEW-E	04-16-019	388-825-262	REP-E	04-08-020
388-553-300	NEW-C	04-02-055	388-825-130	NEW-E	04-08-020	388-825-262	REP-E	04-16-019
388-553-300	NEW	04-11-007	388-825-130	NEW-E	04-16-019	388-825-264	REP-E	04-08-020
388-553-400	NEW-C	04-02-055	388-825-135	NEW-E	04-08-020	388-825-264	REP-E	04-16-019
388-553-400	NEW	04-11-007	388-825-135	NEW-E	04-16-019	388-825-266	REP-E	04-08-020
388-553-500	NEW-C	04-02-055	388-825-140	NEW-E	04-08-020	388-825-266	REP-E	04-16-019
388-553-500	NEW	04-11-007	388-825-140	NEW-E	04-16-019	388-825-268	REP-E	04-08-020
388-720-0020	AMD-C	04-02-059	388-825-145	NEW-E	04-16-019	388-825-268	REP-E	04-16-019
388-720-0020	AMD	04-05-080	388-825-145	NEW-E	04-08-020	388-825-270	REP-E	04-08-020
388-800-0048	AMD-P	04-10-099	388-825-150	NEW-E	04-16-019	388-825-270	REP-E	04-16-019
388-800-0048	AMD	04-15-057	388-825-150	NEW-E	04-08-020	388-825-272	REP-E	04-08-020
388-820	PREP	04-13-106	388-825-155	NEW-E	04-16-019	388-825-272	REP-E	04-16-019
388-820-020	AMD	04-04-043	388-825-155	NEW-E	04-08-020	388-825-276	REP-E	04-08-020
388-820-030	AMD	04-04-043	388-825-160	NEW-E	04-16-019	388-825-276	REP-E	04-16-019
388-820-050	AMD	04-04-043	388-825-160	NEW-E	04-08-020	388-825-278	REP-E	04-08-020
388-820-056	NEW	04-04-043	388-825-165	NEW-E	04-16-019	388-825-278	REP-E	04-16-019
388-820-060	AMD	04-04-043	388-825-165	NEW-E	04-08-020	388-825-280	REP-E	04-08-020
388-820-070	AMD	04-04-043	388-825-170	REP-E	04-16-019	388-825-280	REP-E	04-16-019
388-820-076	NEW	04-04-043	388-825-170	REP-E	04-08-020	388-825-282	REP-E	04-08-020
388-820-086	NEW	04-04-043	388-825-170	REP-E	04-16-019	388-825-282	REP-E	04-16-019
388-820-090	AMD	04-04-043	388-825-180	REP-E	04-08-020	388-825-284	REP-E	04-08-020
388-820-100	AMD	04-04-043	388-825-180	REP-E	04-16-019	388-825-284	REP-E	04-16-019
388-820-120	AMD	04-04-043	388-825-190	REP-E	04-08-020	388-825-300	NEW-E	04-08-020
388-820-230	AMD	04-04-043	388-825-190	REP-E	04-16-019	388-825-300	NEW-E	04-16-019
388-820-260	AMD	04-04-043	388-825-210	PREP	04-12-091	388-825-305	NEW-E	04-08-020
388-820-290	AMD	04-04-043	388-825-210	AMD-P	04-16-088	388-825-305	NEW-E	04-16-019
388-820-300	AMD	04-04-043	388-825-210	AMD-E	04-18-048	388-825-310	NEW-E	04-08-020
388-820-310	AMD	04-04-043	388-825-228	PREP	04-12-091	388-825-310	NEW-E	04-16-019
388-820-320	AMD	04-04-043	388-825-228	AMD-P	04-16-088	388-825-315	NEW-E	04-08-020
388-820-330	AMD	04-04-043	388-825-228	AMD-E	04-18-048	388-825-315	NEW-E	04-16-019
388-820-340	AMD	04-04-043	388-825-230	PREP	04-12-091	388-825-320	NEW-E	04-08-020
388-820-350	AMD	04-04-043	388-825-230	AMD-P	04-16-088	388-825-320	NEW-E	04-16-019
388-820-400	AMD	04-04-043	388-825-230	AMD-E	04-18-048	388-825-325	NEW-E	04-08-020
			388-825-232	PREP	04-12-091	388-825-325	NEW-E	04-16-019

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388-825-330	NEW-E	04-08-020	388-837-9015	NEW-P	04-12-099	388-845-0210	NEW-E	04-16-019
388-825-330	NEW-E	04-16-019	388-837-9015	NEW	04-16-018	388-845-0215	NEW-E	04-08-020
388-825-335	NEW-E	04-08-020	388-837-9020	NEW-E	04-10-016	388-845-0215	NEW-E	04-16-019
388-825-335	NEW-E	04-16-019	388-837-9020	NEW-P	04-12-099	388-845-0220	NEW-E	04-08-020
388-825-340	NEW-E	04-08-020	388-837-9020	NEW	04-16-018	388-845-0220	NEW-E	04-16-019
388-825-340	NEW-E	04-16-019	388-837-9030	NEW-E	04-10-016	388-845-0300	NEW-E	04-08-020
388-825-345	NEW-E	04-08-020	388-837-9030	NEW-P	04-12-099	388-845-0300	NEW-E	04-16-019
388-825-345	NEW-E	04-16-019	388-837-9030	NEW	04-16-018	388-845-0305	NEW-E	04-08-020
388-825-355	NEW-E	04-08-020	388-837-9040	NEW-E	04-10-016	388-845-0305	NEW-E	04-16-019
388-825-355	NEW-E	04-16-019	388-837-9040	NEW-P	04-12-099	388-845-0310	NEW-E	04-08-020
388-825-360	NEW-E	04-08-020	388-837-9040	NEW	04-16-018	388-845-0310	NEW-E	04-16-019
388-825-360	NEW-E	04-16-019	388-845-0010	NEW-E	04-08-020	388-845-0400	NEW-E	04-08-020
388-825-365	NEW-E	04-08-020	388-845-0010	NEW-E	04-16-019	388-845-0400	NEW-E	04-16-019
388-825-365	NEW-E	04-16-019	388-845-0015	NEW-E	04-08-020	388-845-0405	NEW-E	04-08-020
388-825-370	NEW-E	04-08-020	388-845-0015	NEW-E	04-16-019	388-845-0405	NEW-E	04-16-019
388-825-370	NEW-E	04-16-019	388-845-0020	NEW-E	04-08-020	388-845-0410	NEW-E	04-08-020
388-825-375	NEW-E	04-08-020	388-845-0020	NEW-E	04-16-019	388-845-0410	NEW-E	04-16-019
388-825-375	NEW-E	04-16-019	388-845-0025	NEW-E	04-08-020	388-845-0500	NEW-E	04-08-020
388-825-380	NEW-E	04-08-020	388-845-0025	NEW-E	04-16-019	388-845-0500	NEW-E	04-16-019
388-825-380	NEW-E	04-16-019	388-845-0030	NEW-E	04-08-020	388-845-0505	NEW-E	04-08-020
388-825-385	NEW-E	04-08-020	388-845-0030	NEW-E	04-16-019	388-845-0505	NEW-E	04-16-019
388-825-385	NEW-E	04-16-019	388-845-0035	NEW-E	04-08-020	388-845-0510	NEW-E	04-08-020
388-825-390	NEW-E	04-08-020	388-845-0035	NEW-E	04-16-019	388-845-0510	NEW-E	04-16-019
388-825-390	NEW-E	04-16-019	388-845-0040	NEW-E	04-08-020	388-845-0600	NEW-E	04-08-020
388-825-395	NEW-E	04-08-020	388-845-0040	NEW-E	04-16-019	388-845-0600	NEW-E	04-16-019
388-825-395	NEW-E	04-16-019	388-845-0045	NEW-E	04-08-020	388-845-0605	NEW-E	04-08-020
388-825-400	NEW-E	04-08-020	388-845-0045	NEW-E	04-16-019	388-845-0605	NEW-E	04-16-019
388-825-400	NEW-E	04-16-019	388-845-0050	NEW-E	04-08-020	388-845-0610	NEW-E	04-08-020
388-826	PREP	04-17-104	388-845-0050	NEW-E	04-16-019	388-845-0610	NEW-E	04-16-019
388-827	PREP	04-08-070	388-845-0055	NEW-E	04-08-020	388-845-0700	NEW-E	04-08-020
388-827-0110	AMD-P	04-12-102	388-845-0055	NEW-E	04-16-019	388-845-0700	NEW-E	04-16-019
388-827-0110	AMD	04-15-094	388-845-0060	NEW-E	04-08-020	388-845-0705	NEW-E	04-08-020
388-827-0115	AMD-P	04-12-102	388-845-0060	NEW-E	04-16-019	388-845-0705	NEW-E	04-16-019
388-827-0115	AMD	04-15-094	388-845-0065	NEW-E	04-08-020	388-845-0710	NEW-E	04-08-020
388-827-0175	AMD-P	04-12-102	388-845-0065	NEW-E	04-16-019	388-845-0710	NEW-E	04-16-019
388-827-0175	AMD	04-15-094	388-845-0070	NEW-E	04-08-020	388-845-0800	NEW-E	04-08-020
388-827-0185	AMD-P	04-12-102	388-845-0070	NEW-E	04-16-019	388-845-0800	NEW-E	04-16-019
388-827-0185	AMD	04-15-094	388-845-0075	NEW-E	04-08-020	388-845-0805	NEW-E	04-08-020
388-827-0410	AMD-P	04-12-102	388-845-0075	NEW-E	04-16-019	388-845-0805	NEW-E	04-16-019
388-827-0410	AMD	04-15-094	388-845-0080	NEW-E	04-08-020	388-845-0810	NEW-E	04-08-020
388-835-0085	AMD-E	04-10-016	388-845-0080	NEW-E	04-16-019	388-845-0810	NEW-E	04-16-019
388-835-0085	AMD-P	04-12-099	388-845-0085	NEW-E	04-08-020	388-845-0820	NEW-E	04-08-020
388-835-0085	AMD	04-16-018	388-845-0085	NEW-E	04-16-019	388-845-0820	NEW-E	04-16-019
388-835-0090	AMD-E	04-10-016	388-845-0090	NEW-E	04-08-020	388-845-0900	NEW-E	04-08-020
388-835-0090	AMD-P	04-12-099	388-845-0090	NEW-E	04-16-019	388-845-0900	NEW-E	04-16-019
388-835-0090	AMD	04-16-018	388-845-0095	NEW-E	04-08-020	388-845-0905	NEW-E	04-08-020
388-835-0100	AMD-E	04-10-016	388-845-0095	NEW-E	04-16-019	388-845-0905	NEW-E	04-16-019
388-835-0100	AMD-P	04-12-099	388-845-0100	NEW-E	04-08-020	388-845-0910	NEW-E	04-08-020
388-835-0100	AMD	04-16-018	388-845-0100	NEW-E	04-16-019	388-845-0910	NEW-E	04-16-019
388-835-0115	AMD-E	04-10-016	388-845-0105	NEW-E	04-08-020	388-845-1000	NEW-E	04-08-020
388-835-0115	AMD-P	04-12-099	388-845-0105	NEW-E	04-16-019	388-845-1000	NEW-E	04-16-019
388-835-0115	AMD	04-16-018	388-845-0110	NEW-E	04-08-020	388-845-1010	NEW-E	04-08-020
388-835-0135	REP-E	04-10-016	388-845-0110	NEW-E	04-16-019	388-845-1010	NEW-E	04-16-019
388-835-0135	REP-P	04-12-099	388-845-0115	NEW-E	04-08-020	388-845-1015	NEW-E	04-08-020
388-835-0135	REP	04-16-018	388-845-0115	NEW-E	04-16-019	388-845-1015	NEW-E	04-16-019
388-835-0140	AMD-E	04-10-016	388-845-0120	NEW-E	04-08-020	388-845-1100	NEW-E	04-08-020
388-835-0140	AMD-P	04-12-099	388-845-0120	NEW-E	04-16-019	388-845-1100	NEW-E	04-16-019
388-835-0140	AMD	04-16-018	388-845-0200	NEW-E	04-08-020	388-845-1105	NEW-E	04-08-020
388-837-9005	NEW-E	04-10-016	388-845-0200	NEW-E	04-16-019	388-845-1105	NEW-E	04-16-019
388-837-9005	NEW-P	04-12-099	388-845-0205	NEW-E	04-08-020	388-845-1110	NEW-E	04-08-020
388-837-9005	NEW	04-16-018	388-845-0205	NEW-E	04-16-019	388-845-1110	NEW-E	04-16-019
388-837-9015	NEW-E	04-10-016	388-845-0210	NEW-E	04-08-020	388-845-1200	NEW-E	04-08-020

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388-845-1205	NEW-E	04-08-020	388-845-2110	NEW-E	04-08-020	388-865-0555	REP	04-07-014
388-845-1205	NEW-E	04-16-019	388-845-2110	NEW-E	04-16-019	388-865-0557	REP	04-07-014
388-845-1210	NEW-E	04-08-020	388-845-2200	NEW-E	04-08-020	388-865-0560	REP	04-07-014
388-845-1210	NEW-E	04-16-019	388-845-2200	NEW-E	04-16-019	388-865-0561	NEW	04-07-014
388-845-1300	NEW-E	04-08-020	388-845-2205	NEW-E	04-08-020	388-865-0565	REP	04-07-014
388-845-1300	NEW-E	04-16-019	388-845-2205	NEW-E	04-16-019	388-865-0566	NEW	04-07-014
388-845-1305	NEW-E	04-08-020	388-845-2210	NEW-E	04-08-020	388-865-0570	NEW	04-07-014
388-845-1305	NEW-E	04-16-019	388-845-2210	NEW-E	04-16-019	388-865-0575	NEW	04-07-014
388-845-1310	NEW-E	04-08-020	388-845-3000	NEW-E	04-08-020	388-865-0580	NEW	04-07-014
388-845-1310	NEW-E	04-16-019	388-845-3000	NEW-E	04-16-019	388-865-0585	NEW	04-07-014
388-845-1400	NEW-E	04-08-020	388-845-3005	NEW-E	04-08-020	388-885	PREP	04-10-092
388-845-1400	NEW-E	04-16-019	388-845-3005	NEW-E	04-16-019	390	PREP	04-05-070
388-845-1405	NEW-E	04-08-020	388-845-3010	NEW-E	04-08-020	390	PREP	04-18-042
388-845-1405	NEW-E	04-16-019	388-845-3010	NEW-E	04-16-019	390-05-295	NEW-P	04-08-086
388-845-1410	NEW-E	04-08-020	388-845-3015	NEW-E	04-08-020	390-05-295	NEW	04-12-052
388-845-1410	NEW-E	04-16-019	388-845-3015	NEW-E	04-16-019	390-12-010	AMD-P	04-08-086
388-845-1500	NEW-E	04-08-020	388-845-3020	NEW-E	04-08-020	390-12-010	AMD	04-12-053
388-845-1500	NEW-E	04-16-019	388-845-3020	NEW-E	04-16-019	390-16-207	AMD-P	04-08-086
388-845-1505	NEW-E	04-08-020	388-845-3025	NEW-E	04-08-020	390-16-207	AMD	04-12-054
388-845-1505	NEW-E	04-16-019	388-845-3025	NEW-E	04-16-019	390-16-238	AMD-P	04-08-086
388-845-1510	NEW-E	04-08-020	388-845-3030	NEW-E	04-08-020	390-16-238	AMD	04-12-055
388-845-1510	NEW-E	04-16-019	388-845-3030	NEW-E	04-16-019	390-17-030	AMD-P	04-08-086
388-845-1515	NEW-E	04-08-020	388-845-3031	NEW-E	04-16-019	390-17-030	AMD	04-12-056
388-845-1515	NEW-E	04-16-019	388-845-3032	NEW-E	04-16-019	390-18-030	AMD-P	04-08-086
388-845-1600	NEW-E	04-08-020	388-845-3035	NEW-E	04-08-020	390-18-030	AMD	04-12-057
388-845-1600	NEW-E	04-16-019	388-845-3035	NEW-E	04-16-019	390-37-030	AMD-P	04-08-086
388-845-1605	NEW-E	04-08-020	388-845-4000	NEW-E	04-08-020	390-37-030	AMD	04-12-058
388-845-1605	NEW-E	04-16-019	388-845-4000	NEW-E	04-16-019	390-37-041	AMD-E	04-07-049
388-845-1610	NEW-E	04-08-020	388-845-4005	NEW-E	04-08-020	390-37-041	AMD-P	04-08-086
388-845-1610	NEW-E	04-16-019	388-845-4005	NEW-E	04-16-019	390-37-041	AMD	04-12-059
388-845-1615	NEW-E	04-08-020	388-845-4010	NEW-E	04-08-020	392-121-124	AMD-P	04-08-127
388-845-1615	NEW-E	04-16-019	388-845-4010	NEW-E	04-16-019	392-121-124	AMD	04-14-068
388-845-1620	NEW-E	04-08-020	388-845-4015	NEW-E	04-08-020	392-136-020	PREP	04-06-048
388-845-1620	NEW-E	04-16-019	388-845-4015	NEW-E	04-16-019	392-140-600	AMD-P	04-04-005
388-845-1700	NEW-E	04-08-020	388-865	PREP	04-08-122	392-140-600	AMD	04-08-118
388-845-1700	NEW-E	04-16-019	388-865-0335	PREP	04-05-085	392-140-605	AMD-P	04-04-005
388-845-1705	NEW-E	04-08-020	388-865-0340	PREP	04-05-085	392-140-605	AMD	04-08-118
388-845-1705	NEW-E	04-16-019	388-865-0465	AMD-P	04-05-081	392-140-608	AMD-P	04-04-005
388-845-1710	NEW-E	04-08-020	388-865-0465	AMD	04-12-043	392-140-608	AMD	04-08-118
388-845-1710	NEW-E	04-16-019	388-865-0500	AMD	04-07-014	392-140-609	AMD-P	04-04-005
388-845-1800	NEW-E	04-08-020	388-865-0501	REP	04-07-014	392-140-609	AMD	04-08-118
388-845-1800	NEW-E	04-16-019	388-865-0502	REP	04-07-014	392-140-626	AMD-P	04-04-005
388-845-1805	NEW-E	04-08-020	388-865-0504	REP	04-07-014	392-140-626	AMD	04-08-118
388-845-1805	NEW-E	04-16-019	388-865-0505	REP	04-07-014	392-140-630	AMD-P	04-04-005
388-845-1810	NEW-E	04-08-020	388-865-0510	REP	04-07-014	392-140-630	AMD	04-08-118
388-845-1810	NEW-E	04-16-019	388-865-0511	NEW	04-07-014	392-140-640	AMD-P	04-04-005
388-845-1900	NEW-E	04-08-020	388-865-0515	REP	04-07-014	392-140-640	AMD	04-08-118
388-845-1900	NEW-E	04-16-019	388-865-0516	NEW	04-07-014	392-140-643	AMD-P	04-04-005
388-845-1905	NEW-E	04-08-020	388-865-0520	NEW	04-07-014	392-140-643	AMD	04-08-118
388-845-1905	NEW-E	04-16-019	388-865-0525	REP	04-07-014	392-140-646	AMD-P	04-04-005
388-845-1910	NEW-E	04-08-020	388-865-0526	NEW	04-07-014	392-140-646	AMD	04-08-118
388-845-1910	NEW-E	04-16-019	388-865-0530	REP	04-07-014	392-140-653	AMD-P	04-04-005
388-845-2000	NEW-E	04-08-020	388-865-0531	NEW	04-07-014	392-140-653	AMD	04-08-118
388-845-2000	NEW-E	04-16-019	388-865-0535	REP	04-07-014	392-142-115	REP-P	04-05-054
388-845-2005	NEW-E	04-08-020	388-865-0536	NEW	04-07-014	392-142-115	REP	04-08-116
388-845-2005	NEW-E	04-16-019	388-865-0540	REP	04-07-014	392-142-130	REP-P	04-05-054
388-845-2010	NEW-E	04-08-020	388-865-0541	NEW	04-07-014	392-142-130	REP	04-08-116
388-845-2010	NEW-E	04-16-019	388-865-0545	REP-W	04-08-028	392-142-135	REP-P	04-05-054
388-845-2100	NEW-E	04-08-020	388-865-0546	REP-W	04-08-028	392-142-135	REP	04-08-116
388-845-2100	NEW-E	04-16-019	388-865-0547	NEW	04-07-014	392-142-165	AMD-P	04-05-054
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392-142-205	AMD	04-08-116	415-112-400	AMD-P	04-18-062	434-120-050	NEW	04-04-018
392-143-010	AMD-P	04-05-055	415-112-430	AMD-P	04-05-063	434-120-103	AMD	04-04-018
392-143-010	AMD	04-08-117	415-112-430	AMD	04-12-020	434-120-105	AMD	04-04-018
392-143-015	AMD-P	04-05-055	415-112-440	AMD-P	04-18-062	434-120-110	NEW	04-04-018
392-143-015	AMD	04-08-117	415-112-541	AMD-P	04-18-062	434-120-145	AMD	04-04-018
392-143-030	AMD-P	04-05-055	415-112-555	NEW-P	04-17-077	434-120-155	REP	04-04-018
392-143-030	AMD	04-08-117	415-112-600	AMD-P	04-18-062	434-120-160	AMD	04-04-018
392-143-031	AMD-P	04-05-055	415-112-810	AMD-P	04-18-062	434-120-170	AMD	04-04-018
392-143-031	AMD	04-08-117	415-112-820	AMD-P	04-18-062	434-120-212	AMD	04-04-018
392-143-032	AMD-P	04-05-055	415-112-830	AMD-P	04-18-062	434-120-215	AMD	04-04-018
392-143-032	AMD	04-08-117	415-112-835	NEW-P	04-18-062	434-120-240	AMD	04-04-018
392-143-050	AMD-P	04-05-055	415-113	PREP	04-15-135	434-120-250	AMD	04-04-018
392-143-050	AMD	04-08-117	415-501	PREP	04-12-019	434-120-260	AMD	04-04-018
392-143-061	REP-P	04-05-055	434-12-005	NEW	04-04-018	434-120-305	AMD	04-04-018
392-143-061	REP	04-08-117	434-12-010	REP	04-05-041	434-120-307	NEW	04-04-018
392-143-065	REP-P	04-05-055	434-12-015	NEW	04-05-041	434-120-310	AMD	04-04-018
392-143-065	REP	04-08-117	434-12-020	REP	04-05-041	434-120-320	REP	04-04-018
392-143-070	AMD-P	04-05-055	434-12-025	NEW	04-04-018	434-120-330	AMD	04-04-018
392-143-070	AMD	04-08-117	434-12-030	REP	04-05-041	434-120-345	NEW	04-04-018
392-143-080	AMD-P	04-05-055	434-12-040	REP	04-05-041	434-120-355	NEW	04-04-018
392-143-080	AMD	04-08-117	434-12-050	REP	04-05-041	434-120-360	NEW	04-04-018
399-30-060	AMD-X	04-05-024	434-12-060	REP	04-05-041	434-130-020	REP	04-04-018
399-30-060	AMD	04-09-085	434-12-070	REP	04-05-041	434-130-030	REP	04-04-018
415-02-030	AMD	04-04-037	434-12-080	REP	04-05-041	434-135-020	REP	04-04-018
415-02-175	NEW-P	04-17-083	434-12-090	REP	04-05-041	434-135-030	REP	04-04-018
415-02-200	NEW	04-04-038	434-12-100	REP	04-05-041	434-135-070	REP	04-04-018
415-02-520	AMD-P	04-05-039	434-12-110	REP	04-05-041	434-180-110	REP	04-04-018
415-02-520	AMD	04-09-043	434-12-120	REP	04-05-041	434-208-060	AMD-X	04-10-084
415-02-720	NEW	04-04-040	434-12-130	REP	04-05-041	434-208-060	AMD	04-15-089
415-04-040	AMD-P	04-05-017	434-12-140	REP	04-05-041	434-215-005	AMD-X	04-10-084
415-04-040	AMD	04-09-042	434-12-150	REP	04-05-041	434-215-005	AMD	04-15-089
415-104	PREP	04-09-040	434-12-160	REP	04-05-041	434-215-020	AMD-E	04-15-081
415-104-374	AMD-P	04-17-083	434-12-170	REP	04-05-041	434-219-140	AMD-W	04-13-067
415-104-450	PREP	04-17-001	434-12-180	REP	04-05-041	434-220-010	NEW-E	04-15-081
415-104-475	NEW	04-04-039	434-12-200	REP	04-05-041	434-220-020	NEW-E	04-15-081
415-104-480	NEW-E	04-12-035	434-12-210	REP	04-05-041	434-220-030	NEW-E	04-15-081
415-108-315	PREP	04-17-001	434-12-220	REP	04-05-041	434-220-040	NEW-E	04-15-081
415-108-491	AMD-P	04-17-083	434-12-230	REP	04-05-041	434-220-050	NEW-E	04-15-081
415-108-680	AMD	04-14-023	434-110-070	REP	04-04-018	434-220-060	NEW-E	04-15-081
415-108-710	AMD	04-04-037	434-110-080	REP	04-04-018	434-220-070	NEW-E	04-15-081
415-108-805	NEW-P	04-17-077	434-110-090	REP	04-04-018	434-220-080	NEW-E	04-15-081
415-108-990	NEW-P	04-13-036	434-110-100	AMD	04-04-018	434-220-090	NEW-E	04-15-081
415-108-990	NEW	04-17-002	434-112-010	NEW	04-04-018	434-220-100	NEW-E	04-15-081
415-110-010	AMD	04-04-041	434-112-020	NEW	04-04-018	434-220-110	NEW-E	04-15-081
415-110-315	PREP	04-17-001	434-112-025	NEW	04-04-018	434-230-010	AMD-X	04-10-084
415-110-491	AMD-P	04-17-083	434-112-030	NEW	04-04-018	434-230-010	AMD	04-15-089
415-110-680	AMD	04-04-041	434-112-040	NEW	04-04-018	434-230-030	AMD-E	04-15-081
415-110-685	NEW	04-04-041	434-112-045	NEW	04-04-018	434-230-070	AMD-X	04-10-084
415-110-710	AMD	04-04-037	434-112-050	NEW	04-04-018	434-230-070	AMD	04-15-089
415-110-728	AMD	04-04-041	434-112-065	NEW	04-04-018	434-230-160	AMD-E	04-15-081
415-110-817	NEW-P	04-13-036	434-112-070	NEW	04-04-018	434-230-170	AMD-X	04-10-084
415-110-817	NEW	04-17-002	434-112-075	NEW	04-04-018	434-230-170	AMD-E	04-15-081
415-110-910	AMD	04-04-041	434-112-080	NEW	04-04-018	434-230-170	AMD	04-15-089
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415-112-125	AMD-P	04-18-062	434-112-095	NEW	04-04-018	434-230-210	AMD-X	04-10-084
415-112-140	AMD-P	04-18-062	434-120-015	REP	04-04-018	434-230-210	AMD	04-15-089
415-112-150	NEW-P	04-13-036	434-120-017	NEW	04-04-018	434-230-220	AMD-X	04-10-084
415-112-150	NEW	04-17-002	434-120-020	REP	04-04-018	434-230-220	AMD	04-15-089
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434-238-100	AMD-X	04-10-084	434-262-025	AMD-X	04-10-084	434-324-120	AMD	04-15-089
434-238-100	AMD	04-15-089	434-262-025	AMD	04-15-089	434-324-130	AMD-X	04-10-084
434-238-110	AMD-X	04-10-084	434-262-030	AMD-X	04-10-084	434-324-130	AMD	04-15-089
434-238-110	AMD	04-15-089	434-262-030	AMD	04-15-089	434-324-140	AMD-X	04-10-084
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434-238-170	AMD	04-15-089	434-262-070	AMD	04-15-089	434-326-015	AMD-X	04-10-084
434-240-005	AMD-X	04-10-084	434-262-150	AMD-E	04-15-081	434-326-015	AMD	04-15-089
434-240-005	AMD	04-15-089	434-263-005	NEW-E	04-12-004	434-333-010	AMD-E	04-15-088
434-240-010	AMD-X	04-10-084	434-263-005	NEW-P	04-13-016	434-333-013	NEW-E	04-15-088
434-240-010	AMD	04-15-089	434-263-005	NEW	04-16-037	434-333-015	AMD-E	04-15-088
434-240-060	AMD-X	04-10-084	434-263-010	NEW-E	04-12-004	434-333-020	AMD-E	04-15-088
434-240-060	AMD	04-15-089	434-263-010	NEW-P	04-13-016	434-333-025	AMD-E	04-15-088
434-240-320	AMD-X	04-10-084	434-263-010	NEW	04-16-037	434-333-035	AMD-E	04-15-088
434-240-320	AMD	04-15-089	434-263-020	NEW-E	04-12-004	434-333-045	AMD-E	04-15-088
434-253-020	AMD-E	04-15-081	434-263-020	NEW-P	04-13-016	434-333-050	AMD-E	04-15-088
434-253-043	AMD-E	04-18-028	434-263-020	NEW	04-16-037	434-333-055	AMD-E	04-15-088
434-253-045	AMD-E	04-18-028	434-263-030	NEW-E	04-12-004	434-333-060	AMD-E	04-15-088
434-253-047	AMD-E	04-18-028	434-263-030	NEW-P	04-13-016	434-333-063	AMD-X	04-10-084
434-253-048	NEW-E	04-18-028	434-263-030	NEW	04-16-037	434-333-063	AMD	04-15-089
434-253-049	AMD-E	04-18-028	434-263-040	NEW-E	04-12-004	434-333-065	AMD-E	04-15-088
434-253-085	NEW-E	04-15-088	434-263-040	NEW-P	04-13-016	434-333-070	AMD-E	04-15-088
434-253-203	NEW-E	04-18-028	434-263-040	NEW	04-16-037	434-333-075	AMD-E	04-15-088
434-253-204	NEW-E	04-18-028	434-263-050	NEW-E	04-12-004	434-333-080	NEW-E	04-15-088
434-253-290	AMD-X	04-10-084	434-263-050	NEW-P	04-13-016	434-333-085	AMD-E	04-15-088
434-253-290	AMD	04-15-089	434-263-050	NEW	04-16-037	434-333-090	AMD-X	04-10-084
434-257-010	AMD-X	04-10-084	434-263-060	NEW-E	04-12-004	434-333-090	AMD-E	04-15-088
434-257-010	AMD	04-15-089	434-263-060	NEW-P	04-13-016	434-333-095	AMD-E	04-15-088
434-257-030	AMD-X	04-10-084	434-263-060	NEW	04-16-037	434-333-100	AMD-E	04-15-088
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434-257-040	AMD	04-15-089	434-263-070	NEW	04-16-037	434-333-110	AMD-X	04-10-084
434-257-150	AMD-X	04-10-084	434-263-080	NEW-E	04-12-004	434-333-110	AMD-E	04-15-088
434-257-150	AMD	04-15-089	434-263-080	NEW-P	04-13-016	434-333-110	AMD	04-15-089
434-260-010	AMD-X	04-10-084	434-263-080	NEW	04-16-037	434-333-115	NEW-E	04-15-088
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434-260-020	AMD	04-15-089	434-263-090	NEW	04-16-037	434-333-130	AMD-E	04-15-088
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434-260-260	AMD-X	04-10-084	434-291-130	AMD	04-15-089	434-333-150	AMD-E	04-17-003
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434-261-070	AMD	04-15-089	434-324-085	AMD-X	04-10-084	434-333-170	AMD-E	04-17-003
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463- 30-270	AMD-P	04-13-154	463- 38-052	AMD-P	04-13-154	463- 39-230	AMD	04-17-058
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463- 30-320	AMD-P	04-13-154	463- 38-053	AMD-P	04-13-154	463- 40-010	DECOD-P	04-13-154
463- 30-330	REP-P	04-13-154	463- 38-053	DECOD-P	04-13-154	463- 40-020	DECOD-P	04-13-154
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463- 30-345	NEW-P	04-13-154	463- 38-054	DECOD-P	04-13-154	463- 40-040	AMD-P	04-13-154
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463- 42-175	AMD-P	04-13-154	463- 42-655	REP-P	04-13-154	463- 60-075	RECOD-P	04-13-154
463- 42-175	DECOD-P	04-13-154	463- 42-665	DECOD-P	04-13-154	463- 60-085	RECOD-P	04-13-154
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463- 42-215	AMD-P	04-13-154	463- 42-685	REP-P	04-13-154	463- 60-155	RECOD-P	04-13-154
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463- 42-275	DECOD-P	04-13-154	463- 47-060	AMD-P	04-13-154	463- 60-285	RECOD-P	04-13-154
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463- 42-295	DECOD-P	04-13-154	463- 50	AMD-P	04-13-154	463- 60-322	RECOD-P	04-13-154
463- 42-296	NEW-P	04-13-154	463- 50-010	AMD-P	04-13-154	463- 60-332	RECOD-P	04-13-154
463- 42-297	NEW-P	04-13-154	463- 50-020	REP-P	04-13-154	463- 60-342	RECOD-P	04-13-154
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463- 42-312	DECOD-P	04-13-154	463- 54-010	AMD-P	04-13-154	463- 60-382	RECOD-P	04-13-154
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463- 42-332	DECOD-P	04-13-154	463- 54-030	DECOD-P	04-13-154	463- 60-535	RECOD-P	04-13-154
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463- 42-342	DECOD-P	04-13-154	463- 54-050	AMD-P	04-13-154	463- 60-655	RECOD-P	04-13-154
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463-62-010	NEW-P	04-13-154	463-76-050	RECOD-P	04-13-154	478-116-061	AMD	04-13-086
463-62-020	NEW-P	04-13-154	463-76-051	RECOD-P	04-13-154	478-116-101	AMD-P	04-07-127
463-62-030	NEW-P	04-13-154	463-76-052	RECOD-P	04-13-154	478-116-101	AMD	04-13-086
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463-62-050	NEW-P	04-13-154	463-76-054	RECOD-P	04-13-154	478-116-111	AMD	04-13-086
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463-64-050	NEW-P	04-13-154	463-76-065	RECOD-P	04-13-154	478-116-125	AMD-P	04-07-127
463-64-060	NEW-P	04-13-154	463-76-080	RECOD-P	04-13-154	478-116-125	AMD	04-13-086
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463-66-020	RECOD-P	04-13-154	463-78-005	RECOD-P	04-13-154	478-116-131	AMD	04-13-086
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463-66-040	RECOD-P	04-13-154	463-78-020	RECOD-P	04-13-154	478-116-141	AMD	04-13-086
463-66-050	RECOD-P	04-13-154	463-78-030	RECOD-P	04-13-154	478-116-145	AMD-P	04-07-127
463-66-060	RECOD-P	04-13-154	463-78-070	RECOD-P	04-13-154	478-116-145	AMD	04-13-086
463-66-070	RECOD-P	04-13-154	463-78-090	RECOD-P	04-13-154	478-116-161	AMD-P	04-07-127
463-66-080	RECOD-P	04-13-154	463-78-095	RECOD-P	04-13-154	478-116-161	AMD	04-13-086
463-66-090	RECOD-P	04-13-154	463-78-100	RECOD-P	04-13-154	478-116-165	AMD-P	04-07-127
463-66-100	RECOD-P	04-13-154	463-78-105	RECOD-P	04-13-154	478-116-165	AMD	04-13-086
463-68-010	NEW-P	04-13-154	463-78-115	RECOD-P	04-13-154	478-116-167	AMD-P	04-07-127
463-68-020	NEW-P	04-13-154	463-78-120	RECOD-P	04-13-154	478-116-167	AMD	04-13-086
463-68-030	NEW-P	04-13-154	463-78-135	RECOD-P	04-13-154	478-116-171	AMD-P	04-07-127
463-68-040	NEW-P	04-13-154	463-78-140	RECOD-P	04-13-154	478-116-171	AMD	04-13-086
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463-68-060	NEW-P	04-13-154	463-78-230	RECOD-P	04-13-154	478-116-181	AMD	04-13-086
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463-68-080	NEW-P	04-13-154	468-38-265	AMD-E	04-13-011	478-116-184	AMD	04-13-086
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463-76-032	RECOD-P	04-13-154	468-310-050	PREP	04-03-011	478-116-520	AMD-P	04-07-127
463-76-033	RECOD-P	04-13-154	468-310-050	AMD-P	04-07-092	478-116-520	AMD	04-13-086
463-76-034	RECOD-P	04-13-154	468-310-050	AMD	04-11-004	478-116-531	AMD-P	04-07-127
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478-168-160	AMD-P	04-09-076	480-70-078	NEW-P	04-18-129	480-93-080	AMD-P	04-15-141
478-168-160	AMD	04-13-087	480-70-079	NEW-P	04-18-129	480-93-082	REP-P	04-15-141
478-168-170	REP-P	04-09-076	480-70-396	PREP	04-16-120	480-93-100	AMD-P	04-15-141
478-168-170	REP	04-13-087	480-70-401	PREP	04-16-120	480-93-110	AMD-P	04-15-141
478-168-180	AMD-P	04-09-076	480-73-010	NEW-P	04-18-129	480-93-111	REP-P	04-15-141
478-168-180	AMD	04-13-087	480-73-020	NEW-P	04-18-129	480-93-112	REP-P	04-15-141
478-168-190	AMD-P	04-09-076	480-73-030	NEW-P	04-18-129	480-93-115	AMD-P	04-15-141
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478-168-200	REP	04-13-087	480-73-060	NEW-P	04-18-129	480-93-130	AMD-P	04-15-141
478-168-270	AMD-P	04-09-076	480-73-110	NEW-P	04-18-129	480-93-140	AMD-P	04-15-141
478-168-270	AMD	04-13-087	480-73-120	NEW-P	04-18-129	480-93-150	REP-P	04-15-141
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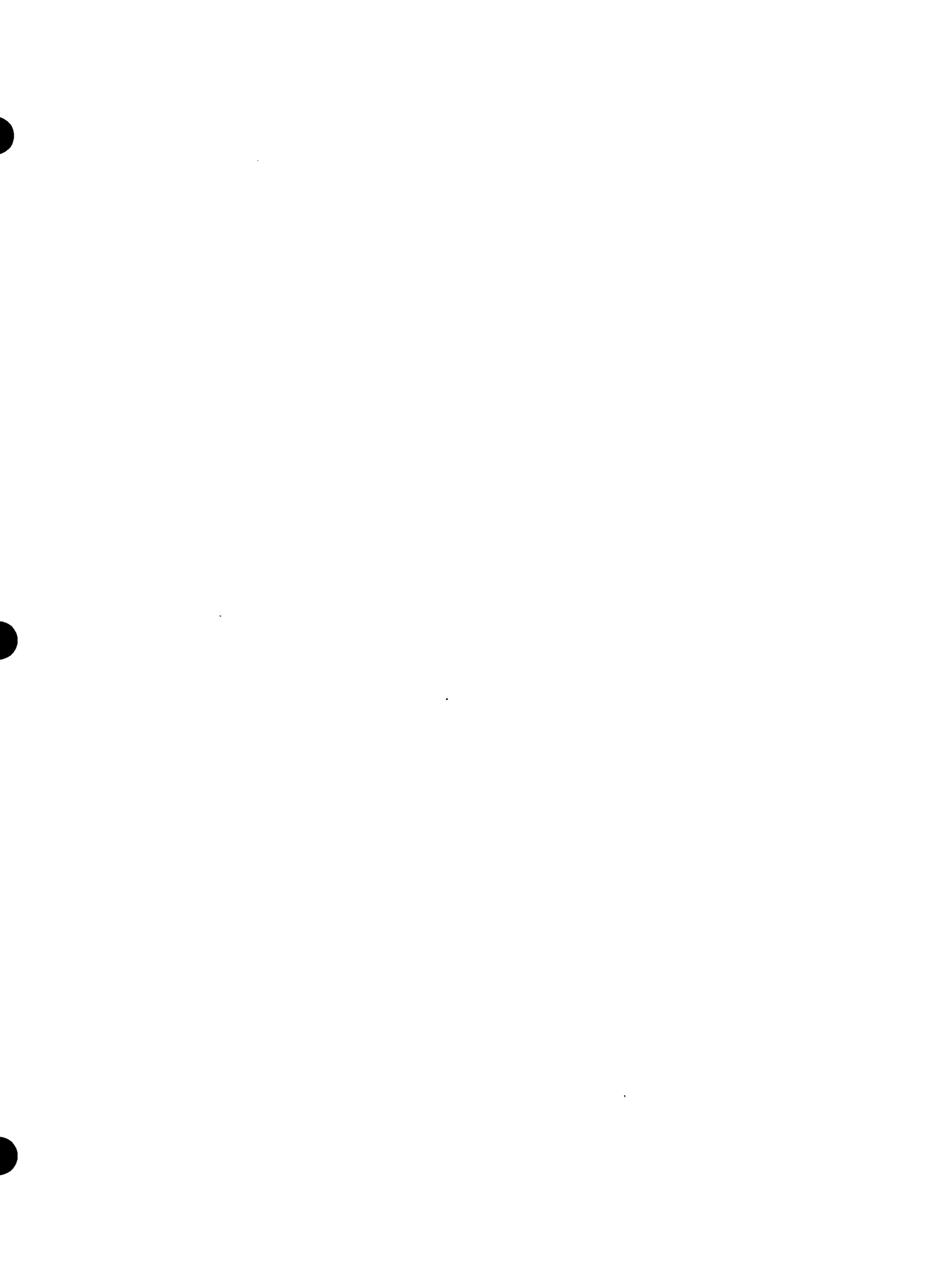
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