

July 20, 2005

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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

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## 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 July 2005 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 July 2005 is 5.151%.

**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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## WASHINGTON STATE REGISTER

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### WASHINGTON STATE REGISTER

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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 ((fined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

## 4. EFFECTIVE DATE OF RULES

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

## 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].

2005 - 2006

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

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



## **REGULATORY FAIRNESS ACT**

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

### **Small Business Economic Impact Statements (SBEIS)**

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

### **Mitigation**

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

### **When is an SBEIS Required?**

When:

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

### **When is an SBEIS Not Required?**

When:

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

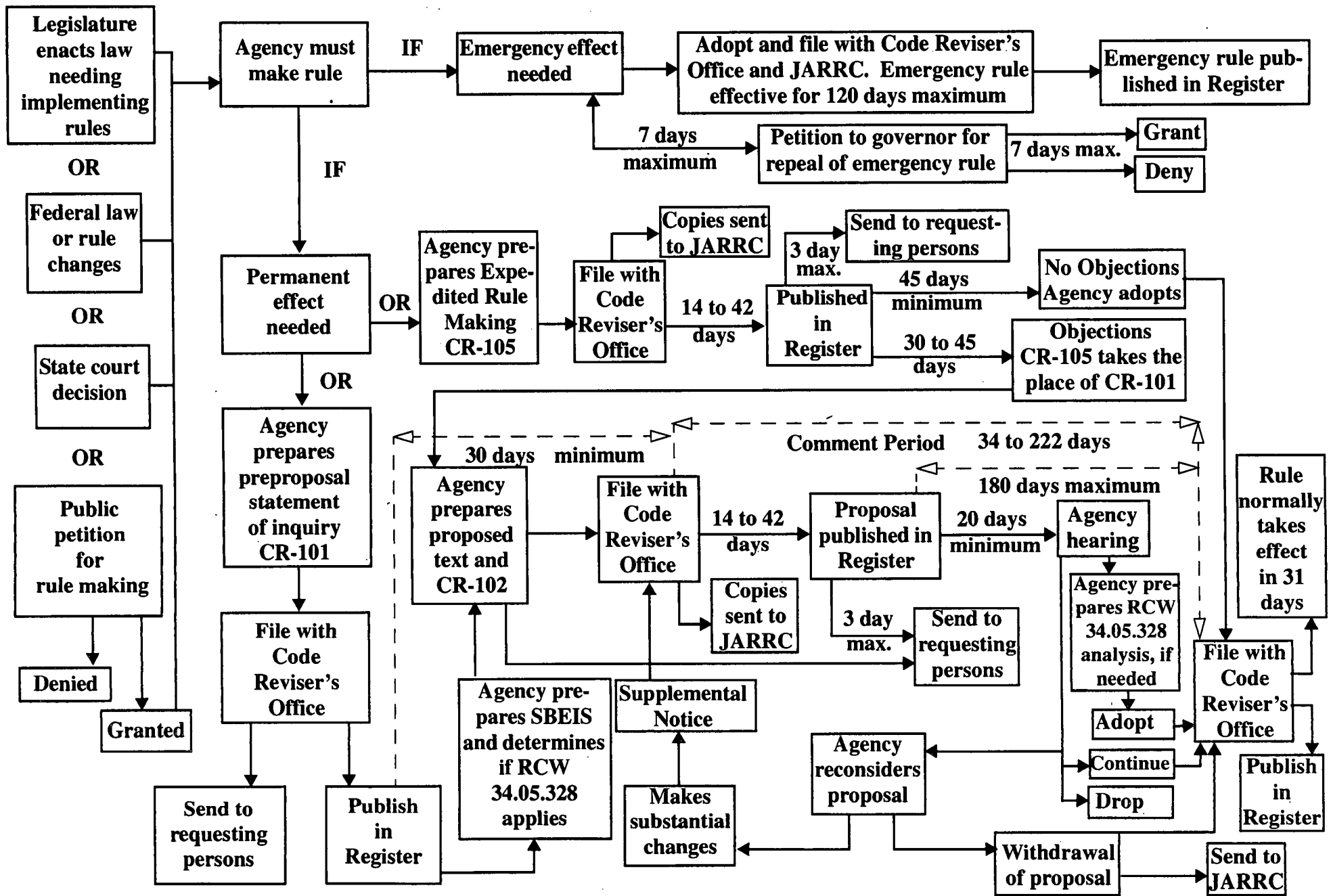
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS



**WSR 05-14-011****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed June 22, 2005, 3:36 p.m.]

Subject of Possible Rule Making: WAC 260-34-090 A positive test and 260-84-060 Penalty matrixes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently the penalties in WAC 260-34-090 do not match the penalties listed in WAC 260-84-060. In addition, one of the violations, illegal possession of alcohol, needs to be added to WAC 260-84-060.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

June 21, 2005

R. M. Leichner  
Executive Secretary

**WSR 05-14-060****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed June 29, 2005, 3:30 p.m.]

Subject of Possible Rule Making: WILD system transaction fee rule.

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: The department is negotiating a new contract for operation of the interactive licensing data base. The transaction fee paid to the contractor who wins the bid to operate the system may be adjusted.

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 Ron McQueen, Business Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2204. Contact by August 18, 2005. Expected proposal filing on or after August 19, 2005.

June 29, 2005

Evan Jacoby  
Rules Coordinator

**WSR 05-14-069****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed June 30, 2005, 9:33 a.m.]

Subject of Possible Rule Making: Chapter 260-20 WAC, Association grounds and facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend chapter 260-20 WAC to adopt applicable portions of the model rules.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

June 29, 2005

R. M. Leichner  
Executive Secretary

**WSR 05-14-072****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed June 30, 2005, 1:50 p.m.]

Subject of Possible Rule Making: WAC 388-865-0201 and related sections which govern the allocation of funds to regional support networks for provision of community mental health services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.560, 71.24.035 (5)(m), (13), 71.34.800, 42 C.F.R. 438, ESSB 6090, Section 204, DSHS MHD Program Budget and the Freedom of Choice Waiver under section 1915(c) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are necessary to implement the mandates required by the Center for Medicare and Medicaid Services 1915(b) Freedom of Choice Waiver. The regulations implement section 1903 (m)(2)(A)(iii) of the Social Security Act requiring payments in risk contracts to be made on an actuarially sound basis. ESSB 6090, Section 204 (1)(b), directs new methodology for distribution non-Medicare ("state only") funds to the regional support networks.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Center for Medicare and Medicaid Services of the Department of Human and Health Services of the federal government also regulate this subject. The Region X Office of CMS will receive and review proposed revisions during the rule-making process.

Process for Developing New Rule: DSHS welcomes public participation. If interested, contact the staff person below. During the process, the MHD will post drafts on the web site at <http://www1.dshs.wa.gov/Mentalhealth/>. After the rule is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making and send a copy to everyone on the current mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karie Castleberry, P.O. Box 45320, Olympia, WA 98504-5320, phone (360) 902-0799, fax (360) 902-7691, TTY (360) 902-8070, e-mail [castlka@dshs.wa.gov](mailto:castlka@dshs.wa.gov).

June 24, 2005  
Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 05-14-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed June 30, 2005, 1:51 p.m.]

Subject of Possible Rule Making: Amending private duty nursing rules in WAC 388-71-0900 through 388-71-0965 and related rules as appropriate. Rules may be repealed and adopted in new chapter 388-106 WAC. Other WAC chapters may be opened as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 42 C.F.R. 440.80.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to clarify the definitions for nursing services, to define the scope of services to be authorized, and to describe the necessity for documentation to support the required services. Policy changes that arise may also be incorporated in this rule making.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rule with the Office of the Code Reviser with a notice of proposed rule making, and send the proposal to everyone currently on the mailing list and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Sevruk, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 407-7582, TTY (360) 493-2637, e-mail [sevruta@dshs.wa.gov](mailto:sevruta@dshs.wa.gov).

June 24, 2005  
Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 05-14-114**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
(Aquatic Resources Division)  
[Filed July 1, 2005, 1:01 p.m.]

Subject of Possible Rule Making: The department is considering amending WAC 332-100-040 regarding how proceeds from leases, sales contracts, licenses, permits, easements and rights of way in harbor areas are distributed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 79.64 RCW created the revenue management cost account (RMCA). RCW 79.64.040 provides the Board of Natural Resources (BNR) with authority to determine the percentage of revenue that is deposited into the RMCA. For state-owned aquatic lands, the BNR is authorized to deduct up to:

- 50% of the total gross proceeds from second class tidelands, second class shorelands, and beds of navigable waters.
- 25% of the total gross proceeds from all other public lands, including first class tidelands, and harbor areas.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide adequate funding to cover the cost of management in harbor areas, it is proposed that WAC 332-100-040 be amended to allow for the maximum allowable of 25% of proceeds to be distributed to the resource management cost account (RMCA). The current language establishes a 20% limit on deductions from harbor area leases. This limit was established in 1971, through Senate Resolution 140. Thirty-four years later, the department has seen increased costs associated with the oversight of harbor areas and other state-owned aquatic lands as Washington state's population grows. This continued growth in costs, the economy and the population of Washington state provides support for this request. Summary: The amendment would increase the amount of harbor area lease proceeds deposited into the RMCA by 5% and decrease the amount of harbor area lease proceeds deposited into the aquatic lands enhancement account (ALEA) by 5%. The total increase/decrease per year (estimated) would be \$150,000 to cover administrative costs associated with the management of state-owned aquatic lands.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State: Washington State Department of Fish and Wildlife, Washington State Department of Agriculture, Inter-agency Committee on Recreation; and Washington State Parks and Recreation Commission. Coordination will involve outreach during the rule-making process. The department will provide the same opportunities for comment to these agencies as it will for the public's involvement. The process is outlined below. It would be the intent that where appropriate any proposed rule is consistent with statutes guiding or rules adopted by those agencies.

Process for Developing New Rule: DNR will contact stakeholders and affected parties and entities to solicit their participation in the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Natural Resources encourages

your active participation in the rule-making process. Anyone interested in more information on how they participate should contact Elizabeth Ellis, Aquatic Resources Division, Department of Natural Resources, 1111 Washington Street S.E., P.O. Box 47027, Olympia, WA 98504-7027, voice (360) 902-1074, e-mail Elizabeth.ellis@wadnr.gov, fax (360) 902-1786.

June 30, 2005  
Doug Sutherland  
Commissioner of Public Lands

**WSR 05-14-115**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
(Aquatic Resources Division)  
[Filed July 1, 2005, 1:02 p.m.]

**Subject of Possible Rule Making:** The department is considering amending WAC 332-30-128, regarding the length of time allowed for rent appeal review periods.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 79.90.520 requires that a lessee or applicant of state-owned aquatic land file a request for review within thirty days after the manager has notified the lessee or applicant of the rent due. For leases issued by the department, the final authority for rent review rests with the Board of Natural Resources (BNR).

**Associated statutes:** RCW 79.90.460, 79.90.475, 79.90.520, 79.90.456, and chapter 79.93 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The current rule does not provide an accurate reflection of the time necessary to submit and complete a full rent review. If a lessee appeals rent, the appeal is first reviewed through the rent dispute officer (RDO). If the outcome is appealed by the lessee, it is elevated to the rent dispute administrative officer (RDAO). Generally only complex and larger issues are elevated to this level. Fifteen days are allocated to submit the appeal, and thirty to complete the RDAO review period. Should the lessee appeal the RDAO's decision, another fifteen days are provided to appeal. Final authority rests with the BNR who holds infrequent meetings on the first Tuesday of every month. The final review period is seventy-five days total. Difficulties have been encountered in scheduling and coordination at this level. Lessees have stated the fifteen day appeal time rushes the process and if they had more time to discuss their rent appeal with their Land Manager, they may not have to pursue the full rent review process.

The proposed changes will help ensure effective coordination and scheduling:

- RDO Review: No change.
- RDAO Review: Increase this level of appeal by ninety days.
- BNR Review: Increase this level of appeal by thirty days.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-**

**cies:** This rule does not involve other federal or state agencies. Port districts have the authority to handle rent review independently of the department's process. This rule does not apply to the port authorities and will not impact their rent appeal process.

Coordination with the port authorities involve outreach during the rule-making process. The department will provide the same opportunities for comment as it will for the public's involvement. The process is outlined below.

**Process for Developing New Rule:** DNR will contact stakeholders and affected parties and entities to solicit their participation in the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The Department of Natural Resources encourages your active participation in the rule-making process. Anyone interested in more information on how they participate should contact Elizabeth Ellis, Aquatic Resources Division, Department of Natural Resources, Environmental Planner, 1111 Washington Street S.E., P.O. Box 47027, Olympia, WA 98504-7027, voice (360) 902-1074, e-mail Elizabeth.ellis@wadnr.gov, fax (360) 902-1786.

June 30, 2005  
Doug Sutherland  
Commissioner of Public Lands

**WSR 05-14-126**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**  
[Filed July 5, 2005, 8:37 a.m.]

**Subject of Possible Rule Making:** WAC 204-90-120 Suspension.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 46.37.005 and 46.37.320.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Office of Government and Media Relations and Equipment and Standards worked with Representative Jim Clements and other members of the House Transportation Committee, during the 2005 legislative session to draft language relating to the use of aftermarket hydraulic or mechanical system to raise or lower the height of a motor vehicle. An error was found in the proposed language and the bill was vetoed. WSP was asked if the proposed language, once corrected, could be incorporated into an existing WAC. Yes, following is WAC 204-90-120 with the proposed language underlined.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Some low rider car club members contacted Representative Clements supporting his effort to pass a law allowing the use of hydraulics or other mechanical system to raise or lower the height of a motor vehicle while in motion on public roadways. It is our understanding, Representative Clements requested feedback from local law enforcement agencies, as this would fall more under their jurisdiction than WSP. Captain Jeff DeVere spoke with WASPC (Larry Erickson/James

McMahan) about the proposed language, it was suggested the language be.

Process for Developing New Rule: Worked with Representative Jim Clements and other members of the House Transportation Committee, who had documentation from various car/lowrider clubs in Washington, requesting and supporting a law allowing for the use of hydraulics or other mechanical means to raise and lower a vehicle while on public roadways.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Patrol, Equipment and Standards Review, P.O. Box 42614, Olympia, WA 98504-2614, christine.fox@wsp.wa.gov, (360) 753-3697 or fax (360) 586-8233.

July 5, 2005  
Paul S. Beckley  
Deputy Chief  
for John R. Batiste  
Chief

**WSR 05-14-127**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**  
[Filed July 5, 2005, 8:37 a.m.]

Subject of Possible Rule Making: WAC 446-65-010 Commercial motor vehicle regulations/transportation requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.32.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Additional Title 49 Code of Federal Regulations are to be adopted to remain compliant with federal enforcement requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Worked with Utilities and Transportation Commission to ensure we adopt the correct Title 49 Code of Federal Regulations regulating the enforcement of the commercial vehicle industry.

Process for Developing New Rule: Continued compliance with federal enforcement rules as related to commercial motor vehicles.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Patrol, Equipment and Standards Review, P.O. Box 42614, Olympia, WA 98504-2614, christine.fox@wsp.wa.gov, (360) 753-3697, fax (360) 586-8233.

July 5, 2005  
Paul S. Beckley  
Deputy Chief  
for John R. Batiste  
Chief

**WSR 05-14-141**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed July 5, 2005, 9:20 a.m.]

Subject of Possible Rule Making: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The electrical rule states some specialty electricians may maintain, repair, or replace (like-in-kind) existing water heating equipment; however, the plumbing statute does not allow electricians to make plumbing connections to hot water tanks unless they have an additional certification as a plumber. This rule making will correct the inconsistency in WAC 296-46B-920.

Incorporate new low voltage thermostats into the Class B, random inspection work better aligning safety concerns with department practice, in WAC 296-46B-110 and 296-46B-905.

Clarify that school and institution shops are similar to an industrial environment and that shop equipment may be approved by the department review process for industrial equipment, in WAC 296-46B-030.

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 Electrical Board will be used to review these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail yours235@lni.wa.gov.

July 5, 2005  
Gary Weeks  
Director

**WSR 05-14-145**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed July 5, 2005, 4:23 p.m.]

Subject of Possible Rule Making: WAC 388-550-2800 Inpatient payment methods and limits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with the requirements of the 2005 legislature, the department is adopting separate base community psychiatric hospital payment rates for Medicaid and non-Medicaid clients (section 204, chapter

518, Laws of 2005, (ESSB 6090)). In addition, the department is adding certain newborn screening tests to the newborn metabolic screening panel, listing the specific disorders the screening tests can detect, and clarifying that the department pays hospitals an additional flat fee to cover the cost of the tests. The acute physical medicine and rehabilitation (Acute PM&R) Level B program in a hospital facility no longer exists and the department is removing this language.

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 Kathy Sayre, Rules Program Manager, P.O. Box 45533, Medical Assistance Administration, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

July 1, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 05-14-146**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed July 5, 2005, 4:25 p.m.]

The Medical Assistance Administration requests the withdrawal of preproposal statement of inquiry, filed as WSR 04-03-091 on January 20, 2004, (WAC 388-550-2800 and 388-550-2900).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 05-14-152**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 6, 2005, 9:26 a.m.]

Subject of Possible Rule Making: WAC 246-836-XXX Education and training requirements for the use of controlled substances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.060 and HB 1546, chapter 158, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to implement legislation (HB 1546, chapter 158, Laws of 2005) which passed during the 2005 legislative session. Rules

adopted on this subject will enable naturopaths who meet specific education and training requirements to use codeine and testosterone products in treating patients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Board of Pharmacy and the Drug Enforcement Agency, a federal agency, are both involved with the regulation of this subject. The Board of Pharmacy will be participating in the development of the education and training requirements necessary for a naturopath to be allowed to prescribe the specified controlled substances.

Process for Developing New Rule: Collaborative rule-making, public meetings and mailings to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Holly Rawnsley, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4941, fax (360) 236-2406, e-mail Holly.Rawnsley@doh.wa.gov. Interested persons can participate through meetings and by submitting written comments.

July 5, 2005

M. C. Selecky  
Secretary

**WSR 05-14-153**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 6, 2005, 9:27 a.m.]

Subject of Possible Rule Making: WAC 246-836-210 Authority to use, prescribe, dispense and order.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.060 and HB 1546, chapter 158, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to implement legislation (HB 1546, chapter 158, Laws of 2005) which passed during the 2005 legislative session. Rules adopted on this subject will enable naturopaths to use legend drugs and controlled substances when treating patients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Board of Pharmacy and the Drug Enforcement Agency, a federal agency, are both involved with the regulation of this subject. The Board of Pharmacy will be participating in the development of the education and training requirements necessary for a naturopath to be allowed to prescribe the specified controlled substances.

Process for Developing New Rule: Collaborative rule-making, public meetings and mailings to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Holly Rawnsley, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4941, fax (360) 236-2406, e-mail Holly.Rawnsley@

doh.wa.gov. Interested persons can participate through meetings and by submitting written comments.

July 5, 2005

B. White

for Mary C. Selecky  
Secretary

**WSR 05-14-154**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed July 6, 2005, 9:30 a.m.]

Subject of Possible Rule Making: EMS and trauma pre-hospital standards, WAC 246-976-010 through 246-976-400, and 246-976-920.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.71, 18.73, and 70.168 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These standards establish qualifications for the issuance, suspension or revocation of a prehospital agency license and EMS provider certification. The Administrative Procedure Act (APA), chapter 34.05 RCW, requires that any agency practice that establishes "any qualification or standard for the issuance, suspension, or revocation of licenses to pursue any profession" be addressed in rule. These standards must be adopted into rule to be enforceable. Portions of the current WAC have not been reviewed since the year 2000, while other sections have been revised more recently. All identified sections need to be reviewed and updated to reflect current practice, or to make the language more clear and/or concise.

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

Process for Developing New Rule: Statutory and other EMS and trauma committees, as well as other constituents and the public, will be able to participate in the review and any necessary drafting of proposed language through open public meetings, mailings, e-mail, and posts to the DOH rules comment web site. In addition, public workshop(s) are anticipated to be held on both the westside and the eastside of the state. A formal public hearing will be held before new and/or revised language is adopted.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Any questions or concerns regarding the prehospital standards or the process to be used, as described above, should contact Jack Cvitanovic, Manager, Licensing and Certification, Office of Emergency Medical Services and Trauma System, P.O. Box 47853, Olympia, WA 98504-7853, e-mail jack.cvitanovic@doh.wa.gov, phone (360) 236-2848 or fax (360) 236-2829.

July 5, 2005

M. C. Selecky  
Secretary

**WSR 05-14-155**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed July 6, 2005, 9:32 a.m.]

Subject of Possible Rule Making: WAC 246-836-XXX Intramuscular, intravenous, subcutaneous and intradermal injections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.060 and HB 1546, chapter 158, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to implement legislation (HB 1546, chapter 158, Laws of 2005) which passed during the 2005 legislative session. Rules adopted on this subject will enable naturopaths who use intramuscular, intravenous, subcutaneous, and intradermal injections when treating patients.

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

Process for Developing New Rule: Collaborative rule making, public meetings and mailings to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Holly Rawnsley, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4941, fax (360) 236-2406, e-mail Holly.Rawnsley@doh.wa.gov. Interested persons can participate through meetings and by submitting written comments.

July 5, 2005

B. White  
for Mary C. Selecky  
Secretary

**WSR 05-14-161**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ARCHAEOLOGY  
AND HISTORIC PRESERVATION**

[Filed July 6, 2005, 10:29 a.m.]

Subject of Possible Rule Making: The Department of Archaeology and Historic Preservation (DAHP) is proposing rules for implementing new legislation. SB 5056 (chapter 333, Laws of 2005) created the DAHP during the 2005 legislative session. The new department needs rules to implement its authority currently designated to the Office of Archaeology and Historic Preservation through the Department of Community, Trade and Economic Development (CTED). This is necessary in order to continue serving constituents without interruption and to function as a state agency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 27.34.220, 27.53.140, 43.21C.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The DAHP will draft rules implementing changes made to chapter 27.53 RCW by HB 1189 (chapter 211, Laws of 2002). The rules will create guidelines under which the DAHP may issue penalties for violations of chapter 27.53 RCW and set standards and pro-



cedures for hearings on those penalties. New rules are also needed for the entirety of the department's functions, to implement its authority and serve its constituents and to function as a separate state agency pursuant to SB 5056 (chapter 333, Laws of 2005).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The National Park Service regulates the National Register of Historic Places and has regulations governing procedures for listing historic properties in the National Register of Historic Places (National Historic Preservation Act (as amended) 36 C.F.R. Part 60). DAHP rules will be compatible with this federal process. The National Park Service will be afforded the opportunity to comment. RCW 27.53.020 directs full cooperation between DAHP and other agencies of Washington. Other state and local agencies will be afforded the opportunity to comment on the proposed rules during the public comment period.

Process for Developing New Rule: DAHP will hold meetings and consult with affected parties to discuss the new rules. DAHP will request and consider comments from affected parties. This process is a continuation of the process begun while DAHP was an office within CTED.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allyson Brooks, Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343, phone (360) 586-3065, fax (360) 586-3067, e-mail Allyson.Brooks@dahp.wa.gov. DAHP will conduct public information gathering sessions. DAHP will also solicit information and comments through a mailed request or comments.

July 8 [6], 2005  
Allyson Brooks  
State Historic  
Preservation Officer

#### WSR 05-14-162

##### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 6, 2005, 10:31 a.m.]

Subject of Possible Rule Making: Card rooms.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change requesting that the rake for a card game be increased from \$1 to \$2.

Process for Developing New Rule: Rule change developed by agency staff. Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal

Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; and Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings at] The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on August 12, 2005; at the Red Lion Hotel Pasco, 2525 North 20th Avenue, Pasco, WA 99301, (509) 544-3910, on September 9, 2005; and at the Clarion Hotel and Conference Center, 1507 North 1st Street, Yakima, WA 98901, (509) 248-7850, on October 14, 2005.

July 6, 2005  
Susan Arland  
Rules Coordinator

#### WSR 05-14-166

##### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

(Elections Division)

[Filed July 6, 2005, 10:34 a.m.]

Subject of Possible Rule Making: Voter verified paper audit trail.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 242, Laws of 2005, requires that beginning January 1, 2006, all voting devices must produce a paper record and a percentage of direct recording electronic voting devices be audited.

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 Paul Miller, Elections Division, P.O. Box 40237, Olympia, WA 98504, (360) 725-5783.

July 6, 2005  
Steve Excell  
Assistant Secretary of State

#### WSR 05-14-167

##### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

(Elections Division)

[Filed July 6, 2005, 10:35 a.m.]

Subject of Possible Rule Making: Statewide voter registration database.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.08.651 and 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The official statewide voter registration database is a new voter registration system mandated by state and federal law that must be implemented by the Secretary of State by January 1, 2006. All voter registration records will be entered into this system and will be con-

tinually updated and screened for felons, deceased voters, and duplicate registrations. Each county will have an election management system that will exchange information with the statewide voter registration database. Guidance for this exchange of information and additional procedures are necessary for implementation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Elections Assistance Commission, Registrar of Vital Statistics, Social Security Administration, Department of Licensing, Washington State Patrol, Administrative Office of the Courts, Department of Health, and Department of Corrections.

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 Paul Miller, Elections Division, P.O. Box 40237, Olympia, WA 98504, (360) 725-5783.

July 6, 2005

Steve Excell

Assistant Secretary of State

**WSR 05-13-126**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed June 20, 2005, 4:22 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Chapter 388-76 WAC, Adult family homes minimum licensing requirements; amending WAC 388-76-540 Definitions, 388-76-560 License eligibility, 388-76-575 Licensing of state employees, 388-76-585 Change of provider or provider address, 388-76-595 Inspections and ombudsman visits, 388-76-655 General management and administration, 388-76-858 Criminal history disclosure and background inquiries and 388-76-715 Dispute resolution; and repealing WAC 388-76-59020 What definitions apply to adult family home designations?, 388-76-64005 Definitions, 388-76-9970, 388-76-9972, 388-76-9974, 388-76-9976, 388-76-9978 and 388-76-9980, relating to the moratorium.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on August 9, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 10, 2005.

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](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., August 9, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 5, 2005, TTY (360) 664-6178 or phone (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to correct name and address changes, correct outdated rule and statute references, consolidate all definitions into one section and repeal obsolete sections.

The proposal also amends the existing adult family home licensing rule to be consistent with currently adopted statutes in chapter 70.128 RCW and recent amendments to this statute (HB 2444 - chapter 223, Laws of 2002; and SB 5733 - chapter 140, Laws of 2004) and other rules, and consolidates information for ease of reading.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 70.128.040.

Statute Being Implemented: Chapter 70.128 RCW, Adult family homes; chapter 223, Laws of 2002; chapter 140, Laws of 2004.

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: A CR-101 preproposal notice was not filed and is not required for rules incorporating language from state statutes without material change, or correcting or clarifying rules without changing the effect, see RCW 34.05.310 (4)(c) and (d).

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

Name of Agency Personnel Responsible for Drafting: Roger A. Woodside, 4500 10th Avenue S.E., Lacey, WA, (360) 725-3204; Implementation and Enforcement: Pat Bosert, 4500 10th Avenue S.E., Lacey, WA, (360) 725-2404.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 34.05.310 (4)(c) and (d) exempts this rule from the requirement of a small business economic impact statement as the rule ... adopts and incorporates by reference without material change ... Washington state statutes, rules of other Washington state agencies ... and the material adopted and incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and ... makes address or name changes, or clarify language of a rule without changing its effect.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(b)(iii) and (iv) exempts this rule from the requirement of a cost-benefit analysis as the rule ... adopts and incorporates by reference without material change ... Washington state statutes, and rules of other Washington state agencies ... and the material adopted and incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and the rule ... makes address or name changes, or clarify language of a rule without changing its effect.

June 13, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-21-098, filed 10/21/02, effective 11/21/02)

**WAC 388-76-540 Definitions. "Abandonment"** means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

**"Abuse"** means a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms a person through action or inaction by another individual.

**"Adult family home"** means the same as the definition in RCW 70.128.010.

**"Applicant"** means an individual, partnership, corporation, or other entity seeking a license to operate an adult family home.

**"Capacity"** means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home who receive special care.

**"Caregiver"** means any person eighteen years of age or older responsible for providing direct personal care to a resident and may include but is not limited to the provider, resident manager, employee, relief caregiver, volunteer, student, entity representative, or household member.

**"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.

**"Chemical restraint"** means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms.

**"Dementia"** is defined as a condition documented through the assessment process required by WAC 388-76-61020.

**"Department"** means the Washington state department of social and health services.

**"Developmental disability"** means:

(1) A person who meets the eligibility criteria defined in Washington Administrative Code by the division of developmental disabilities under WAC 388-823-0040; or

(2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism); and

(a) The condition was manifested before the person reached age twenty-two;

(b) The condition is likely to continue indefinitely; and

(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:

(i) Self-care;

(ii) Understanding and use of language;

(iii) Learning;

(iv) Mobility;

(v) Self-direction; and

(vi) Capacity for independent living.

**"Enablers"** means a physical device used to facilitate a resident's self-administration of a prescribed or over-the-counter medication. Physical devices include, but are not limited to a medicine cup, glass, cup, spoons, bowl, pre-filled syringes, syringes used to measure oral liquids, specially adapted table surfaces, drinking straw, piece of cloth, and the resident's hand.

**"Entity provider"** means any corporation, partnership, association, or limited liability company that is licensed under this chapter to operate an adult family home.

**"Entity representative"** means the individual designated by an entity provider who is responsible for the daily operation of the adult family home.

**"Exploitation"** means the illegal or improper use of a frail elder or vulnerable adult or that person's income or resources, including trust funds, for another person's profit or advantage.

**"Frail elder or vulnerable adult"** means the same as the definition in RCW 74.34.020 or 43.43.830.

**"Individual provider"** means an individual person or a legally married couple who is licensed to operate an adult family home.

**"Inspection"** means an on-site visit by department personnel to determine the adult family home's compliance with this chapter and chapter 70.128 RCW, Adult family homes.

**"Medication organizer"** is a container with separate compartments for storing oral medications organized in daily doses.

**"Mental illness"** is defined as an Axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the aging and disability services administration).

**"Multiple facility provider"** means an individual or entity provider who is licensed to operate more than one adult family home.

**"Neglect"** means a pattern of conduct or inaction resulting in deprivation of care necessary to maintain a resident's physical or mental health.

**"Nursing assistant"** means the same as the definition in chapter 18.88A RCW.

**"Over-the-counter (OTC) medication"** is any medication that can be purchased without a prescriptive order, including but not limited to vitamin, mineral, or herbal preparations.

**"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, Long-term care services—Definitions. Personal care services do not include assistance with tasks performed by a licensed health professional.

**"Physical restraint"** means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

**"Practitioner"** includes a physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, register nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter 69.41 RCW for a complete listing of practitioners.

**"Prescribed medication"** refers to any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

**"Provider"** means any person or entity that is licensed under this chapter to operate an adult family home.

**"Resident"** means any adult unrelated to the provider who lives in the adult family home and who is in need of care. **"Resident"** includes former residents when examining complaints about admissions, readmissions, 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.

**"Resident manager"** means a person employed or designated by the provider to manage the adult family home.

**"Special care"** means care beyond personal care services as defined by "personal care services" in this section.

**"Unsupervised"** means the same as the definition in RCW ((43.43.830(8))) 43.43.830(9).

**AMENDATORY SECTION** (Amending WSR 98-11-095, filed 5/20/98, effective 7/1/98)

**WAC 388-76-560 License eligibility.** (1) The department shall consider separately and jointly as applicants each person and entity named or affiliated in an application for an

adult family home license. A person is considered affiliated with the applicant if the person is listed on the application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant. If the department finds any person or entity unqualified, the department shall deny the license.

(2) In making a determination whether to grant an adult family home license, the department shall review:

(a) The information in the application; and

(b) Other documents and information the department deems relevant, including inspection and complaint investigation findings in each facility or home for the care or provision of services to children or vulnerable adults with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant is or has been affiliated.

(3) The applicant and the home for which the license is sought shall comply with all requirements established by chapter 70.128 RCW and this chapter. The department may deny a license for noncompliance with any such requirements.

(4) An individual provider shall be twenty-one years of age or older.

~~((5))~~ All providers shall be registered with the department of health as required by RCW 70.128.120, prior to applying for an adult family home license. This registration must be renewed annually.

~~(6)~~ Each resident manager shall register with the department of health as required by RCW 70.128.120. This registration must be renewed annually.

~~(7))~~ (5) A provider shall have the understanding, ability, emotional stability and physical health suited to meet the emotional and physical care needs of vulnerable adults.

~~((8))~~ (6) An adult family home shall not simultaneously be licensed as a boarding home.

~~((9))~~ (7) The department shall deny, suspend or revoke a license if any of the following people have a history of significant noncompliance with federal or state regulations in providing care or services to vulnerable adults or children:

~~((#))~~ An applicant/provider,

• A person affiliated with the applicant.

~~((#))~~ A resident manager,

~~((#))~~ A partner of the entity,

~~((#))~~ An officer of the entity,

~~((#))~~ A director of the entity,

~~((#))~~ A managerial employee of the entity,

~~((#))~~ An entity representative, ~~((#f))~~

• Spouse of the provider, or

~~((#))~~ An owner of five percent or more of the entity.

The department shall consider, at a minimum, the following as a history of significant noncompliance requiring denial of a license:

(a) Revocation or suspension of a license for the care of children or vulnerable adults;

(b) Enjoined from operating a facility for the care of children or adults;

(c) Revocation, cancellation, suspension, or nonrenewal of a Medicaid or Medicare provider agreement by the contracting agency; or

(d) Revocation, cancellation, suspension, or nonrenewal of any agreement with a public agency for the care or treatment of children or vulnerable adults, when the action is taken by the public agency.

~~((10))~~ (8) The department may deny, suspend or revoke a license if any of the following people meet any of the criteria under subsection (9) of this section:

~~((#))~~ Any person who is a caregiver;

~~((#))~~ Any person who has unsupervised access to residents in the adult family home; or

~~((#))~~ Any person who lives in the home but who is not a resident.

~~((11))~~ (9) The department shall deny, suspend or revoke a license if:

~~((#))~~ An applicant/provider,

• A person affiliated with the applicant.

~~((#))~~ Any person who is a caregiver,

~~((#))~~ Any person who has unsupervised access to residents in the adult family home,

~~((#))~~ Any person who lives in the home but who is not a resident,

~~((#))~~ A resident manager,

~~((#))~~ A partner of the entity,

~~((#))~~ An officer of the entity,

~~((#))~~ A director of the entity,

~~((#))~~ A managerial employee of the entity,

~~((#))~~ An entity representative,

• A spouse of the provider

~~((#))~~ An owner of fifty percent or more of the entity, or

~~((#))~~ An owner who exercises control over daily operations, has been:

(a) Convicted of a crime against a person as defined under RCW 43.43.830 or 43.43.842;

(b) Convicted of a crime relating to financial exploitation as defined under RCW 43.43.830 or 43.43.842;

(c) Found by a court in a protection proceeding under chapter 74.34 RCW to have abused or financially exploited a vulnerable adult;

(d) Found in any final decision issued by a disciplinary board to have sexually or physically abused or exploited any minor or a person with a developmental disability or to have abused or financially exploited any vulnerable adult;

(e) Found in any dependency action under RCW ~~((13.34.030(2)(b)))~~ 13.34.030 (5)(b) to have sexually abused or exploited any minor or to have physically abused any minor; or

(f) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor.

~~((12))~~ (10) The department may deny, suspend or revoke a license, if:

~~((#))~~ An applicant/provider,

• A person affiliated with the applicant.

~~((#))~~ Any person who is a caregiver,

~~((#))~~ Any person who has unsupervised access to residents in the adult family home,

~~((#))~~ Any person who lives in the home but who is not a resident,

~~((#))~~ A resident manager,

~~((#))~~ A partner of the entity,

((\*) An officer of the entity,  
 ((\*) A director of the entity,  
 ((\*) A managerial employee of the entity,  
 ((A)) An entity representative,  
 • A spouse of the provider,  
 ((\*) An owner of fifty percent or more of the entity, or  
 ((\*) An owner who exercises control over daily operations has:

(a) Obtained or attempted to obtain a license by fraudulent means or misrepresentation;

(b) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(c) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to own or operate an adult family home;

(d) Had sanction, corrective, or remedial action taken by federal, state, county, or municipal health or safety officials related to the care or treatment of children or vulnerable adults;

(e) Engaged in or been convicted of the illegal use of drugs or the excessive use of alcohol within the past five years without evidence of rehabilitation;

(f) Been convicted of the illegal selling or distribution of drugs;

(g) Been convicted of any crime involving a firearm used in the commission of a felony or in an act of violence against a person;

(h) Operated a facility for the care of children or adults without a license;

(i) Misappropriated property of residents;

(j) Been denied a license or license renewal to operate a facility that was licensed for the care of children or vulnerable adults;

(k) Relinquished or returned a license in connection with the operation of any facility for the care of children or vulnerable adults, or did not seek the renewal of such license, following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of the license;

(l) Had resident trust funds or assets of an entity providing care to children or vulnerable adults seized by the IRS or a state entity for failure to pay income or payroll taxes;

(m) Refused to permit authorized department representatives to interview residents or have access to resident records;

(n) Interfered with a long term care ombudsman in the performance of his or her official duties;

(o) Exceeded licensed capacity in the operation of an adult family home; or

(p) Been found by the court in a proceeding under Title 26 RCW to have committed an act of domestic violence toward a family or household member.

((13)) (11) The department may deny, suspend or revoke a license if:

((\*) An applicant,

((\*) A provider,

((\*) A resident manager,

((\*) A partner of the entity,

((\*) An officer of the entity,

((\*) A director of the entity,

((\*) A managerial employee of the entity,

((\*) An entity representative,

((\*) An owner of fifty percent or more of the entity, or

((\*) An owner who exercises control over daily operations,

Failed to meet financial obligations as the obligations fell due in the normal course of business, thereby impeding his/her ability to care for residents.

((14)) (12) The department shall deny an adult family home license to an applicant who is licensed to care for children in the same home unless:

(a) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns eighteen to remain in the home;

(b) The applicant provides satisfactory evidence to the department of the home's capability to meet the needs of children and adults residing in the home; and

(c) The total number of persons receiving care in the home does not exceed the number permitted by the licensed capacity of the adult family home.

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-575 Licensing of state employees.** (1) Aging and ~~((adult))~~ disability services administration employees and any member of an employee's household shall be prohibited from obtaining an adult family home license.

(2) Department employees and any member of the employee's household shall be prohibited from obtaining an adult family home license when the employee's duties include:

(a) Placement of persons in a licensed adult family home; or

(b) Authorizing payment for such persons.

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-585 Change of provider or provider address.** (1) A change of provider occurs when there is a substitution of:

(a) The provider ultimately responsible for the daily operational decisions of the adult family home; or

(b) Control of an entity provider.

(2) Events which constitute a change of provider include but are not limited to the following:

(a) The form of legal organization of the provider is changed (e.g., an individual provider forms a partnership, corporation, ~~((or))~~ association, or dissolution or merger of a licensed entity with another legal organization);

(b) Operational responsibilities are transferred by the initial provider to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the adult family home is also transferred;

(c) Two individuals are both licensed as a married couple to operate the adult family home and an event, such as divorce, occurs which results in only one of the individuals operating the home;

(d) If the provider is a partnership, any event occurs which dissolves the partnership;

(e) If the provider is a corporation, and the corporation:

- (i) Is dissolved;
- (ii) Merges with another corporation which is the survivor; or
- (iii) Consolidates with one or more corporations to form a new corporation;

(f) If the provider is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four month period, fifty percent or more of the stock is transferred to one or more:

- (i) New or former stockholders; or
- (ii) Present stockholders each having held less than five percent of the stock before the initial transaction; or
- (g) Any other event or combination of events which results in a substitution or substitution of control of the provider.

(3) An adult family home license is not transferable and is only valid for the location and provider listed on the license. A change in either the provider or the location requires a new license.

(4) The operation or ownership of an adult family home shall not be transferred until the new provider has been issued a license to operate the home. The new provider shall comply with license application requirements.

(5) The provider shall not commence operation of an adult family home at a new location until the department has approved a license for that location.

(6) The provider shall notify the adult family home's residents, in writing, at least thirty days prior to the effective date of a change of provider or location.

(7) The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law.

(8) In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license.

**AMENDATORY SECTION** (Amending WSR 98-11-095, filed 5/20/98, effective 7/1/98)

**WAC 388-76-595 Inspections and ombudsman visits.**

(1) The department shall conduct unannounced inspections and complaint investigations to determine the provider's compliance with this chapter and chapter 70.128 RCW.

(2) The provider shall ensure that department staff have access to the home, residents, and all resident records therein and shall not willfully interfere or fail to cooperate with department staff in the performance of official duties. Examples of willful interference or failure to cooperate include but are not limited to, not allowing department staff to talk to residents in private, not allowing department staff entrance into the home, or not allowing department staff access to resident records.

(3) Department staff shall have access to relevant staff records which must be kept in the adult family home. Relevant staff records include: Criminal history background inquiries; tuberculosis test documentation; CPR-First-aid cards; department of health registration; fundamentals of caregiving, modified fundamentals of caregiving, nurse delega-

tion and continuing education certificates; and any other special certificates.

(4) Within ten ((calendar)) working days of the inspection of the adult family home, the department's inspection report will be mailed or hand delivered to the provider.

(5) Within ten calendar days of the completion of complaint investigation data collection, any department inspection report related to a complaint investigation will be mailed or hand delivered to the provider.

(6) A provider shall submit to the department the planned corrective measures for violations and/or deficiencies within ten calendar days of receipt of a statement of deficiencies or an inspection report.

(7) Upon request, the department will supply to the public copies of inspection reports and complaint investigation reports, as soon as they are completed.

(8) The department will include a copy of the provider's planned corrective measures with the inspection and complaint investigation reports, if a copy is available at the time of the request.

(9) Any written decision by the department to take an enforcement action will be immediately available to the public.

(10) Subsections (7) through (9) above are subject to applicable public disclosure and confidentiality requirements.

(11) The adult family home shall not willfully interfere with a representative of the Washington protection and advocacy system as defined under RCW 71A.10.080 or the long term care ombudsman in the performance of official duties, as defined under chapter 43.190 RCW, Long-term care ombudsman program, the state regulations for the long-term care ombudsman program, and under federal law. The department shall impose a penalty of not more than one thousand dollars for any such willful interference with a representative from the long-term care ombudsman program.

**AMENDATORY SECTION** (Amending WSR 03-14-018, filed 6/19/03, effective 7/20/03)

**WAC 388-76-655 General management and administration.** (1) The provider shall not admit or retain any resident whose needs the provider cannot meet.

(2) The provider shall ensure all of the following:

(a) That staff are competent and receive necessary training, including but not limited to any training required under chapter 388-112 WAC to perform assigned tasks;

(b) The adult family home is in compliance with the requirements of this chapter and other applicable state laws;

(c) The home employs sufficient staff to meet the needs of the residents; and

(d) That he/she is available to respond to resident needs and caregiver inquiries within a reasonable time frame. In the event a provider is unavailable (including but not limited to being on vacation), a person must be designated to respond on behalf of the provider.

(3) The provider shall ensure that all caregivers are at least eighteen years of age or older.

(4) The provider shall ensure that the provider, entity representative, resident manager and all caregivers:

(a) Are able to communicate or make provisions for communicating with the resident in his or her primary language;

(b) Have a clear understanding of job responsibilities and knowledge of residents' negotiated care plans in order to be able to provide care specific to each resident's needs; and

(c) Not engage in the illegal use of drugs or the excessive use of alcohol when providing care to residents; and

(d) Possess a valid first-aid and CPR card prior to providing care for residents unless such care is directly supervised by a fully qualified caregiver who has a valid first-aid and CPR card.

(5) The provider shall ensure that:

(a) There is at least one caregiver present in the home whenever one or more residents are on the premises;

(b) The caregiver referred to in (a) of this subsection is capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations; and

(c) At least one caregiver is accessible by phone or beeper for emergencies when there are no residents on the home's premises.

(6) An adult family home shall be exempt from subsection (5)(a) of this section if:

(a) The home provides care to residents whose primary disabilities are developmental disabilities as defined by WAC ((388-76-590)) 388-76-540; and

(b) It is determined and documented in a resident's current negotiated care plan that the resident is capable and willing to be left alone unsupervised in the adult family home during normal awake hours. The maximum period of time a resident can be left alone must be documented in the negotiated care plan.

**AMENDATORY SECTION** (Amending WSR 98-11-095, filed 5/20/98, effective 7/1/98)

**WAC 388-76-685 Criminal history disclosure and background inquiries.** (1) Before the adult family home employs, directly or by contract, a resident manager, entity representative or caregiver, or accepts as a caregiver any volunteer or student, or allows a household member unsupervised access to residents, the home shall:

(a) Require the person to complete the residential care services background inquiry form which includes:

(i) A disclosure statement; and

(ii) A statement authorizing the adult family home, the department, and the Washington state patrol to conduct a background inquiry;

(b) Verbally inform the person:

(i) That he or she may request a copy of the background inquiry result; and

(ii) Of the inquiry result within ten days of receipt; and

(c) Notify the appropriate licensing or certification agency of any person resigning or terminated as a result of having a conviction record.

(2) The adult family home provider shall not employ any person, directly or by contract, or accept as a volunteer or student any person who may have unsupervised access to residents, or allow a household member unsupervised access to

residents if the person or background inquiry discloses that the person was:

(a) Convicted of a crime against persons as defined under RCW 43.43.830;

(b) Convicted of a crime related to financial exploitation as defined under RCW 43.43.830;

(c) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

(d) Subject to an order of protection under chapter 74.34 RCW for abuse, neglect, abandonment or financial exploitation of a vulnerable adult;

(e) Found in a final decision issued by a disciplinary board to have:

(i) Sexually or physically abused or exploited any minor or developmentally disabled person; or

(ii) Abused, neglected, abandoned or financially exploited any vulnerable adult; or

(f) Found in any dependency action under RCW ((13-34-030-(2)(b))) 13.34.050(1) to have ((sexually assaulted)) engaged in circumstances of sexual abuse or exploited any minor or to have physically abused any minor.

(3) The adult family home may choose to employ a person with a conviction of a crime only if the conviction is one of the crimes listed in RCW 43.43.842 and the required number of years has passed.

(4) An adult family home may conditionally employ a person pending the result of a background inquiry, provided the home requests the inquiry within seventy-two hours of the conditional employment.

(5) A background inquiry result is valid for two years from the date it is conducted, at which point a new background inquiry application must be submitted.

(6) The adult family home shall establish procedures ensuring:

(a) All disclosure statements and background inquiry applications and responses and all copies are maintained in a confidential and secure manner;

(b) All background inquiry results and disclosure statements are used for employment purposes only;

(c) Background inquiry results and disclosure statements are not disclosed to any person except:

(i) The person about whom the adult family home made the disclosure or background inquiry;

(ii) Authorized state and federal employees; and

(iii) The Washington state patrol auditor.

(7) A record of inquiry results shall be retained by the adult family home for eighteen months beyond the date of employment termination.

(8) The provider shall secure and submit any additional documentation and information as requested by the department to satisfy the requirements of this section.

**AMENDATORY SECTION** (Amending Order 3984, filed 6/19/96, effective 7/20/96)

**WAC 388-76-715 Dispute resolution.** (1) When a provider disagrees with the department's finding of a violation under this chapter, the provider shall have the right to have the violation reviewed by the department under the depart-



ment's dispute resolution process. The purpose of the review is to give the provider an opportunity to present information which might warrant modification or deletion of a finding of a violation. The provider may submit a written statement for review. In addition to a written statement, the provider may request to present the information in person to a department designee. Requests for review shall be made to the department (~~'s community services quality assurance area manager~~) at the address provided in the department's certified letter within ten days of receipt of the written finding of a violation.

(2) When requested by a provider, the department shall expedite the dispute resolution process to review violations upon which a department order imposing license suspension, stop placement, or a condition on a license is based.

(3) Orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending dispute resolution.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 388-76-59020	What definitions apply to specialty adult family home designations?
WAC 388-76-64005	Definitions.
WAC 388-76-9970	Purpose.
WAC 388-76-9972	Definitions.
WAC 388-76-9974	Effective date of the moratorium.
WAC 388-76-9976	Process for requesting an individual accommodation.
WAC 388-76-9978	Applications that will be processed during the moratorium.
WAC 388-76-9980	Notification of the end of the moratorium.

**WSR 05-14-098**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed June 30, 2005, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-08-091.

Title of Rule and Other Identifying Information: WAC 388-492-0070 How are my WASHCAP (Washington combined application program) food benefits calculated?

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on August 9, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 10, 2005.

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., August 9, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 5, 2005, TTY (360) 664-6178 or phone (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments are necessary to clarify what information the department uses to calculate shelter cost standard deductions in WASHCAP. Also, the amendments indicate that the net income calculation is derived using a rounding method versus exact figures, consistent with the Basic Food program net income calculation.

Further, amendments are proposed to implement federal rules that require the department to adjust the shelter deduction standards for food benefits every year based on the consumer price index (CPI); this is also specifically reflected in the WASHCAP state plan waivers.

Reasons Supporting Proposal: The current version does not clearly articulate all the possible basis of shelter cost information and does not describe the rounding method used when calculating the WASHCAP net income for the purposes of calculating benefit allotments. This results in confusion and inaccurate benefit calculations.

Federal rule requires CPI adjustments to occur annually for shelter standards as pertains to food benefit programs.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

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: Rebecca Henrie, 1009 College S.E., Lacey, WA 98504, (360) 725-4615.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients by outlining the rules clients must meet in order to be eligible for the department's cash assistance or food benefit programs.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.

June 29, 2005

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

PROPOSED

**AMENDATORY SECTION** (Amending WSR 05-08-008, filed 3/25/05, effective 4/25/05)

**WAC 388-492-0070 How are my WASHCAP food benefits calculated?** We calculate your food benefits as follows:

- (1) We begin with your gross income.
- (2) We subtract one hundred thirty-four dollars from your gross income to get your countable income.
- (3) We figure your shelter cost (~~(as follows)~~) based on information we receive from Social Security Administration (SSA), unless you report a change as described under WAC 388-492-0080. If you pay:
  - (a) (~~(If SSA tells us you pay)~~) Three hundred ((~~nineteen~~) ~~twenty-nine~~) dollars or more a month for shelter, we use three hundred (~~(~~twenty-nine~~)~~) forty dollars as your shelter cost; or
  - (b) (~~(If SSA tells us you pay)~~) Less than three hundred ((~~nineteen~~) ~~twenty-nine~~) dollars for shelter, we use one hundred (~~(~~fifty-nine~~)~~) sixty-four dollars as your shelter cost; and
  - (c) We add the current limited utility allowance under WAC 388-450-0195 to determine your total shelter cost.
- (4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.
- (5) We figure your net income by subtracting your shelter deduction from your countable income and rounding the resulting figure up from fifty cents and down from forty-nine cents to the nearest whole dollar.
- (6) We figure your WASHCAP food benefits (allotment) by:
  - (a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and
  - (b) Subtracting the result from the maximum allotment under WAC 388-478-0060.
  - (c) If you are eligible for WASHCAP, you will get at least ten dollars in food benefits each month.

**WSR 05-14-110  
PROPOSED RULES  
BOARD OF  
PILOTAGE COMMISSIONERS**

[Filed July 1, 2005, 8:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-04-094.

Title of Rule and Other Identifying Information: There are eleven rules being considered for adoption.

New sections WAC 363-116-065 Number of pilots, 363-116-0751 Qualifications for pilot applicants taking examinations on or after July 1, 2008, 363-116-076 Examination for pilot applicants, 363-116-077 Simulator evaluation for pilot applicants, and 363-116-078 Training program; and amending WAC 363-116-075 Qualifications for pilot applicants taking examinations before July 1, 2008, 363-116-080 Licensing of pilots, 363-116-082 Limitations on new pilots, 363-116-083 Examination review and appeal procedures, 363-116-175 Tariff proposals, and 363-116-300 Pilotage rates for the Puget Sound pilotage district.

Hearing Location(s): 2901 Third Avenue, First Floor Conference Room, Seattle, WA 98121, on August 11, 2005, at 9:30 a.m.

Date of Intended Adoption: August 11, 2005.

Submit Written Comments to: Captain Harry Dudley, Chairman, 2911 Second Avenue, Seattle, WA 98121, e-mail [larsonp@wsdot.wa.gov](mailto:larsonp@wsdot.wa.gov), fax (206) 515-3906, by August 4, 2005.

Assistance for Persons with Disabilities: Contact Judy Bell by August 8, 2005, (206) 515-3647.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed new rules being considered are intended to modify pilot licensing qualifications and procedures. The proposal offers a transitional approach to implementing the revised licensing program. While there would be some changes for applicants now ready to take a pilot exam, many things would remain the same. For example there are no recommended changes to the qualifications for those taking an exam prior to July 1, 2008. The sea service and vessel tonnage requirements in WAC 363-116-075 would remain unchanged. Applicants would still be required to have an unrestricted pilotage endorsement on their federal license prior to taking the exam. The written examination will remain basically the same and cover the same topics. A simulator evaluation will be substituted for the oral examination. The training program offers a \$6,000 (or such other amount as may be set by the board) per month stipend (funded by a tariff training surcharge) for trainees in a more structured and comprehensive program with more required trips.

Future Applicants: The changes would be more pronounced for applicants taking a pilot examination on or after July 1, 2008. The changes would include:

- Altering the historical sequence of riding ships, obtaining a federal pilotage endorsement, taking the pilot examination and then training. The revised program would not require the pilotage endorsement until the time of licensing. Applicants without the federal endorsement would obtain it during a supervised training program made up of observation and training trips. Trainees would receive training and be evaluated during this process.
- Increasing the size of vessels on which future applicants must have sea service;
- Clarifying tonnage issues to include international tonnages and military tonnages that are not covered by the current qualification language; and
- Changing the written examination process to include an initial written exam on nonlocal, general piloting and seamanship issues and following it with a series of local knowledge exams throughout the training program.

The Training Program: Current and future applicants would participate in a newly structured training program. The goal of this program is to give trainees more hands-on experience prior to licensing on the larger ships that now call at our ports. The new program would have:

- An optional monthly stipend available to trainees who elect to receive it and devote full time to training or

elect not to receive it and continue with outside employment during the training program;

- An initial evaluation program that will give the board a thorough examination of an applicant's basic piloting and ship handling skills and potential, which would then lead into a longer and more comprehensive training program;
- More structured planning of the training program and evaluation of trainees by the board acting through a newly formed trainee evaluation committee; and
- Better evaluation of trainees by experienced pilots who have been schooled to train and evaluate trainees.

**Post Licensing Vessel Size Limitations:** Currently, newly licensed pilots must make three familiarization/training trips when upgrading his/her license each year. We propose this number be increased to eight. Given the increased scope of the overall training that trainees and newly licensed pilots will receive, we propose an incremental increase in the size limitations of the ships that can be piloted during the first five years of licensing. This will bring these limitations more into line with today's ship sizes.

**Reasons Supporting Proposal:** SSB 5150 was recently enacted on April 12, 2005, which necessitates new and amendatory language in chapter 363-116 WAC.

**Statutory Authority for Adoption:** RCW 88.16.035 and 88.16.090.

**Statute Being Implemented:** Chapter 88.16 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 board has given several opportunities for stakeholders to participate in and comment on the development of the proposed new rules. Further written and oral comments are welcome throughout the rule-making process. The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from any interested party and the public. The board will consider whether or not to adopt any or all of the proposed new rules under emergency provisions.

**Name of Proponent:** Board of Pilotage Commissioners, governmental.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Board of Pilotage Commissioners, 2901 Third Avenue, Seattle, WA 98121, (206) 515-3904.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules are being considered as a result of certain statutory revisions requiring new rules in order to implement new licensing qualifications and procedures.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to the adoption of these rules. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

June 29, 2005

Peggy Larson  
Administrator

## NEW SECTION

**WAC 363-116-065 Number of pilots.** (1) The board will, from time to time, set the number of pilots to be licensed in each pilotage district of the state that is best calculated to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service. This determination will be made by the board at meetings for which the agenda lists this issue as a topic for resolution. In addition, the board shall plan ahead to ensure, to the extent possible, that pilot trainees enter the training program set forth in WAC 363-116-078 so that they complete the training program in a timely manner.

(2) In setting the number of pilots and making decisions as to when to hold an examination and admit applicants to the training program, the board shall consider factors which include, but are not limited to, the following:

(a) Policy of the state to ensure safety of persons, vessels, property and the environment by providing competent, efficient and regulated pilotage for vessels;

(b) The importance of the maritime industry to the state balanced by the potential hazards presented by the navigation of vessels requiring pilots;

(c) The lead time necessary to select and train new pilots;

(d) Regional maritime economic outlook, including without limitation: Current economic trends in the industry, fluctuations in the number of calls, the types of assignments, the size of vessels, the cyclical nature of the traffic and whether traffic is increasing or decreasing and the need to minimize shipping delays;

(e) Workload, assignment preparation and rest needs of pilots;

(f) Trends in size of piloted vessels;

(g) Time lost to injury and illness;

(h) Anticipated retirements;

(i) Administrative, continuing education and training requirements and responsibilities of pilots and pilot organizations; and

(j) Surface transportation and travel time consumed in pilots getting to and from assignments.

**AMENDATORY SECTION** (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-075 Qualifications for pilot applicants taking examinations before July 1, 2008.** ~~((Under the authority))~~ **(1) In addition to meeting the requirements of RCW 88.16.090, pilot applicants** ~~((, in addition to meeting the requirements therein,))~~ **must hold at the time of examination a first class United States endorsement without tonnage or other restrictions on ~~((the))~~ his/her United States government license to pilot in all of the waters of the pilotage district ~~((s for))~~ in which the pilot applicant desires to be licensed and meet one of the following additional requirements ~~((before taking the Washington state pilotage examination))~~:**

~~((+))~~ **(a)** One year of service in ocean or near coastal waters as a master of cargo, tank, or passenger vessels of 5000 gross tons or more while holding a license as a master of ocean steam or motor vessels of any gross tons or as a master of near coastal steam or motor vessels of any gross tons; ~~((or~~

PROPOSED

(2)) (b) Two years of service in ocean or near coastal waters as a master of cargo, tank, or passenger vessels of 450 gross tons or more while holding a license as a master of ocean or near coastal steam or motor vessels of not more than 1600 gross tons; ((e

(3)) (c) Two years of service in inland waters as a master of cargo, tank, or passenger vessels of 500 gross tons or more while holding a license as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons; ((e

(4)) (d) Two years of service as a master of towing vessels of 100 gross tons or more while holding a license as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons; ((e

(5)) (e) Three years of service as a member of an organized professional pilots association or as a U.S. government employed pilot during which period the applicant was actively engaged in piloting((-) and hold as a minimum a license as a master of ocean, near coastal or inland steam or motor vessels of not more than 1600 gross tons; or

((6)) (f) Two years of service as a commanding officer or master of U.S. flag government vessels of not less than 1000 gross tons and hold a license as either a master of ocean or near coastal steam or motor vessels of any gross tons.

((7)) (2) As used in this section "cargo, tank, or passenger vessels" shall refer to vessels primarily engaged in the transportation of cargo or passengers between points.

(3) Tonnages used in this section shall refer to gross registered tonnage (domestic). If an applicant's sea service is on a ship without a domestic gross tonnage rating, the board shall make a determination as to equivalency in determining whether an applicant is eligible.

(4) The provisions of this section shall apply to examinations provided in WAC 363-116-076 given before July 1, 2008.

**NEW SECTION**

**WAC 363-116-0751 Qualifications for pilot applicants taking examinations on or after July 1, 2008.** (1) Sea service.

(a) In addition to meeting the preexamination requirements of RCW 88.16.090, pilot applicants must, before taking the examination provided in WAC 363-116-076, meet one of the following indicated service requirements as master, while holding a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC):

Vessel Type	Minimum Size	Waters	Minimum Time
Cargo or tank	5000 GRT or 10,000 GT (ITC)	Ocean or near coastal	1 year
Cargo or tank	700 GRT or 1400 GT (ITC)	Ocean or near coastal	2 years
Cargo or tank	1600 GRT or 3000 GT (ITC)	Inland	2 years
Passenger or ferry	1600 GRT or 3000 GT (ITC)	Ocean, near coastal or inland	2 years

Vessel Type	Minimum Size	Waters	Minimum Time
Towing	150 GRT or 300 GT (ITC)	Ocean, near coastal or inland	2 years

(b) In calculating sea service under subsection (1) of this section, a year of service shall equal three hundred sixty days of service on the vessel in the required capacity. Applicants combining the above types of sea service shall have a total of at least two years of the various service times, except that one day of service as master on cargo, tank, or passenger vessels of at least 5000 GRT or 10,000 GT (ITC) shall be credited as two days of service time for the purpose of calculating such combined service times.

(2) In lieu of the requirements of subsection (1) of this section, an applicant may substitute either:

(a) Three years of service as an active member of an organized professional pilot association or as a government employed pilot during which periods the applicant was actively engaged in piloting while holding a minimum license as a master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters. For purposes of this section, piloting shall refer to piloting vessels in the capacity of the pilot in charge of navigation; or

(b) Two years of service as a commanding officer or master of U.S. flag government vessels of not less than 3000 displacement tons. The applicant must hold at the time of application a minimum license as master of steam or motor vessels of not more than 1600 GRT or 3000 GT (ITC) upon oceans, near coastal waters or inland waters.

(3) An applicant who does not meet the sea service requirements set forth in subsection (1) or (2) of this section but is otherwise qualified to take the examination, shall be eligible to take the first examination given on or after July 1, 2008, if the applicant qualified for, took and passed the most recent examination given prior to July 1, 2008, pursuant to WAC 363-116-075.

(4) As used in this section these terms shall have the following meanings:

(a) Cargo or tank vessels shall refer to vessels primarily engaged in the transportation of cargo between points.

(b) Passenger vessels shall refer to vessels primarily engaged in the transportation of passengers between points. This shall include yachts only to the extent and for such times that such vessels are actively engaged in moving passengers between points.

(c) Ferry vessels shall refer to vessels primarily engaged in the transportation of vehicles and passengers between points.

(d) Towing vessels shall refer to vessels primarily engaged in commercial towing of vessels or in ship assist work.

(e) GRT shall refer to gross register tonnage (domestic).

(f) GT (ITC) shall refer to gross tonnage measured in accordance with the requirements of the 1969 *International Convention on Tonnage Measurement of Ships*.

(5) The provisions of this section shall apply to examinations provided in WAC 363-116-076 given on or after July 1, 2008.

#### NEW SECTION

##### **WAC 363-116-076 Examination for pilot applicants.**

(1) Applicants must pass a written examination given and graded by the board or the board's designated contracting entity. A perfect score on the written examination shall be 100 points. The board will set the minimum passing score for the written examination. Notice of the examination shall be published at least four months in advance by one paid advertisement in a major marine industry publication and written notice to any party who has requested notice of such examinations. The board may publish additional notices in such publications or in other media at such times as it deems appropriate. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an examination on less than four months notice.

(2) The examination may be taken by all applicants who the board has determined have met the qualifications of WAC 363-116-075 or 363-116-0751 and who:

(a) Have had an application on file with the board for at least one month prior to the examination. This requirement may be waived by the chairperson of the board upon the showing of good cause.

(b) Have tendered with the application a nonrefundable examination administration fee in such amount as may be set by the board from time to time. The board may, at its discretion, refund all or part of the examination administration fee for an applicant who is unable to sit for the examination or refund all or part of the portion of the examination administration fee that encompasses the simulator fee for an applicant who is unable to sit for the simulator evaluation.

(3) The written examination shall be in compliance with RCW 88.16.090 and may consist of questions covering, but not limited to, the following subjects:

(a) International Rules of the Road and accompanying information set forth in United States government publications on the subject;

(b) Inland Rules of the Road (Grays Harbor pilotage district only) and accompanying information set forth in United States government publications on the subject;

(c) Meaning and understanding of the aids to navigation;

(d) Seamanship, including piloting and ship handling, docking and undocking problems, use of ship assist tugs and anchors;

(e) Vessel traffic system regulations;

(f) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(g) Operation and use of marine radar and automatic radar plotting aids (ARPA);

(h) Ability to calculate currents and tides;

(i) Federal laws affecting mariners and pilots including environmental laws;

(j) Use of vessel navigational equipment;

(k) Duties of a pilot;

(l) Relationship between pilot and master;

(m) Bridge resource management;

(n) United States government public health quarantine regulations;

(o) Marine VHF radio usage and phraseology, including bridge-to-bridge communications regulations;

(p) Federal navigation safety and security regulations;

(q) International distress signals;

(r) Nonlocal chart knowledge, including chart symbols and abbreviations as set forth in the latest U.S. Department of Commerce, NOS (National Ocean Survey) Chart No. 1; and

(s) Chapters 88.16 RCW and 363-116 WAC.

(4) In addition to the subjects listed in subsection (3) of this section, the following subjects as they pertain to the pilotage district for which the examination is being given may be included in examinations given before July 1, 2008:

(a) Knowledge of local tidal currents;

(b) Overhead cable areas and clearances;

(c) Submerged cable and pipeline areas;

(d) Channel, waterway and passage widths, depths and shoal areas and other information from the Army Corps of Engineers survey charts;

(e) Bridge transit knowledge - signals, channel width, regulations, and closed periods;

(f) Lock characteristics, rules and regulations;

(g) Ranges for determining compass error and measured miles;

(h) Channel ranges;

(i) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

(j) Prohibited areas, restricted areas, regulated navigation areas and explosive anchorages;

(k) Commonly used anchorage locations;

(l) Use of anchors and knowledge of ground tackle;

(m) State and federal tanker escort rules;

(n) State environmental law and regulations affecting mariners;

(o) Marine and port security regulations;

(p) Harbor safety plan and harbor regulations; and

(q) Local chart knowledge, including chart symbols and abbreviations as set forth in the latest U.S. Department of Commerce, NOS (National Ocean Survey) Chart No. 1.

#### NEW SECTION

##### **WAC 363-116-077 Simulator evaluation for pilot applicants.**

(1) Applicants who take an examination before July 1, 2008, shall be eligible to take the simulator evaluation set forth in this section. Applicants who pass an examination on or after July 1, 2008, and whose scores are among the top twenty (or such other number as may be set by the board) of those taking the examination (plus any applicants who tie a qualifying score) shall be eligible to take the simulator evaluation set forth in this section.

(2) The simulator evaluation shall take place at a marine simulator facility designated by the board and shall be recorded. In this evaluation applicants shall be observed by available board members but shall be evaluated only by those board members who hold, or have held a minimum U.S. Coast Guard license as master of steam or motor vessels of

not more than 1600 gross tons. If the board determines that it does not have enough evaluators from among its ranks, it may appoint other evaluators who hold, or have held within ten years of the examination date, a state pilotage license issued by Washington or another state.

(3) Applicants shall be evaluated in writing based on the following factors:

- (a) Fundamental piloting and ship handling ability;
- (b) Ability to assimilate and prioritize all data necessary to safely maneuver the ship;
- (c) Ability to respond appropriately in routine situations;
- (d) Ability to respond appropriately in emergency or nonroutine situations;
- (e) Ability to communicate well and project the proper bridge presence;
- (f) Understanding of bridge resource management;
- (g) Understanding and command of the International Rules of the Road; and
- (h) Understanding and command of the Inland Rules of the Road (Grays Harbor pilotage district only).

(4) The scoring method on the simulator evaluation and the relative weight of this score to the whole examination will be determined by a board designated examination committee and provided to the applicants prior to the examination provided in WAC 363-116-076.

(5) The board will set a minimum passing score.

(6) The board may require that the simulator evaluation fee will be at the expense of the applicant.

#### NEW SECTION

**WAC 363-116-078 Training program.** After passing the written examination and simulator evaluation, applicants pursuing a pilot license must enter and successfully complete a training program specified by the board.

(1) Notification. Applicants on the list waiting to enter the training program shall provide the board with a current address to be used for notification for entry into the training program. Such address shall be a place at which mail is delivered. In addition, an applicant may provide the board with other means of contact such as a phone number, fax number, and/or an e-mail address. The mailing address will, however, be considered the primary means of notification by the board. It will be the responsibility of the applicant to ensure that the board has a current mailing address at all times. If an applicant cannot personally receive mail at the address provided to the board for any period of time, another person may be designated in writing with a notarized copy to the board as having power of attorney specifically to act in the applicant's behalf regarding such notice. If notice sent to the address provided by the applicant is returned after three attempts to deliver, that applicant will be skipped and the next applicant on the list will be contacted for entry into the training program. A person so skipped will remain next on the list. An applicant or his designated attorney in fact shall respond within fifteen calendar days of receipt of notification to accept, refuse, or delay entry into the training program.

(2) Entry. At such time that the board chooses to start an applicant in the training program, notification shall be given to the first person on the list. Applicants shall be eligible in

the order of their total combined scores on the written examination and simulator evaluation. Any applicant who refuses entry into the program will be removed from the waiting list with no further obligation by the board to offer a position in the training program. An applicant who is not able to start the training program within two months of the board's notice may, with written consent of the board, delay entry into the training program. The board will then give notice to the next applicant on the list to enter the training program. The applicant who delays entry, shall remain eligible for the next position in the training program, provided that the next position becomes available within the earlier of:

(a) Four years from the applicant's taking the written examination; or

(b) The date scheduled for the next pilotage examination. Applicants not able to start in the training program within two months of the board's notice of eligibility and who do not obtain the board's written consent to delay entry into the training program shall no longer be eligible for the training program without retaking the examination provided in WAC 363-116-076 and the simulator evaluation provided in WAC 363-116-077.

(3) Training license. Prior to receiving a training license applicants must pass a physical examination by a physician designated by the board and in accordance with the requirements of WAC 363-116-120 for initial applicants. A form provided by the board must be completed by the physician and submitted to the board along with a cover letter indicating the physician's findings and recommendations as to the applicant's fitness to pilot. The physical examination must be taken not more than forty-five days before issuance of the training license. Holders of a training license will be required to pass a general physical examination annually within forty-five days prior to the anniversary date of that license. Training license physicals will be at the expense of the applicant. All training licenses shall be signed by the chairperson or his/her designee and shall have an expiration date and fee established by the board. Training licenses shall be surrendered to the board upon completion or termination of the training program.

(4) Development. As soon as practical after notification, the applicant shall meet with the trainee evaluation committee for the purpose of devising a training program for that applicant. The training program shall be tailored to the ability and experience of the individual applicant and shall consist of observation trips, training trips in which the applicant pilots the vessel under the supervision of licensed pilots, ship assist tug trips, and such other forms of learning and instruction that may be designated. The trainee evaluation committee shall recommend a training program for adoption by the board. After adoption by the board, it will be presented to the applicant. If the applicant agrees in writing to the training program, the board shall issue a training license to the applicant, which license shall authorize the applicant to take such actions as are contained in the training program. If the applicant does not agree to the terms of the training program in writing within fifteen business days of it being received by the applicant, that applicant shall no longer be eligible for entry into the training program and the board may give notice

to the next available applicant that he/she is eligible for the training program.

(5) Initial evaluation.

(a) The trainee evaluation committee shall create an initial evaluation at the beginning of each applicant's training program. The goal of the initial evaluation is to, as soon as practical after adequate observation trips, have the pilot trainee involved in hands-on piloting and ship handling under the supervision of licensed pilots and subject to the evaluation of training pilots. To this end the trainee evaluation committee shall devise an initial evaluation of a specified length not to exceed six months if the pilot trainee is on stipend and nine months if not on stipend. The initial evaluation shall:

(i) Afford the pilot trainee early and concentrated exposure to a commonly navigated waterway, channel or tributary within the pilotage district and the main ship channel routes between such area and the seaward boundary of the pilotage district;

(ii) Except for pilot trainees taking an examination prior to July 1, 2008, provide the pilot trainee the opportunity to study for and pass any local knowledge examination provided by the board as to the conditions found in such waterway, channel or tributary;

(iii) Specify a number of training trips in which the pilot trainee pilots vessels under the supervision of licensed pilots; and

(iv) Specify a number of training trips in which the pilot trainee pilots vessels under the supervision of training pilots and the pilot members of the trainee evaluation committee.

(b) As a condition of completing the initial evaluation, the pilot trainee shall:

(i) Pass the local knowledge examination given by the board covering the routes described in (a)(i) of this subsection. This examination can be repeated as necessary, provided that it may not be taken more than once in any thirty day period and further provided that it must be successfully passed before the expiration date of the initial evaluation; and

(ii) Possess a first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in at least one route in the pilotage district in which the pilot applicant seeks a license.

(c) After completion of the initial evaluation, the trainee evaluation committee shall make a recommendation to the board and the board shall determine, whether the pilot trainee has demonstrated the potential for superior piloting and ship handling and has demonstrated the ability to assimilate and retain the local knowledge necessary to pilot. Unless the board finds that such superior potential exists, it shall terminate the pilot trainee's participation in the training program.

(6) Specification of trips. To the extent possible, the training program shall provide a wide variety of assignments, observation and training trips. The training program may contain deadlines for achieving full or partial completion of certain necessary actions. Where relevant, it may specify such factors as route, sequence of trips, weather conditions, day or night, stern or bow first, draft, size of ship and any other relevant factors. The board may designate specific trips or specific numbers of trips that shall be made with training pilots or with the pilot members of the trainee evaluation committee or with pilots of specified experience. In the

Puget Sound pilotage district, applicants taking an examination before July 1, 2008, shall have a minimum of one hundred thirty trips. After July 1, 2008, all Puget Sound applicants shall have a minimum of one hundred fifty trips. The board shall set from time to time the minimum number of trips for applicants in the Grays Harbor pilotage district. The board will ensure that during the training program the pilot trainee will get significant review by training pilots and the pilot members of the trainee evaluation committee.

(7) Local knowledge. The training program shall provide for the education and testing of pilot trainees on the local knowledge necessary to become a pilot. This education program shall be developed by the trainee evaluation committee and recommended to the board for adoption and shall be tailored to the needs of the individual pilot trainee. Prior to the completion of the training program, the board, or its designee, shall give a local knowledge examination(s) to the pilot trainees who shall be required to pass such examination(s) before completing the training program. Pilot trainees taking an examination before July 1, 2008, shall not be required to take local examinations. These local examinations can be repeated as necessary, except that an examination for the same local area may not be taken more than once in any thirty day period and all required local knowledge examinations must be successfully passed before the expiration date of the training program. The local knowledge examination(s) may include the following subjects as they pertain to the pilotage district for which the pilot trainee seeks a license:

- (a) Area geography;
- (b) Waterway configurations including channel depths, widths and other characteristics;
- (c) Hydrology and hydraulics of large ships in shallow water and narrow channels;
- (d) Tides and currents;
- (e) Winds and weather;
- (f) Local aids to navigation;
- (g) Bottom composition;
- (h) Local docks, berths and other marine facilities including length, least depths and other characteristics;
- (i) Mooring line procedures;
- (j) Local traffic operations e.g., fishing, recreational, dredging, military and regattas;
- (k) Vessel traffic system;
- (l) Marine VHF usage and phraseology, including bridge-to-bridge communications regulations;
- (m) Air draft and keel clearances;
- (n) Submerged cable and pipeline areas;
- (o) Overhead cable areas and clearances;
- (p) Bridge transit knowledge - signals, channel width, regulations, and closed periods;
- (q) Lock characteristics, rules and regulations;
- (r) Commonly used anchorage areas;
- (s) Danger zone and restricted area regulations;
- (t) Regulated navigation areas;
- (u) Naval operation area regulations;
- (v) Maneuvering behavior for different vessel types;
- (w) Impact of propulsion and maneuvering machinery on vessel navigation;
- (x) Local ship assist and escort tug characteristics;
- (y) Tanker escort rules - state and federal;



- (z) Use of anchors and knowledge of ground tackle;
- (aa) Applicable federal and state marine and environmental safety law requirements;
- (bb) Marine security and safety zone concerns;
- (cc) Marine port security regulations;
- (dd) Harbor safety plan and harbor regulations; and
- (ee) Chapter 88.16 RCW and other relevant state and federal regulations.

(8) Length.

(a) In the Puget Sound pilotage district, for applicants taking an examination before July 1, 2008, the minimum length of the training program shall be seven months. For applicants who take an examination on or after July 1, 2008, the minimum length of the training program shall be eight months. The maximum length of the training program shall be thirty-six months if the applicant elects to receive a stipend. The length of the training program shall be established by the board based on the recommendation of the trainee evaluation committee.

(b) In the Grays Harbor pilotage district, the length of the training program shall be set by the board based on the recommendation of the trainee evaluation committee.

(9) Rest. It is the pilot trainee's responsibility to provide adequate rest time so that he/she is fully able to pilot on training trips. Pilot trainees shall not take pilot training trips in which they will be piloting the vessel without observing the rest rules in place by federal or state law or regulation. For purposes of calculating rest required before a training trip in which the pilot trainee will be piloting after an observation trip in which the pilot trainee did not pilot the vessel, such observation trip shall be treated as though it had been a normal pilotage assignment. Nothing herein shall be construed as requiring any particular amount of rest before any observation trip in which the pilot trainee will not be piloting.

(10) Stipend. At the initial meeting with the trainee evaluation committee the applicant shall indicate whether he/she wishes to receive a stipend during the training program. In the Puget Sound pilotage district, as a condition of receiving such stipend, applicants will agree to forego during the training program other full- or part-time employment which prevents them from devoting themselves on a full-time basis to the completion of the training program. With the consent of the board and the restructuring of the training program, pilot trainees may elect to change from a stipend to nonstipend status, and vice versa, during the training program. The stipend paid to pilot trainees shall be six thousand dollars per month (or such other amount as may be set by the board from time to time), and shall be paid from a pilot trainee trust account maintained by any approved pilot association or other organization collecting the pilotage tariff levied by WAC 363-116-185 or 363-116-300. The board may set different training stipends for different pilotage districts. This shall be a segregated account funded by all receipts from the pilot training surcharge in the pilotage tariff. These funds shall not belong to the pilot providing the service to the ship that generated the fee or to the pilot association or other organization maintaining the trust account, but shall be held in trust to be disposed of as directed by the board to pilot trainees receiving a stipend. Pilot associations or other organizations maintaining such trust accounts shall transfer pilot trainee surcharge

receipts into the trust account at least once a month and shall provide an accounting of such funds to the board on a quarterly basis or at such other intervals as may be requested by the board. The disposition of all funds in the account shall be directed by the board. Any audited financial statements filed by pilot associations or other organizations collecting pilotage tariffs shall include an accounting of the collection and disposition of these surcharge fees.

(11) Trainee evaluation committee. There is hereby created a trainee evaluation committee to which members shall be appointed by the chairperson of the board. The committee shall include: Three active licensed Washington state pilots, who, to the extent possible, shall be from the district in which the pilot trainee seeks a license and at least one of whom shall be a member of the board; one representative of the marine industry from the relevant pilotage district (who may be a board member) who holds, or has held, the minimum U.S. Coast Guard license required by RCW 88.16.090; and one public representative member of the board. The committee shall be chaired by a pilot member of the board and shall meet as necessary to complete the tasks accorded it.

(12) Training pilots. The board shall designate as training pilots those pilots with a minimum of seven years of piloting in the relevant district who are willing to undergo such training as the board may require and provide. The board may establish a lower experience level for the Grays Harbor pilotage district. Training pilots shall receive such training from the board to better enable them to give guidance and training to pilot trainees and to properly evaluate the performance of pilot trainees. The board shall keep a list of training pilots available for public inspection at all times. All pilot members of the trainee evaluation committee shall also be training pilots.

(13) Evaluation. When a pilot trainee pilots a vessel under the supervision of another pilot, the supervising pilot shall, to the extent possible, communicate with and give guidance to the pilot trainee in an effort to make the trip a valuable learning experience. After each such trip, the supervising pilot shall complete a form provided by the board evaluating the pilot trainee's performance. The board shall prepare different forms to be used by supervising pilots who are training pilots and those who are not. Evaluation forms prepared by licensed pilots who are not training pilots shall be used by the trainee evaluation committee and the board for assessing a pilot trainee's progress, providing guidance to the pilot trainee and for making alterations to the training program. Evaluation forms prepared by licensed pilots who are not training pilots shall not be used by the trainee evaluation committee or the board in evaluating a pilot trainee's piloting skills and shall not be considered in deciding whether to graduate a pilot trainee from the initial evaluation or in making decisions of the ultimate licensing of the pilot trainee. However, any evaluation form which indicates that the pilot trainee's performance was unsatisfactory on a specific trip, whether completed by a training pilot or not, shall cause the training evaluation committee to reschedule that trip with a different supervising pilot who must be a training pilot. All evaluation forms shall be delivered or mailed by the supervising pilot to the board. They shall not be given to the pilot trainee. The supervising pilot may show the contents of the



form to the trainee, but the pilot trainee has no right to see the form until it is filed with the board. The trainee evaluation committee shall review these evaluation forms from time to time and the chairperson of the trainee evaluation committee shall report the progress of all pilot trainees at each meeting of the board. If it deems it necessary, the trainee evaluation committee may recommend, and the board may make, changes from time to time in the training program requirements applicable to a pilot trainee, including the length of the training program.

(14) Removal. A pilot trainee may be removed from the training program by the board if it finds any of the following:

- (a) Failure to maintain the minimum federal license required by RCW 88.16.090;
- (b) Conviction of an offense involving drugs or involving the personal consumption of alcohol;
- (c) Failure to devote full time to training in the Puget Sound pilotage district if receiving a stipend;
- (d) The pilot trainee is not physically fit to pilot;
- (e) Failure to make satisfactory progress toward timely completion of the program or timely meeting of interim performance requirements in the training program;
- (f) Inadequate performance on examinations or other actions required by the training program;
- (g) Failure to demonstrate the superior skills required in the initial evaluation;
- (h) Inadequate performance on training trips; or
- (i) Violation of a training program requirement, law, regulation or directive of the board.

(15) Completion of the training program shall include the requirement that the pilot trainee:

- (a) Successfully complete the requirements set forth in the training program;
- (b) Possess a valid first class pilotage endorsement without tonnage or other restrictions on his/her United States government license to pilot in all of the waters of the pilotage district in which the pilot applicant seeks a license; and
- (c) Successfully complete any local knowledge examination(s) required by the board and specified in the training program.

**AMENDATORY SECTION** (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-080 Licensing of pilots.** (1) No person shall be ~~((licensed by the board unless he))~~ issued a pilot license until he/she has applied for a ~~((pilotage))~~ pilot license and successfully completed:

- (a) The ~~((pilotage))~~ written examination(s);
- (b) ~~((familiarization trips required by the board))~~ The simulator evaluation; ~~((and))~~
- (c) The ~~((pilotage))~~ pilot training program ~~((, if applicable));~~
- (d) A physical examination; and
- (e) Tendered the license fee stipulated in WAC 363-116-070.

~~((The majority of the entire board shall pass on the licensing of a pilot and licenses shall be signed by the chairperson. All applicants shall have and display a United States Government Masters License and a first class United States~~

~~endorsement without restrictions on that license to pilot in whichever pilotage district the applicant desires a license. In addition all applicants shall have and display an endorsement to their masters license issued by the United States Coast Guard certifying competence as a radar observer.~~

~~(2) Prior to commencing familiarization trips, and the pilot training program, if applicable, an applicant must pass a written and oral examination given and graded by the board. Notice of the examination shall be published four months in advance by one paid advertisement in a major newspaper and written notice to one radio station, one television station, United Press International, and the Associated Press, as well as all pilots licensed by the board and all operators registered with the board. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an immediate examination on less than four months notice.~~

~~(a) The examination may be taken by all qualified applicants who:~~

~~(i) Have had a license application on file with the board for at least one month prior to the examination. (This requirement may be waived upon the showing of good cause;)~~

~~(ii) Have tendered a nonrefundable examination fee of three hundred dollars. The board may, at its discretion, refund the examination fee for an applicant who is unable to sit for the examination.~~

~~(iii) Have had a physical examination by a physician designated by the board not more than thirty days prior to the examination to determine his physical fitness to be a pilot.~~

~~(b) The examination shall be in compliance with RCW 88.16.090 and shall consist of questions covering, but not limited to, the following subjects as they pertain to the pilotage district for which the examination is being given:~~

~~(i) Rules of the road as set forth in United States government publications;~~

~~(ii) Aids to navigation;~~

~~(iii) Courses, distances, and distance past abeam at change of course points, course points within channels, waterways, and navigable tributaries within the pilotage district for which the examination is being given;~~

~~(iv) Cable crossing areas;~~

~~(v) Channel and passage widths, depths and shoal areas;~~

~~(vi) Bridge signals—width, regulations, and closed periods;~~

~~(vii) Ship handling, docking and undocking problems; use of towboats and anchors, and seamanship;~~

~~(viii) Vessel traffic system regulations where applicable;~~

~~(ix) Ranges for determining compass error and measured miles;~~

~~(x) Channel ranges;~~

~~(xi) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;~~

~~(xii) Operation and use of marine radar, including rapid plotting techniques;~~

~~(xiii) Knowledge of tidal currents and ability to calculate currents and tides;~~

~~(xiv) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;~~

- ~~(xv) Prohibited areas, restricted areas, and explosive anchorages;~~  
~~(xvi) Use of navigational and bridge instruments;~~  
~~(xvii) Anchorage locations;~~  
~~(xviii) Duties of pilot;~~  
~~(xix) Relationship between pilot and master;~~  
~~(xx) Location and meaning of storm warning signals;~~  
~~(xxi) Meaning of one and two flag signals;~~  
~~(xxii) United States government public health quarantine regulations;~~  
~~(xxiii) Harbor regulations;~~  
~~(xxiv) Washington State Pilotage Act and rules of the board of pilotage commissioners;~~  
~~(xxv) Chart knowledge, including chart symbols and abbreviations as set forth in the latest department of commerce NOS (National Ocean Survey) Chart No. 1.~~

~~(3) After passing the examination, applicants for the Puget Sound pilotage district must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Puget Sound pilots with more than five years experience. Upon written request by an applicant to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and seventy five assignments and a maximum period of six months and one hundred assignments.~~

~~(4) After passing the examination, applicants for the Grays Harbor pilotage district must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Grays Harbor pilots with more than five years' experience. Upon written request by an applicant, to the board, the five years' experience requirement for the supervisory pilot may be waived in certain instances. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and twenty five assignments and a maximum period of six months and one hundred assignments.~~

~~(5)) (2) A majority of board members in attendance at a meeting where licensing of an applicant is scheduled for consideration, shall pass on the issuance of a pilot license. Pilot licenses shall be signed by the chairperson or his/her designee.~~

(3) At the time of completion of the training program as provided in WAC 363-116-078 and at the time of consideration for licensing, all applicants must provide a copy of his/her U.S. master license required by RCW 88.16.090 with a first class U.S. pilotage endorsement without tonnage or other restrictions on that U.S. master license to pilot in all of the waters of the pilotage district defined in RCW 88.16.050 in which the applicant desires to be licensed and an endorsement on that U.S. master license as a radar observer (unlimited); and a certificate representing competency in automatic radar plotting aids (ARPA).

(4) No person shall be licensed by the board who has been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction shall not apply to license renewals.

(5) After completion of the training program the trainee evaluation committee shall review the evaluations and the pilot trainee's performance on other required aspects of the training program and make a recommendation to the board that the pilot trainee is: Suitable for licensing; not suitable for licensing; or, in need of more training and further evaluation. The board shall consider such recommendation and may: Issue the license if there is a need for a pilot in the relevant district; require more training for the pilot trainee if necessary; deny a license if it finds that the pilot trainee should not be licensed; or, delay the issuance of a license, if there is no need for a pilot at that time in the relevant district. If the board delays the issuance of a license, it may prescribe additional training trips for the pilot trainee and continue the pilot trainee in the training program. The criteria to be followed by the board in issuing or denying licenses shall include, but not be limited to: Performance in the training program; piloting and ship handling and general seamanship skills; local knowledge; and, bridge presence and communication skills.

(6) If two or more pilot trainees are deemed qualified by the board for issuance of a license at the same meeting of the board, the pilot trainee with the highest combined score on the initial written examination and simulator evaluation shall be licensed first.

AMENDATORY SECTION (Amending WSR 05-04-028, filed 1/26/05, effective 2/26/05)

WAC 363-116-082 Limitations on new pilots. (1) The following limitations and pilot license upgrade requirements shall apply to a newly licensed pilot during his/her first five years of active service. ((Except where otherwise noted, the pilotage assignment may include docking and undocking of vessels within the tonnage limitations.)) For purposes of this section, the term ("tanker") "tank vessel" shall, in addition to ((tankers)) tank ships, include any ((combination of)) articulated or integrated tug and tank barge combinations, and any tonnage restrictions thereon shall be calculated by including the gross tonnage of the tug and tank barge combined. ((All tonnages referred to are international tonnages.)) For purposes of this section, the term "petroleum products" shall include crude oil, refined products, liquefied natural gas, and propane gas. GT (ITC) as used in this section refers to gross tonnages measured in accordance with the requirements of

the 1969 International Convention on Tonnage Measurement of Ships.

(2) Puget Sound pilotage district - license limitation periods. Except for trips being made for pilot license upgrades, licenses issued in the Puget Sound pilotage district shall have the following limitations:

<u>License Year</u>	<u>Maximum Size of Tank Vessels Carrying Petroleum Products as Bulk Cargo</u>	<u>Maximum Size of Vessels of Any Type</u>
<u>1</u>	<u>Piloting on vessels of any size prohibited</u>	<u>30,000 GT (ITC) or 660 feet</u>
<u>1</u>		<u>Passenger vessels 5000 GT (ITC)</u>
<u>2</u>	<u>30,000 GT (ITC)</u>	<u>38,000 GT (ITC)</u>
<u>3</u>	<u>38,000 GT (ITC)</u>	<u>48,000 GT (ITC)</u>
<u>4</u>	<u>45,000 GT (ITC)</u>	<u>60,000 GT (ITC)</u>
<u>5</u>	<u>55,000 GT (ITC)</u>	<u>75,000 GT (ITC)</u>

(3) Puget Sound pilotage district - pilot license upgrade requirements. Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily pilot vessels ((under the direct supervision of a five year pilot on the familiarization/training trips listed below. This veteran pilot shall complete and submit an evaluation form for each trip a new pilot performs. All of these trips must, if practical, be completed during the last ninety days of the license year.

(3) Puget Sound pilotage district - License limitations.

(a) First year:

- (i) Not authorized to pilot loaded petroleum tankers.
- (ii) Not authorized to pilot any vessels in excess of 25,000 gt or 660' in length.
- (iii) Not authorized to pilot any passenger vessels in excess of 5,000 gt.

(b) Second year:

- (i) Not authorized to pilot loaded petroleum tankers in excess of 25,000 gt.
- (ii) Not authorized to pilot any vessels in excess of 30,000 gt.

(c) Third year:

- (i) Not authorized to pilot loaded petroleum tankers in excess of 32,000 gt.
- (ii) Not authorized to pilot any vessels in excess of 45,000 gt.

(d) Fourth year:

- (i) Not authorized to pilot loaded petroleum tankers in excess of 38,000 gt.
- (ii) Not authorized to pilot any vessels in excess of 60,000 gt.

(e) Fifth year:

- (i) Not authorized to pilot loaded petroleum tankers in excess of 45,000 gt.
- (ii) Not authorized to pilot any vessels in excess of 75,000 gt.

(4) Puget Sound pilotage district - Familiarization/training trips:

(a) Prior to the expiration of the first license year, a new pilot must make three familiarization/training trips, two of

which shall involve docking loaded petroleum tankers of not more than 30,000 gt; and the third trip shall involve a waterway transit of a vessel between 25,000 and 35,000 gt.

(b) Prior to the expiration of the second license year, a new pilot must make three familiarization/training trips, two of which shall involve docking loaded petroleum tankers of between 25,000 and 32,000 gt; and the third trip shall involve the docking of a vessel between 30,000 and 45,000 gt other than a loaded petroleum tanker.

(c) Prior to the expiration of the third license year, a new pilot must make three familiarization/training trips, one of which shall involve docking a loaded petroleum tanker of between 32,000 and 38,000 gt; and two trips shall involve the docking of vessels between 45,000 and 60,000 gt other than loaded petroleum tankers.

(d) Prior to the expiration of the fourth license year, a new pilot must make three familiarization/training trips, one of which shall involve docking a loaded petroleum tanker of between 38,000 and 45,000 gt; and two trips shall involve the docking of vessels between 60,000 and 75,000 gt other than loaded petroleum tankers.

(e) Prior to the expiration of the fifth license year, a new pilot must make three familiarization/training trips which shall involve two trips docking and one trip anchoring loaded petroleum tankers of 55,000 gt or larger.

(f) All of these trips must be complete trips between one port and another port, or between the pilot station and a port)) on the trips specified in this section. The trainee evaluation committee shall recommend to the board a series of eight trips to be made by each pilot in the last ninety days of each year of the license limitation periods specified in subsection (2) of this section. As to these trips, the trainee evaluation committee shall specify the size and type of the vessel; origin and destination, whether the transit is to include a docking, waterway transit or other particular maneuvering requirement, whether any tank vessel trips are to be made while in ballast or loaded and whether the trip shall be taken with training pilots, trainee evaluation committee member pilots or pilots with a specified experience level. To the extent practical, the trips shall be on vessels of at least a size that falls between the upper limit in the expiring license limitation and the upper limit in the upcoming license limitation period. All of these trips shall be complete trips between one port and another port, or between the pilot station and a port. The supervising pilots shall complete and submit to the board an evaluation form provided by the board for each trip a new pilot performs.

((5)) (4) Grays Harbor pilotage district - license limitation(s) periods. Pilots licensed in the Grays Harbor pilotage district shall not pilot vessels in violation of the restrictions set forth in the table below during the indicated license year.

((a) First year:

- (i) Not authorized to pilot loaded tankers carrying chemical or petroleum products.
  - (ii) Not authorized to pilot any vessels in excess of 25,000 gt.
  - (iii) Not authorized to pilot loaded or partially loaded vessels through the Chehalis River bridge.
- (b) Second year:

PROPOSED

- ~~(i) Not authorized to pilot loaded tankers carrying chemical or petroleum products in excess of 10,000 gt.~~
- ~~(ii) Not authorized to pilot any vessels in excess of 30,000 gt.~~
- ~~(c) Third year: Not authorized to pilot any vessels in excess of 45,000 gt.~~
- ~~(d) Fourth year: Not authorized to pilot any vessels in excess of 60,000 gt.~~
- ~~(e) Fifth year: Not authorized to pilot any vessels in excess of 75,000 gt.~~

upgrade trips on vessels in excess of 45,000 GT (ITC) or on the nearest larger size vessels available. Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(d) Prior to the expiration of the fourth license year, a new pilot must make two ((~~familiarization/training~~)) license upgrade trips on vessels in excess of 60,000 GT (ITC) or on the nearest larger size vessels available.

(e) Prior to the expiration of the fifth license year, a new pilot must make two ((~~familiarization/training~~)) license upgrade trips on vessels in excess of 75,000 GT (ITC) or on the nearest larger size vessels available.

(f) Notwithstanding (c), (d), and/or (e) of this subsection not being accomplished due to unavailability of vessels, in the sixth license year ((~~the new~~)) a pilot will be issued ((~~an unlimited~~)) a license without limitations.

((~~7~~)) (6) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for forty-five days or more in any one of the five years, he/she shall notify the board and request a revised schedule of limitations.

((~~8~~)) (7) Except as provided in subsection (4) of this section, no pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of his/her license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

((~~9~~)) (8) All limitations on a ((~~new~~)) pilot's license shall be lifted at the beginning of the sixth year of piloting provided he/she has submitted to the board a statement attesting to the fact that he/she has completed all the required ((~~familiarization/training requirements~~)) license upgrade trips and the vessel simulator courses ((~~required~~)).

**AMENDATORY SECTION** (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-083 Examination review and appeal procedures.** (1) ((~~Any candidate who takes the state examination for licensure~~)) Applicants who take an examination as provided in this chapter shall provide the board with an address to be used for notification of the examination results. Such address shall be a place at which mail is delivered. In addition, an applicant may provide the board with other means of contact such as telephone numbers and/or e-mail addresses. It will be the responsibility of the applicant to ensure that the board has a current mailing address at all times. The mailing address will be considered the primary means of notice by the board. If the applicant cannot personally receive mail at the address provided to the board for any period of time, another person may be designated in writing and notarized to the board as having power of attorney specifically to act in the applicant's behalf regarding such notice. Notice delivered to the address provided by the applicant will be considered received by the applicant for the purpose of "receipt of notification of the examination results" as provided in subsection (2) of this section.

<u>License Year</u>	<u>Maximum Size of Tank Vessels Carrying Petroleum Products</u>	<u>Maximum Size of Vessels of Any Type</u>
<u>1</u>	<u>Piloting on vessels of any size prohibited</u>	<u>25,000 GT (ITC)</u>
<u>1</u>		<u>Piloting on vessels of any size prohibited through the Chehalis river bridge unless vessel is in ballast and does not exceed 25,000 GT (ITC)</u>
<u>2</u>	<u>10,000 GT (ITC)</u>	<u>30,000 GT (ITC)</u>
<u>3</u>	<u>45,000 GT (ITC)</u>	<u>45,000 GT (ITC)</u>
<u>4</u>	<u>60,000 GT (ITC)</u>	<u>60,000 GT (ITC)</u>
<u>5</u>	<u>75,000 GT (ITC)</u>	<u>75,000 GT (ITC)</u>

((~~5~~)) Notwithstanding subsection ((~~8~~)) (7) of this section, upon determination that a bona fide safety concern may result from no pilot without license restrictions being available within a reasonable time to pilot a vessel requiring pilotage services, the ((~~chair~~)) chairperson or acting ((~~chair~~)) chairperson of the board, on a single trip basis, may authorize a newly licensed pilot holding a restricted license to provide pilotage services to the vessel, irrespective of the tonnage, service or location of the assigned berth of the vessel.

((~~6~~)) (5) Grays Harbor pilotage district - ((~~Familiarization/training trips~~)) pilot license upgrade requirements.

(a) Prior to the expiration of the first license year, a new pilot must make five ((~~familiarization/training~~)) license upgrade trips. Three of these trips shall be through the Chehalis River bridge on loaded or partially loaded vessels. The other trips shall be on vessels in excess of 25,000 GT (ITC) and involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(b) Prior to the expiration of the second license year, a new pilot must make three ((~~familiarization/training~~)) license upgrade trips on vessels in excess of 30,000 GT (ITC). Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(c) Prior to the expiration of the third license year, a new pilot must make three ((~~familiarization/training~~)) license

PROPOSED

(2) Any applicant who takes an examination as provided in this chapter may request a review by the board of his (or) her examination results. This request must be in writing and must be received by the board within (fifteen) five business days of receipt of notification of the examination results. The board will not set aside its prior determination unless the (candidate) applicant proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. (The board will not consider any challenges to examination scores unless the total revised score could result in a higher ranking to enter the training program or a passing grade on the pilotage examination.

(2)) If it finds that reasonable cause exists to question an examination grade, the board may allow any applicant appealing his/her examination results to enter the simulator evaluation. No applicant approved by the board for entry into the simulator evaluation shall be disqualified by the successful examination appeal of another applicant.

(3) The procedure for filing a review is as follows:

(a) The applicant must contact the board office for an appointment to appear personally to review (the correct answers on the) his/her examination.

(b) The (candidate) applicant will be provided a form to complete in the board office in defense of (the examinee's) his/her examination answers.

(c) The (candidate) applicant must state the specific reason or reasons why (the candidate) he/she feels the results of (the) his/her examination should be changed.

(d) The (candidate) applicant will be identified only by (candidate) applicant number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) (Candidates) The applicant may not bring in notes or texts for use while completing the informal review form.

(f) (Candidates) The applicant will not be allowed to take any notes or materials from the office upon leaving.

(g) The board will schedule a closed session meeting to review the examinations and forms completed by the (candidate) applicant for the purpose of informal review.

(h) The (candidates) applicant will be notified in writing of the results.

((3)) (4) Any (candidate) applicant who is not satisfied with the result of the examination review may request a formal hearing pursuant to RCW 88.16.100 and governed by the provisions of chapter 34.05 RCW. Such hearing must be requested within thirty days of receipt of the result of the board's review of the examination results.

**AMENDATORY SECTION** (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

**WAC 363-116-175 Tariff proposals.** The board of pilotage commissioners has been charged with certain statutory duties by RCW 88.16.035. To assist the board in its responsibilities to provide for the maintenance of efficient and competent pilotage services and to annually fix the pilotage tariffs for pilotage services to be performed on the waters covered by chapter 88.16 RCW, it shall be the policy that licensed pilots, ship operators, and interested members of the public may jointly or separately present tariff proposals to the

board for its consideration. Any such proposals shall endeavor to provide that the tariff at all times funds the training program and the number of pilots licensed by the board.

To that end, individual Washington state licensed pilots, independent ship owners or operators, members of the public and/or agents, committees or organizations representing said persons or corporations are authorized to meet, discuss, and prepare joint or separate tariff proposals for board consideration. They may appear before the board to support or oppose any such proposal, or part thereof, but the final determination, adoption and active supervision of the rates, charges, expense items, and classifications to be contained in said pilotage tariffs and the rules, regulations, or procedures to implement said annual tariffs shall be made by the board.

**AMENDATORY SECTION** (Amending WSR 05-12-055, filed 5/26/05, effective 7/1/05)

**WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district.** Effective 0001 hours July 1, 2005, through 2400 hours June 30, 2006.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding fee:	\$35.00
Per each boarding/ deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA
LOA of tug + LOA of tow + beam of tow	Zone

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

**Waterway and bridge charges:**

Ships up to 90' beam:

A charge of \$185.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$88.00 per bridge.

PROPOSED

**Ships 90' beam and/or over:**

A charge of \$251.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$175.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

**Two or three pilots required:**

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Compass adjustment	\$250.00
Radio direction finder calibration	\$250.00
Launching vessels	\$376.00
Trial trips, 6 hours or less (Minimum \$ 708.00)	\$118.00 per hr.
Trial trips, over 6 hours (two pilots)	\$235.00 per hr.
Shilshole Bay – Salmon Bay	\$147.00
Salmon Bay – Lake Union	\$114.00
Lake Union – Lake Washington (plus LOA zone from Webster Point)	\$147.00
Cancellation charge	LOA Zone I

Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)

LOA Zone II

Docking delay after anchoring:	\$118.00 per hr.
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Applicable harbor shift rate to apply, plus \$118.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$118.00 for every hour or fraction thereof.

Sailing delay:	\$118.00 per hour
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No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$118.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.

Slowdown:	\$118.00 per hour
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When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one

hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$118.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

**Tonnage charges:**

0 to 20,000 gross tons:

Additional charge to LOA zone mileage of \$0.0059 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:

Additional charge to LOA zone mileage of \$0.0606 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be \$0.0726 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles:	\$118.00 per hour
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When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$118.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

**Transportation to vessels on Puget Sound:**

March Point or Anacortes	\$ 157.00
Bangor	153.00
Bellingham	181.00
Bremerton	135.00
Cherry Point	209.00
Dupont	97.00
Edmonds	35.00
Everett	59.00
Ferndale	199.00
Manchester	131.00
Mukilteo	53.00
Olympia	125.00
Point Wells	35.00
Port Gamble	185.00
Port Townsend (Indian Island)	223.00
Seattle	15.00
Tacoma	71.00

PROPOSED

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$2.00 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

Training surcharge: A charge shall be added to each vessel assignment in the amount of \$10 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078.

**LOA rate schedule**

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
Up to 449	183	283	484	721	971	1,260
450 - 459	190	289	487	732	987	1,266
460 - 469	192	292	494	744	1,000	1,272
470 - 479	199	300	501	759	1,003	1,274
480 - 489	204	306	503	773	1,009	1,280
490 - 499	207	310	510	787	1,022	1,286
500 - 509	218	315	518	797	1,029	1,294
510 - 519	219	321	523	808	1,040	1,298
520 - 529	222	332	530	812	1,049	1,310
530 - 539	229	336	537	821	1,066	1,324
540 - 549	233	341	549	830	1,083	1,336
550 - 559	237	353	553	842	1,091	1,349
560 - 569	246	367	564	849	1,102	1,362
570 - 579	251	370	566	853	1,113	1,371

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
580 - 589	261	376	579	860	1,120	1,385
590 - 599	274	384	583	864	1,136	1,401
600 - 609	283	395	590	867	1,150	1,408
610 - 619	299	399	602	871	1,161	1,420
620 - 629	311	405	606	881	1,174	1,437
630 - 639	326	411	613	883	1,185	1,449
640 - 649	338	421	620	885	1,194	1,460
650 - 659	362	428	631	893	1,209	1,475
660 - 669	369	433	636	897	1,222	1,487
670 - 679	382	444	643	913	1,236	1,495
680 - 689	388	452	652	921	1,247	1,510
690 - 699	399	459	661	937	1,260	1,541
700 - 719	417	474	673	949	1,284	1,559
720 - 739	442	487	690	962	1,310	1,585
740 - 759	459	510	703	971	1,336	1,613
760 - 779	477	527	721	987	1,362	1,635
780 - 799	501	550	732	1,000	1,385	1,663
800 - 819	521	566	747	1,006	1,408	1,688
820 - 839	537	586	764	1,022	1,437	1,708
840 - 859	560	610	778	1,033	1,459	1,737
860 - 879	581	631	793	1,060	1,487	1,762
880 - 899	602	649	808	1,085	1,510	1,788
900 - 919	619	670	822	1,112	1,541	1,813
920 - 939	638	690	842	1,136	1,557	1,837
940 - 959	661	708	854	1,161	1,585	1,860
960 - 979	677	729	869	1,185	1,613	1,888
980 - 999	699	747	884	1,209	1,635	1,911
1000 - 1019	741	795	923	1,273	1,711	1,994
1020 - 1039	761	818	952	1,310	1,763	2,053
1040 - 1059	784	838	980	1,349	1,814	2,114
1060 - 1079	808	868	1,008	1,390	1,870	2,177
1080 - 1099	832	893	1,039	1,430	1,925	2,242
1100 - 1119	856	919	1,070	1,474	1,982	2,310
1120 - 1139	882	948	1,103	1,517	2,042	2,378
1140 - 1159	908	975	1,135	1,563	2,104	2,450
1160 - 1179	935	1,003	1,169	1,610	2,166	2,523
1180 - 1199	964	1,034	1,203	1,658	2,232	2,599
1200 - 1219	993	1,065	1,239	1,708	2,298	2,676
1220 - 1239	1,022	1,097	1,276	1,759	2,366	2,756
1240 - 1259	1,052	1,129	1,314	1,811	2,438	2,838
1260 - 1279	1,083	1,162	1,353	1,865	2,511	2,923
1280 - 1299	1,115	1,198	1,394	1,922	2,585	3,011

PROPOSED



PROPOSED

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
1300 - 1319	1,149	1,232	1,435	1,978	2,663	3,101
1320 - 1339	1,184	1,269	1,479	2,038	2,742	3,194
1340 - 1359	1,218	1,308	1,523	2,098	2,824	3,290
1360 - 1379	1,255	1,346	1,568	2,162	2,908	3,387
1380 - 1399	1,292	1,386	1,616	2,226	2,995	3,490
1400 - 1419	1,331	1,428	1,662	2,292	3,085	3,594
1420 - 1439	1,370	1,471	1,713	2,361	3,178	3,702
1440 - 1459	1,412	1,515	1,765	2,431	3,273	3,812
1460 - 1479	1,452	1,560	1,816	2,504	3,371	3,926
1480 - 1499	1,496	1,606	1,871	2,578	3,471	4,043
1500 & Over	1,541	1,655	1,927	2,657	3,574	4,164

**WSR 05-14-119**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed July 1, 2005, 3:53 p.m.]

**Original Notice.**

**Title of Rule and Other Identifying Information:** Washington potatoes, chapter 16-516 WAC, the Washington State Potato Commission Marketing Order.

**Hearing Location(s):** Big Bend Community College, Applied Technology Education Center, 7611 Bolling Street N.E., Moses Lake, WA 98837, on August 17, 2005, at 2:00 p.m.; and at the Best Western Cotton Tree Inn, Convention Center, Lopez Room, 2300 Market Street, Mount Vernon, WA 98273, on August 18, 2005, at 2:00 p.m.

**Date of Intended Adoption:** January 4, 2006.

**Submit Written Comments to:** Lynn Briscoe, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, e-mail lbriscoe@agr.wa.gov, fax (360) 902-2092, by August 19, 2005.

**Assistance for Persons with Disabilities:** Contact Rochelle Painter at (360) 902-2060, by August 10, 2005, TTY (360) 902-1996.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** During past legislative sessions, significant amendments were made to the Washington State Potato Commission's enabling statute, chapter 15.66 RCW. These statutory changes prompted amendments to its marketing order, chapter 16-516 WAC. Proposed amendments expand the commission's policy and purpose statements, update the definitions, add additional power and duties to benefit the industry, update meeting and administrative procedures, and expand the commission's information and education role.

In addition, the proposed amendments also eliminate the commission's authority to engage in promotion and advertis-

ing activities, increase the board membership from fourteen to fifteen members, decrease the representative districts from five to three and redefine them with county designations, clarify the nomination and election process, and remove language referring to payment of assessments through the purchase of stamps.

The following marketing order sections are affected by the proposed amendments: Repealing WAC 16-516-002 Director's findings and decision approving a marketing, 16-516-030 Marketing order purposes and 16-516-070 Effective time; amending WAC 16-516-005 Marketing order for Washington potatoes—Policy and purpose, 16-516-010 Definitions, 16-516-020 Potato commission, 16-516-040 Assessments and assessment funds and 16-516-050 Information reports; and new section WAC 16-516-006 Marketing order purposes.

**Reasons Supporting Proposal:** The proposed amendments are intended to make the marketing order consistent with the Commodity Commission enabling statute, chapter 15.66 RCW, for a commission that has chosen to discontinue its promotion and advertising activities and to implement the petition received from the Washington State Potato Commission in accordance with RCW 15.66.030, 15.66.040, and 15.66.055.

**Statutory Authority for Adoption:** RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.

**Statute Being Implemented:** Chapter 15.66 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:** Any rule proposal that results from this rule-making process will not be adopted unless the proposed rules are also approved in a referendum of affected potato producers pursuant to chapter 15.66 RCW.

**Name of Proponent:** Washington State Potato Commission, governmental.

**Name of Agency Personnel Responsible for Drafting:** Lynn Briscoe, Washington State Department of Agriculture, Olympia, (360) 902-2043; **Implementation and Enforcement:** Washington State Potato Commission, Moses Lake, (509) 765-8845 and Department of Agriculture, Olympia, (360) 902-2043.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Any adoption of amendments to chapter 16-516 WAC would ultimately be determined by a referendum vote of the affected parties. A formal small business economic impact statement under chapter 19.85 RCW is not required because of the exemption granted in RCW 15.66.053(2).

A cost-benefit analysis is not required under RCW 34.05.328. The Department of Agriculture and the Washington State Potato Commission are not named agencies in RCW 34.05.328 (5)(a)(i).

July 1, 2005

William E. Brookreson  
 Deputy Director



**AMENDATORY SECTION** (Amending Marketing Order for Washington Potatoes, effective 7/23/56)

**WAC 16-516-005 Marketing order for Washington potatoes—Policy ((and purpose)) statement.** ((The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of the "act" and of this "potato marketing order" to promote the general welfare of the state by enabling potato producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing and labeling of the potatoes they produce, and in promoting and increasing the sale of such potatoes.)) (1) The production of potatoes 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 potatoes be properly encouraged by enabling producers of potatoes to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the potatoes they produce.

(2) It is in the overriding public interest that support for the potato industry be clearly expressed and that adequate protection be given to the industry and its activities and operations as part of a comprehensive agricultural industry to:

(a) Eliminate or limit impediments affecting the sale and use of Washington state's potatoes in local, domestic, and foreign markets;

(b) Respond to public requests for information regarding the quality, care, and methods used in the production of Washington state's potatoes;

(c) Respond to public requests for information regarding the nutritional, health-giving qualities and dietetic value of Washington state's potatoes and products; and

(d) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, transportation and utilization of potatoes produced in Washington state.

(3) The director is authorized to implement and administer chapter 15.66 RCW through this marketing order.

(4) The Washington state potato commission exists primarily for the benefit of the people of the state of Washington and its economy.

## **NEW SECTION**

**WAC 16-516-006 Marketing order purposes.** The purpose of this marketing order is to promote the general welfare of the state and to maintain and protect existing markets, increase production efficiency, and ensure a fair regulatory environment for potatoes produced in Washington. The commission is designated by the director to conduct the following programs in accordance with chapter 15.66 RCW:

(1) Unfair trade practices and foreign regulatory barriers.

(a) The commission, subject to the provisions of the act, may investigate alleged unfair trade practices and foreign regulatory barriers that hinder the sale, production, transport, or export of Washington-produced potatoes or potato products.

(b) If the commission finds as a result of an investigation that trade or foreign regulatory barriers are restricting the free flow of potatoes produced in this state, the commission may

institute appropriate action before any agency or body deemed necessary to correct the situation.

(c) If the commission finds as a result of an investigation that transportation rates and service costs are restricting the free flow of potatoes produced in this state, the commission may institute proper action before the interstate commerce commission or such other agency or body deemed necessary to correct the situation.

(d) Information and records acquired in any such investigation are exempt from public disclosure to the extent provided in RCW 15.66.105 and 42.17.31907 or any other applicable statute, except that such information may be released, to the extent necessary to effectuate the purposes of the act, in the presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the production, irrigation, transport, use, consumption, export, or sale of potatoes grown in this state, as authorized in RCW 15.66.105.

(2) Research.

(a) The commission, subject to the provisions of the act, may carry on or cause to be carried on any necessary and proper production, irrigation, processing, transportation or handling research relating to potatoes and to expend moneys for those purposes.

(b) The commission, subject to the provisions of the act, may engage in research that may include, but shall not necessarily be limited to, the following:

(i) Production problems, such as soil, seed, fertilizers, irrigation, insecticides, fungicides, herbicides and the like;

(ii) Developing and testing new potato cultivars with improved disease resistance, processing, nutritional, or horticultural characteristics;

(iii) Improving techniques and methods of harvesting potatoes;

(iv) Developing and improving methods of processing potatoes and potato by-products for the purpose of increasing and expanding their use for food and industrial purposes;

(v) Improving packing and handling techniques which promote more efficient operation in the marketing and distribution of potatoes;

(vi) Determining any special nutritive, nutraceutical or pharmaceutical qualities of potatoes produced in Washington;

(vii) Improving production practices, resource requirements and availability, and similar issues or matters that may impact the continued production of potatoes in Washington.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research programs and activities consistent with and subject to the limitations of the act. Such research may include the collection of data and information relating to potatoes; the analysis of such data and information; and the dissemination of such data, information and analysis to potato producers and handlers and in response to public requests.

(d) The commission, subject to the provisions of the act, is authorized to coordinate potato producers' potato crop protection chemical registrations and integrated pest management (IPM) implementation.

(3) Standards and grades.

PROPOSED

(a) The potato commission, subject to the provisions of the act and chapter 34.05 RCW, may adopt rules to define, establish and provide labeling requirements for improving standards and grades for potatoes, as provided in the act, not inconsistent with the horticultural laws of this state with respect to the same, and to expend moneys for such purposes.

(b) The commission shall give reasonable written notice to all producers, handlers and persons directly affected by the labeling requirements issued pursuant to this section in accordance with rule-making proceedings conducted under chapter 34.05 RCW.

(c) The commission may cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of potatoes.

(d) Nothing in this section shall be construed as authorizing the commission to set minimum grades, sizes or maturity of potatoes which a producer may sell, offer for sale or ship.

(4) Public education. The commission may respond to requests from the public for information regarding:

(a) The economic, environmental and nutritional value and benefits of potatoes and the Washington potato industry;

(b) The quality, care and methods used in the production of Washington potatoes;

(c) The handling, preparation and utilization of Washington potatoes and potato products;

(d) The effects of trade, transportation and regulatory barriers on the Washington potato industry.

(5) Grower and industry education. The commission, subject to the provisions of the act, may conduct programs to provide information and education to the Washington state potato industry including:

(a) Public opinion or awareness research information for producers of potatoes;

(b) Industry-related education and training;

(c) Information and services enabling producers to meet resource conservation objectives and keep current with issues impacting their business.

**AMENDATORY SECTION** (Amending WSR 00-11-180, filed 5/24/00, effective 6/24/00)

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

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

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

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

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

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

(6) "Hundredweight" or "affected unit" are synonymous and mean and include each one hundred pound unit or any

combination of packages making a one hundred pound unit of potatoes;

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

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

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

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

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

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

(13) "District" means the geographical divisions of the area of potato production established pursuant to the provisions of WAC 16-516-020.)) The following terms shall have the meanings given in RCW 15.66.010, supplemented by the following additional definitions:

(1) "Act" means the Washington state agricultural commodity commissions statute, chapter 15.66 RCW;

(2) "Affected area" or "area of production" are synonymous and mean all of the state of Washington;

(3) "Affected commodity" means potatoes as defined in this section;

(4) "Affected handler" means any handler of potatoes;

(5) "Affected producer" means any producer who is subject to this marketing order;

(6) "Agricultural development" means activities intended to increase the efficiency, productivity, or fair market access of Washington potatoes and potato products;

(7) "Commercial quantities" shall mean and include five hundredweight or more per growing season;

(8) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this chapter;

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

(10) "Handler" means any person who acts, either as principal, agent, or otherwise, in the processing, packing, shipping, selling, marketing, or distributing of potatoes that are not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler;

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

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

(13) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals or any unit or agency of local or state government;

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

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

(16) "Producer" means any person engaged in the production of potatoes grown in Washington for market in commercial quantities, and it includes a landowner, landlord, tenant or other person that participates in the growing or producing of the affected commodity and who has a proprietary interest in the potatoes so produced. "To produce" means to act as a producer;

(17) "Research" means scientific research conducted by a university or other accredited researcher on pest and disease surveys; pest and disease control tools or techniques; planting, harvesting, handling and other production or processing tools or techniques; health or nutritional qualities or benefits of potatoes or potato products; and environmental issues including, but not limited to, water use, water quality, water quantity, and erosion control related to production of potatoes or potato products. Results of agricultural research conducted under the provisions of this marketing order shall be public information;

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

(19) "Unfair trade practice" means any practice that is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16, and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the Federal Trade Commission Act of 1914, as amended (38 Stat. 719; 15 U.S.C. Sec. 41 et seq.) or the violation of or failure to accurately label as to grades and standards in accordance with any lawfully established grades or standards or labels.

**AMENDATORY SECTION** (Amending WSR 00-11-180, filed 5/24/00, effective 6/24/00)

**WAC 16-516-020 Potato commission.** (1) Establishment and membership. A potato commission is hereby established to administer this marketing order which shall be composed of nine members who shall be producers elected from districts as provided in subsections (2) and (3) of this section and ~~((four))~~ five members who shall be appointed by the

elected producer members as provided in subsection (4) of this section. In addition, the director shall ~~((be an ex-officio))~~ appoint one member ((of)) to the commission to represent the director as a voting member of the commission.

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

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

(b) "District No. 2" shall be ~~((the Quincy irrigation district of the Columbia Basin project, plus the area of Grant County not included in the east or south irrigation districts and lies west of R28E;))~~ and include the counties of Kittitas, ((Douglas, Chelan and Okanogan)) Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin.

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

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

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

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

(a) ~~((Two of the producer members, being))~~ Positions 1, 2, 3, and ((2)) 4 shall be elected from District No. 1.

(b) ~~((Two of the producer members, being positions 3 and 4;))~~ Positions 5, 6, 7, and 8 shall be elected from District No. 2.

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

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

~~(e) One of the producer members, being))~~ Position 9((;)) shall be elected from District No. ~~((5))~~ 3.

~~((Members))~~ (4) Appointed membership.

(a) Positions 10, 11, 12, 13, and 14 shall be appointed by the elected producers ((shall be appointed for positions 10, 11, 12 and 13)) as provided in subsections (1) and (5)(b) of this section.

~~((4))~~ (b) Position 15 shall be appointed by the director as provided in subsection (1) of this section.

(5) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of ~~((twenty-five))~~ eighteen years.

(a) Producer members of the commission shall be producers of potatoes in the district in and for which they are nominated and elected. The producer members shall be and have been actively engaged in producing potatoes for a period of at least three years, and shall derive a substantial proportion of their incomes from the sale of potatoes. A producer member of the commission must have paid an assess-

ment to the commission on potatoes in each of the preceding three calendar years. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(b) Members of the commission appointed by the elected producers to positions 10, 11, 12, 13, and 14 shall be ((either)) potato producers(,) or handlers or others active in matters directly relating to Washington state potatoes ((or persons not so related)) and have a demonstrated record of service in the potato industry in Washington state.

((5)) (6) Term of office. The term of office of the elected and appointed producer members of the commission ((members)) shall be three years from the date of their election or appointment and until their successors are elected or appointed and qualified. Commencing on July 1, ((2000)) 2005, the term of office for members of the commission shall be as follows: Positions 1, 5 and 7 shall terminate June 30, ((2002)) 2008; positions 3, 4 and 6 shall terminate June 30, ((2003)) 2006; ((and)) positions 2, 8 and 9 shall terminate June 30, ((2001. Appointed members for)) 2007; positions 10 and 11 shall terminate ((their terms)) June 30, ((2002)) 2008; positions 12 and 14 shall terminate June 30, ((2003)) 2006; and position 13 shall terminate June 30, ((2004)) 2007. ((The appointed members of the commission shall be elected by a majority of the elected commissioners.

((6)) (7) Nomination and election of commission members. Nomination and election of commission members shall be as set forth in the act and specified by the director. Dates will be set as follows:

(a) Not earlier than ((February 16)) March 18 and not later than ((March)) April 2 of each year, the director shall give notice by mail to all producers ((, in a)) in each district ((wherein a vacancy)) in which one or more open positions will occur in the commission ((of such vacancy or such vacancies)) and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than ((March)) April 7 and not later ((then March)) than April 12 of each year.

(b) Not earlier than April 17 and not later than May 2 of each year, the director shall ((submit)) mail ballots ((by mail)) to all affected producers in ((the)) each district ((wherein the vacancy)) in which one or more open positions will occur ((not earlier than March 17 and not later than April 1 of each year)). Ballots ((shall be returned)) must be received by the director not later than ((May)) June 1 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules ((and regulations to be promulgated)) adopted by the director. An affected producer is entitled to one vote.

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

(d) Except with respect to the initial potato commission, the members of the commission not elected by the producers shall be elected by a majority of the commission)) Each appointed producer member of the commission shall be

elected by majority vote of the elected commissioners in a public vote at a public meeting held within ninety days prior to the expiration of the appointed member's term.

((7)) (8) Vacancies.

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

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

(8)) In the event of a vacancy on the board in an elected or commission-appointed 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. Any member so appointed shall serve until the normal expiration of his or her term.

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

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

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

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

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

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

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

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

(h) To borrow money and incur indebtedness;

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

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

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provi-

sions of this marketing order during each fiscal year. The commission, at least forty-five days prior to the beginning of its fiscal year, shall prepare and submit to the director its budget, research plan, and its commodity-related education and training plan;

(l) To accept and receive gifts and grants from private persons or private and public agencies and expend the same to effectuate the purposes of the act and this order;

(m) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes set forth in this marketing order;

(n) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes set forth in this marketing order. Personal service contracts must comply with chapter 39.29 RCW;

(o) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, use, distribution and trade barriers impacting potatoes and potato products;

(p) 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;

(q) 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 potatoes as requested by any elected official or officer or employee of any agency and as authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(r) To assist and cooperate with the department or any other local, state, or federal government agency in the investigation and control of exotic pests and diseases that could damage or affect trade of the affected commodity;

(s) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity;

(t) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order;

(u) To establish a foundation using commission funds as grant money for the purposes established in this marketing order;

(v) 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 value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140(18);

(w) To maintain a list of the names and addresses of persons who handle potatoes within the affected area and data on the amount and value of the potatoes handled by each person pursuant to RCW 15.66.140(19) for a minimum three-year period;

(x) To maintain a list of names and addresses of all affected persons who produce potatoes and the amount, by unit, of potatoes produced during the past three years pursuant to RCW 15.66.143(1);

(y) To maintain a list of all persons who handle potatoes and the amount of potatoes handled by each person during the past three years pursuant to RCW 15.66.143(2);

(z) To check records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid; and

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

~~((9))~~ (10) Procedure for commission.

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

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission. Notice of the meetings shall be published in the potato commission newsletter and sent to the appropriate general and agricultural media outlets.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with reasonable notice ~~((to the members: Provided, That the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership))~~ as required in RCW 42.30.080.

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

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

(f) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which ~~((rate))~~ shall not exceed ~~((per day))~~ the compensation rate set by ~~((chapter 15.66))~~ RCW 43.03.230 or state travel expense rates in accordance with RCW 43.03.050 and 43.03.060 for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, ~~((together with subsistence and travel expense of the rate allowed by law to state employees))~~ except the commission may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members of the commission in carrying out the provisions of this marketing order pursuant to RCW 15.66.130.

~~((10))~~ (11) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judg-

ment, mistakes, or other acts, either of commission or omission, as principal agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

**AMENDATORY SECTION** (Amending WSR 90-09-068, filed 4/18/90, effective 7/1/90)

**WAC 16-516-040 Assessments and assessment funds.**

(1) Assessments levied.

(a) On and after the effective date of this order, there is hereby levied and there shall be collected by the commission, as provided in the act, upon all potatoes grown in the state an annual assessment of four cents per hundredweight which shall be paid by the producer thereof upon each and every hundredweight of potatoes sold, processed, delivered for sale or processing by him or her or stored or delivered for storage when ~~((such))~~ storage or delivery for storage shall be outside the boundaries of this state: Provided, That no assessment shall be collected on the following:

- (i) Potatoes grown and sold for seed under an established seed certification program;
- (ii) Potatoes sold for livestock feed, regardless of grade;
- (iii) Potatoes sold for nonfood products, such as industrial starch;
- (iv) Potatoes of a producer's own production used by him or her on his or her own premises for seed, feed or personal consumption;
- (v) Potatoes donated or shipped for relief or charitable purposes; or
- (vi) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of potatoes from a producer's own production.

(b) The commission ~~((is authorized to))~~ may provide by rule ~~((and regulation))~~ for an assessment discount not to exceed twenty-five percent of the total hundredweight on field run or ungraded potatoes to allow for cull potatoes not used or intended for use for human consumption.

(c) No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all ~~((such))~~ potatoes sold, processed or delivered for sale or processing by all producers of potatoes for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. ~~((To collect such assessments, the commission may require:~~

~~(i) Stamps to be known as "Washington potato commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;~~

~~((#))~~ (b) Handlers receiving potatoes from the producer, including warehousemen and processors ~~((to))~~ shall collect producer assessments from producers whose production they handle, and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at ~~((such))~~ times ~~((as))~~ required by rule ~~((and regulation required;))~~ file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission~~((;))~~.

~~((iii) Payment of)~~ (c) Producer assessments may be paid before the potatoes are shipped off the farm or ~~((payments of assessments))~~ at different or later times ~~((and in such event))~~. If assessments are paid after the potatoes are shipped off the farm, any person subject to the assessment shall give ~~((such))~~ adequate assurance or security for its payments as the commission shall require by rule.

~~((b))~~ (d) The commission ~~((is authorized to make reasonable))~~ may adopt rules ~~((and regulations))~~ in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season and of the assessment discount, if any, allowable on field run or ungraded potatoes.

~~((e))~~ (e) No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued ~~((or stamp canceled))~~, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for ~~((such))~~ the exemptions.

~~((d))~~ (f) Any producer or handler who fails to comply with the provisions of this subsection as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) Moneys collected by the potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by ~~((such))~~ the producer in excess of three percent of the total market value of all potatoes sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer ~~((in accordance with reasonable rules and regulations prescribed by the director))~~, which may include bills of lading, bills of sale, or receipts.

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

**WAC 16-516-050 Information reports.** All persons subject to the provisions of this marketing order shall make and render ~~((such))~~ reports and furnish ~~((such))~~ information to the director or the commission as ~~((may be necessary or))~~ required under the act or this order ~~((to effectuate the purposes thereof))~~. ~~((Any))~~ Information and records obtained by ~~((any person pursuant to the provisions of this article shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director of the commission to give legal advice thereon or by court order))~~ the director or commission are exempt from public disclosure to the extent provided in RCW 15.66.105 and 42.17.31907 or any other applicable statute.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 16-516-002	Director's findings and decision approving a marketing order.
WAC 16-516-030	Marketing order purposes.
WAC 16-516-070	Effective time.

**WSR 05-14-120**  
**PROPOSED RULES**  
**POTATO COMMISSION**  
[Filed July 1, 2005, 3:54 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 05-11-103.

Title of Rule and Other Identifying Information: Rules of the Washington State Potato Commission, chapter 16-516 WAC.

Hearing Location(s): Big Bend Community College, Applied Technology Education Center, 7611 Bolling Street N.E., Moses Lake, WA 98837, on August 17, 2005, at 2:00 p.m.; and at the Best Western Cotton Tree Inn, Convention Center, Lopez Room, 2300 Market Street, Mount Vernon, WA 98273, on August 18, 2005, at 2:00 p.m.

Date of Intended Adoption: January 4, 2006.

Submit Written Comments to: Karen Bonaudi, Interim Executive Director, 108 Interlake Road, Moses Lake, WA 98837, e-mail kbonaudi@potatoes.com, fax (509) 765-4853, by August 19, 2005.

Assistance for Persons with Disabilities: Contact Rochelle Painter at (360) 902-2060, by August 10, 2005, TTY (360) 902-1996.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to amend and repeal sections within the rules of the Washington State Potato Commission. Proposed

amendments will update "hosting" language and will remove language referring to prepayment of assessments through the purchase of stamps. The following sections are affected by the proposed amendments: Amending WAC 16-516-100 Definitions, 16-516-110 Commission rules—Reporting and paying assessments, 16-516-150 Notice to director and 16-516-170 Rules for implementation of promotional hosting by the Washington State Potato Commission; and repealing WAC 16-516-140 Conditions for prepayment of assessments and maximum payable.

Reasons Supporting Proposal: The Washington State Potato Commission is proposing to discontinue activities relating to advertising and promotion. Therefore, all references to "promotional" hosting are being removed. The proposal also removes outdated language related to the collection of assessments.

Statutory Authority for Adoption: Chapter 15.66 RCW, specifically RCW 15.66.140(2), and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.66 RCW.

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

Name of Proponent: Washington State Potato Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Lynn Briscoe, Washington State Department of Agriculture, Olympia, (360) 902-2043; Implementation and Enforcement: Karen Bonaudi, Moses Lake, (509) 765-8845.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Technical amendments being proposed do not require a small business economic impact statement pursuant to RCW 19.85.030.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Potato Commission is not a named agency in RCW 34.05.328 (5)(a)(i).

June 30, 2005

Karen Bonaudi

Interim Executive Director

**AMENDATORY SECTION** (Amending WSR 01-09-028, filed 4/10/01, effective 5/11/01)

**WAC 16-516-100 Definitions.** The following definitions apply to rules in this chapter adopted by the Washington Potato Commission unless otherwise provided:

"**Hosting**" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

"~~((Promotional))~~ **Trade relations hosting**" means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations ~~((and promoting sales of))~~ for Washington state potatoes and potato products.

**AMENDATORY SECTION** (Amending Rule XII, filed 6/25/62)

**WAC 16-516-110 Commission rules—Reporting and paying assessments.** Effective with the growing season of 1962, the following procedure is established for the reporting

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and paying assessments levied pursuant to RCW 15.66.150 and WAC 16-516-040:

(1) The commission shall have the discretion to determine which one or more of the methods hereinafter set forth shall be respectively followed by each respective affected producer and or handler in reporting and paying assessments.

(2) Assessments shall be paid in accordance with one or more of the following methods as prescribed by the commission, in its discretion, for each respective affected producer and or handler:

~~((a) By means of the purchase of stamps, to be known as "Washington potato commission stamps," from the Washington state potato commission~~

~~(i) The said stamps shall be in denominations of 1¢, 2¢, 10¢, 50¢, \$1.00, \$2.00, \$4.00, \$6.00, and \$8.00 respectively and shall be in such form as may from time to time be determined by the commission.~~

~~(ii) The stamps shall be printed in serially numbered sheets of ten stamps of like denomination per sheet, the individual stamps on each sheet to bear the same number as the sheet of which they are a part.~~

~~(iii) Such stamps shall be purchased from the Washington state potato commission by handlers, including producers who handle their own potatoes, and shall be affixed, in an amount equal to 2¢ per hundred weight of potatoes listed on the document, to such shipping or other document as the commission may from time to time designate, at or prior to the time the shipping permit for such potatoes is issued by the inspector of the horticultural division of the Washington state department of agriculture. Provided, however, That nothing herein contained shall prevent the handler from paying the amount of assessment due upon such potatoes in cash or by check at or prior to the issuance of the shipping permit in lieu of affixing such stamps to such document. Such document shall, however, in either event, be prepared by the inspector issuing the shipping permit and shall be forwarded by him, together with stamps affixed or accompanying payment in lieu of stamps, to the office of the commission at such intervals as the manager of the commission may from time to time designate for each respective handler. Stamps shall be deemed cancelled when affixed to such document.~~

~~(iv) In order to pay for such stamps, or to provide funds for the payment made in lieu thereof, handlers, including warehousemen and processors, receiving potatoes from a producer, shall collect the assessment of 2¢ per hundred weight of potatoes handled from the respective producer thereof at the time the potatoes are first handled. Producers handling their own potatoes shall pay the assessment either through the purchase of stamps directly from the commission or through payment in lieu of stamps as provided in subsection (b) below.~~

~~(v) In providing stamps, the commission may extend credit to the handler ordering them for a period not to exceed 30 days from date stamps are forwarded from the office of the commission to the handler, or may require payment for the stamps prior to forwarding. The commission shall provide no additional stamps to any handler until all stamps previously provided have been paid for. All stamps shall remain the property of the commission until paid for and the commission~~

~~may at any time reclaim any stamps not paid for, from the handler in possession thereof.~~

~~(vi) If stamps are issued on credit, the handler to whom issued shall be invoiced for the amount thereof, at the time of issue, which invoice will be considered as a statement, and the handler's account charged with the amount of stamps issued. Payments for stamps will be credited as received. Unused stamps may be returned for credit or, if the account has been paid in full, for cash refund.~~

~~(vii) The party to whom stamps are issued shall be primarily liable for payment for them; if stamps are used by a party other than to whom issued, both parties shall be jointly and severally liable for payment therefor.~~

~~(viii) If stamps are issued on credit and not paid for within the period for which credit was extended by the commission, a penalty of 10% of the unpaid balance of the account for such stamps shall be added thereto.~~

~~(b)) (a) By means of collection from producers by handlers (including warehousemen and processors receiving potatoes from producers,) at the time the potatoes are first handled, and payment by said handlers to the commission of the assessments so collected.~~

~~(i) The commission shall bill each handler at such intervals, not less frequently than monthly, as the commission may from time to time determine, for the assessments due upon potatoes handled in the preceding period for which billing has not previously been made, and upon which assessments have not been paid, computed on the basis of the quantity of potatoes so handled as recorded on potato shipping records pertaining to each handler prepared by the state of Washington department of agriculture in behalf of the commission, and filed with the commission, or, with respect to handlers who are packers or processors, on the basis of the quantity of potatoes so handled as recorded on potato shipping records pertaining to such packer or processor prepared by such packer or processor and filed with the commission.~~

~~(ii) (As used in subsection (b)(i) immediately preceding, the term "handler" shall be deemed to be the person, firm, or corporation designated as "shipper" on the potato shipping record form.~~

~~(iii)) In the event potatoes subject to assessment are handled by processors or other handlers under circumstances in which no potato shipping record is filed with the commission with respect to the potatoes so handled the handler shall, at the time of submitting the report required by subsection ((b)(iv)) (a)(iii) immediately following, pay in full the assessment on the potatoes so reported.~~

~~((iv)) (iii) Each handler shall, in any event, file a monthly report, under oath, on forms provided by the commission, showing the name and address of the handler making the report, the quantity of potatoes handled during the preceding calendar month, the name, address, handler's lot number, and quantity of potatoes handled, for each respective producer, and the representative district as defined in WAC 16-516-020, within which the potatoes were grown. The report shall be filed with the commission not later than the 20th day of the month following that in which the potatoes were handled.~~

~~((e)) (b) By means of payment in cash by the producer, or handler, as determined by the commission in each respec-~~



tive instance, prior to the time the potatoes are shipped in either interstate or intrastate commerce.

AMENDATORY SECTION (Amending Order XII, filed 7/2/73)

**WAC 16-516-150 Notice to director.** The commission shall notify the director in writing of any handler who has not established a record of prompt payment (~~as set forth in WAC 16-516-149~~), and such handler shall be subject to the provisions of WAC 16-516-040 (2)(~~e~~)(~~e~~) which states as follows: No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued (~~or stamp cancelled~~), but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

AMENDATORY SECTION (Amending WSR 01-09-028, filed 4/10/01, effective 5/1/01)

**WAC 16-516-170 Rules for implementation of (~~promotional~~) hosting by the Washington state potato commission.** The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commission shall adopt rules governing (~~promotional~~) hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing (~~promotional~~) agricultural development or trade relations hosting expenditures for the Washington state potato commission shall be as follows:

(1) Budget approval: Commission expenditures for agricultural development or trade (~~promotion and promotional~~) relations hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures (~~The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:~~

~~Commissioner/Commission employees~~); Individual commissioners and commission staff shall make (~~promotional~~) agricultural development or trade relations hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be as identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

- (a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosting shall be required;
- (b) General purpose of the hosting;

- (c) Date of hosting;
- (d) To whom payment was or will be made;
- (e) Signature of person seeking payment or reimbursement;

(4) The chairman of the commission and/or the executive director or assistant executive director are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations (~~and promote sales of~~) for the Washington state (~~potatoes and~~) potato (~~products~~) industry, provided that such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business and accompanying interpreter or interpreters;

(b) Foreign government officials and accompanying interpreter or interpreters;

(c) Federal, state, and local officials, provided lodging, meals, and transportation will not be provided when such officials may obtain reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted will cultivate (~~and promote sales of~~) trade relations for the Washington state (~~potatoes and~~) potato (~~products~~) industry.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-516-140	Conditions for prepayment of assessments and maximum payable.
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**WSR 05-14-121**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed July 1, 2005, 4:23 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Amending WAC 388-544-0350 Vision care—Covered plastic scratch-resistant eyeglass lenses and services.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503, on August 9, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 10, 2005.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500

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10th Avenue S.E., Lacey, WA 98503, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 9, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 5, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal corrects subsection (3)(b) that contained an error when the rule was amended recently, replacing the word "eight" with "three." Subsection (3)(b) would now read, "a cylinder correction of plus or minus three diopters or greater."

Reasons Supporting Proposal: The correction benefits eligible vision clients, and helps assure that eligible clients receive needed medical services.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.510, and 74.09.520.

Statute Being Implemented: RCW 74.09.510 and 74.09.520.

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: Wendy Boedigheimer, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Marlene Black, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1577.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not create more than minor costs for small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. DSHS rules relating to client medical or financial eligibility are exempt from this requirement under RCW 34.05.328 (5)(b)(vii). The proposed rule describes client medical eligibility requirements for covered vision services.

June 29, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0350 Vision care - covered plastic scratch-resistant eyeglass lenses and services.** (1) The medical assistance administration (MAA) covers the following plastic scratch-resistant eyeglass lenses:

- (a) Single vision lenses;
- (b) Round or flat top D-style bifocals;
- (c) Flat top trifocals; and
- (d) Slab-off and prism lenses (including Fresnel lenses).

(2) MAA allows bifocal lenses to be replaced with single vision or trifocal lenses or trifocal lenses to be replaced with bifocal or single vision lenses when all of the following apply:

- (a) A client has attempted to adjust to the bifocals or trifocals for at least sixty days;
- (b) The client is unable to make the adjustment; and
- (c) The bifocal or trifocal lenses being replaced are returned to the provider.

(3) MAA covers high index lenses for clients who require one of the following in at least one eye:

- (a) A spherical refractive correction of plus or minus eight diopters or greater; or
- (b) A cylinder correction of plus or minus (~~eight~~) three diopters or greater.

To receive payment, providers must follow the expedited prior authorization process.

(4) MAA covers the tinting of plastic lenses through MAA's contracted lens supplier. The client's medical need must be diagnosed and documented as one or more of the following chronic (expected to last longer than three months) eye conditions causing photophobia:

- (a) Blindness;
- (b) Chronic corneal keratitis;
- (c) Chronic iritis, iridocyclitis;
- (d) Diabetic retinopathy;
- (e) Fixed pupil;
- (f) Glare from cataracts;
- (g) Macular degeneration;
- (h) Migraine disorder;
- (i) Ocular albinism;
- (j) Optic atrophy and/or optic neuritis;
- (k) Rare photo-induced epilepsy conditions; or
- (l) Retinitis pigmentosa.

(5) MAA covers plastic photochromatic lenses when the client's medical need is diagnosed as relating to ocular albinism or retinitis pigmentosa.

(6) MAA covers polycarbonate lenses as follows:

(a) For clients who are blind in one eye and need protection for the other eye, regardless of whether a vision correction is required;

(b) Infants and toddlers with motor ataxia;

(c) For clients twenty years of age or younger who are diagnosed with strabismus or amblyopia; or

(d) For clients with developmental disabilities.

(7) MAA covers requests for lenses only when the client owns frames not purchased by MAA, when:

(a) The eyeglass frames are serviceable (MAA and MAA's contractor do not accept responsibility for these frames); and

(b) The size and style of the required lenses meet MAA's contract requirements.

(8) MAA covers replacement lenses as follows:

(a) Due to lost or broken lenses according to WAC 388-544-0300(6); and

(b) Due to refractive changes, without regard to time limits, when caused by one of the following:

(i) Eye surgery, the effects of prescribed medication, or one or more diseases affecting vision. In this case, all of the following must be documented in the client's file:

(A) The client has a stable visual condition;

(B) The client's treatment is stabilized;

(C) The lens correction must have a 1.0 or greater diopter change between the sphere or cylinder correction in at least one eye; and

(D) The previous and new refraction.

(ii) Headaches, blurred vision, or difficulty with school or work. In this case, all of the following must be documented in the client's file:

- (A) Copy of current prescription (less than eighteen months old);
  - (B) Date of last dispensing, if known;
  - (C) Absence of a medical condition that is known to cause temporary visual acuity changes (e.g., diabetes, pregnancy, etc.); and
  - (D) A refractive change of at least .75 diopter or greater between the sphere or cylinder correction in at least one eye.
- (c) To receive payment for replacement lenses, providers must follow the expedited prior authorization process.

**WSR 05-14-122**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed July 1, 2005, 4:26 p.m.]

Original Notice.  
 Preproposal statement of inquiry was filed as WSR 05-07-095.

Title of Rule and Other Identifying Information: WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL) and 388-478-0085 Medicare savings programs—Monthly income and countable resources standards.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on August 9, 2005, at 10:00 a.m.

Date of Intended Adoption: Not sooner than August 10, 2005.

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., August 9, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 5, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending these rules to update the federal poverty level standards used for the medical program standards and the Medicare savings programs. Each year the federal government updates these standards for April and these standards are effective April 1, 2005.

Reasons Supporting Proposal: Amending these rules will enable the department to continue receiving federal funding for Washington state's Medicaid programs.

FAMILY SIZE	100% FPL						
	Benchmark	133% FPL	150% FPL	185% FPL	200% FPL	220% FPL	250% FPL
1	\$((776)) <u>798</u>	\$((1032)) <u>1061</u>	\$((1164)) <u>1197</u>	\$((1436)) <u>1476</u>	\$((1552)) <u>1595</u>	\$((1707)) <u>1755</u>	\$((1940)) <u>1994</u>
2	\$((1041)) <u>1070</u>	\$((1385)) <u>1422</u>	\$((1562)) <u>1604</u>	\$((1926)) <u>1978</u>	\$((2082)) <u>2139</u>	\$((2290)) <u>2353</u>	\$((2603)) <u>2673</u>
3	\$((1306)) <u>1341</u>	\$((1737)) <u>1784</u>	\$((1953)) <u>2012</u>	\$((2416)) <u>2481</u>	\$((2612)) <u>2682</u>	\$((2873)) <u>2950</u>	\$((3265)) <u>3353</u>

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Statute Being Implemented: RCW 74.09.500 and 42 U.S.C. 9902(2).

Rule is necessary because of federal law, 42 U.S.C. 9902(2).

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1343.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This revision is exempt from the provisions of RCW 34.05.328 per RCW 34.05.328 (5)(b)(vii) regarding rules related to DSHS financial or medical eligibility.

June 29, 2005

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-15-092, filed 7/16/04, effective 8/16/04)

**WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL).** (1) The department bases the income standard upon the Federal Poverty Level (FPL) for the following medical programs:

- (a) Pregnant women's program up to one hundred eighty-five percent of FPL;
- (b) Children's categorically needy program up to two hundred percent of FPL;
- (c) Healthcare for workers with disabilities (HWD) up to two hundred twenty percent of FPL; and
- (d) The state children's health insurance program (SCHIP) is over two hundred percent of FPL but not over two hundred fifty percent of FPL.

(2) The department uses the FPL income standards to determine:

- (a) The mandatory or optional Medicaid status of an individual; and
  - (b) Premium amount, if any, for a Medicaid child.
- (3) There are no resource limits for the programs under this section.

(4) Beginning April 1, ~~((2004))~~ 2005, the monthly FPL standards are:

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PROPOSED

FAMILY SIZE	100% FPL Benchmark	133% FPL	150% FPL	185% FPL	200% FPL	220% FPL	250% FPL
4	\$((1571)) <u>1613</u>	\$((2090)) <u>2145</u>	\$((2357)) <u>2419</u>	\$((2907)) <u>2984</u>	\$((3142)) <u>3225</u>	\$((3456)) <u>3548</u>	\$((3928)) <u>4032</u>
5	\$((1836)) <u>1885</u>	\$((2442)) <u>2506</u>	\$((2754)) <u>2827</u>	\$((3397)) <u>3486</u>	\$((3672)) <u>3769</u>	\$((4039)) <u>4146</u>	\$((4590)) <u>4711</u>
6	\$((2104)) <u>2156</u>	\$((2795)) <u>2868</u>	\$((3152)) <u>3234</u>	\$((3887)) <u>3989</u>	\$((4202)) <u>4312</u>	\$((4622)) <u>4743</u>	\$((5253)) <u>5390</u>
7	\$((2366)) <u>2428</u>	\$((3147)) <u>3229</u>	\$((3549)) <u>3642</u>	\$((4377)) <u>4491</u>	\$((4732)) <u>4855</u>	\$((5205)) <u>5341</u>	\$((5915)) <u>6069</u>
8	\$((2634)) <u>2700</u>	\$((3499)) <u>3590</u>	\$((3947)) <u>4049</u>	\$((4868)) <u>4994</u>	\$((5262)) <u>5399</u>	\$((5788)) <u>5939</u>	\$((6578)) <u>6748</u>
9	\$((2896)) <u>2971</u>	\$((3852)) <u>3952</u>	\$((4344)) <u>4457</u>	\$((5358)) <u>5497</u>	\$((5792)) <u>5942</u>	\$((6371)) <u>6536</u>	\$((7240)) <u>7428</u>
10	\$((3164)) <u>3243</u>	\$((4204)) <u>4313</u>	\$((4742)) <u>4864</u>	\$((5848)) <u>5999</u>	\$((6322)) <u>6485</u>	\$((6954)) <u>7134</u>	\$((7903)) <u>8107</u>
Add to the ten person standard for each person over ten:							
	\$((265)) <u>272</u>	\$((353)) <u>362</u>	\$((398)) <u>408</u>	\$((491)) <u>503</u>	\$((530)) <u>544</u>	\$((583)) <u>598</u>	\$((663)) <u>680</u>

**AMENDATORY SECTION** (Amending WSR 04-17-076, filed 8/13/04, effective 9/13/04)

**WAC 388-478-0085 Medicare savings programs— Monthly income and countable resources standards.** (1) The qualified Medicare beneficiary (QMB) program income standard is up to one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, ((2004)) 2005, the QMB program's income standards are:

(a) One person	\$((776)) <u>798</u>
(b) Two persons	\$((1041)) <u>1070</u>

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of FPL, but not more than one hundred twenty percent of FPL. Beginning April 1, ((2004)) 2005, the SLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$((776.01)) <u>798.01</u>	\$((931)) <u>957</u>
(b) Two persons	\$((1041.01)) <u>1070.01</u>	\$((1249)) <u>1283</u>

(3) The qualified individual (QI-1) program income standard is over one hundred twenty percent of FPL, but not more than one hundred thirty-five percent of FPL. Beginning April 1, ((2004)) 2005, the QI-1 program's income standards are:

	Minimum	Maximum
(a) One person	\$((931.01)) <u>957.01</u>	\$((1048)) <u>1077</u>

	Minimum	Maximum
(b) Two persons	\$((1249.01)) <u>1283.01</u>	\$((1406)) <u>1444</u>

(4) The qualified disabled working individual (QDWI) program income standard is two hundred percent of FPL. Beginning April 1, ((2004)) 2005, the QDWI program's income standards are:

(a) One person	\$((1552)) <u>1595</u>
(b) Two persons	\$((2082)) <u>2139</u>

(5) The resource standard for the Medicare savings programs in this section is:

(a) One person	\$4000
(b) Two persons	\$6000

**WSR 05-14-123**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed July 1, 2005, 4:28 p.m.]

Original Notice.  
 Preproposal statement of inquiry was filed as WSR 04-12-094.

Title of Rule and Other Identifying Information: Chapter 388-532 WAC, Reproductive health/family planning only/TAKE CHARGE.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on August 23, 2005, at 10:00 a.m.

Date of Intended Adoption: Not sooner than August 23, 2005.

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](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., August 23, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 19, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- Add a new section on reproductive health;
- Clarify who is eligible for family planning *only* and TAKE CHARGE;
- Clarify provider requirements for reproductive health, family planning *only*, and TAKE CHARGE;
- Clarify when services are covered under family planning *only* and TAKE CHARGE (example: Must be performed in relation to a primary focus and diagnosis of family planning and must be medically necessary for the client to safely, effectively, and successfully use, or continue to use, their chosen contraceptive method);
- Clarify which services are covered under TAKE CHARGE;
- Clarify reimbursement for covered drugs, drug supplies, and devices under reproductive health, family planning *only*, and TAKE CHARGE;
- Add definition for ECRR services;
- Clarify documentation requirements for TAKE CHARGE; and
- Clarify when TAKE CHARGE providers are *exempt from billing third party*.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, and 74.09.800.

Statute Being Implemented: RCW 74.09.800.

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: Wendy L. Boedigheimer, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Casey Zimmer, (360) 725-1664/Maureen Considine, (360) 725-1652, P.O. Box 45530, Olympia, WA 98504-5530.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that the proposed rule will not create more than minor costs for affected small businesses.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Casey Zimmer/Maureen Considine, Division of Program Support, P.O. Box 45530, Olympia,

WA 98504-5530, phone (360) 725-1664/(360) 725-1652, e-mail [zimmecl@dshs.wa.gov](mailto:zimmecl@dshs.wa.gov) or [consimc@dshs.wa.gov](mailto:consimc@dshs.wa.gov).

June 27, 2005

Andy Fernando, 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 05-15 issue of the Register.

## WSR 05-14-128

### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF ECOLOGY

(By the Code Reviser's Office)

[Filed July 5, 2005, 8:42 a.m.]

WAC 173-531A-060, 173-563-010, 173-563-020, 173-565-100, 173-565-110, 173-565-120, 173-565-140, 173-565-150, 173-565-160, 173-565-170, 173-565-200, 173-565-210, 173-565-215, 173-565-220, 173-565-230, 173-565-300, 173-565-310, 173-565-320, 173-565-330, 173-565-340, 173-565-342, 173-565-344, 173-565-350, 173-565-352, 173-565-354, 173-565-360, 173-565-362, 173-565-364, 173-565-370, 173-565-372, 173-565-380, 173-565-400, 173-565-410, 173-565-420, 173-565-430, 173-565-440, 173-565-450, 173-565-500, 173-565-510, 173-565-520, 173-565-530, 173-565-540, 173-565-550, 173-565-552, 173-565-560, 173-565-562, 173-565-564, 173-565-570, 173-565-600 and 173-565-800, proposed by the Department of Ecology in WSR 05-01-140 appearing in issue 05-01 of the State Register, which was distributed on January 5, 2005, 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 05-14-129

### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

(By the Code Reviser's Office)

[Filed July 5, 2005, 8:42 a.m.]

WAC 296-30-090, proposed by the Department of Labor and Industries in WSR 05-01-170 appearing in issue 05-01 of the State Register, which was distributed on January 5, 2005, 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 05-14-130****WITHDRAWAL OF PROPOSED RULES  
SECRETARY OF STATE**

(By the Code Reviser's Office)

[Filed July 5, 2005, 8:43 a.m.]

WAC 434-253-204, proposed by the Secretary of State in WSR 05-01-208 appearing in issue 05-01 of the State Register, which was distributed on January 5, 2005, 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 05-14-131****WITHDRAWAL OF PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

(By the Code Reviser's Office)

[Filed July 5, 2005, 8:43 a.m.]

WAC 480-120-322 and 480-120-349, proposed by the Utilities and Transportation Commission in WSR 05-01-224 appearing in issue 05-01 of the State Register, which was distributed on January 5, 2005, 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 05-14-132****WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(By the Code Reviser's Office)

[Filed July 5, 2005, 8:43 a.m.]

WAC 220-16-007, 220-69-240, 220-69-241, 220-69-280 and 220-69-310, proposed by the Department of Fish and Wildlife in WSR 05-01-229 appearing in issue 05-01 of the State Register, which was distributed on January 5, 2005, 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 05-14-133****WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(By the Code Reviser's Office)

[Filed July 5, 2005, 8:44 a.m.]

WAC 220-52-018, 220-52-020, 220-88D-010, 220-88D-020, 220-88D-030, 220-88D-040 and 220-88D-050, proposed by the Department of Fish and Wildlife in WSR 05-01-234 appearing in issue 05-01 of the State Register, which was distributed on January 5, 2005, 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 05-14-139****PROPOSED RULES  
HORSE RACING COMMISSION**

[Filed July 5, 2005, 8:47 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 05-07-035.

Title of Rule and Other Identifying Information: New section WAC 260-70-675 Bicarbonate testing.

Hearing Location(s): Peppertree Auburn Inn, 401 8th Street S.W., Auburn, WA 98001, on August 11, 2005, at 9:30 a.m.

Date of Intended Adoption: August 11, 2005.

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 August 9, 2005.

Assistance for Persons with Disabilities: Contact Patty Sorby by August 9, 2005, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This new section is being added to chapter 260-70 WAC, Controlled medication program, to regulate the use of alkalizing agents in a horse on race day.

Reasons Supporting Proposal: It has been discovered that alkalizing agents can be administered to a racehorse prior to a race to reduce the concentration of carbon dioxide in a horse's bloodstream and lessen lactic acid buildup, thus warding off fatigue and artificially enhancing the horse's performance. Rules are needed to prohibit and penalize trainers for this practice.

Statutory Authority for Adoption: RCW 67.16.020.

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 Enforce-

ment: 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.

July 1, 2005  
R. M. Leichner  
Executive Secretary

#### NEW SECTION

**WAC 260-70-675 Bicarbonate testing.** No bicarbonate-containing substance or alkalizing substance that effectively alters the serum or plasma pH or concentration of bicarbonates or total carbon dioxide in a horse shall be administered to a horse within twenty-four hours of post time of the race in which the horse is entered.

The official veterinarian, the board of stewards or the executive secretary acting on behalf of the commission may at their discretion and at any time order the collection of test samples from any horses present either in the horse's stall or within the receiving or test barn to determine the serum or plasma pH or concentration of bicarbonate, total carbon dioxide, or electrolytes.

Test samples shall not exceed 37.0 millimoles of total carbon dioxide concentration per liter of serum or plasma. A serum or plasma total carbon dioxide level exceeding this value shall constitute a violation of this rule. Penalties shall be assessed as a Class 4 violation as provided in WAC 260-84-110.

When taking samples for bicarbonate testing or total carbon dioxide levels, split samples shall be permitted under the following conditions:

If an owner or trainer wants a split sample taken, the owner or trainer must have on file with the official veterinarian a signed bicarbonate split sample test authorization. Failure of the owner or trainer to have such an authorization filed with the official veterinarian shall constitute a waiver of all rights to have a split sample taken for testing.

If a split sample is taken, it shall be shipped as soon as practical and shall be shipped to the commission approved laboratory for total carbon dioxide split sample testing. The owner or trainer authorizing a split sample shall be responsible for the cost of shipping and testing.

**WSR 05-14-140**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 5, 2005, 9:19 a.m.]

Supplemental Notice to WSR 05-13-150.

Preproposal statement of inquiry was filed as WSR 03-20-095.

Title of Rule and Other Identifying Information: Payroll deduction rules in chapter 296-126 WAC.

Hearing Location(s): Department of Labor and Industries, 15 West Yakima Avenue, Suite 100, Yakima, WA, on July 28, 2005, at 2:00 p.m.

Date of Intended Adoption: August 23, 2005.

Submit Written Comments to: Sally Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, e-mail [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov), fax (360) 902-5292, by July 28, 2005.

Assistance for Persons with Disabilities: Contact Sally Elliott by July 18, 2005, (360) 902-6411 or [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is conducting an additional public hearing in Yakima, Washington, to allow additional interested parties to comment on the proposed rule.

July 5, 2005  
Gary Weeks  
Director

**WSR 05-14-151**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**  
(Public Employees' Benefits Board)  
[Order 04-04—Filed July 6, 2005, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-11-011.

Title of Rule and Other Identifying Information: WAC 182-12-115 Employee eligibility.

Hearing Location(s): Health Care Authority (HCA), 676 Woodland Square Loop S.E., The Center Conference Room, Olympia, WA, on August 16, 2005, at 1:00 p.m.

Date of Intended Adoption: August 16, 2005.

Submit Written Comments to: Katie Rogers, P.O. Box 42684, Olympia, WA 98504-2684, e-mail [krog107@hca.wa.gov](mailto:krog107@hca.wa.gov), fax (360) 923-2735, by 4:00 p.m. on August 8, 2005.

Assistance for Persons with Disabilities: Contact Nikki Johnson by August 10, 2005, TTY (888) 923-5622 or (360) 923-2805.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is proposing changes to WAC 182-12-115 to extend the content of the emergency rule filed on May 3, 2005, as HCA administrative order 05-02, through April 2006. The emergency rule was filed to address career seasonal/instructional year employee eligibility, as directed by the *Mader v. HCA* settlement agreement.

This proposed rule addresses summer insurance coverage for community and technical college employees. The purpose of extending the emergency rule is to allow the agency additional time to conduct a thorough and principled review of similarly situated employees of the state prior to drafting a permanent rule for adoption by the Public Employees' Benefits Board, which is responsible for establishment of eligibility criteria across all state agencies.

Reasons Supporting Proposal: These amendments are necessary to address career seasonal/instructional year employee eligibility, as directed by the *Mader v. HCA* settlement agreement.

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: RCW 41.05.065.

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

Name of Proponent: Health Care Authority, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Katie Rogers, 676 Woodland Square Loop, Lacey, WA, (360) 923-2735; and Enforcement: Mary Fliss, 676 Woodland Square Loop, Lacey, WA, (360) 923-2640.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

July 6, 2005

Cyndi L. Presnell  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 02-07, filed 8/14/03, effective 9/14/03)

**WAC 182-12-115 Eligible employees.** The following employees of state government, higher education, K-12 school districts, educational service districts, political subdivisions and employee organizations representing state civil service workers are eligible to apply for PEBB insurance coverage. For purposes of defining eligible employees of school districts and educational service districts, a collective bargaining agreement will supersede all definitions provided under this chapter 182-12 WAC only if approved by the HCA.

(1) "Permanent employees." Those who work at least half-time per month and are expected to be employed for more than six months. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment.

(2) "Nonpermanent employees." Those who work at least half-time and are expected to be employed for no more than six months. Coverage begins on the first day of the seventh month following the date of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment season after season. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment. However, seasonal employees are not eligible for the employer contribution during the break between sea-

sons of employment but may be eligible to continue coverage by self-paying premiums.

(4) "Career seasonal/instructional year employees." Employees who work half-time or more on an instructional year (school year) or equivalent nine-month seasonal basis. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of the month, coverage begins on the date of employment. These employees are eligible to receive the employer contribution for insurance during the off-season following each period of seasonal employment.

(5)(a) "Part-time faculty" and "part-time academic employees." (~~(Faculty)~~) Employees who are employed on a quarter/semester to quarter/semester basis are eligible to apply for coverage beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education including one or more college districts. Coverage begins on the first day of the month following the beginning of the second quarter/semester of half-time or more employment. If the first day of the second consecutive quarter/semester is the first working day of the month, coverage begins at the beginning of the second consecutive quarter/semester.

For the purpose of determining eligibility for part-time faculty and part-time academic employees, employers (~~of part-time faculty~~) must:

((~~a~~)) (i) Consider spring and fall as consecutive quarters/semesters when determining eligibility; and

((~~b~~)) (ii) Determine "half-time or more employment" based on each institution's definition of "full-time"; and

((~~c~~)) (iii) At the beginning of each quarter/semester notify, in writing, all current and newly hired part-time faculty and part-time academic employees of their potential right to benefits under this section.

((~~d~~)) (iv) Part-time faculty (~~(members)~~) and part-time academic employees employed at more than one institution are responsible for notifying each employer quarterly, in writing, of the employee's multiple employment. In no case will retroactive coverage be permitted or employer contribution paid to HCA if (~~(a part-time faculty member)~~) an employee fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

((~~e~~)) (v) Where concurrent employment at more than one state higher education institution is used to determine total (~~(part-time faculty)~~) employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the (~~(part-time faculty member)~~) employee would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to HCA; and

((~~f~~)) (vi) Once enrolled, if a part-time faculty (~~(member)~~) or part-time academic employee does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.



(b) Part-time academic employees of community and technical colleges—eligibility for summer or off season benefits when the employee has a reasonable expectation of continued employment at a single college district or multiple college districts.

Effective May 1, 2005, through April 2006.

(i) Part-time academic employees who work half-time or more in each instructional year quarter or equivalent nine-month season for one or more academic years in a single college district or multiple college districts as determined from the payroll records of the employing community or technical college district(s), are eligible for the employer contribution for health benefits during the quarter or off season period immediately following the end of one academic year or equivalent nine-month season. Eligibility for summer or off season health benefits continues each summer quarter or off season thereafter following employment in an instructional year or equivalent nine-month period of employment in a single college district or multiple college districts.

(ii) For purposes of this section:

(A) "Academic employee" has the meaning set forth in RCW 28B.50.489(3).

(B) "Academic year" means fall, winter, and spring quarters in a community or technical college, as determined from the payroll records of the employing college district or college districts.

(C) "Equivalent nine-month seasonal basis" means a nine consecutive month period of employment at half-time or more by a single college district or multiple college districts, as determined from the payroll records of the employing college district(s).

(D) "Health benefits" means the particular medical and/or dental coverage in place at the end of the academic year or equivalent nine-month season. Changes to health benefits may be made only as set forth in chapter 182-08 WAC or during an annual open enrollment period.

(6) "Appointed and elected officials." Legislators are eligible to apply for coverage on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible to apply for coverage on the date their term begins or they take the oath of office, whichever occurs first. Coverage for legislators begins on the first day of the month following the date their term begins. If the term begins on the first working day of the month, coverage begins on the first day of their term. Coverage begins for all other elected and full-time appointed officials of the legislative and executive branches of state government on the first day of the month following the date their term begins, or the first day of the month following the date they take the oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of the month, coverage begins on the date the term begins, or the oath of office is taken.

(7) "Judges." Justices of the supreme court and judges of courts of appeals and the superior courts become eligible to apply for coverage on the date they take the oath of office. Coverage begins on the first day of the month following the date their term begins, or the first day of the month following the date they take oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working

day of a month, coverage begins on the date the term begins, or the oath of office is taken.

**WSR 05-14-156**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed July 6, 2005, 9:35 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Facility licensing fees for WAC 246-320-990 Acute care hospitals, 246-322-990 Private psychiatric and alcoholism hospitals and 246-324-990 Private alcohol and chemical dependency hospitals.

Section 221(1) of E2SSB 6090, making 2005-07 operating appropriations, authorizes the department to raise fees in excess of the fiscal growth factor pursuant to RCW 43.135.-055. The exemption was given to implement HB 1533, revising provisions for the inspection of hospitals, chapter 518, Laws of 2005.

These sections establish licensure fees for acute care hospitals, private psychiatric and alcoholism hospital and private alcohol and chemical dependency hospitals. The fees paid by these facilities support the hospital licensure and survey activities within the department.

RCW 43.70.250 authorizes the department to charge fees sufficient to cover the full cost of programs operations.

Hearing Location(s): Point Plaza East, 310 Israel Road S.E., Room 139, Tumwater, WA 98501, on August 10, 2005, at 9:30 a.m.

Date of Intended Adoption: August 17, 2005.

Submit Written Comments to: Alisa Harris, P.O. Box 47852, Olympia, WA 98504-7852, web site [www3.doh.wa.gov/policyreview](http://www3.doh.wa.gov/policyreview), fax (360) 236-2901, by August 8, 2005.

Assistance for Persons with Disabilities: Contact Alisa Harris by August 8, 2005, TTY (800) 833-6388 or (360) 236-2907.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules increase fees for acute care hospitals, private psychiatric and alcoholism hospitals and private alcohol and chemical dependency hospitals in excess of the fiscal growth factor. This exemption was given to implement HB 1533, revising provisions for inspection of hospitals, chapter 518, Laws of 2005.

This proposal also allows for an initial applicant to request, prior to licensure, options for withdrawal of an application and refund (for each WAC section). Currently, the department has no refund policy for applications that are withdrawn prior to licensure.

Reasons Supporting Proposal: The department is requesting fee increases by 10.4%. These additional resources are necessary to accomplish the intent of HB 1533, are necessary to accomplish an eighteen-month survey cycle and assure public health and safety in hospitals statewide. It also allows licensees options for requesting refunds when withdrawing an application for initial licensure.

Statutory Authority for Adoption: RCW 43.70.110, 43.70.250, 70.41.100, 71.12.470.

Statute Being Implemented: RCW 43.70.110, 43.70.250.

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: Byron Plan, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2900.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 19.85.025(3) and does not require a small business economic impact statement. However, the department prepared fee analyses which provide documentation of the need for the fee increases. To obtain a copy of a fee analysis, contact Alisa Harris, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2907, fax (360) 236-2901, e-mail alisa.harris@doh.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. The department did not complete a cost-benefit analysis. This rule proposal is exempt from this requirement under RCW 34.05.328 (5)(b)(iv) and (vi).

July 5, 2005

B. White

for Mary C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 04-19-141, filed 9/22/04, effective 10/23/04)

**WAC 246-320-990 Fees.** This section establishes the licensure fee for hospitals licensed under chapter 70.41 RCW.

**(1) Applicants and licensees shall:**

~~((1))~~ **(a)** Submit an annual license fee of ~~((eighty-seven))~~ ninety-six dollars and ~~((eighty))~~ ninety cents for each bed space within the licensed bed capacity of the hospital to the department;

~~((2))~~ **(b)** Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

~~((3))~~ **(c)** Include neonatal intensive care bassinets spaces;

~~((4))~~ **(d)** Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

~~((a))~~ **(i)** Physical plant requirements of this chapter are met without movable equipment; and

~~((b))~~ **(ii)** The hospital currently possesses the required movable equipment and certifies this fact to the department;

~~((5))~~ **(e)** Exclude all normal infant bassinets;

~~((6))~~ **(f)** Limit licensed bed spaces as required under chapter 70.38 RCW;

~~((7))~~ **(g)** Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; ~~((and~~

~~((8))~~ **(h)** Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**(2) Refunds.** The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received the application but has not performed an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received the application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

(i) The department has performed more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because the applicant has failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

**AMENDATORY SECTION** (Amending WSR 04-19-141, filed 9/22/04, effective 10/23/04)

**WAC 246-322-990 Private psychiatric hospital fees.** This section establishes the licensure fees for private psychiatric hospitals licensed under chapter 71.12 RCW.

**(1) Applicants and licensees shall:**

~~((1))~~ **(a)** Submit an annual fee of ~~((fifty-four))~~ sixty dollars and ~~((forty))~~ zero cents for each bed space within the licensed bed capacity of the hospital to the department;

~~((2))~~ **(b)** Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

~~((3))~~ **(c)** Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

~~((a))~~ **(i)** Physical plant requirements of this chapter are met without movable equipment; and

~~((b))~~ **(ii)** The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

~~((4))~~ **(d)** Limit licensed bed spaces as required under chapter 70.38 RCW;

~~((5))~~ **(e)** Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; ~~((and~~

~~((6))~~ **(f)** Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**(2) Refunds.** The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received the application but has not conducted an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received the application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

(i) The department has performed more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because the applicant has failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

AMENDATORY SECTION (Amending WSR 04-19-141, filed 9/22/04, effective 10/23/04)

WAC 246-324-990 Fees. ((The)) This section establishes the licensure fee for Private alcohol and chemical dependency hospitals licensed under chapter 71.12 RCW.

(1) Applicants and licensees shall submit:

((1)) (a) An initial fee of ((fifty-four)) sixty dollars and ((forty)) zero cents for each bed space within the proposed licensed bed capacity; and

((2)) (b) An annual renewal fee of ((fifty-four)) sixty dollars and ((forty)) zero cents for each licensed bed space.

(2) Refunds. The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received an application but has not conducted an on-site survey or provided technical assistance, the department will refund two-thirds of the fees paid, less a fifty dollar processing fee.

(b) The department has received an application and has conducted an on-site survey or provided technical assistance, the department will refund one-third of the fees paid, less a fifty dollar processing fee.

(c) The department will not refund fees if:

(i) The department has conducted more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, and the department has not issued the license because applicant has failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

**WSR 05-14-157**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Pharmacy)  
 [Filed July 6, 2005, 9:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-103.

Title of Rule and Other Identifying Information: Chapter 246-887 WAC, regulations implementing the Uniform Controlled Substances Act—Chemical capture programs (CCP). The 2003 legislature recognized that the Washington

Department of Fish and Wildlife (WDFW) has a need for controlled substances in chemical capture programs in order to accomplish wildlife management goals and to protect the public health. This legislation allows WDFW biologists and officers to purchase, possess, and administer controlled substances for use in CCP. The Department of Health (DOH) was given the authority to issue a limited registration to WDFW to carry out chemical capture with controlled substances. The proposed rules establish requirements for registration, drug storage, training, records and reports, lists controlled substances approved for use, and describes disciplinary actions for violating the rule. This proposal creates new sections WAC 246-887-220, 246-887-230, 246-887-240, 246-887-250, 246-887-260, 246-887-270, 246-887-280, and 246-887-290.

Hearing Location(s): CenterPoint Corporate Park, Creekside Building #3, 2nd Floor, 20435 72nd Avenue South, Kent, WA 98032, on August 10, 2005, at 10:00 a.m.

Date of Intended Adoption: August 10, 2005.

Submit Written Comments to: Lisa Salmi, P.O. Box 47863, Olympia, WA 98504-7863, e-mail Lisa.Salmi@doh.wa.gov or www3.doh.wa.gov/policyreview/default.asp, fax (360) 586-4359, by August 1, 2005.

Assistance for Persons with Disabilities: Contact Lisa Salmi by August 1, 2005, TTY (800) 833-6388 or (711) for relay.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule will add new sections to chapter 246-887 WAC, regulations implementing the Uniform Controlled Substances Act. The proposed rule amendments implement legislation to allow WDFW biologists and officers to purchase, possess, and administer approved controlled substances for CCP. CCP typically capture, relocate, study, and monitor wildlife populations. The proposed rule sets standards that must be followed for controlled substance use in CCP.

The proposed rule amendments will allow appropriately trained WDFW personnel to use the most effective drug available to handle nuisance, injured, and dangerous wildlife. It is anticipated that the proposed rule will protect public health and safety by allowing WDFW biologists and officers to use the most effective drug and to promote the health of fish and wildlife.

Reasons Supporting Proposal: The proposed rule will promote public health and safety and promote the health of fish and wildlife species in the state by allowing WDFW biologists and officers access to the most effective drugs available to carry out chemical capture.

Statutory Authority for Adoption: RCW 69.50.320, 18.64.005.

Statute Being Implemented: RCW 69.50.320.

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

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steven M. Saxe, P.O. Box 47863, Olympia, WA 98504-7863, (360) 236-4825.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does

not impact small businesses. The proposed rule only affects the Washington State Department of Fish and Wildlife.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Lisa Salmi, Department of Health, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 236-4828, fax (360) 586-4359, e-mail Lisa.Salmi@doh.wa.gov.

June 7, 2005

Steven Saxe

Executive Director

#### NEW SECTION

**WAC 246-887-220 Chemical capture programs. Purpose.** Wildlife management programs often require the use of controlled substances for chemical capture programs. The purpose of these rules is to set requirements for the use of controlled substances in department of fish and wildlife chemical capture programs. Chemical capture includes immobilization of individual animals in order for the animals to be moved, treated, examined, or other legitimate purpose.

#### NEW SECTION

**WAC 246-887-230 Registration requirements. (1)** The department of fish and wildlife may apply to the board for a limited registration under chapter 69.50 RCW (Controlled Substance Act) to purchase, possess, and administer controlled substances for use in chemical capture programs.

(2) Each department of fish and wildlife field office that stores controlled substances must register with the board. The department of fish and wildlife shall notify the board in writing of the names of individuals who are authorized to possess and administer controlled substances.

(3) In addition, the department of fish and wildlife shall designate one individual at each field office who shall be responsible for the ordering, possession, safe storage, and utilization of controlled substances. The department of fish and wildlife shall notify the board in writing of the name of the designated individual.

(4) Controlled substances obtained under this limited registration shall be for veterinary use only.

#### NEW SECTION

**WAC 246-887-240 Authorized individuals.** To be eligible to possess and/or administer controlled substances, individuals must successfully complete an approved training program. The following individuals are authorized to possess and administer controlled substances:

- (1) Department of fish and wildlife officers;
- (2) Department of fish and wildlife biologists; and
- (3) Department of fish and wildlife veterinarians.

#### NEW SECTION

**WAC 246-887-250 Controlled substances training.** The department of fish and wildlife shall establish written policies and procedures to ensure that officers and biologists who administer controlled substances have received suffi-

cient training. The training shall include, at a minimum, the safe handling and administration of controlled substances and the potential hazards. Officers and biologists must be able to demonstrate adequate knowledge of the potential hazards and proper techniques to be used in administering controlled substances.

The written policies and procedures shall be approved by the board. Any amendments or deletions to the policies and procedures must be approved by the board prior to implementation.

#### NEW SECTION

**WAC 246-887-260 Storage requirements.** Each registered location shall store the controlled substances in a securely locked, substantially constructed cabinet. Keys to the storage area shall be restricted to those persons authorized by the department of fish and wildlife to possess and administer the drugs.

Schedule II controlled substances shall be stored in a safe or steel cabinet equivalent to a U.S. Government Class V security container.

In addition to field offices, the department of fish and wildlife may allow officers, biologists, and veterinarians to possess a supply of controlled substances for emergency field use. The emergency supply shall be stored in a locked metal box securely attached to a vehicle. The designated officer, biologist, or veterinarian shall be responsible to ensure that the controlled substances are accounted for at all times. All receipts and use of controlled substances from the emergency field supply shall be recorded in a bound logbook with sequentially numbered pages.

#### NEW SECTION

**WAC 246-887-270 Controlled substances records and reports. (1)** The department of fish and wildlife shall be responsible for maintaining all records and submitting all reports required by federal or state law or regulation.

(2) A bound logbook with sequentially numbered pages shall be kept documenting the receipt and disposition of all controlled substances. In addition, all receipts and invoices shall be maintained for a period of two years.

(3) All records shall be available for inspection by the board or any officer who is authorized to enforce this chapter.

(4) A physical inventory of approved controlled substances shall be performed, reconciled, and documented every six months. The inventory shall be signed and dated by the designated individual.

(5) Any discrepancy in the actual inventory of approved controlled substances shall be documented and reported immediately to the responsible supervisor who shall investigate the discrepancy. Any discrepancy that has not been corrected within seven days shall be reported in writing to the board of pharmacy and the Drug Enforcement Administration (DEA).

(6) Unwanted or unused controlled substances shall be returned to the manufacturer or destroyed in accordance with the rules and requirements of the board, the Drug Enforcement Administration, and the department of ecology.

**NEW SECTION**

**WAC 246-887-280 Approved controlled substances.**

(1) The following controlled substances are hereby designated as approved controlled substances for use by officers and biologists of the department of fish and wildlife for chemical capture programs:

- (a) Ketamine;
- (b) Tiletamine and zolazepam (Telazol);
- (c) Diazepam (Valium);
- (d) Carfentanil (Wildnil); and
- (e) Diprenorphine.

(2) Other controlled substances as approved by rule of the board after consultation with the department of fish and wildlife.

**NEW SECTION**

**WAC 246-887-290 Controlled substances registration disciplinary actions.** In addition to any criminal or civil liabilities that may occur, the board may suspend or revoke a registration upon determination that the person administering controlled substances has not demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering controlled substances.

**WSR 05-14-158  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
[Filed July 6, 2005, 9:38 a.m.]**

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 246-282-990 Sanitary control of shellfish—Fees.

Hearing Location(s): Department of Health, Point Plaza East, 101 Israel Road, Rooms 152 and 153, Tumwater, WA, on August 9, 2005, at 11:00 a.m.

Date of Intended Adoption: August 12, 2005.

Submit Written Comments to: Office of Food Safety and Shellfish, Attn: Jan Jacobs, P.O. Box 47824, Olympia, WA 98504 [98504]-7824, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2257, by August 5, 2005.

Assistance for Persons with Disabilities: Contact Jan Jacobs by July 26, 2005, TTY (800) 833-6388.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The proposed rule restructures the commercial shellfish operations fee schedule, which was originally implemented August 16, 2002, under the 2002 supplemental operating budget, section 220, chapter 371, Laws of 2002. The fees within the schedule are paid by commercial shellfish operations for paralytic shellfish poison (PSP) testing of commercially harvested shellfish. Both the geoduck PSP fees and intertidal PSP fees are set for the purpose of recovering 100% of the cost of PSP testing performed at the Washington State Public Health Lab in Seattle. The lab requires \$126,000 per year to cover the costs of commercial PSP testing. The proposed rule has two elements: (1) It rein-

states fees to the revenue target level of \$126,000 that was originally implemented in 2002, and (2) it realigns geoduck PSP fees to reflect each operations use of PSP testing for the previous year. The proposed rule will increase fees over the 2006 fiscal growth factor for some operators. During the 2005 legislative session, the legislature authorized the department to increase fees beyond the fiscal growth factor in ESSB 6090 (chapter 518, Laws of 2005).

**Reasons Supporting Proposal:** The proposed fees provide the revenue necessary for DOH to conduct testing for PSP in commercial shellfish. This testing is essential to public health as it is the only means available to determine if dangerous levels of PSP exist in commercial shellfish and ensures toxic shellfish do not reach consumers.

**Statutory Authority for Adoption:** RCW 43.70.250.

**Statute Being Implemented:** RCW 43.70.250, chapter 518, Laws of 2005.

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

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

**Name of Agency Personnel Responsible for Drafting:** Jan Jacobs, 111 Israel Road S.E., Tumwater, WA, (360) 236-3316; **Implementation and Enforcement:** Nancy Napolilli, 111 Israel Road S.E., Tumwater, WA, (360) 236-3325.

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 is not required for rules that set or adjust fees pursuant to legislative standards. This rule proposes to revise a fee necessary to defray the costs of administering the commercial shellfish license program. The department is directed under RCW 43.27.250 to set fees so that the cost of a business license program is fully borne by members of that business. During the 2005 legislative session, the legislature authorized the department to increase fees beyond the fiscal growth factor under chapter 518, Laws of 2005.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(b)(vi), "significant rule analysis" does not apply to rules that set or adjust fees pursuant to legislative standards, as this proposal does.

July 5, 2005

B. White

for Mary C. Selecky

Secretary

**AMENDATORY SECTION** (Amending WSR 04-15-154, filed 7/21/04, effective 8/21/04)

**WAC 246-282-990 Fees.** (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	\$282.
50 or greater Acres	\$452.
Scallop Shellstock Shipper	\$282

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Type of Operation	Annual Fee
<b>Shucker-Packer</b>	
Plants with floor space < 2000 sq. ft.	\$514.
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$622.
Plants with floor space > 5000 sq. ft.	\$1,147.

(2) The fee for each export certificate is \$10.30.

(3) Annual PSP testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

**Fee Category**

Type of Operation	Number of Harvest Sites	Fee
Harvester	≤ 2	\$((133)) <u>173</u>
Harvester	3 or more	\$((199)) <u>259</u>
Shellstock Shipper 0 - 49 acres	≤ 2	\$((150)) <u>195</u>
Shellstock Shipper 0 - 49 acres	3 or more	\$((225)) <u>292</u>
Shellstock Shipper 50 or greater acres	N/A	\$((360)) <u>468</u>
Shucker-Packer (plants < 2000 ft <sup>2</sup> )	≤ 2	\$((273)) <u>354</u>
Shucker-Packer (plants < 2000 ft <sup>2</sup> )	3 or more	\$((410)) <u>533</u>
Shucker-Packer (plants 2000-5000 ft <sup>2</sup> )	≤ 2	\$((330)) <u>429</u>
Shucker-Packer (plants 2000-5000 ft <sup>2</sup> )	3 or more	\$((496)) <u>644</u>
Shucker-Packer (plants > 5000 ft <sup>2</sup> )	N/A	\$((916)) <u>1,189</u>

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

- (i) At the time of first licensure; or
- (ii) January 1 of each year for companies licensed as harvesters; or
- (iii) July 1 of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting geoduck are as follows:

Harvester	Fee
Department of natural resources (quota tracts harvested by DNR contract holders)	\$((6,393)) <u>13,216</u>
Jamestown S'Klallam Tribe	\$((3,324)) <u>3,377</u>

Lower Elwah Klallam Tribe	\$((1,449)) <u>5,139</u>
Lummi Nation	\$((341)) <u>0</u>
Nisqually Indian Tribe	\$((2,216)) <u>1,762</u>
Port Gamble S'Klallam Tribe	\$((3,324)) <u>11,306</u>
Puyallup Tribe of Indians	\$((3,239)) <u>4,992</u>
Skokomish Indian Tribe	\$((171)) <u>441</u>
Squaxin Island Tribe	\$((2,898)) <u>5,286</u>
Suquamish Tribe	\$((8,610)) <u>8,663</u>
Swinomish Tribe	\$((256)) <u>294</u>
Tulalip Tribe	\$((1,449)) <u>1,615</u>
Discovery Bay Shellfish	\$((171)) <u>1,175</u>
Seattle Shellfish	\$((5,285)) <u>734</u>
Taylor Shellfish Company, Inc. (Shelton)	\$((2,728)) <u>0</u>
Washington Shell Fish, Inc.	\$((2,898)) <u>0</u>

(5) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(6) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

**WSR 05-14-159**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 01-10—Filed July 6, 2005, 10:26 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 01-23-094.

Title of Rule and Other Identifying Information: Revise chapter 173-218 WAC, Underground injection control (UIC) program, and make a small change to chapter 173-216 WAC, State waste discharge program.

- The current UIC rule needs to be updated to meet federal changes made in 1999.
- The current state waste permit program regulation does not apply to injection of fluids through UIC wells regulated by chapter 173-218 WAC. The proposal will bring consistency between the rules that regulate UIC wells, chapters 173-218 and 173-216 WAC.

Hearing Location(s): Lower Columbia College, Student Center, 1600 Maple, Longview, WA 98632, on August 16, 2005, at 1:30 p.m.; at the Snohomish County PUD, South Office, 21018 Highway 99, Edmonds, WA 98026, on August 18, 2005, at 1:30 p.m.; at the Yakima Convention Center, 10 North 8th Street, Yakima, WA 98901, on August 23, 2005, at 1:30 p.m.; and at the Spokane Downtown Public Library, Room 1-A, West 906 Main Street, Spokane, WA 99202, on August 24, 2005, at 1:30 p.m.

Date of Intended Adoption: October 15, 2005.

Submit Written Comments to: Mary Shaleen-Hansen, P.O. Box 47600, Olympia, WA 98504-7600, e-mail maha461@ecy.wa.gov, fax (360) 407-6426, received by 5:00 p.m. on September 15, 2005.

Assistance for Persons with Disabilities: Contact Mary Shaleen-Hansen, (360) 407-6143, by August 5, 2005, TTY 711 or 1-800-833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The underground injection control (UIC) program regulates fluids, such as stormwater, that go to ground through UIC wells, such as, dry wells, large on-site septic systems and other infiltration devices.

Proposed amendments will include:

- (1) Revising the state UIC rule language to bring it current with new federal rule changes.
- (2) Bringing consistency between the rules that regulate UIC wells, chapters 173-218 and 173-216 WAC.
- (3) Clarifying language in the rules.

Statutory Authority for Adoption: Chapters 43.21A, 90.48 RCW.

Statute Being Implemented: Chapter 90.48 RCW.

Rule is necessary because of federal law:

- Title 40 Part 144 - Underground Injection Control Program. This part sets forth minimum requirements for the UIC program promulgated under Part C of the Safe Drinking Water Act.
- Title 40 Part 145 - State UIC Program Requirements. It outlines procedures to follow for EPA to approve, revise and withdraw programs that have been delegated to the states.
- Title 40 Part 146 - Underground Injection Control Program: Criteria and Standards. This part sets forth the technical standards to follow when implementing the UIC program.
- Title 40 Part 147 - State Underground Injection Control Programs. This part sets forth the applicable UIC programs for each of the states.
- Title 40 Part 148 - Hazardous Waste Injection Restrictions.

Name of Proponent: Department of Ecology, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Shaleen-Hansen, Lacey, Washington, (360) 407-6143.

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

## Small Business Economic Impact Statement

1. **BACKGROUND:** Washington State Department of Ecology (ecology) is proposing adoption of rule amendments for chapter 173-218 WAC, Underground injection control (UIC) program and chapter 173-216 WAC, State waste discharge permit program. The statutes authorizing ecology to adopt the proposed rule amendments are RCW 43.21A.445, 90.48.035, and 90.48.080. The rule amendments are due to revisions of the federal UIC rule in 1999. The federal revision included definition changes and the nationwide ban of two types of UIC wells. Ecology needs to incorporate the federal amendments in the UIC regulation to make it current with the federal requirements. The proposed rule amendments will also bring consistency between the federal and state rules.

The underground injection control (UIC) program regulates fluids, such as stormwater, that go to ground through UIC wells. UIC wells include dry wells, catch basins, large on-site septic systems, and other infiltration devices. The proposed rule amendments include:

1. Revising the UIC rule language to make chapter 173-218 WAC consistent with new federal rule changes and to better clarify the requirements for new and existing UIC wells.
2. Allowing UIC wells to be included in a state waste discharge permit, if necessary.
3. Clarifying language in the rules.

As required by RCW 19.85.030, ecology is developing and issuing this small business economic impact statement (SBEIS) as part of this rule adoption process. The objective of this SBEIS is to identify and evaluate the various requirements and costs that the proposed rule amendments might impose on business. In particular, the SBEIS examines whether the costs on business that might be imposed by the proposed rule amendments impose a disproportionate impact on the state's small businesses. This is consistent with the legislative purpose of the Regulatory Fairness Act (chapter 19.85 RCW) and is set out in RCW 19.85.011:

*"The legislature finds that administrative rules adopted by state agencies can have a disproportionate impact on the state's small businesses because of the size of those businesses. This disproportionate impact reduces competition, innovation, employment and new employment opportunities, and threatens the very existence of some small businesses."*

The specific purpose and required contents of the SBEIS is contained in RCW 19.85.040.

*(1) A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. It shall analyze the costs of compliance for businesses required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, and increased administrative costs. It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance*

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for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:

- (a) Cost per employee;
- (b) Cost per hour of labor; or
- (c) Cost per one hundred dollars of sales.

(2) A small business economic impact statement must also include:

(a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030(3), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030(3);

(b) A description of how the agency will involve small businesses in the development of the rule; and

(c) A list of industries that will be required to comply with the rule. However, this subsection (2)(c) shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply.

For purposes of an SBEIS, the terms "small business," and "industry" are defined by RCW 19.85.020. "Small business" means 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. "Industry" means all of the businesses in this state in any one four-digit standard industrial classification as published by the United States Department of Commerce.

The proposed UIC well rule amendments developed by ecology as part of this rule-making process will be evaluated in the following sections of this document. Specifically, the following sections contain the information required by the Regulatory Fairness Act, chapter 19.85 RCW.

**2. ANALYSIS OF COMPLIANCE COSTS FOR WASHINGTON BUSINESSES:** The SBEIS is intended to analyze the difference between the situation "without the proposed rule amendments" and the expected situation "with the proposed rule amendments." In order to accomplish this comparison, a baseline scenario, which describes the current situation, must be defined. The baseline used in this analysis is the current situation under the federal and state regulations. The reason is that without the proposed rule amendments, the UIC well owners or operators must comply with both the federal regulations and the state regulations.

In the proposed rule amendments, some changes originated from the federal requirement, some are clarifications of the existing rule with no real change, and some create consistency with other regulations. All of these make no real change from the baseline, and will not have cost impacts on those to comply, so they are not analyzed in detail in this SBEIS. This analysis will only analyze the changes from the baseline that would result in additional costs.

**2.0 Classes of UIC Wells:** Each UIC well can be classified into one of the five classes (Class I, II, III, IV, and V UIC wells) defined in the proposed WAC 173-218-040. These definitions are almost the same as the definitions in the federal regulations, and are slightly different from the definitions in the existing rule. However, these small changes of definition would not be expected to impose additional costs to businesses.

**2.1 Impacts on Class I, II, III, and IV UIC Wells:** For Class I, II, III, and IV UIC wells, the comparison of the three rules (the existing UIC rule, the proposed UIC rule, and the federal regulations) is listed in Table 2.1. From the table, one can conclude that the proposed rule amendments will have no cost impacts on Class I, II, III, and IV UIC wells in Washington.

Table 2.1 Comparison of the rules and regulations for Class I—IV UIC wells

Wells	Existing Chapter 173-218 WAC	New Chapter 173-218 WAC	Federal UIC Regulations	Comments	Additional Benefits or Costs
Class I	New: Prohibited Existing: Approval by Department	Both new and existing are prohibited.	Authorized by rule under certain requirements	1. None in Washington. 2. Definition change.	None
Class II(a)	1. Notification 2. Review, evaluation, and approval by the state.	1. Notification 2. Review, evaluation, and approval by the state.	Authorized by rule under certain requirements	2. Role changes of state agencies	None
Class II (b), (c)	Not authorized	1. Notification 2. Review, evaluation, and approval by the state.	Authorized by rule under certain requirements	None in Washington	None
Class III	Not authorized	Not authorized.	Authorized by rule under certain requirements	None in Washington	None
Class IV	Prohibited	Prohibited, except reinjecting treated water back into the same formation.	Authorized by rule under certain requirements		Benefit



**2.2 Impacts on Class V UIC Wells:** The majority of UIC wells in Washington are Class V UIC wells, which include all injection wells not included in Class I, II, III, or IV. Class V wells are usually shallow injection wells that inject fluids above the upper most ground water aquifer. Some examples are dry wells, French drains and drain fields used to manage stormwater.

The requirements of Class V UIC wells under the existing UIC rule are:

(1) *All new Class V injection wells that inject industrial, municipal, or commercial waste fluids into or above an USDW are prohibited.*

(2) *All persons operating an existing Class V injection well, that inject industrial, commercial, or municipal waste fluids into or above an USDW, must apply to the department for approval to operate.....*

(3) *All other Class V injection well owners and operators must notify the department.....*

The definition of waste fluid in the existing rule is:

*"Waste fluid" means any discarded, abandoned, unwanted, or unrecovered fluid(s), except the following are not waste fluids for the purposes of this chapter:*

(a) *Discharges into the ground or ground water of return flow, unaltered except for temperature, from a ground water heat pump used for space heating or cooling:*

*Provided, That such discharges do not have significant potential, either individually or collectively, to affect ground water quality or beneficial uses;*

(b) *Discharges of stormwater that are not contaminated or potentially contaminated by industrial or commercial sources.*

As such, the definition of "waste fluid" is broad in the existing rule. Not only "contaminated," but also "potentially contaminated" stormwater is treated as "waste fluids." The Class V UIC wells built after February 29, 1984, that inject "waste fluids" into ground water is prohibited, while the wells built before that time needs to be approved by ecology. Therefore the prohibited Class V wells in the proposed WAC 173-218-040 (5)(b) are also prohibited under the existing rule. Thus, no additional costs will be generated.

For the injection wells allowed in the proposed WAC 173-218-040 (5)(a), only some drainage wells and septic system wells are used to inject the waste or effluent. Other wells would not inject "waste fluids" into the ground water and can be approved under the existing rule. Therefore, there will be no additional costs to the well owners from the rule change.

Most of the Class V UIC wells in Washington are drainage wells for discharging stormwater. The existing UIC rule did not allow most of the drainage wells because the discharge was contaminated, or potentially contaminated, by industrial or commercial sources. Without the proposed rule amendments, all of the UIC wells receiving contaminated or potentially contaminated discharges would need to be closed, and the owners would need to develop other methods or facilities to manage and/or treat their stormwater. With the proposed rule amendments, most of these wells can meet the requirements for "rule authorized." The well owners or operators will not need to develop alternatives to treat stormwater. This will result in savings of corresponding capital invest-

ment and other resources. These savings are not additional costs.

For those UIC wells that need a permit under both the proposed and existing UIC rules, ecology does not expect there will be any real changes, thus no additional costs.

**2.3 Decommissioning:** WAC 173-218-120 addresses the decommissioning standards and record-keeping requirements for UIC wells. The decommissioning standards in the proposed rule amendments are more specific than those in the federal regulation (40 C.F.R. 146.10(c))<sup>1</sup>. However, the standards are almost the same, thus there may be slight additional costs that are not expected to be significant.

The decommissioning record keeping under the proposed rule amendments requires an update on the wells that have been decommissioned. This requirement would be a minor additional one-time cost (less than \$10) in the life time of a Class V well.

**2.4 Retrofit:** "Retrofit" means taking actions to reduce the pollutant load from a UIC well to meet the statutory requirements of 40 C.F.R. 144.12 and RCW 90.48.010. The UIC wells that need retrofitting under the proposed UIC rule amendments are the wells that must be closed in the current UIC rule. Under current regulations, the UIC wells that cannot meet the statutory requirements would have no choice but closure, and the well owners have to find other methods and facilities to treat their polluted water. The proposed rule amendments would allow UIC well owners to choose retrofitting instead of closure. If the well owners believe retrofitting is a big burden to them, they can still close their UIC wells without retrofitting under the proposed rule amendments. Retrofitting a well is an additional choice provided by the proposed UIC rule, and cannot be a cost to the UIC well owners.

**2.5 Registration:** Registration is required by the federal regulation. The proposed UIC rule must reflect this requirement. The existing rule also requires the UIC well owners to notify ecology on an approved form. The UIC wells that have been registered with ecology are not required to register again. Registration is not considered to be an additional cost to the well owners or operators.

**2.6 Well Assessment:** "Well assessment" means an evaluation of the potential risks to ground water from the use of UIC wells. A well assessment includes information such as the land use around the well which may affect the quality of the discharge, the local geology, depth of the ground water in relation to the UIC well, and if the UIC well is located in a ground water protection area.

Well assessment is explicitly required by the proposed rule amendments but is not explicitly required under the baseline. This will be a cost to the well owners.

**3. QUANTIFICATION OF COSTS AND RATIOS:** The largest cost generated by the proposed rule amendments is the cost of the well assessment, although there may be some other minor costs. The well assessment requirements offer flexibility to the well owner. The owner may decide when, and how, to conduct the assessment within a five-seven year period. If ecology assumes the owner will hire a technician to do the well assessment, and estimates that, on average, it will take the technician two-five hours<sup>2</sup> to finish the assessment and

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the loaded hourly wage rate is \$60<sup>3</sup>, the cost of well assessment for each UIC drainage well will be \$120 to \$300.

In this SBEIS, the names of business are taken from ecology's UIC well database, and then are matched to Washington Department of Employment Security's database to find out the corresponding employee numbers. For an average small business that has UIC wells, its employee number is 10.2 and has 6.3 UIC wells. For an average top 10% business, its employee number is 10,733, and has 4.7 UIC wells (large employee number is due to the big impact of a large company).

Therefore, the cost per employee ratio for small business is from \$73.73 to \$184.31 per employee, and is from \$0.05 to \$0.13 per employee for the top 10% largest business. Therefore, the proposed rule amendments have a disproportionate impact on small business.

**4. ACTIONS TAKEN TO REDUCE THE IMPACT OF THE RULE ON SMALL BUSINESS:** This SBEIS concludes that the proposed rule amendments will disproportionately impact small business. RCW 19.85.030(2) requires:

*Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses.*

To comply with above requirements, the proposed rule amendments provide some cost saving measures to mitigate the impacts to small business, which can be summarized as follows:

*(a) Reducing, modifying, or eliminating substantive regulatory requirements;*

Registration is not required for those that have registered before.

An on-line registration is being developed for the majority of UIC well uses so that the registrations process is streamlined and easy to use.

Industrial facilities that have already developed a storm-water pollution prevention plan (SWPPP) to meet NPDES requirements can also use the SWPPP to meet the requirements of a well assessment (see WAC 173-218-090 (2)(c) (ii)).

A new section of the rule has been added (WAC 173-218-100) to identify certain UIC wells that automatically meet the nonendangerment standard. The types of wells listed in this section are considered rule-authorized after they are registered, which means that the owner does not need to provide a well assessment.

*(b) Simplifying, reducing, or eliminating record-keeping and reporting requirements;*

Registration is not required for those that have registered before.

An on-line registration is being developed for the majority of UIC well uses so that the registrations process is streamlined and easy to use.

Ecology also plans to provide an on-line, read-only access to the UIC well database so that the public and interested parties can quickly query the database for registration information.

A new section of the rule has been added (WAC 173-218-100) to identify certain UIC wells that automatically meet the nonendangerment standard. The types of wells listed in this section are considered rule authorized after they are registered, which means that the owner does not need to provide a well assessment.

*(c) Reducing the frequency of inspections;*

No inspection is required by the proposed rule amendments.

*(d) Delaying compliance timetables;*

Businesses have three to five years to register their UIC wells, and have five to seven years to complete a well assessment.

*(e) Reducing or modifying fine schedules for noncompliance;*

The enforcement relies on the Water Pollution Control Act, chapter 90.48 RCW, which is impossible for ecology to make a change in this rule making.

*(f) Any other mitigation techniques.*

The proposed rule amendments provide two approaches, a presumptive approach and a demonstrative approach, which give businesses the flexibility to comply with the non-endangerment requirement, and reduce their costs. Well owners can retrofit their noncompliance well instead of closure, which is also a cost saving measure.

**5. THE INVOLVEMENT OF SMALL BUSINESS IN THE DEVELOPMENT OF THE PROPOSED RULE AMENDMENTS:** In the rule-making process, ecology set up the UIC rule advisory committee. Various businesses, including small businesses, were invited to participate in the committee and give comments on the proposed rule amendments. The committee held six meetings and received comments from some small businesses. Ecology also posted a draft version of the rule language out for public review on its UIC web site. All these measures provide opportunity for small businesses to be involved in developing the proposed rule amendments revision.

**6. THE SIC CODES OF IMPACTED INDUSTRIES:** From the UIC well database, ecology concludes that the businesses associated with the SIC codes listed in Table 6.1 will be impacted from the proposed rule amendments. However, the affected SIC codes are only derived from the existing database. Obviously, the UIC wells are associated with the property, and businesses in any SIC code can potentially own property. Therefore, it is reasonable to assume that more businesses with other SIC codes can potentially be impacted, because many businesses can possibly have/need UIC wells.

Table 6.1 SIC code of impacted businesses

1721	2421	2495	2813	3273	3334	3571	4911
5033	5172	5191	5431	5541	5812	5962	6512
6531	6552	6792	8711	8221	8731	8741	8748

<sup>1</sup> 40 C.F.R. 146.10(c) Requirements for Class V wells.

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(1) Prior to abandoning a Class V well, the owner or operator shall close the well in a manner that prevents the movement of fluid containing any contaminant into an underground source of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 C.F.R. part 141 or may otherwise adversely affect the health of persons.

(2) The owner or operator shall dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well in accordance with all applicable federal, state, and local regulations and requirements.

<sup>2</sup> Stormwater management for eastern Washington—Model municipal stormwater program for eastern Washington. Washington State Department of Ecology, Publication Number 03-10-076.

<sup>3</sup> The same data source as above.

<sup>4</sup> On average, the more UIC wells a business have, the more costs and the more benefits.

A copy of the statement may be obtained by contacting Mary Shaleen-Hansen, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6143, fax (360) 407-6426, e-mail maha461@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Mary Shaleen-Hansen, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6143, fax (360) 407-6426, e-mail maha461@ecy.wa.gov.

July 5, 2005

Polly Zehm

Deputy Director

AMENDATORY SECTION (Amending Order 92-55, filed 5/5/93, effective 5/19/93)

**WAC 173-216-010 Purpose.** (1) The purpose of this chapter is to implement a state permit program, applicable to the discharge of waste materials from industrial, commercial, and municipal operations into ground and surface waters of the state and into municipal sewerage systems. However, this regulation does not apply to the following:

(a) ~~((The injection of fluids through wells which are regulated by the Underground injection control program, chapter 173-218 WAC.~~

~~(b))~~ The point source discharge of pollutants into navigable waters of the state which are regulated by the National Pollutant Discharge Elimination System (NPDES) Permit Program, chapter 173-220 WAC.

~~((e))~~ (b) The discharge of pollutants into waters of the state which are regulated by the Waste discharge general permit program, chapter 173-226 WAC.

(2) Permits issued under this chapter are designed to satisfy the requirement for discharge permits under the Water Pollution Control Act, chapter 90.48 RCW and to implement applicable pretreatment requirements under section 307 of the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.).

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-010 Purpose.** ~~((1))~~ The purpose of this chapter is to ~~((set forth the procedures and practices applicable to the injection of fluids through wells.~~

~~(2) Permits issued in accordance with the provisions of this chapter are designed:~~

~~(a) To satisfy)) protect ground water quality by:~~

~~(1) Preventing ground water contamination by regulating the discharge of fluids into Underground Injection Control (UIC) wells; and~~

~~(2) Satisfying the intent and requirements of Part C of the Federal Safe Drinking Water Act (SDWA) ((42 U.S.C. §300h et seq. as authorized by RCW 43-21A-445)) and ((ef)) the Washington state Water Pollution Control Act, chapter 90.48 RCW((; and~~

~~(b) To preserve and protect ground waters, including underground sources of drinking water, for existing and future beneficial uses)).~~

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-020 Policy** ~~((enunciated))~~. (1) ~~((It shall be))~~ The policy of the department of ecology ~~((in carrying out the purposes of))~~ for this chapter is:

(a) To ~~((maintain the highest possible standards to prevent the injection of fluids that may endanger ground waters which are obtainable for beneficial uses or which contain fewer than 10,000 mg/L of total dissolved solids))~~ preserve and protect ground waters by preventing the injection of fluids that will endanger ground water;

(i) That contains fewer than 10,000 mg/L of total dissolved solids and is obtainable for beneficial uses as defined in WAC 173-218-030;

(ii) That contains greater than 10,000 mg/L of total dissolved solids and is obtainable for beneficial uses if the practices meet the requirements of this chapter;

(b) To require the use of all known, available, and reasonable methods ~~((to prevent and control the discharge of fluids and waste fluids into the waters of the state;~~

~~(c) To protect public health and welfare through preservation and protection of the quality of the state's ground waters)) of prevention, control and treatment (AKART) to the discharge of fluids and waste fluids into the waters of the state as authorized by RCW 90.48.010; and~~

(c) To prohibit the injection of fluids through wells except as authorized by this chapter.

(2) Consistent with this policy((;

~~(e))~~, the disposal of waste fluids from industrial, commercial, or municipal sources, or multifamily dwellings, into wells will ~~((not))~~ be authorized by the department, ~~((except that existing operations are authorized))~~ providing these operations satisfy ~~((the standards and requirements of))~~ this chapter((;

~~(b) The department will act to prevent the disposal of waste fluids that present a risk to human health, including the potential, chronic effects of lifetime exposure to waste fluids)) and are in compliance with local, state, and federal laws.~~

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-030 Definitions.** ~~((1))~~ "Beneficial uses" shall include, among others, uses for domestic water, irrigation, fish, shellfish, game, and other aquatic life, municipal,

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recreation, industrial water, generation of electric power, and navigation:

(2) "Class I injection well" means a well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within 1/4 mile of the well bore, an USDW.

(3) "Class II injection well" means a well used to inject fluids:

(a) Brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewaters from gas plants which are an integral part of production operations, unless those waters are classified as dangerous wastes at the time of injection;

(b) For enhanced recovery of oil or natural gas; or

(c) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(4) "Class III injection well" means a well used for extraction of minerals, including but not limited to the injection of fluids for:

(a) In situ production of uranium or other metals that have not been conventionally mined;

(b) Mining of sulfur by Frasch process; or

(c) Solution mining of salts or potash.

(5) "Class IV injection well" means a well used to inject dangerous or radioactive waste fluids.

(6) "Class V injection well" means all injection wells not included in Classes I, II, III, or IV.

(7) "Dangerous waste" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides or any residues or containers of such substances, which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means (Hazardous Waste Disposal Act, chapter 70.105 RCW).

(8) "Department" means department of ecology.

(9) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

(10) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates, or otherwise moves (Regulation of public ground waters, chapter 90.44 RCW).

(11) "Injection well" means a "well" that is used for the subsurface emplacement of fluids.

(12) "New injection well" means an injection well that is proposed subsequent to the effective date of this chapter.

(13) "Person" includes any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(14) "Radioactive waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 Code of Federal Regulations Part 20, Appendix B, Table II, Column 2.

(15) "SDWA" means Part C of the Federal Safe Drinking Water Act, 42 U.S.C. §300f et seq.

(16) "Underground source of drinking water (USDW)" means ground waters which contain fewer than 10,000 mg/L of total dissolved solids or which are obtainable for beneficial uses.

(17) "Waste fluid" means any discarded, abandoned, unwanted, or unrecovered fluid(s), except the following are not waste fluids for the purposes of this chapter:

(a) Discharges into the ground or ground water of return flow, unaltered except for temperature, from a ground water heat pump used for space heating or cooling. Provided, That such discharges do not have significant potential, either individually or collectively, to affect ground water quality or beneficial uses;

(b) Discharges of stormwater that are not contaminated or potentially contaminated by industrial or commercial sources.

(18) "Well" means a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension.) "Abandoned well" means a well that is unused, unmaintained, or is in such disrepair as to be unusable.

"AKART" is an acronym that means all known, available and reasonable methods of prevention, control and treatment. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term "best management practices" typically applies to nonpoint source pollution controls, and is considered a subset of the AKART requirement. The storm water management manuals (see definition in this section) may be used as a guideline, to the extent appropriate, for developing best management practices to apply AKART for storm water discharges.

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of ground water to wells or springs.

"Beneficial uses" mean uses of the waters of the state which include, but are not limited to, use for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, recreation, generation of electric power and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

"Best management practices" mean approved physical, structural, and/or managerial practices that, when used singularly or in combination, prevent or reduce pollutant discharges.

"Cesspool" means a drywell that receives untreated sanitary waste containing human excreta, and that sometimes has an open bottom and/or perforated sides that discharge to the subsurface.

**"Commercial business"** means a type of business activity that may distribute goods or provide services, but does not involve the manufacturing, processing or production of goods.

**"Contaminant"** means any chemical, physical, biological, or radiological substance that does not occur naturally in ground water or that occurs at concentrations greater than those found naturally.

**"Contamination"** means introduction of a contaminant.

**"Decommission"** means to fill or plug a UIC well so that it will not result in an environmental or public health or safety hazard, nor serve as a channel for movement of water or pollution to an aquifer.

**"Department"** means department of ecology.

**"Dispersion"** means the release of surface and storm water runoff from a drainage facility system such that the flow spreads over a wide area and is located so as not to allow flow to concentrate anywhere upstream of a drainage channel with erodible underlying granular soils.

**"Drywell"** means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

**"Existing well"** means a well that is in use at the adoption date of this rule.

**"Fluid"** means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

**"Ground waters"** mean all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates, or otherwise moves.

**"Ground water protection area"** means a geographic area that is by or close by a surrounding community and non-transient noncommunity water system, that uses ground water as a source of drinking water (40 CFR 144.87) and other sensitive ground water areas are areas critical to protecting underground sources of drinking water from contamination; such as sole source aquifers, highly productive aquifers supplying private wells, critical aquifer recharge areas and/or other state and local areas determined by state and local governments.

**"Hazardous substances"** mean any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6) or any dangerous or extremely dangerous waste as designated by rule under chapter 70.105 RCW; any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under chapter 70.105 RCW; any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C., Sec. 9601(14); petroleum or petroleum products; and any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

**"High threat to ground water"** means, for this chapter, a UIC well is a high threat to ground water when it receives waste fluids that cannot meet the criteria in chapter 173-200 WAC Water quality standards for ground waters of Washington (GWQS) at the top of the aquifer, which include, but are not limited to: A UIC well that receives drainage, that has not been pretreated and does not meet the GWQS, from an area where storm water comes into contact with a vehicle fueling area, airport deicing activities, storage of treated lumber or vehicle washing, or a UIC well that receives a discharge that is determined to be an imminent public health hazard by a legal authority or is prohibited in this chapter.

**"Improved sinkhole"** means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings that has been modified by man for the purpose of directing and emplacing fluids into the subsurface.

**"Infiltration pond"** means an earthen impoundment used for the collection, temporary storage and infiltration of incoming storm water runoff.

**"Infiltration trench"** means a trench used to infiltrate fluid into the ground and is generally at least twenty-four inches wide with perforated pipe or a product with similar use installed and backfilled with a coarse aggregate.

**"Industrial wastewater"** means water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses or dairies. The term includes contaminated storm water and, also, leachate from solid waste facilities.

**"Motor vehicle waste disposal well"** means a Class V injection well that is typically a shallow disposal system that receives or has received fluids from vehicular repair or maintenance activities such as auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shops or any facility that does any vehicular repair work (40 CFR 144.81).

**"New injection well"** means an injection well that is put in use following the effective date of this chapter.

**"Nonendangerment standard"** means to prevent the movement of fluid containing any contaminant into the ground water if the contaminant may cause a violation of the Water quality standards for ground waters of the state of Washington, chapter 173-200 WAC or may cause health concerns.

**"Nonpollution-generating surface"** means a surface considered to be an insignificant source of pollutants in storm water runoff. Such as, but not limited to, roofs subject only to atmospheric deposition or normal heating, ventilation and air conditioning vents.

**"Person"** means any political subdivision, local, state, or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

**"Point of compliance"** means the location where the facility must be in compliance with chapter 173-200 WAC Water quality standards for ground waters of the state of Washington; the top of the aquifer, as near to the source as technically, hydrogeologically, and geographically feasible.

**"Pollution"** means contamination or other alteration of the physical, chemical, or biological properties of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters: Or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will, or is likely to, create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

**"Pollution-generating surfaces"** mean the surfaces are considered a significant source of pollutants in storm water runoff. Pollution generating surfaces include pollution generating pervious surfaces and pollution generating impervious surfaces such as surfaces that are subject to: Regular vehicular use, industrial activities, or storage of erodible or leachable materials that receive direct rainfall, or the run-on or blow-in of rainfall, use of pesticides or fertilizers or loss of soil; or leaching such as from metal roofs not coated with an inert, nonleachable material, roofs that are subject to venting of manufacturing, commercial, or other indoor pollutants. Examples are: Roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, airport runways, lawns, and landscaped areas that apply pesticide applications; such as golf courses, parks, cemeteries, and sports fields except for landscaped areas that are approved infiltrative best management practices.

**"Proper management of storm water"** means AKART has been provided or the well owner has demonstrated that the discharge will meet the nonendangerment standard.

**"Radioactive waste"** means any waste which contains radioactive material in concentrations that exceed those listed in 10 Code of Federal Regulations Part 20, Appendix B, Table II, and Column 2.

**"Retrofit"** means taking actions to reduce the pollutant load from a UIC well to meet the statutory requirements of 40 CFR 144.12 and RCW 90.48.010. These actions may include, but are not limited to: Changes to the source control activities and/or structures around the well; an upgrade to the well such as adding a catch basin or spill control device; and/or addition of pretreatment facilities or decommissioning. The selection of actions is based on local priorities, required by ecology or the local jurisdiction to address a documented water quality problem.

**"Rule authorized"** means a UIC well that is registered with the department and meets the nonendangerment standard. If a well is rule authorized, it does not require a state waste discharge permit from the department.

**"Sanitary waste"** means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation,

clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.

**"Septic system"** means a well that is used to discharge sanitary waste below the surface and is typically comprised of a septic tank and subsurface fluid distribution system or disposal system. (Also called on-site sewage system.)

**"State waste discharge permit"** means a permit issued in accordance with chapter 173-216 WAC, State waste discharge program.

**"Storm water"** means the portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a storm water drainage system into a defined surface water body, or a constructed treatment, evaporation, or infiltration facility.

**"Storm water manuals"** mean the *Stormwater Management Manual for Eastern or Western Washington* or other manuals approved by the department.

**"Storm water pollution prevention plan"** means a documented plan to implement measures to identify, prevent, and control the contamination of storm water and its discharge to UIC wells.

**"Subsurface fluid distribution system"** means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

**"Underground source of drinking water"** means ground waters that contain fewer than 10,000 mg/L of total dissolved solids and/or supplies drinking water for human consumption.

**"UIC well" or "underground injection control well"** means a well that is used to discharge fluids into the subsurface. A UIC well is one of the following: (1) A bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension; (2) an improved sinkhole; or (3) a subsurface fluid distribution system.

**"Waste fluid"** means any fluid that cannot meet the nonendangerment standard at the point of compliance, which is the top of the aquifer.

**"Well assessment"** means an evaluation of the potential risks to ground water from the use of UIC wells. A well assessment includes information such as the land use around the well which may affect the quality of the discharge, the local geology, depth of the ground water in relation to the UIC well, and if the UIC well is located in a ground water protection area.

**"Well injection"** means the subsurface emplacement of fluids through a well.

**"You"** means the owner or operator of the UIC well.

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

WAC 173-218-040 ((Authorization required.)) UIC well classification including allowed and prohibited wells. ((No fluids may be injected through wells except as authorized pursuant to this chapter.)) The most common type of UIC well in Washington is a Class V well. A Class V well is usually a shallow disposal well such as a drywell, drainfield or French drain (see subsection (5) of this section).

(1) "Class I injection well" means a well used to inject hazardous, nonhazardous and/or radioactive waste, beneath the lowermost formation containing an underground source of drinking water within one-quarter mile of the well bore. All Class I wells are prohibited in Washington and must be decommissioned.

(2) "Class II injection well" means a well used to inject fluids:

(a) Brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production. It may be mixed with wastewaters from gas plants that are an integral part of production operations, unless those waters are classified as hazardous wastes at the time of injection;

(b) For enhanced recovery of oil or natural gas; or

(c) For storage of hydrocarbons that are liquid at standard temperature and pressure.

(3) "Class III injection well" means a well used for extraction of minerals. All Class III wells are prohibited in Washington and must be decommissioned. Examples of Class III injection wells include, but are not limited to, the injection of fluids for:

(a) In situ production of uranium or other metals that have not been conventionally mined;

(b) Mining of sulfur by Frasch process; or

(c) Solution mining of salts or potash.

(4) "Class IV injection well" means a well used to inject hazardous or radioactive waste into or above an underground source of drinking water. Class IV wells are prohibited and must be decommissioned except for Class IV wells reinjecting treated ground water into the same formation from where it was drawn as part of a removal or remedial action if such injection is approved by EPA in accordance with the Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation, and Liability Act, 40 CFR 144.13 (a)(4)(c) or by ecology under Model Toxics Control Act, chapter 70.105D RCW. Other examples of Class IV wells include:

(a) Hazardous or radioactive waste into or above a formation that contains an underground source of drinking water within one quarter mile of the well. This includes disposal of hazardous waste into a septic system or cesspool regardless of the size; or

(b) Hazardous or radioactive waste that cannot be classified as a Class I well type or (a) of this subsection.

(5) "Class V injection well" means all injection wells not included in Classes I, II, III, or IV. Class V wells are usually shallow injection wells that inject fluids above the uppermost ground water aquifer. Some examples are dry wells, French drains used to manage storm water and drain fields.

(a) The following Class V injection wells are allowed in Washington:

(i) Drainage wells used to drain surface fluids, primarily storm water runoff, into or below the ground surface, such as, but not limited to, a drywell or infiltration trench containing perforated pipe;

(ii) Heat pump or cooling water return flow wells used to inject water previously used for heating or cooling;

(iii) Aquifer recharge wells used to replenish the water in an aquifer;

(iv) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

(v) Septic systems serving multiple residences or nonresidential establishments that receive only sanitary waste and serve more than twenty people per day;

(vi) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a nonoil or gas producing zone to reduce or eliminate subsidence associated with the removal of fresh water;

(vii) Injection wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power;

(viii) Injection wells used in experimental technologies;

(ix) Injection wells used for in situ recovery of lignite, coal, tar sands, and oil shale;

(x) Injection wells used for remediation wells receiving fluids intended to clean up, treat or prevent subsurface contamination;

(xi) Injection wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts;

(xii) Injection wells used to control flooding of residential basements;

(xiii) Injection wells used for testing geologic reservoir properties for potential underground storage of natural gas or oil in geologic formations; if the injected water used is of equivalent or better quality than the ground water in the targeted geologic formation and the ground water in the targeted geologic formation is nonpotable and/or toxic because of naturally occurring ground water chemistry;

(xiv) Injection wells used as part of a reclaimed water project;

(xv) Injection wells that receive fluids that cannot be classified as agricultural, industrial, or storm water; such as, but not limited to, potable water tank overflow, or construction dewatering;

(b) The following Class V wells are prohibited in Washington:

(i) New and existing cesspools including multiple dwelling, community or regional cesspools, or other devices that receive sanitary wastes that have an open bottom and may have perforated sides that serve twenty or more people per day. The UIC requirements do not apply to single family residential cesspools or to nonresidential cesspools which receive solely sanitary waste and have the capacity to serve fewer than twenty persons a day;

(ii) Motor vehicle waste disposal wells that receive or have received fluids from vehicular repair or maintenance

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activities (see definition of motor vehicle waste disposal wells in WAC 173-218-030);

(iii) Wells used for solution mining of conventional mines such as stopes leaching;

(iv) Backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;

(v) UIC wells receiving fluids containing hazardous substances (see definition for hazardous substances in WAC 173-218-030), or industrial wastewater;

(vi) Septic systems that receive waste other than sanitary waste; such as, but not limited to, industrial wastewater or storm water drained from an area that contains, uses or stores hazardous substances.

**AMENDATORY SECTION** (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-050 ((Class I injection wells.)) Exemptions from UIC well status.** ((1) New Class I injection wells are prohibited.

(2) All persons operating an existing Class I injection well operation must apply to the department for approval to operate within one year of the effective date of this chapter.

(3) The department will accept, process, and act upon the application in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).)) The following are not considered UIC wells and are not regulated under this chapter.

(1) Single-family residential septic systems, handling only sanitary wastes and designed to serve less than twenty people per day;

(2) Nonresidential septic systems and cesspools handling only sanitary wastes and designed to serve less than twenty people per day;

(3) Any dug, blasted or drilled hole, bored shaft that is not used for the subsurface placement of fluids in accordance with 40 CFR 144.1 (g)(1)(ii); or

(4) Infiltration ponds, infiltration trenches that do not contain perforated pipe, or dispersion systems.

**AMENDATORY SECTION** (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-060 ((Class II injection wells.)) Requirements to operate a UIC well.** ((1) Any person, who proposes to conduct or is conducting a Class II injection well operation, as defined in WAC 173-218-030 (3)(a), must notify the oil and gas conservation committee (OGCC) in accordance with the provisions of general rules, chapter 344-12 WAC.

(2) The department shall perform review, evaluation, and approval in accordance with the provisions of general rules, chapter 344-12 WAC.

(3) The department shall process a Class II injection well application, as defined in WAC 173-218-030 (3)(a), in accor-

dance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).

(4) At present, there appears to be no reasonable likelihood that approval will be sought for a Class II injection well for either enhanced recovery of oil or natural gas or for storage of liquid hydrocarbons; therefore, Class II injection wells as defined in WAC 173-218-030 (3)(b) and (3)(e) are not authorized. If it appears likely that approval will be sought for either of these types of injection wells, these regulations will be amended to include an appropriate regulatory program.) To operate an existing or new UIC well in Washington, the UIC well must be registered and either rule authorized or receive a state waste discharge permit from the department to operate, except as noted below, and the following must be met:

(1) Class I UIC wells are prohibited and must be decommissioned.

(2) Class II UIC wells must be registered and have a state waste discharge permit issued by the department to operate, and the following must occur:

(a) The well must be reported to the department of natural resources in accordance with the provisions of chapter 344-12 WAC General rules by any person who proposes to conduct or is conducting a Class II injection well operation, as defined in chapter 173-218 WAC;

(b) The department of natural resources will perform review, evaluation, and approval in accordance with the provisions of chapter 344-12 WAC General rules; and

(c) The department will process a Class II injection well application, in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).

(3) Class III UIC wells are prohibited and must be decommissioned.

(4) Class IV UIC wells that are not prohibited (see WAC 173-218-040) must be approved under the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 40 CFR 144.13 (a)(4)(c), or the Model Toxics Control Act (MTCA). Allowed Class IV UIC wells used at:

(a) CERCLA sites conducting a cleanup under an EPA order, consent order or consent decree or where the cleanup is being conducted by EPA need to be registered.

(b) MTCA sites conducting a cleanup under a MTCA order, agreed order or consent decree or where the cleanup is being conducted by the department need to be registered.

(5) Class V UIC wells, except as noted below, must be registered and either rule authorized (see WAC 173-218-070) or receive a state waste discharge permit issued by the department to operate including MTCA voluntary cleanup program sites. The following Class V wells do not need a permit but do have to register with the UIC program if they are authorized in accordance with:



(a) CERCLA and are sites conducting a cleanup under an EPA order, consent order or consent decree or where the cleanup is being conducted by EPA; and

(b) MTCA and are sites conducting a cleanup under a MTCA order, agreed order or consent decree or where the cleanup is being conducted by the department.

**AMENDATORY SECTION** (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-070 (~~(Class III injection wells.)~~) Rule authorization and registration.** ~~((At present, there appears to be no reasonable likelihood that approval will be sought for a Class III injection well; therefore, Class III injection wells are not authorized. If it appears likely that approval will be sought for a Class III injection well, these regulations will be amended to include an appropriate regulatory program.))~~ In order to receive rule authorization, your well must meet the nonendangerment standard (see WAC 173-218-080 and 173-218-090) and must be registered with the department unless otherwise noted below. If your UIC well is rule authorized, it does not need a state waste discharge permit to operate. Rule authorization can be rescinded if a UIC well no longer meets the nonendangerment standard of this chapter.

(1) Registering your UIC well.

(a) The UIC well owner or operator must register the UIC well with the department using the forms available from the department. Forms are available for single and multiple sites and can be found on the department's web site at <http://www.ecy.wa.gov/programs/wq/grndwtr/uic>. When completing the form, the following information must be included:

(i) Operator/owner information;

(ii) Site location;

(iii) Best management practices used on-site;

(iv) UIC well description;

(v) Other information the department determines is necessary to meet the nonendangerment standard.

(b) Owners of UIC wells used to manage storm water must:

(i) Complete a well assessment for existing wells (see WAC 173-218-090); and

(ii) Provide to the department an annual update on any well status changes after the initial well registration is sent to the department.

(c) Owners of existing UIC wells that are not used for storm water management must complete a survey provided by the department except for wells in WAC 173-218-100.

(d) UIC wells on tribal land must be registered with the Environmental Protection Agency, Region 10. Tribal land means the land within Indian reservations and federal land located off-reservation which is held in trust for Indians, unless specifically delegated by EPA.

(e) UIC wells at single-family homes that only receive residential roof runoff, or are used to control basement flooding, do not have to register with the department.

(f) Septic systems that serve twenty or more people per day that receive operating permits, meet the requirements and are permitted in accordance with chapter 246-272B WAC Large on-site sewage system regulations will be registered

after the Washington state department of health provides to the department:

(i) Registration information for all systems with valid operating permits as of the effective date of this chapter; and

(ii) Annual updates on newly permitted systems and closed systems.

(g) The following types of Class V UIC wells that require an associated permit still need to register with the department:

(i) Aquifer recharge wells that meet the requirements and are permitted in accordance with chapter 173-157 WAC Underground artificial storage and recovery;

(ii) Septic systems that serve twenty or more people per day that meet the requirements and are permitted in accordance with chapter 246-272 WAC On-site sewage systems;

(iii) UIC wells used for geothermal fluid return flow into the same aquifer and that meet chapter 173-200 WAC Water quality standards for ground waters of the state of Washington and chapter 173-216 WAC State waste discharge permit program requirements; and

(iv) UIC wells that are used as part of a reclaimed water project that meet the requirements of the water reclamation and reuse standards as authorized by RCW 90.46.042.

(2) The department will determine if the UIC well is rule authorized based on the information provided in the registration packet and will take one of the following actions within sixty days:

(a) Provide written notification that your UIC well is registered and rule authorized;

(b) Contact you or conduct a site visit if additional information is needed;

(c) Provide written notification if rule authorization of your UIC well is denied. The denial letter will include one of the following:

(i) Written notification that improvements to your on-site practices are needed to meet the nonendangerment standards for rule authorization;

(ii) Written notification indicating that you must decommission the UIC well (see WAC 173-218-130); or

(iii) Written notification indicating that you will have to apply for a state waste discharge permit to operate your UIC well under chapter 173-216 WAC State waste discharge permit program.

(d) If you do not hear from the department within sixty days, the well will be automatically registered until such time that written notification is received.

(3) Class IV wells that are not prohibited (see WAC 173-218-040) are rule authorized, after the UIC well is registered, for the life of the well if such subsurface emplacement of fluids is authorized under the Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation Recovery Act, 40 CFR 144.23(c) or the Model Toxics Control Act.

**AMENDATORY SECTION** (Amending Order DE 84-02, filed 2/29/84)

**WAC 173-218-080 (~~(Class IV injection wells.)~~) The nonendangerment standard for UIC wells.** ~~((Class IV injection wells are prohibited regardless of proximity to~~

USDW.)) To meet the nonendangerment standard you must prevent the movement of fluid containing any contaminant into the ground water if the contaminant may cause a violation of chapter 173-200 WAC Water quality standards for the ground waters of the state of Washington. In order to meet the nonendangerment standard, you must meet the following requirements:

(1) Be in compliance with the following sections in RCW 90.48.010, 90.48.080, 90.48.160, 90.48.162, and 90.48.455;

(2) Be in compliance with chapter 173-200 WAC Water quality standards for ground waters of the state of Washington; such as, but not limited to, providing best management practices at the site that will fulfill the AKART requirement; and

(3) Be constructed, operated, maintained and decommissioned in a manner that protects ground water quality as described in 40 CFR 144.12(a).

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

WAC 173-218-090 ((Class V injection wells.)) **Specific requirements for Class V wells to meet the nonendangerment standard.** ((1) All new Class V injection wells that inject industrial, municipal, or commercial waste fluids into or above an USDW are prohibited.

(2) All persons operating an existing Class V injection well, that inject industrial, commercial, or municipal waste fluids into or above an USDW, must apply to the department for approval to operate within one year of the effective date of this regulation. The department will accept, process, and act upon the application in accordance with the procedures and practices of the State waste discharge permit program, chapter 173-216 WAC.

(3) All other Class V injection well owners and operators must notify the department of the location of injection wells within one year of approval of the state underground injection control program by the United States Environmental Protection Agency. The notification shall be on a form as prescribed by the department and will include the information needed to satisfy the requirements of 40 Code of Federal Regulations Part 146.52.)) **Specific requirements for Class V wells are organized by wells that are used for storm water management and wells that are used for other purposes. This section does not apply to the Class V wells in WAC 173-218-100.**

(1) **New Class V UIC wells used for storm water management must:**

(a) Meet additional ground water protection area requirements as determined by other state laws or by local ordinances.

(b) Not directly discharge into an aquifer. A separation between the bottom of the well and the top of the aquifer is required. The treatment capacity of the unsaturated zone or the zone where the fluid is discharged, and the pollutant loading of the discharge must be considered when determining the vertical separation (see *Stormwater Management Manual for Eastern Washington, 2004*).

(c) The owner or operator of a new Class V well used to manage storm water must meet the nonendangerment standard as defined under WAC 173-218-080. The owner or operator of a new Class V well must show compliance with the nonendangerment standard prior to placing a new well into service. Compliance with the nonendangerment standard may be met through one or a combination of the following two approaches:

(i) Presumptive approach: The presumptive approach means compliance with the nonendangerment standard is presumed, unless discharge monitoring data or other site specific information shows that a discharge causes or contributes to a violation of chapter 173-200 WAC Water quality standards for ground waters of the state of Washington. When:

(A) The well activity is in compliance with this chapter; and

(B) The well is installed and operated in conformance with storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control are fully implemented.

(ii) Demonstrative approach: The demonstrative approach means that the technical bases for the selection of storm water best management practices are documented. The documentation must include:

(A) The method and reasons for choosing the storm water best management practices selected;

(B) The pollutant removal performance expected from the practices selected;

(C) The technical bases supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected;

(D) An assessment of how the selected practices will satisfy the requirements of WAC 173-218-080 and chapter 173-200 WAC; and

(E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control and treatment.

(2) **Existing Class V UIC wells used for storm water management must be registered and complete a well assessment. The following timelines must be met unless otherwise approved from the department:**

(a) If you own or operate less than or equal to fifty wells:

(i) You have three years after the adoption date of this rule to register your UIC wells with the department.

(ii) You have five years after the adoption date of this rule to complete a well assessment. The approach to conducting the well assessment will be determined by the owner. The well assessment evaluates the potential risks to ground water from the use of UIC wells and includes information such as the land use around the well which may affect the quality of the discharge, the local geology, depth of the

ground water in relation to the UIC well, and if the UIC well is located in a ground water protection area.

(iii) The well assessment must also identify any wells that are a high threat to ground water and include a retrofit schedule.

(iv) Owners of existing Class V wells used for storm water management may also use the approaches described in subsection (1)(c) of this section to complete the well assessment for their UIC wells.

(v) You must immediately take action to correct the use of a well that is determined to be an imminent public health hazard, for example when a drinking water supply is contaminated and causes a public health emergency. The department must be notified within thirty days from the determination and may determine a retrofit schedule. The department's enforcement procedure will be followed when a retrofit schedule is needed.

(b) If you own or operate more than fifty wells:

(i) You have five years after the adoption date of this rule to register your UIC wells with the department.

(ii) You have seven years after the adoption date of this rule to complete a well assessment. The approach to conducting the well assessment will be determined by the owner. The well assessment evaluates the potential risks to ground water from the use of UIC wells and includes information such as the land use around the well which may affect the quality of the discharge, the local geology, depth of the ground water in relation to the UIC well, and if the UIC well is located in a ground water protection area. The well assessment must also identify any wells that are a high threat to ground water and include a retrofit schedule.

(iii) Owners of existing Class V wells used for storm water management may also use the approaches described in subsection (1)(c) of this section to complete the well assessment for their UIC wells.

(iv) You must immediately take action to correct the use of a well that is determined to be an imminent public health hazard, for example when a drinking water supply is contaminated and causes a public health emergency. The department must be notified within thirty days from the determination and may determine a retrofit schedule. The department's enforcement procedure will be followed when a retrofit schedule is needed.

(c) If you own or operate a site that uses, stores, loads, or treats hazardous substances or is an industrial facility that has a Standard Industrial Classification listed in Federal Regulations, 40 CFR Subpart 122.26 (b)(14) (excluding construction sites), you must provide one of the following:

(i) If the facility has or will have a National Pollutant Discharge Elimination System (NPDES) permit, the associated storm water pollution prevention plan can be used in place of the well assessment to meet the nonendangerment standard if applied to the UIC wells.

(ii) For unpermitted facilities, the Washington state industrial storm water pollution prevention plan can be used in place of the well assessment to meet the nonendangerment standard if applied to the UIC wells or documentation must be provided to show that the well does not receive hazardous substances. Examples of documentation include, but are not limited to, a site drainage map for the UIC wells or a no-

exposure certification form completed for discharges to ground.

(3) Class V UIC wells not used for storm water management:

(a) New UIC wells that are not used for storm water management must:

(i) Not directly discharge into an aquifer, except for wells listed in WAC 173-218-040 (5)(a)(ii) through (iv) and (vii) through (xi). A separation between the bottom of the well and the top of the aquifer is required.

(ii) Meet additional ground water protection requirements if the UIC well is located in a ground water sensitive area (see WAC 173-218-030) as determined by other state laws or by local ordinances.

(b) Existing registered UIC wells that are not used for storm water management are already considered to be rule authorized. To verify that current site practices are protective of ground water quality, the owner or operator must complete a survey from the department. The department will provide written notification that the current site practices are adequate.

(c) Existing UIC wells that are not registered and not used for storm water management must meet the requirements for new wells.

AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

WAC 173-218-100 (~~Permit terms and conditions~~) UIC wells that automatically meet the nonendangerment standard. ((1) Any permit issued by the department shall specify conditions necessary to prevent and control injection of fluids into the waters of the state, including the following, whenever applicable:

(a) All known, available, and reasonable methods of prevention, control, and treatment;

(b) Applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982); and

(c) Any conditions necessary to preserve and protect USDW.

(2) Any injection well that causes or allows the movement of fluid into an USDW that may result in a violation of any primary drinking water standard under 40 Code of Federal Regulations Part 141 or that may otherwise adversely affect the beneficial use of an USDW is prohibited.)) (1) The following new and existing Class V UIC wells automatically meet the nonendangerment standard and are considered rule authorized after the well is registered. These Class V wells are not subject to the requirements of WAC 173-218-090.

(a) UIC wells which inject fluids to control subsidence;

(b) UIC wells that temporarily inject fluids or other material for the purpose of maintaining a properly functioning water extraction well or dewatering well;

(c) Closed loop cooling water return flow wells that have not added any chemicals or product to the water;

(d) Air conditioning or heat pump return flow wells that have not added any chemical or product to the water, and used to return fluid to the supply aquifer. The fluids must not impair beneficial uses of ground water or surface water;

(e) Aquifer recharge wells that meet the requirements in chapter 173-157 WAC Underground artificial storage and recovery;

(f) UIC wells used as part of a reclaimed water project that meet the requirements of the Water reclamation and reuse standards as authorized by RCW 90.46.042;

(g) Septic systems that serve twenty or more people per day that:

(i) Receive operating permits, meet the requirements and are permitted in accordance with chapter 246-272B WAC Large on-site sewage system regulations; or

(ii) Meet the requirements of chapter 246-272 WAC On-site sewage systems.

(h) UIC wells receiving storm water from nonpollution generating surfaces; and

(i) UIC wells that only receive runoff from a roof coated with an inert, nonleachable material and/or a roof that is not subject to venting of manufacturing, commercial, or other indoor pollutants.

(2) The following Class V UIC wells automatically meet the nonendangerment standard, are considered rule authorized and are exempt from registering.

(a) UIC wells used in residential settings that receive water from sump pumps, for basement flood control; and

(b) UIC wells that only receive runoff from a residential roof.

#### AMENDATORY SECTION (Amending Order DE 84-02, filed 2/29/84)

WAC 173-218-110 (~~Enforcement~~) Permit terms and conditions if a UIC well is not rule authorized. ((+)) For violations of this chapter, the department shall have the remedies available in the Water Pollution Control Act, chapter 90.48 RCW, and all other applicable statutes.

(2) All injection well operations not operated in accordance with the provisions of this chapter, that cause or tend to cause entry of fluids into the waters of the state as a result of a violation of these provisions, constitutes pollution of the waters of the state in violation of RCW 90.48.080.) If you are denied rule authorization and you are operating a UIC well, you must obtain a state waste discharge permit under chapter 173-216 WAC State waste discharge permit program or chapter 173-226 WAC Waste discharge general permit program or close the well.

(1) Permit terms and conditions must meet the requirements of chapters 173-216 and 173-226 WAC and this chapter.

(2) All injection activities including construction of an injection well are prohibited until the well is rule authorized or issued a permit 40 CFR 144.31 (October 4, 2001).

#### NEW SECTION

WAC 173-218-120 Decommissioning a UIC well. (1) Decommissioning standards for all UIC wells:

(a) Wells must be decommissioned in a manner that prevents movement of fluid containing any contaminant into the ground water (40 CFR 144.82).

(b) When decommissioning wells, the owner or operator must dispose or otherwise manage any soil, gravel, sludge, liquids or other materials removed from or adjacent to the wells in accordance with all applicable federal, state, and local requirements (40 CFR 144.82b).

(2) Decommissioning standards for UIC wells that are determined to be an imminent public health hazard or prohibited:

(a) Class I wells are prohibited and must be decommissioned in accordance with 40 CFR 146.

(b) Class III wells are prohibited and must be decommissioned in accordance with 40 CFR 146.

(c) Class IV wells that are prohibited must be decommissioned in accordance with 40 CFR 144, 146.

(d) Class V wells that are determined to be an imminent public health hazard or are prohibited in this rule must be decommissioned at the earliest extent possible as approved by the department and meet the decommissioning standards, except for:

(i) Existing cesspools that serve twenty or more people per day must be decommissioned immediately (40 CFR 144.88); and

(ii) Motor vehicle waste disposal wells must be decommissioned immediately.

(3) Decommissioning standards for allowed UIC wells:

(a) Class II wells must meet the closure requirements found in chapter 344-12 WAC General rules.

(b) Class V wells must be decommissioned by filling or plugging the well so that it will not result in an environmental, public health or safety hazard, and will not serve as a channel for movement of water or pollution to an aquifer.

(i) UIC wells that are in contact with an aquifer, even if they are in contact with only the seasonal high aquifer, must be decommissioned in accordance with the most applicable method found in chapter 173-160 WAC Minimum standards for construction and maintenance of wells.

(ii) UIC wells that are not in contact with an aquifer must be decommissioned by:

(A) Removing any structure within three feet of the land surface;

(B) Backfilling up to three feet below the land surface with material that is uncontaminated, chemically and biologically inert, and that drains equal to or more slowly than the native material surrounding the UIC well; and

(C) Filling the remaining three feet directly below the land surface with native soil or other structurally sound material common with current engineering practices.

(c) Septic systems that receive only sanitary waste and serve more than twenty people per day must meet the requirements in chapter 246-272B WAC Large on-site sewage system regulations or chapter 246-272 WAC On-site sewage systems.

(d) The department may require additional measures to those above prior to the decommissioning of a UIC well if such measures are deemed necessary to protect the public health and safety.

PROPOSED

(4) Decommissioning recordkeeping requirements for UIC wells:

(a) The owner or operator of a Class I, II, III, or IV well must notify the department thirty days prior to decommissioning the UIC well except for UIC wells under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

(b) An owner or operator of a Class V well that is determined to be an imminent public health hazard or that is prohibited (such as an existing cesspool that serves twenty or more people per day or a motor vehicle waste disposal well) must notify the department thirty days prior to decommissioning the well (40 CFR 144.88).

(c) After adoption of this rule, an owner or operator of a Class V well that is determined not to be an imminent public health hazard and is not prohibited must notify the department within one year of the closure except for existing UIC wells used for storm water management and septic systems that are permitted and meet the requirements of chapter 246-272B WAC Large on-site sewage system regulations. The owner or operator must submit to the department, on an annual basis, an update on the wells that have been decommissioned, once the initial well registration(s) has been sent to the department.

**NEW SECTION**

**WAC 173-218-130 Enforcement.** (1) For violations of this chapter, the department shall rely upon the provisions of the Water Pollution Control Act, chapter 90.48 RCW, and all other applicable statutes.

(2) All injection well operations not operated in accordance with the provisions of this chapter, that cause or tend to cause entry of fluids into the waters of the state as a result of a violation of these provisions, constitutes pollution of the waters of the state in violation of RCW 90.48.080.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule repeals the problem gambling fee the commission passed last November, which was to be effective June 30, 2005. Following is a brief history of this rule. In November 2004, the commission adopted a rule to establish a fee to provide a stable funding source of approximately \$232,000 each year for a problem gambling helpline, and training and awareness services (RCW 9.46.071). The fee was to be paid by licensed charitable/nonprofit and commercial organizations. The rule included a sunset clause that the fee would automatically expire if the legislature adopted a law that appropriated funds for the same purposes. During the 2005 legislative session, a law was adopted to fund problem gambling treatment, education, and awareness (ESHB 1031). The law transfers state lottery revenue and creates a new business and occupation (B&O) tax on gambling businesses (Gambling Commission licensees and live horse racing tracks) that have annual gross income over \$50,000. The B&O tax will be 0.1% of gross income (after prizes) through June 30, 2006, and 0.13% thereafter. The bill takes effect July 1, 2005. The bill prohibits the Gambling Commission, while the new B&O tax is in effect, from increasing license fees to fund a program for problem and pathological gambling. However, should the B&O tax later be repealed, the Gambling Commission, Horse Racing Commission, and the state lottery may contract for services to assist in providing treatment for problem and pathological gambling, and the Gambling Commission may increase license fees to fund the authorized services. As written, in the commission's original rule and the new law, the commission's problem gambling fee would not take effect. However, in the interest of being clear, this rule is up for repeal.

Statutory Authority for Adoption: RCW 9.46.070.

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

Name of Proponent: Washington State Gambling Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, (360) 486-3452.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendment will not impose additional costs on licensees.

A cost-benefit analysis is not required under RCW 34.05.328. Amendment does not impose additional costs to licensees.

July 6, 2005  
Susan Arland  
Rules Coordinator

**WSR 05-14-163  
PROPOSED RULES  
GAMBLING COMMISSION**

[Filed July 6, 2005, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-11-083.

Title of Rule and Other Identifying Information: WAC 230-04-208 Problem gambling awareness and training fee.

Hearing Location(s): The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on August 12, 2005, at 9:30 a.m.

Date of Intended Adoption: August 12, 2005.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail Susana@wsgc.wa.gov, fax (360) 586-3625, by August 1, 2005.

Assistance for Persons with Disabilities: Contact Shirley Corbett by August 1, 2005, TTY (360) 586-3637 or (360) 486-3447.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 230-04-208 Problem gambling awareness and training fee.

WSR 05-14-164
PROPOSED RULES
SECRETARY OF STATE
(Elections Division)
[Filed July 6, 2005, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-10-034.

Title of Rule and Other Identifying Information: Voter registration challenge form.

Hearing Location(s): Office of the Secretary of State, Elections Division, 520 East Union, Olympia, WA 98504, on August 9, 2005, at 9:00 a.m.

Date of Intended Adoption: August 12, 2005.

Submit Written Comments to: Katie Blinn, Office of the Secretary of State, P.O. Box 40220, Olympia, WA 98504-0220, fax (360) 586-5629, by August 8, 2005.

Assistance for Persons with Disabilities: Contact Sheryl Moss by August 8, 2005, TTY (800) 422-8683.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The form for filing a voter registration challenge is changed. The new form satisfies the requirements for an affidavit by including a space for the challenger to state the place that the affidavit was signed. This information is not included in the current voter registration form. The new form also requires the challenger to state the factual basis for the challenge.

Reasons Supporting Proposal: Requiring a county auditor to conduct a voter registration challenge hearing on a challenge that lacks prima facie evidence that the registration is improper could violate Section 2 of the Voting Rights Act, 42 U.S.C. § 1973(a). The new form requires the challenger to state the factual basis for the challenge.

Statutory Authority for Adoption: RCW 29A.08.850.

Statute Being Implemented: RCW 29A.08.810 through 29A.08.850.

Rule is necessary because of federal law, 42 U.S.C. § 1973(a).

Name of Proponent: Office of the Secretary of State, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katie Blinn, Legislative Building, (360) 902-4168.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes do not appear to have more than a minimal impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

Steve Excell
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-324-115 Challenge of voter's registration. All county auditors shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below for the purpose of allowing a registered voter to challenge the registration of another voter pursuant to RCW 29A.08.830. A copy of the form shall be sent to the

voter, whose voter registration has been challenged and to the challenger pursuant to RCW 29A.08.840. The form shall be substantially similar to the following:

((VOTER'S REGISTRATION CHALLENGE FORM

TO PROPERLY EXECUTE THIS FORM IT IS NECESSARY TO CHECK THE APPROPRIATE SQUARE BELOW. A SUMMARY OF THE ADMINISTRATIVE PROCEDURES WHICH WILL BE FOLLOWED WITH RESPECT TO THIS VOTER REGISTRATION CHALLENGE MAY BE FOUND ON THE REVERSE SIDE OF THIS FORM.

REASON FOR CHALLENGE

- The individual challenged is not a U.S. Citizen
The individual challenged is not at least 18 years old
The individual challenged is currently being denied his or her civil rights
The individual challenged does not reside at the address at which he or she is registered and his or her actual residence is as follows:

Note: State law (RCW 29A.08.830) requires that challenging party must provide the address at which the challenged party resides in order for a challenge based on residence to be considered.

PROVISIONS RELATING TO VOTING RESIDENCE

The State Constitution and state law provide that a voting residence shall not be lost if the voter is absent because of:

- A. State or Federal employment, including military service
B. School attendance
C. Business outside the state
D. Confinement in prison

Note: Persons in the above categories have the legal right to continue to use their former residence for voting purposes and may continue to vote unless additional conditions or circumstances indicate they have forfeited that right in Washington. Any person instituting a voter registration challenge should be sure of the facts BEFORE signing the challenge affidavit.

AFFIDAVIT OF CHALLENGER

I, ....., declare, under penalty of perjury, that I am a registered voter, that I hereby challenge the voter's registration of ..... for the reason indicated above. I also state that I have read the above stated provisions relating to voting residence and that, to the best of my knowledge and belief, the above named individual does not fall into any of the protected categories.

DATE

SIGNATURE OF CHALLENGER

PROPOSED

VOTER'S REGISTRATION CHALLENGES  
A SUMMARY OF ADMINISTRATIVE PROCEDURES  
CHALLENGES FILED THIRTY OR MORE DAYS PRIOR TO A PRIMARY, SPECIAL OR GENERAL ELECTION

State law (RCW 29A.08.840) requires the county auditor to notify, by certified mail, any voter whose registration has been challenged.

The notification must be mailed to the address at which the challenged voter is registered, to any address provided by the challenger as required by RCW 29A.08.830, and to any other address that the auditor could reasonably expect the challenged voter might receive such notification.

Included with the notification must be a request that the voter appear at a hearing to be held within ten days of the mailing of the request, at the place and time specified, in order to assist the auditor in determining the validity of the challenge.

the person making the challenge must be provided with a copy of the notification and request mailed to the challenged voter.

If either the challenger or the challenged voter, or both, are unable to appear in person they may file affidavits, stating under oath the reasons they believe the challenge to be valid or invalid.

The county auditor shall determine the validity of the challenge based on his or her evaluation of the evidence presented by both parties to the challenge. The decision of the auditor is final, subject only to a petition for judicial review under chapter 34.05 RCW.

CHALLENGES FILED WITHIN THIRTY DAYS OF A PRIMARY, SPECIAL OR GENERAL ELECTION

State law (RCW 29A.08.830) provides that in the event the challenge is made within thirty days of an election, the voter and the precinct election officers within the voter's precinct are to be notified.

Both the challenged voter and the precinct election officers are also to be informed that in the event the voter attempts to vote at the ensuing election, he or she will be provided with a challenged ballot.

The validity of the challenge and the disposition of the challenged ballot will be determined by the county canvassing board and both the challenger and the challenged voter may either appear in person or submit affidavits in support of their respective positions.

In the event the challenged voter does not vote at the ensuing election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the election.

In the event the challenge is filed more than thirty days prior to a primary or election, the challenge shall be processed in the manner provided by RCW 29A.08.840. If the voter votes and returns his or her absentee ballot prior to the county auditor making his or her determination as to the validity of the

challenge, the returned ballot shall be segregated from other absentee ballots and not processed until such a determination is made. In the event the challenge is made within thirty days of a primary or election and prior to the absentee ballots being separated from the return envelopes, the challenge and the returned ballot shall be forwarded to the canvassing board and processed in the manner provided by RCW 29A.08.820. If the challenge is made within thirty days of a primary or election but after the ballots have been separated from the return envelopes, the challenge shall be processed by the county auditor in the manner provided by law for challenges made more than thirty days prior to the primary or election.))

VOTER REGISTRATION CHALLENGE FORM  
REASON FOR CHALLENGE

Check the appropriate box below.

- The individual challenged is not a U.S. Citizen.
- The individual challenged is not at least eighteen years old.
- The individual challenged is currently being denied his or her civil rights by reason of a felony conviction.
- The individual challenged has been judicially declared mentally incompetent.
- The individual challenged does not reside at the address at which he or she is registered to vote. Under Article VI, section 4, of the Washington State Constitution, a voting residence is not lost if the person is absent due to state or federal employment, military service, school attendance, confinement in prison, or engaged in navigation at sea. State law requires the person filing the challenge to provide the address at which the challenged voter actually resides:

\_\_\_\_\_

Voter Registration Address                      Actual Address

Please describe the factual basis for the voter registration challenge:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AFFIDAVIT OF CHALLENGER

I, \_\_\_\_\_ declare under penalty of perjury under the laws of the State of Washington that I am a registered voter in the State of Washington and that I hereby challenge the voter registration of \_\_\_\_\_. I have personal knowledge and belief that this person is not qualified to vote, or does not reside at the address given on his or her voter registration record and is also not protected by the provisions of Article VI, section 4, of the Washington State Constitution.

\_\_\_\_\_  
Signature of Challenger                      Date and Place Signed

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

PROPOSED



**PROCEDURES FOR FILING A  
VOTER REGISTRATION CHALLENGE**

**FORM**

By statute, any registered voter may challenge the right to vote of any other registered voter, up until the day before an election, by filing the attached affidavit subject to the penalties of perjury. The challenger must declare that, to his or her personal knowledge and belief, the challenged voter is not qualified to vote or does not actually reside at the address given on his or her voter registration record.

If the challenge is based on residence, RCW 29A.08.830 requires the challenger to provide the address at which the challenged voter actually resides. The challenger must also declare that, to his or her personal knowledge and belief, the challenged voter is not protected by the provisions of Article VI, section 4, of the Washington State Constitution. This provision of the Washington State Constitution protects a voter from losing his or her voting residence if the absence is due to state or federal employment, military service, school attendance, confinement in prison, or engaged in navigation at sea.

Challenges may not be based on unsupported allegations or allegations by anonymous third parties.

**HEARING**

The County Auditor shall notify the challenged voter, by certified mail, that his or her voter registration has been challenged. The notice shall request that the challenged voter appear at a hearing to be held within 10 days, and shall state the date, time, and location of the hearing. The challenger shall be provided a copy of the notice.

If either the challenger or the challenged voter is unable to appear at the hearing, he or she may submit a reply by affidavit stating, under oath, the reasons he or she believes that the voter registration is valid or invalid.

The identity of the challenger, and any third person involved in the challenge, is public record and shall be announced at the time the challenge is made.

A challenged voter may properly transfer or reregister until three days before the election by applying personally to the County Auditor.

If a challenge is filed more than 30 days before an election, the County Auditor presides over the hearing and issues a decision. If the challenge is filed less than 30 days before an election, the County Canvassing Board presides over the hearing and issues a decision.

For more information, please contact your County Auditor.

WSR 05-14-171  
PROPOSED RULES  
SECRETARY OF STATE  
(Elections Division)  
[Filed July 6, 2005, 11:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-11-100.

Title of Rule and Other Identifying Information: Top-two primary, implementation of Initiative 872.

Hearing Location(s): Office of the Secretary of State, Elections Division, 520 East Union, Olympia, WA 98504, on August 9, 2005, at 9:00 a.m.

Date of Intended Adoption: August 12, 2005.

Submit Written Comments to: Katie Blinn, Office of the Secretary of State, P.O. Box 40220, Olympia, WA 98504-0220, fax (360) 586-5629, by August 8, 2005.

Assistance for Persons with Disabilities: Contact Sheryl Moss by August 8, 2005, TTY (800) 422-8683.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Initiative 872 created a new primary election system, known as the top-two primary. The rules implement Initiative 872.

Reasons Supporting Proposal: Initiative 872 passed in November 2005: Chapter 2, Laws of 2005. The top-two primary conflicts with the nominating primary still described in statute. Because the Secretary of State is legally obligated to implement the new law, and because implementing legislation did not pass during the 2005 legislative session, the Secretary of State must implement the new primary through rule making.

Statutory Authority for Adoption: RCW 29A.04.611.

Statute Being Implemented: Chapter 2, Laws of 2005.

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

Name of Proponent: Office of the Secretary of State, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katie Blinn, Legislative Building, (360) 902-4168.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes do not have more than a minimal impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

Steve Excell  
Assistant Secretary of State

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-208-060 Filing of electronic facsimile documents.** In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents:

(1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(2) Any minor party or independent candidate filing material for president and vice-president of the United States, except nominating petitions;

(3) Lists of presidential electors selected by political parties or independent candidates;

(4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;



- (5) Resolutions from cities, towns, and other districts calling for a special election; and
- (6) ~~((Filling of vacancies on the ticket by a major political party;~~
- (7)) Voter registration form.

AMENDATORY SECTION (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

**WAC 434-215-012 Declaration of candidacy**~~((— Offices subject to a primary)).~~ Declarations of candidacy ~~((for all partisan and nonpartisan offices))~~ filed either in person or by mail shall be in substantially the following form:

~~((STRICKEN GRAPHIC~~

[

FILING DATA . . . FOR OFFICE USE ONLY

Date \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ File No. \_\_\_\_\_  
 Paid By (Check one)  
 AM  Check  Other  
 PM  Cash  Nom. Petition Clerk/Cashier Initials \_\_\_\_\_

### DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at:

2. \_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (TELEPHONE NUMBER)

\_\_\_\_\_ Washington \_\_\_\_\_  
(CITY) (COUNTY) (ZIP CODE)  
 and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

\_\_\_\_\_ (NAME OF OFFICE)  
 \_\_\_\_\_ (CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)  
 \_\_\_\_\_ (POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- a full term or a full term and a short term, or
- an unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and I am:  a candidate of the \_\_\_\_\_ party, or  an independent candidate nominated pursuant to chapter 29.24 RCW

6. Filing Fee: (Check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
- I am submitting a filing fee of \$ \_\_\_\_\_, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050.

7. Please print my name on the ballot exactly as follows: \_\_\_\_\_ (PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

*Note: Your signature must be personally attested to by either a notary public or by the officer with whom the declaration is filed.*

8. Sign Here **X** \_\_\_\_\_  
(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

\_\_\_\_\_  
(SIGNATURE OF ACKNOWLEDGING OFFICIAL)

\_\_\_\_\_  
(TITLE OF ACKNOWLEDGING OFFICIAL)

Candidate: Return all copies of this declaration to your Elections Dept.  
Distribution by Elections Dept: White—County; Yellow—POC; Pink—Candidate

~~((STRICKEN GRAPHIC))~~

PROPOSED

((STRICKEN GRAPHIC))

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FILING DATA . . . FOR OFFICE USE ONLY

Date/Time _____	Fee Paid \$ _____	File No. _____
Paid By (Check one)		
<input type="checkbox"/> Check	<input type="checkbox"/> Other	Office _____
<input type="checkbox"/> Cash	<input type="checkbox"/> Nom. Petition	Code: _____
Clerk/Cashier initials _____		

DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at: \_\_\_\_\_  
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. \_\_\_\_\_  
 (STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)  
 \_\_\_\_\_  
 (MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)  
 \_\_\_\_\_  
 (TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of: \_\_\_\_\_  
 \_\_\_\_\_  
 (NAME OF OFFICE)  
 \_\_\_\_\_  
 (CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)  
 \_\_\_\_\_  
 (POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:  
 A full term or a full term and a short term, or  
 An unexpired term
5. This office is:  
 Nonpartisan, or  
 Partisan, and I am:  a candidate of the \_\_\_\_\_ party, or  
 an independent candidate nominated pursuant to chapter 29.24 RCW.
6. Filing Fee (Check one):  
 There is no filing fee because the office has no fixed annual salary, or  
 I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or  
 I am submitting a filing fee of \$ \_\_\_\_\_, an amount equal to 1% of the annual salary, or  
 I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.15.050.
7. Please print my name on the ballot exactly as follows: \_\_\_\_\_  
 (PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

*Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.*

8. Sign Here X \_\_\_\_\_  
 (SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_

SIGNED OR ATTESTED BEFORE ME ON \_\_\_\_\_  
 (DATE)

by \_\_\_\_\_  
 (CANDIDATE)

\_\_\_\_\_  
 (SIGNATURE OF NOTARY)

\_\_\_\_\_  
 (TITLE)

MY APPOINTMENT EXPIRES \_\_\_\_\_

(SEAL OR STAMP)

SSE9-1 (2002)

Candidate: Return all copies of this declaration to your Elections Dept.  
Distribution by Elections Dept: White—County; Yellow—PDC; Pink—Candidate

]

STRICKEN GRAPHIC))

PROPOSED

FILING DATA . . . FOR OFFICE USE ONLY

Date _____	Fee Paid \$ _____	File No. _____	Office Code _____
<input type="checkbox"/> Check	<input type="checkbox"/> Debit/Credit		
<input type="checkbox"/> Cash	<input type="checkbox"/> Filing Fee Petition	Clerk Initials _____	

DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. \_\_\_\_\_ (STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)

\_\_\_\_\_ (MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

\_\_\_\_\_ (TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for the office of:

(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- A full term or a full term and a short term, or
- An unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and (check one):  my party preference is \_\_\_\_\_, or  I am an independent candidate.

The party preference will be listed on the ballot exactly as provided unless limited space necessitates abbreviation.

6. Filing Fee (check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less, or
- I am submitting a filing fee of \$\_\_\_\_\_, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a filing fee petition in lieu of this fee, pursuant to WAC 434-215-013 and RCW 29A.24.091.

7. Please print my name on the ballot exactly as follows: \_\_\_\_\_

(PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

8. Sign Here X \_\_\_\_\_

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_

SIGNED OR ATTESTED BEFORE ME ON \_\_\_\_\_ (DATE)

by \_\_\_\_\_ (CANDIDATE)

(SIGNATURE OF NOTARY)

(TITLE)

MY APPOINTMENT EXPIRES \_\_\_\_\_

(SEAL OR STAMP)

SSE 84-1 (2005)

Candidate: Return all copies of this declaration to your Elections Dept.

Candidate: Return all copies of this declaration to the filing officer. Distribution by the filing officer: White—County; Yellow—PDC; Pink—Candidate

The form shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time

of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the secretary of state and acceptable to the public disclosure commission, containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as

required by RCW ((29-15-030)) 29A.24.070, and one copy of the form or an electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

#### NEW SECTION

**WAC 434-215-013 Filing fee petition.** A candidate who lacks sufficient assets or income to pay the filing fee may submit a filing fee petition with the declaration of candidacy. The filing fee petition must meet the requirements of RCW 29A.24.091 and 29A.24.111, must be printed on sheets of uniform color and size, must include a place for each person to sign and print his or her name and voter registration address, and must contain no more than twenty numbered lines. The filing fee petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140, followed by:

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the filing is made), hereby petition that the name of (candidate's name) be printed on the official primary ballot for the office of (name of office).

#### NEW SECTION

**WAC 434-215-015 Political party preference and independent status.** A candidate for partisan office who files a declaration of candidacy properly must appear on the primary election ballot, regardless of the candidate's party preference or independent status, unless the office is not subject to a primary election. Except for the offices of President and Vice-President of the United States, neither endorsement by a political party nor a nominating convention are required in order to file a declaration of candidacy and appear on the primary election ballot. A candidate for partisan office who does not provide a political party preference is deemed to be an independent candidate. An independent candidate or a candidate who lists on the declaration of candidacy a preference for a party that does not qualify as a major political party is not required to hold a convention, file a nominating petition, or file a certificate of nomination, as stated in RCW 29A.20.110 through 29A.20.201. The requirements of RCW 29A.20.110 through 29A.20.201 are limited to candidates for President and Vice-President of the United States.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-230-010 Official and sample ballots.** Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

~~((Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29A.36.120. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.))~~ Positions or offices shall be arranged on all official and sample ballots in substantially the following order: State ballot measures, United States president and vice-president, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, county officers, justices of the supreme court, judges of the court of appeals, judges of superior court, and judges of the district court. For all other jurisdictions, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.

The names of candidates and ballot measures shall appear on the sample ballot in the same order as they appear on the official ballot. The names of the candidates shall appear on the primary election ballot in the order determined by lot. The party preference of candidates for partisan office shall have no bearing on the order in which candidates appear on the ballot. The names of the candidates shall appear on the general election ballot according to the number of votes the candidates received in the primary election: The name of the candidate who received the greatest number of votes shall appear first and the name of the candidate who received the second greatest number of votes shall appear second. If no primary was conducted, the names of the candidates shall appear on the general election ballot in the order determined by lot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

#### NEW SECTION

**WAC 434-230-035 Special filing periods for voids in candidacy and vacancies in office.** Voids in candidacy, as provided in RCW 29A.24.141 through 29A.24.181, may occur for partisan as well as nonpartisan office. A three day special filing period must be opened, as provided in RCW

29A.24.171 and 29A.24.181, whether the office is partisan or nonpartisan.

Vacancies in office, as provided in RCW 29A.24.171, 29A.24.181, and 42.12.040, may be filled through a special three day filing period as provided in RCW 29A.24.171 and 29A.24.181, whether the office is partisan or nonpartisan.

A scheduled election shall lapse when a void in candidacy remains after both a normal filing period and a special three day filing period, or when a vacancy in office occurs involving an unexpired term on or after the sixth Tuesday before the general election.

If the death or disqualification of a candidate for a partisan or nonpartisan office does not give rise to the opening of a new filing period, then the following occurs:

(1) If the candidate dies or becomes disqualified after filing a declaration of candidacy but before the close of the filing period, then the declaration of candidacy is void and his or her name will not appear on the ballot;

(2) If the candidate dies or becomes disqualified after the close of the filing period but before the day of the primary, then his or her name will appear on the primary ballot and all otherwise valid votes for that candidate will be tabulated. The candidate's name will not appear on the general election ballot even if he or she otherwise would have qualified to do so, but no other candidate will advance, or be substituted, in the place of that candidate. If the candidate was the only candidate to qualify to advance to the general election, then the general election for that office lapses, and the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office;

(3) If the candidate dies or becomes disqualified on or after the day of the primary, and he or she would have otherwise qualified to appear on the general election ballot, then his or her name will appear on the general election ballot and all otherwise valid votes for that candidate will be tabulated. If the candidate received a number of votes sufficient to be elected to office, but for his or her death or disqualification, then the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-230-040 Candidate's political party (~~designation~~) preference—Primary to general.** ~~((No person who has offered himself or herself as a candidate for the nomination of one party at the primary, shall have his or her name printed on the ballot of the succeeding general election as the candidate of another political party.))~~ A candidate for partisan office who indicated a party preference on the declaration of candidacy may not change the party preference between the primary election and the general election.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-230-050 Candidate (~~nominated by two or more political parties or~~) eligible for two or more offices.** ~~((In the event a candidate, as a result of write-in votes, is the nominee of two or more political parties for the same office, such candidate shall designate in writing, under which politi-~~

~~cal party designation he or she desires to be listed on the ballot. Such written notice shall be submitted to the county auditor within three days of the certification of the primary.))~~

In the event a candidate, as a result of write-in votes in the primary, is ~~((a nominee))~~ eligible to advance to the general election for two or more offices, the candidate shall notify the county auditor within three days of the primary certification, in writing, of the single office for which he or she desires to appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-230-060 Primary votes required for appearance on general election ballot.** Following any ~~((nonpartisan))~~ primary, no candidate's name shall be entitled to appear on the general election ballot unless he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

~~((Following any partisan primary, no political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office and additionally at least one percent of the total votes cast for the office. An independent candidate must receive one percent of the total votes cast for the office in the primary in order for his or her name to appear on the general election ballot.))~~ The filing officer shall notify, in writing, all candidates who satisfy other requirements but who fail to meet the one percent requirement of the fact that their name will not appear on the general election ballot.

~~((In those charter counties where provision is made in the county charter for the qualification of minor party and independent candidates, the charter provisions shall apply if the candidate has chosen that method for ballot qualification.))~~

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-230-170 (~~Electronic voting devices~~) Ballot form.** Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . , with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed ~~((together with political party designation certified by the secretary of state as provided in RCW 29A.36.010 or the word "nonpartisan," or "NP" as applicable)).~~ If the position is a partisan position, the party preference or independent status of each candidate shall be listed next to the candidate. The party preference must be listed exactly as provided by the candidate on the declaration of candidacy unless limited space on the ballot necessitates abbreviation or the party

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description provided is, in the opinion of the county auditor, obscene. If the office encompasses more than one county, the county auditor must coordinate the appearance of the ballot with other affected counties to achieve consistency. If the position is a nonpartisan position, the word "nonpartisan" or "NP" shall be listed next to each candidate. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate ~~((their))~~ his or her choice.

Candidate names and party preferences shall be printed in a type style and point size which is easily read. If a candidate's name or party preference exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

For paper ballots, there shall be a box at either the left or right of the name of each candidate where the voter may indicate his or her choice.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-230-210 Paper ballots—Ballot form.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-261-020 Counting center—Political party observers.** Counting center operations shall be observed by at least one representative from each major political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW 29A.12.120.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party con-

cerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained ~~((as provided in subsection (2) of this section))~~.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

#### NEW SECTION

**WAC 434-262-012 Partisan primaries.** Pursuant to chapter 2, Laws of 2005, a partisan primary does not serve to determine the nominees of a political party but serves to winnow the number of candidates to a final list of two for the general election. The candidate who receives the highest number of votes and the candidate who receives the second highest number of votes at the primary election advance to the general election, regardless of the candidates' political party preference. The candidates also must receive at least one percent of the total votes cast for that office at the primary in order to advance to the general election.

Each voter may vote for any candidate listed on the ballot, regardless of the party preference of the candidates or the voter. Voters at the primary election are not choosing a political party's nominees.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-160 Write-in-voting—Voter intent.** In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. ~~((Write-in votes are to be counted where abbreviations are used for office, position, or political party.))~~ In a general election, write-in votes are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a ~~((write-in))~~ declaration of candidacy has been filed pursuant to RCW 29A.24.311, the voter ~~((need only))~~ must write in ~~((that))~~ the candidate's name in order for the vote to be counted. If no declaration of ~~((write-in))~~ candidacy has been filed, the voter must write in the candidate's name ~~((of the candidate, the political party, if applicable.))~~ and, if the office and/or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-262-005 Authority and purpose.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-381-120 Deadlines.** (1) Candidate statements and photographs shall be submitted to the secretary of state:

(a) For candidates who filed during the regular filing period, within three business days after filing their declaration of candidacy;

(b) For candidates who filed during a special filing period, ~~((or were selected by a political party pursuant to either RCW 29A.52.010 or 29A.24.140,))~~ within three business days after the close of the special filing period ~~((or selection by the party)).~~

(2) For ballot measures, including initiatives, referendums, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than twenty calendar days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than fourteen calendar days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so.

**WSR 05-14-172**  
**PROPOSED RULES**  
**SECRETARY OF STATE**  
 (Elections Division)  
 [Filed July 6, 2005, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-11-111.

Title of Rule and Other Identifying Information: Election reform legislation, including changes regarding candidate filing, voting by mail, voting at the poll site, accessibility to the poll site, election reviews, certification of election administrators, counting centers, canvassing, and certification of elections.

Hearing Location(s): Office of the Secretary of State, Conference Room, 520 East Union, Olympia, WA 98504, on August 9, 2005, at 9:00 a.m.

Date of Intended Adoption: August 12, 2005.

Submit Written Comments to: Katie Blinn, P.O. Box 40220, Olympia, WA 98504-0220, kblinn@sec.state.wa.gov, fax (360) 586-5629, by August 8, 2005.

Assistance for Persons with Disabilities: Contact Katie Blinn by August 8, 2005, TTY (800) 422-8683.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Significant election legislation passed during the 2005 legislative session. The proposed rules implement this legislation, such as:

- The filing process for candidates who may file with either the Secretary of State or the county auditor.
- Signature matching guidelines.
- Guidelines for provisional and absentee ballots.
- Processing of ballots.
- Provisional ballot oath.
- ID at the polls.
- Materials to be posed at the polls.
- Vote by mail.
- Ballot reconciliation/accountability.
- Modifications to ensure accessibility.
- Election review processes.
- Certification of elections.

Some rules are also reorganized into chronological order of the election process.

Statutory Authority for Adoption: RCW 29A.05.611.

Statute Being Implemented: Chapter 246, Laws of 2005; chapter 221, Laws of 2005; chapter 240, Laws of 2005; chapter 241, Laws of 2005; chapter 243, Laws of 2005; and chapter 245, Laws of 2005.

Name of Proponent: Office of the Secretary of State, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katie Blinn, P.O. Box 40220, (360) 902-4168.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

Steve Excell  
 Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

WAC 434-215-070 ~~((Definition and standards for systems to file declarations of candidacy electronically.))~~  
Electronic filing—Standards. An electronic system to file declarations of candidacy shall be an online system accessible to candidates on the world wide web that records the

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information specified in RCW ~~((29.15.010))~~ 29A.24.031 (1) through (4) and WAC 434-215-090. At a minimum, the system shall perform the following functions:

- (1) Verify the candidate's voter registration status;
- (2) Check the candidate's name against the name returned by the electronic transfer of funds process;
- (3) Allow the filing officer to verify filings before filing information is made public;
- (4) Accept electronic transfer of funds for the payment of filing fees ~~((required by RCW 29.15.050))~~, except that a candidate submitting a ~~((nominating))~~ filing fee petition in the place of a filing fee may not file the declaration of candidacy electronically;
- (5) Inform, and require the candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee ~~((established in RCW 29.15.050))~~; and
- (6) Inform the candidate that knowingly providing false information on a declaration of candidacy is a class C felony as provided by RCW ~~((29.85.100))~~ 29A.84.311.

**AMENDATORY SECTION** (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

**WAC 434-215-080** ~~((Jurisdictions eligible to accept electronically filed declarations of candidacy.))~~ **Electronic filing—Eligible jurisdictions.** (1) The secretary of state and county auditors may accept electronically filed declarations of candidacy for any office for which they are authorized to accept filings ~~((provided by RCW 29.15.030))~~. Any system designed to accept electronically filed declarations of candidacy must comply with the requirements of WAC 434-215-070.

(2) Pursuant to RCW 29A.24.070(2), a candidate for the legislature, the court of appeals, or superior court in a jurisdiction that is within one county may file the declaration of candidacy with either the secretary of state or the county auditor. If the secretary of state or county auditor receives a declaration of candidacy from such a candidate, the candidacy information must be exchanged with the other filing officer as soon as possible, and within one business day at the latest. All candidacy information must be exchanged with the other filing officer immediately after the close of business on the last day for filings.

**AMENDATORY SECTION** (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

**WAC 434-215-090** ~~((Information requirements for electronically filed declarations of candidacy beyond those required in RCW 29.15.010.))~~ **Electronic filing—Required information.** At a minimum, electronically filed declarations of candidacy shall provide:

- (1) The month and day of the candidate's date of birth;
- (2) An electronic mail address, phone number, residential address, and mailing address where the candidate may be contacted.

**AMENDATORY SECTION** (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

**WAC 434-215-110** ~~((Interlocal agreements to provide electronic filing services.))~~ **Electronic filing—Interlocal agreements.** The secretary of state may enter into interlocal agreements with county auditors to provide services ~~((in order that))~~ to allow county auditors ~~((may))~~ to accept electronic filings. Nothing in an agreement shall contravene RCW ~~((29.15.030))~~ 29A.24.070, determining where candidates file for office.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 434-238-010	Authority and purpose.
WAC 434-238-020	Definitions.
WAC 434-238-025	Mail ballot precincts.
WAC 434-238-030	Request for mail ballot election.
WAC 434-238-055	Odd numbered year primaries by mail.
WAC 434-238-060	Notice of election.
WAC 434-238-070	Delivery of ballot to voter.
WAC 434-238-080	Envelope specifications.
WAC 434-238-090	Instructions to voters.
WAC 434-238-100	Depositing of ballots.
WAC 434-238-110	Obtaining replacement ballots.
WAC 434-238-120	Unsigned affidavit.
WAC 434-238-140	Verification of signatures—Process.
WAC 434-238-160	Master list of voters.
WAC 434-238-170	Logic and accuracy test.
WAC 434-238-180	Tallying of ballots.
WAC 434-238-200	Maintenance of records.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 434-240-005	Authority and purpose.
WAC 434-240-010	Definitions.
WAC 434-240-020	Applications for single absentee ballots.
WAC 434-240-027	Requesting absentee ballot for family member.



- WAC 434-240-030 Application form for a regular absentee ballot.
- WAC 434-240-040 Absentee ballot application forms originating outside the state of Washington.
- WAC 434-240-050 Ongoing absentee ballot application.
- WAC 434-240-060 Termination of ongoing absentee voter status.
- WAC 434-240-080 Special absentee ballot.
- WAC 434-240-090 Special absentee ballot application form.
- WAC 434-240-100 Special absentee ballot—Material to be included.
- WAC 434-240-110 Special absentee ballot—Time application received.
- WAC 434-240-120 Health care facility absentee ballot application form.
- WAC 434-240-130 Incomplete application from elector.
- WAC 434-240-150 Verification of absentee ballot application.
- WAC 434-240-180 Service and overseas voters—Material and postage.
- WAC 434-240-190 Absentee ballot envelopes.
- WAC 434-240-200 Absentee ballot—Instructions to voters.
- WAC 434-240-205 Replacement absentee ballots.
- WAC 434-240-225 Definitions regarding absentee ballots.
- WAC 434-240-230 Processing of absentee ballots.
- WAC 434-240-235 Unsigned affidavit.
- WAC 434-240-240 Verification of the signature and postmark on absentee ballots.
- WAC 434-240-245 Procedure for signatures that don't match.
- WAC 434-240-250 Absentee voter attempting to vote at the polls.
- WAC 434-240-260 Absentee ballots returned after the poll lists have been marked.
- WAC 434-240-270 Maintenance of an audit trail on absentee ballots.
- WAC 434-240-290 Security of absentee ballots.

- WAC 434-240-300 Absentee ballot process to be expedited.
- WAC 434-240-320 Mail ballot precincts.

**Chapter 434-250 WAC**

**VOTING BY MAIL**

NEW SECTION

**WAC 434-250-010 Purpose.** This chapter implements the various methods for voting by mail and conducting elections by mail.

(1) These rules establish standards and procedures for the issuance of:

(a) Ongoing absentee ballots, as authorized by RCW 29A.40.040;

(b) Single absentee ballots, as authorized by RCW 29A.40.020; and

(c) Special absentee ballots, as authorized by RCW 29A.40.050.

(2) These rules also establish standards and procedures for the following methods of conducting elections by mail:

(a) Counties designated as mail ballot counties, as authorized by RCW 29A.48.010(1);

(b) Precincts designated as mail ballot precincts, as authorized by RCW 29A.48.010(2);

(c) Special elections conducted by mail, as authorized by RCW 29A.48.020; and

(d) Odd year primary elections conducted by mail, as authorized by RCW 29A.48.030.

NEW SECTION

**WAC 434-250-020 Definitions.** As used in this chapter:

(1) "Absentee ballot" includes:

(a) An ongoing absentee ballot issued to a voter who has requested status as an ongoing absentee voter, as authorized by RCW 29A.40.040;

(b) A single absentee ballot issued to a voter who has requested an absentee ballot for a single election, as authorized by RCW 29A.40.020;

(c) A special absentee ballot issued to a voter who has indicated that he or she will be unable to vote and return a regular absentee ballot timely, as authorized by RCW 29A.40.050; and

(d) A hospital absentee ballot issued to a voter confined to a health care facility on the day of a primary or election, as authorized by RCW 29A.40.080.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system, but does not include tabulation.

(3) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system. Initial processing includes, but is not limited to: Verification of the signature and postmark on the return envelope, removal of the security envelope from the return envelope; removal of the ballot from the security envelope; manual inspection for damage, write-in votes, and incorrect or incomplete marks; duplica-

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tion of damaged and write-in ballots; and other preparation of ballots for final processing.

(4) "Mail ballot" means a ballot used in an election conducted by mail, as authorized by RCW 29A.48.010, 29A.48.020, or 29A.48.030. Unless specified otherwise, mail ballots must be prepared and processed in the same manner as absentee ballots.

(5) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

## BALLOTS

### NEW SECTION

**WAC 434-250-030 Applications.** (1) As authorized by RCW 29A.40.040, requests for status as an ongoing absentee voter must be made in writing. A voter may request status as an ongoing absentee voter by indicating such on a standard voter registration form, as provided by WAC 434-324-050.

(2) As authorized by RCW 29A.40.020 and 29A.40.030, requests for a single absentee ballot may be made in person, by telephone, electronically, or in writing, and may be made by a family member. Each county auditor must provide applications for requests made in writing. The form must include, but not be limited to, the following:

(a) A space for the voter to print his or her name and the address at which he or she is registered to vote;

(b) The address to which the ballot is to be mailed;

(c) A space for the voter to indicate for which election or elections the application is made; and

(d) A space for the voter to sign and date the application.

(3) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. In addition to the requirements for a single absentee ballot, as provided in subsection (1) of this section, the form must include:

(a) A space for an out-of-state, overseas, or service voter not registered to vote in Washington to indicate his or her last residential address in Washington;

(b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible; and

(c) The declaration required in WAC 434-250-050.

The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot received more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time and then processed.

(4) As authorized by RCW 29A.40.080, requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW 70.37.020(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office.

(5) If an application for an absentee ballot does not contain sufficient information to enable the auditor to issue the correct absentee ballot, the auditor shall notify the person and explain why the application is not accepted. If, in the judgment of the county auditor, enough time exists to correct the application, the county auditor must request the proper information from the voter in order to facilitate the application. If, in the judgment of the county auditor, insufficient time exists to correct the application, the auditor must issue the absentee ballot as if the voter had listed the county auditor's office as his or her residence. Upon its return, the ballot must be referred to the county canvassing board, and the only offices or issues that may be tabulated are those common to the entire county and those for which it can be conclusively determined the voter is qualified to vote.

### NEW SECTION

**WAC 434-250-040 Instructions to voters.** (1) In addition to the instructions required by chapters 29A.36 and 29A.40 RCW, instructions for properly voting and returning an absentee ballot must also include:

(a) How to correct a ballot;

(b) How to complete and sign the affidavit on the return envelope;

(c) How to make a mark, witnessed by two other people, if unable to sign the affidavit;

(d) How to place the ballot in the security envelope and place the security envelope in the return envelope;

(e) How to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(f) Notice that postage is required, if applicable; and

(g) Notice that, in order for the ballot to be counted, it must be either postmarked or deposited at a designated place no later than election day, and providing the location, dates, and times for depositing the ballot as an alternative to mailing the ballot.

(2) Instructions that accompany a special absentee ballot must also include:

(a) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office; and

(b) Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification of the election, it will be tabulated and the special absentee ballot will be voided.

### NEW SECTION

**WAC 434-250-050 Ballot materials.** In addition to the instructions and in addition to materials required by chapters 29A.36 and 29A.40 RCW, each absentee ballot must be accompanied by the following:

(1) A security envelope, which may not identify the voter and must have a hole punched in a manner that will reveal whether a ballot is inside;

(2) A return envelope, which must be addressed to the county auditor and have a hole punched in a manner that will reveal whether the security envelope is inside. The return

envelope must display the words "OFFICIAL BALLOT - DO NOT DELAY" prominently on the front, the words "POSTAGE REQUIRED" or "POSTAGE PAID" in the upper right-hand corner, and the following oath with a place for the voter to sign, date, and write his or her daytime phone number:

I do solemnly swear or affirm under penalty of perjury that:

- I am a legal resident of the state of Washington;
- I am entitled to vote in this election;
- I have not already voted in this election;
- It is illegal to vote if I am not a United States citizen;
- It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;

It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter, except as otherwise provided by law; and

Attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

Signature \_\_\_\_\_ Date \_\_\_\_\_

The return envelope must conform to postal department regulations.

County auditors may use existing stock of absentee envelopes until January 1, 2006.

**NEW SECTION**

**WAC 434-250-060 Service and overseas voters—Material and postage.** Pursuant to RCW 29A.40.150, the secretary of state must furnish envelopes and instructions for out-of-state, overseas, and service voters. For purposes of RCW 29A.40.150, out-of-state voters are limited to voters who are spouses or dependents of service voters. All absentee ballots to voters in these categories will be sent postage-free, pursuant to the provisions of federal law, and the return envelopes must be marked as to indicate that they may be returned free of postage.

**NEW SECTION**

**WAC 434-250-070 Forwarding ballots.** If the county auditor chooses to forward absentee ballots, as authorized by RCW 29A.40.091, the auditor must include with the ballot an explanation that is substantially similar to the following:

If you have any questions about your eligibility to vote in this election, please contact your county auditor.

This explanation may be provided on the ballot envelope, on an enclosed insert, or on the ballot itself. The county auditor must utilize postal service endorsements that allow the ballots to be forwarded, allow the county auditor to receive from the post office the addresses to which ballots were forwarded, and allow the return of ballots that were not capable of being forwarded. If the above explanation is not provided to the voter, the return envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

**NEW SECTION**

**WAC 434-250-080 Replacement ballots.** The county auditor may issue a replacement ballot, as authorized by RCW 29A.40.061, if the request is received prior to 8:00 p.m. on election day.

Replacement ballots or the original ballot, whichever is received first, shall be credited to the voter's registration file and tabulated if the ballot meets all requirements for tabulation. If the auditor receives additional ballots from a voter, as indicated by the fact that the voter is already credited with voting, the additional ballots shall not be counted and shall be forwarded to the county canvassing board for rejection.

**NEW SECTION**

**WAC 434-250-090 Absentee ballots issued after the poll lists have been marked.** Absentee ballots which are issued and returned to the county auditor after the poll lists have been marked shall be segregated from other absentee ballots, and shall not be tabulated until the poll lists have been examined following the election to ensure that those persons did not vote at the polls on election day.

**NEW SECTION**

**WAC 434-250-100 Depositing of ballots.** Ballots may be deposited in the auditor's office during normal business hours prior to the day of the election, and from 7:00 a.m. to 8:00 p.m. on the day of the election. Other places of deposit may be staffed or unstaffed.

(1) Staffed sites must be staffed by at least two persons appointed by the auditor. Whenever possible, the persons appointed shall be representatives of each major political party. Deposit site staff may not be an employee of the jurisdiction for whom the election is conducted and shall subscribe to an oath regarding the discharge of the duties, administered by the county auditor. Staffed deposit sites must be open from 7:00 a.m. until 8:00 p.m. on the day of the election and may be open prior to the election on dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place of deposit on the ballot envelope, and such ballots must be referred to the canvassing board for consideration of whether special circumstances warrant consideration, as documented by the deposit site staff.

(2) Unstaffed sites may be used if the ballot drop box is:

(a) Constructed and secured according to the same requirements as United States Postal Service postal drop boxes; or

(b) If the drop box is used for mail for more than one county office and is located indoors.

Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed. From eighteen days prior to election day until 8:00 p.m. on election day, two county auditor staff members must empty each ballot drop

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box with sufficient frequency to prevent damage or unauthorized access to the ballots. Ballots must be placed into sealed transport carriers and returned to the county auditor's office or another designated location. On election day, ballot drop boxes must be emptied at exactly 8:00 p.m. to ensure that all ballots meet the 8:00 p.m. delivery deadline.

#### NEW SECTION

**WAC 434-250-110 Processing of absentee ballots.** (1) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots.

(2) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its representatives may perform initial processing of absentee ballots upon their return. In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day. Following initial processing, all absentee ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.

(3) Final processing may begin after 7:00 a.m. on the day of the election.

(4) Tabulation may begin after 8:00 p.m. on the day of the election.

(5) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all overvotes and blank ballots.

(a) All rejected ballots shall be outstacked for additional manual inspection.

(b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.

(c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.

#### NEW SECTION

**WAC 434-250-120 Verification of the signature and postmark on ballots.** A ballot shall be counted only if:

(1) It is returned in the return envelope, or a similar envelope if it contains the same information and signed affidavit and is approved by the auditor;

(2) The affidavit is signed with a valid signature in the place afforded for the signature on the envelope;

(3) The signature has been verified pursuant to WAC 434-379-020, or if the voter is unable to sign his or her name, two other persons have witnessed the voter's mark;

(4) It is postmarked not later than the day of the election or deposited in the auditor's office, a polling location, or a designated deposit site not later than 8:00 p.m. on election day; and

(5) The ballot is received prior to certification of the election.

The signature on the return envelope, or on a copy of the return envelope, must be compared with the signature as it appears on the voter's voter registration application, as described in WAC 434-379-020. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

#### NEW SECTION

**WAC 434-250-130 Maintenance of an audit trail.** Each county auditor shall maintain an audit trail with respect to the processing of absentee ballots, which shall include, but not be limited to, the following:

(1) A record of the date each absentee ballot application was received, the date the ballot was mailed or issued, and the date the ballot was received;

(2) The number of absentee ballots issued and returned, by legislative and congressional district, for each primary and general election;

(3) A record of the disposition of each request for an absentee ballot that was not honored;

(4) A record of the disposition of each returned absentee ballot that was not counted;

(5) A record of the time and place each time the county canvassing board met to process absentee ballots;

(6) A documentation of the security procedures undertaken to protect the integrity of the ballots after receipt; and

(7) A reconciliation that all absentee ballots counted plus all absentee ballots rejected is equal to the total number of absentee ballots received.

#### NEW SECTION

**WAC 434-250-140 Ballot process to be expedited.** All election officials charged with any duties or responsibilities with respect to absentee ballots shall ensure that those duties are performed in an expeditious manner, in order to maxi-

mize the opportunity for voters to receive, vote, and return the ballots in time to be counted.

### ELECTIONS BY MAIL

#### NEW SECTION

**WAC 434-250-300 Elections by mail.** Elections may be conducted either partially or entirely by mail, as authorized by RCW 29A.48.010, 29A.48.020, or 29A.48.030. If every precinct in a county has been designated a mail ballot precinct, as authorized by RCW 29A.48.010(2), the county is considered a mail ballot county, as authorized by RCW 29A.48.010(1). Separate absentee ballots need not be provided in an election conducted by mail. Unless specified otherwise, mail ballots must be prepared and processed in the same manner as absentee ballots.

#### NEW SECTION

**WAC 434-250-310 Notice of elections by mail.** (1) A jurisdiction requesting that a special election be conducted entirely by mail, as authorized by RCW 29A.48.020, may include the request in the resolution calling for the special election, or may make the request by a separate resolution. Not less than forty days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, whether the request is granted and, if not granted, the reasons why.

(2) In the event that a primary is to be conducted by mail, the auditor must notify the jurisdiction involved not later than forty-five days before the primary date.

(3) In addition to the information required in the notice of election published pursuant to RCW 29A.52.351, a county auditor conducting an election by mail, whether for a single jurisdiction or the entire county, must also state:

- (a) That the election will be conducted by mail and regular polling places will not be open;
- (b) The precincts that are voting by mail if it is only specific precincts rather than the entire county;
- (c) The location where voters may obtain replacement ballots;
- (d) The amount of postage required on the return envelope;
- (e) The dates, times and locations of designated deposit sites and sites for voting devices that are accessible to the visually impaired.

#### NEW SECTION

**WAC 434-250-320 Deposit sites.** A county auditor conducting a county-wide election entirely by mail must provide at least one site for the deposit of ballots in addition to the county auditor's office. All deposit sites must meet the requirements of WAC 434-250-100.

#### NEW SECTION

**WAC 434-250-330 County auditor's office as a polling place.** For elections conducted entirely by mail, services that would have been provided at the polling place must, at a

minimum, be provided at the county auditor's office, including provisional ballots and, after January 1, 2006, voting devices that are accessible to the visually impaired.

Such services must be provided beginning the date that ballots are mailed to voters.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-010 Polling place—Activities prohibited** (~~(within the polling place)~~). The county auditor shall ensure that all precinct election officers receive instruction regarding activities that are not permitted within the polling place, including electioneering, circulation of campaign material, soliciting petition signatures, ~~((or))~~ impeding the voting process, or get-out-the-vote campaigns based on information in the poll books regarding which voters have or have not voted. Whenever it is necessary to maintain order within the polling place and the surrounding environs, the inspector may, if circumstances warrant and if the means to do so are available, contact the county auditor, who shall determine the corrective action required. Such corrective action may include contacting a law enforcement agency for their assistance.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-020 Polling place—Election supplies** (~~(—Polling place)~~). Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter. Voters issued absentee ballots must either be noted as absentee or not listed in the poll book;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;
- (4) Sufficient number of ballots as determined by election officer;
- (5) Ballot containers;
- (6) United States flag;
- (7) Voting instruction signs (~~((for voters))~~);
- (8) Challenge (~~((special))~~) and provisional ballots and envelopes;
- (9) Cancellation cards due to death;
- (10) Voting equipment instructions;
- (11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;
- (12) Keys and/or extra seals;
- (13) Pay voucher;
- (14) Ballots stub envelope;
- (15) Emergency plan of action;
- (16) Either sample ballots or voters' pamphlets;
- (17) HAVA voter information poster; and
- (18) Voter registration forms.

#### NEW SECTION

**WAC 434-253-025 Polling place—Items to be posted.** The following items must be posted or displayed at each polling place while it is open:

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- (1) United States flag;
- (2) HAVA voter information poster;
- (3) Voting instructions printed in at least 16 point bold type;
- (4) Either sample ballots or voters' pamphlets;
- (5) Voter registration forms;
- (6) Election materials in alternative languages if so required by the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and
- (7) Any other items the county auditor deems necessary.

**AMENDATORY SECTION** (Amending WSR 05-06-035 and 05-08-065, filed 2/25/05, effective 3/28/05)

**WAC 434-253-045 Provisional ballots—Required information.** At a minimum, the following information ~~((will be))~~ is required to be printed on the outer 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 provisional ballot.
- (5) ~~((Precinct and))~~ Polling place and precinct number, if applicable, 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 in the poll book. The voter must attest that they are:~~

- ~~(a) A registered voter in the jurisdiction in which the voter desires to vote; and~~
- ~~(b) Eligible to vote in that election.~~

~~No 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.))~~ (7) The following oath with a place for the voter to sign and date:

I do solemnly swear or affirm under penalty of perjury that:

- I am a legal resident of the state of Washington;
- I am entitled to vote in this election;
- I have not already voted in this election;
- It is illegal to vote if I am not a United States citizen;
- It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;
- It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter, except as otherwise provided by law; and

Attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

\_\_\_\_\_  
Signature Date

**AMENDATORY SECTION** (Amending WSR 05-06-035 and 05-08-065, filed 2/25/05, effective 3/28/05)

**WAC 434-253-047 Provisional ballots—Disposition.**

Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election.

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:

(1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot ~~((will))~~ is not ~~((be))~~ counted.

(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))~~ must be immediately restored and the provisional ballot counted.

(3) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, the voter ~~((shall))~~ must be ((afforded)) offered the opportunity to reregister~~((;))~~ and the provisional ballot ~~((will))~~ is not ~~((be))~~ counted.

(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))~~ for his or her precinct, the auditor must ensure that only those votes for the positions ~~((or))~~ and measures for which the voter was eligible to vote are counted.

(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 provisional ballot envelope is not signed by the voter, a copy of the poll book page shall be included))~~ jurisdiction in which the voter is registered. The ballot must be forwarded within seven calendar days after a primary or special election and fifteen calendar days after a general election, and as soon as possible if past that date. ((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.))

(6) If ~~((the auditor finds that))~~ an absentee voter who voted a provisional ballot at the polls has ~~((also voted an))~~ already returned a voted absentee ballot ~~((in that primary or election)),~~ the provisional ballot ~~((will))~~ is not ~~((be))~~ counted. If the absentee voter who voted a provisional ballot at the polls has not returned a voted absentee ballot, the provisional ballot is counted. If a voted absentee ballot is returned after the provisional ballot has been counted, the absentee ballot is not counted.

(7) If the voter voted a provisional ballot ~~((was voted))~~ because ~~((a voter))~~ he or she failed to produce ~~((required))~~ identification as required by RCW 29A.44... (2005 c 243 s 7), the ballot ~~((shall be))~~ is counted if the ~~((voter is otherwise eligible))~~ signature on the envelope matches the signature in the voter registration record.

(8) Provisional ballots voted for reasons not covered by this section (~~((shall))~~ or state statute must be determined by the county canvassing board. (~~((The auditor will prepare a tally displaying the number of 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.))~~)

**AMENDATORY SECTION** (Amending WSR 05-06-035 and 05-08-065, filed 2/25/05, effective 3/28/05)

**WAC 434-253-048 Provisional ballots—Free access system.** (1) Each county shall establish a free access system, as ~~((described))~~ required by the Help America Vote Act, 42 USC sec. 15482 (a)(5), and RCW 29A.60... (2005 c 243 s 2) 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. This information shall be without cost to the voter. Examples of a free access system include a toll free telephone number, a web site, or a letter sent to every provisional ballot voter.~~

(2) ~~At the time of voting, provisional voters are given written information that states 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) ~~(2) The free access system ((shall)) must employ measures to ensure ((the system)) that access is free of cost to the voter and restricted to the individual who cast the ballot, and that the voter's personal information is secure and confidential.~~

(4) ~~(3) For provisional ballots sent to other counties in the state, the free access system must provide the voter with information as to where the ballot was sent and how to find out if ((their)) the ballot was counted in ((the voter's home county shall be available without cost to the voter)) that county.~~

(5) ~~(4) For ballots received from another county, ((a provisional ballot voter shall be able to determine if their)) the free access system must provide the voter with information as to whether the 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) ~~(5) Provisional ballot disposition information ((shall)) must be available on a county's free access system ((within)) no later than one week following ((the)) certification of ((a primary or)) the election.~~

**AMENDATORY SECTION** (Amending WSR 05-06-035 and 05-08-065, filed 2/25/05, effective 3/28/05)

**WAC 434-253-049 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 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.))~~) Ballots, including those ballots that are rejected, must be kept in secure storage when not being processed.

#### NEW SECTION

**WAC 434-253-055 Identification.** A voter must provide photo identification to the precinct election officer before signing the poll book. If the voter cannot provide photo identification, he or she may satisfy the requirements of RCW 29A.44... (2005 c 243 s 7) by providing a voter registration card issued by the county auditor or a copy of a current utility bill, bank statement, paycheck, government check, or other government document. If the voter cannot provide any identification, the voter must be issued a provisional ballot rather than a regular ballot.

**AMENDATORY SECTION** (Amending WSR 05-06-035 and 05-08-065, filed 2/25/05, effective 3/28/05)

**WAC 434-253-160 Ballot accountability form—Poll sites without direct recording devices.** Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each list of registered voters for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

(1) Identification of the precinct or combination of precincts;

(2) The number of ~~((ballots issued;~~

(3) ~~The number of signatures in the poll book;~~

(4) ~~The number of issued ballots which are provisional or challenged;~~

(5) ~~The number of issued ballots that are spoiled;~~

(6) ~~The number of unused ballots;~~

(7) ~~The number of absentees accepted at the poll site;~~

(8) ~~At) regular ballots delivered to the poll site;~~

(9) ~~The number of provisional ballots delivered to the poll site;~~

(10) ~~The number of signatures in the poll book;~~

(11) ~~The number of regular ballots issued;~~

(12) ~~The number of provisional ballots issued;~~

(13) ~~The number of ballots that are challenged;~~

(14) ~~The total number of ballots voted;~~

(15) ~~The difference between the number of signatures in the poll book and the total number of ballots voted;~~

(16) ~~The number of regular ballots spoiled;~~

(17) ~~The number of provisional ballots spoiled;~~

(18) ~~The number of regular ballots not used;~~

(19) ~~The number of provisional ballots not used;~~

(20) ~~The number of absentee ballots accepted at the poll site;~~

(21) ~~The total number of ballots returned to the county auditor; and~~

(22) ~~The total number of ballots accounted for.~~

Before the opening of the polls, the information enumerated in subsections (1) through (3) of this section must be recorded on the ballot accountability sheet. After the closing of the polls, the ((ballots of each category)) information enu-

PROPOSED



merated in subsections ~~((4))~~ (4) through ~~((7))~~ (16) of this section ~~((shall))~~ must be ~~((counted and))~~ recorded on the ballot accountability sheet. Discrepancies must be reported and explained by the precinct election officers.

~~((The accountability sheet shall be maintained with the precinct list.))~~ The precinct election officers shall attest to the accuracy of the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet and the precinct list~~((;))~~ shall be placed in the appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

Whenever anything occurs at a polling place that the precinct election officers feel may create a discrepancy in accounting for all of the ballots, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

AMENDATORY SECTION (Amending WSR 05-06-035 and 05-08-065, filed 2/25/05, effective 3/28/05)

**WAC 434-253-165 Ballot accountability form—Precincts with direct recording devices.** Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each list of registered voters for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts~~((;))~~;
- (2) The number of ~~((signatures in the poll book.~~
- (3) ~~The number of optical scan ballots issued, if applicable.~~
- ~~(4) The number of ballots listed on each of the individual direct recording devices. The number of optical scan ballots plus the total number of ballots from the direct recording devices should match the number of signatures in the poll book.~~
- ~~(5) The number of provisional and challenged ballots issued.~~
- ~~(6) The number of absentees accepted at the poll site.~~
- ~~(7) The number of unused optical scan ballots.~~
- ~~(8) The number of spoiled ballots.~~
- ~~(9) List any other irregularities noted throughout election day for each direct recording device.~~
- ~~A~~((t))~~) regular optical scan ballots delivered to the poll site;~~
- (3) The number of provisional optical scan ballots delivered to the poll site;
- (4) The number of signatures in the poll book;
- (5) The number of regular optical scan ballots issued;
- (6) The number of provisional optical scan ballots issued;
- (7) The number of ballots listed on each direct recording device;
- (8) The number of regular optical scan ballots that are challenged;
- (9) The total number of ballots voted;

(10) The difference between the number of signatures in the poll book and the total number of ballots voted;

(11) The number of regular optical scan ballots spoiled;

(12) The number of provisional optical scan ballots spoiled;

(13) The number of regular optical scan ballots not used;

(14) The number of provisional optical scan ballots not used;

(15) The number of absentee ballots accepted at the poll site;

(16) The total number of ballots returned to the county auditor; and

(17) The total number of ballots accounted for.

Before the opening of the polls, the information enumerated in subsections (1) through (3) of this section must be recorded on the ballot accountability sheet. After the closing of the polls, the ~~((ballots of each category))~~ information enumerated in subsections ~~((4))~~ (4) through ~~((9))~~ (17) of this section ~~((shall))~~ must be recorded on the ballot accountability sheet. Discrepancies must be reported and explained by the precinct election officers.

~~((The accountability sheet shall be maintained with the precinct list.))~~ The precinct election officers shall attest to the accuracy of the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet and the precinct list shall be placed in the appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

Whenever anything occurs at a polling place that the precinct election officers feel may create a discrepancy in accounting for all of the ballots, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-170 ~~((Audit trail for unused ballots.))~~ Securing provisional, challenged, spoiled, unused, and absentee ballots.** After the polls have closed, and before the container holding the voted ballots is opened, the unwrapped unvoted regular and provisional ballots shall be rendered unusable. ~~((The unusable ballots shall then be placed in an envelope or container marked "unused ballots," the envelope or container shall be sealed, and placed into the container provided for the return of voting materials to the counting center or auditor's office. The unused ballots must not be placed in the same container as the regular voted ballots.))~~ Provisional, challenged, spoiled, unused, and absentee ballots must be placed in containers that are marked and sealed. These containers must then be placed in the transfer case provided for the return of voting materials to the counting center or auditor's office.



AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-200 Count of regular voted ballots.** After the ~~((irregular-voted))~~ provisional, challenged, spoiled, unused, and absentee ballots have been sorted, counted and secured, the regular voted ballots shall be removed from the ballot box and counted, and the number recorded on the ballot accountability sheet. ~~((County auditors may require additional procedures to permit the segregation of various types of voted ballots.))~~ The voted ballots must be placed in a sealed container marked with the transmittal sheet listing the precincts, the number of ballots, and the seal number. The inspector and one judge from each political party must sign the transmittal sheet. The container must then be placed in the transfer case provided for the return of voting materials to the counting center or auditor's office.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-230 Sealing the ballot pages appearing in punchcard voting devices.** In polling places where punchcard voting devices are used, the county auditor shall ensure that adequate procedures are in place to permit the ballot pages within the voting device to be sealed following the election. This shall be done in such a way so that the ballot pages cannot be altered or otherwise tampered with, and in a manner that will provide an audit trail from ballot to precinct. This may be accomplished by securing the entire device by means of an external seal, or by securing and sealing the ballot pages themselves.

If a unique numbered seal is used, a certificate shall be placed inside the device signed by the precinct election officials recording the serial number of the seal. If some other means of sealing is used, a certificate, signed by the election officials, shall be provided to identify the seal by some appropriate means. The certificate, if not secured inside, shall be returned to and retained by the county auditor.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-240 Return of election supplies and materials.** Supplies and voting materials, including ~~((spoiled))~~ voted, provisional, challenged, spoiled, unused, and absentee ballots and ballot stubs~~((, irregularly-voted ballots, and unused ballots shall))~~ must be secured and returned to the counting center, the county auditor's office, or any other location designated by the auditor.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-253-290 Paper ballots—Counting and tabulation** ~~((of paper ballots where))~~ when more than one set of precinct election officers are appointed—Procedure. In paper ballot precincts, when two or more teams of precinct election officers have been appointed as provided in RCW 29A.44.450 the following procedure shall apply:

(1) The team~~((s))~~ or teams designated as the counting board or boards shall commence the tabulation of the primary or election ballots ~~((at a time set by the county auditor))~~ after the polls close;

~~((2))~~ ~~((A second ballot container for receiving ballots shall be used, and the first ballot container shall be closed and delivered to the counting board or boards. Provided, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the auditor proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot containers shall continue until the polls are closed, after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted;~~

~~((3))~~ The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies, to the county auditor;

~~((4))~~ (3) The oaths of office for all precinct election officials, when two or more sets of officials are employed, shall be as required by law.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-300 Paper ballots—Count continuous—When duties completed.** In a paper ballot precinct, the ballot container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted ~~((except as provided in WAC 434-253-260)).~~ The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

(1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition;

(2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book;

(3) The records of the votes in each tally book are the same.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-253-040 Verification of voter's name.
- WAC 434-253-043 Provisional ballots—When issued.
- WAC 434-253-060 Credit for voting.
- WAC 434-253-180 Recording of spoiled ballots.
- WAC 434-253-190 Disposition of irregularly voted ballots.

PROPOSED

WAC 434-253-210 Preparing voted ballots for transfer.

WAC 434-253-260 Counting and tabulation prior to closing of the polls—  
Secrecy of the returns.

~~ity of a polling place ((is accessible if the standards of the state building code council are met or exceeded)).~~

If the standards ~~((cannot be))~~ are not met, temporary or permanent modifications shall be made to make the polling place accessible. Alternative accommodations may be permitted under RCW 29A.16.020. ~~((The following survey form may be used to determine if a polling place is accessible and meets or exceeds the standards of the state building code council.))~~ A poll site is fully accessible if all responses in each category are ~~((either))~~ "YES" ~~((or "N/A." A poll site is considered accessible but inconvenient if all "NO" responses in each category are only in shaded boxes and all responses in the unshaded boxes are either "YES" or "N/A)."~~

PROPOSED

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-257-030 Standards for accessible polling places.** The Americans with Disabilities Act Checklist for Polling Places shall be used when determining the accessibil-

~~((STRICKEN GRAPHIC))~~

**CATEGORY I:  
PARKING**

YES NO N/A

	YES	NO	N/A
1. Are there off-street parking spaces either permanently or temporarily designated for the people with disabilities?			
2. With regard to off-street parking:			
a. Are such parking spaces at least 96 inches wide with a 60 inch aisle? (One van accessible space 96 inches width with 96 inch aisle.)			
b. Are such parking spaces on level ground (with a slope no greater than a rise of 1 inch in 48 inches)?			
c. Is the parking area firm, stable, smooth and slip resistant?			
d. Are the parking spaces within the shortest possible accessible route of travel?			
e. Is there a curb-cut to connect these parking spaces to an accessible walk or to the building entrance?			
f. Are these parking spaces designated by post-mounted signs bearing the symbol of accessibility?			
3. Is there a relatively level passenger drop-off zone at least 8 feet wide with a curb-cut connecting it to an accessible walk or to the building entrance?			

~~((STRICKEN GRAPHIC))~~

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**CATEGORY II:  
WALKWAYS OR PATHWAYS TO THE BUILDING**

YES NO N/A

1. Is the walkway or pathway to the building paved (concrete, asphalt, macadam, etc.)?			
2. Is the walkway or pathway to the building at least 44 inches wide?			
3. Are all curbs along the pathway to the building cut or ramped with at least 44 inch clear width and with slopes of no more than a 1 inch rise in 20 inches?			
4. Are all stairs or steps along the walkway or pathway to the building either ramped (with a slope of no more than a 1 inch rise in 12 feet) or else provided with a suitable alternative means of access?			
5. Do stair steps along the walkway or pathway to the building have nonslip surfaces and handrails?			
6. Is the walkway or pathway to the building entrance: a. Free of protrusions (such as fire hydrants, tree trunks, or other obstacles) which narrow the passage to less than 44 inches? b. Free of any abrupt edges or breaks in the surface where the difference is over ½ inch in height (such as where it crosses a driveway, parking lot, or another walkway, etc.)?			

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**CATEGORY II:  
WALKWAYS OR PATHWAYS TO THE BUILDING (cont'd)**

YES NO N/A

c. Free of any overhanging objects (such as tree branches, signs, etc.) which hang lower than 79 inches?			
d. Free of any slopes or inclines greater than a 1 inch rise to 20 inches?			
e. Free of any grating with openings of over ½ inch wide?			
7. Are walkways always well lighted?			
8. Are provisions made to ensure that walkways are free of such hazards as ice, snow, leaves, or other debris on the day of election?			
9. Are there signs which identify the accessible route of travel if that route is different from the primary route of travel to the building?			

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~~((STRICKEN GRAPHIC))~~

**CATEGORY III:  
RAMPS AND ELEVATORS ENTERING OR INSIDE THE BUILDING**

YES NO N/A

1. Are building stairs or steps which are over 30 inches high (either at the entrance or between the entrance and the voting area) provided either with a ramp, with an elevator, or with an alternative means of unassisted passage (such as a chair lift or an alternative route of travel)?			
2. With regard to ramps:			
a. Do all ramps have a slope no greater than a rise of 1 inch high for 20 inches of ramp?			
b. Are ramps provided with non-slip surfaces?			
c. For any ramp rising more than 6 inches or longer than 72 inches, is a hand rail provided? (Note: Any ramp with a slope of 1:20 does not need rails.)			
d. Are handrails 34 inches to 38 inches above the ramp surface?			
e. Can handrails be gripped (should be approx. 1 1/2 inch from wall, but are not more than 2 inches)?			
f. Are ramps and landing areas with drop-offs provided with a least a 2 inch curb at the side to prevent slipping off the ramps?			
g. If there is a door at the top of the ramp, is there a level space of at least 5 feet by 5 feet where a wheelchair can rest while the door is opened?			

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~~((STRICKEN GRAPHIC))~~

**CATEGORY III:  
RAMPS AND ELEVATORS ENTERING OR INSIDE THE BUILDING (Con't)**

YES NO N/A

3. With regard to elevators (if elevators are the only accessible route):			
a. Is the elevator cab at least 54 inches by 68 inches wide?			
b. Do elevator doors provide at least 32 inches clear width?			
c. Are elevator controls less than 54 inches high (i.e. can a person in a chair operate the controls)?			
d. Are control panels marked with raised lettering?			
e. Is the elevator in close proximity to the entrance of the building?			

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**CATEGORY IV:  
OTHER ARCHITECTURAL FEATURES**

	YES	NO	N/A
1. With regard to doors along the route of travel:			
a. Do all doors have an opening which clears at least 32 inches wide?			
b. Are all door thresholds less than 1/2 inch high?			
c. Are all doors equipped with arch or lever-type handles, push plates, or automatic openers (so that twisting a doorknob is not required)?			
d. Where automatic doors are used, does the door remain open at least 3 seconds?			
f. Are glass doors marked with safety seals?			
2. With regard to stairs along the route:			
a. Do stairs have a non-slip surface?			
b. Do stairs have handrails 34 to 38 inches above step level?			
e. Can handrails be gripped?			
c. Do all steps have risers (the little vertical walls at the back of each step)?			
e. Do all steps have tread areas at least 11 inches deep?			
g. Are all steps less than 7 inches in height?			

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~~((STRICKEN GRAPHIC))~~

**CATEGORY IV:  
OTHER ARCHITECTURAL FEATURES (cont'd)**

PROPOSED

	YES	NO	N/A
g. Are stairs well lit?			
h. Are stairs free of obstacles?			
3. With regard to corridors along the route:			
a. Is the corridor at least 44 inches wide?			
b. Is the corridor free of obstacles or protrusions (such as boxes, water fountains, etc.) which extend more than 4 inches from the wall and higher than 17 inches? If so put a box or planter under obstacle so a person with a visual impairment can identify it with a cane.			
c. Is there sufficient lighting at all points along the route?			
d. Does the corridor have a non-slip surface?			
e. Are all rugs and mats securely fastened? If not try to remove them.			

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~~((STRICKEN GRAPHIC))~~

**CATEGORY V:  
FEATURES WITHIN THE VOTING AREA**

	YES	NO	N/A
1. Are instructions for voting printed in 12 point or larger type in simple language, and plainly displayed? Is Braille or larger print available upon request?			
2. Is there sufficient unobstructed space for the reasonable movement of voters in wheelchairs that still provides privacy?			
3. Can all necessary parts of the voting equipment be reached by a person seated in a chair or, at least, is an alternative means of casting a ballot provided?			
4. Are magnifying devices available for those who request them?			
5. Is there adequate lighting in the voting area?			
6. Is seating available for elderly or handicapped voters awaiting their turn to vote?			

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**SUMMARY OF ACCESSIBILITY BY CATEGORIES**

Please review the responses within each category on the previous pages and indicate below whether each category is:

- **INACCESSIBLE** (If there is a "NO" response in *any* unshaded box in the category.)
- **ACCESSIBLE BUT INCONVENIENT** (If all "NO" responses in the category are only in *shaded* boxes and all the responses in the *unshaded* boxes are either "YES" or "N/A".)
- **FULLY ACCESSIBLE** (If *all* responses in the category are either "YES" or "N/A".)

Category	Inaccessible	Accessible But Inconvenient	Fully Accessible
I. Parking			
II. Walkways or pathways to building			
III. Ramps and elevators entering or inside of the building			
IV. Other architectural features			
V. Voting area			
VI. Other			

**OVERALL DETERMINATION OF POLLING PLACE ACCESSIBILITY**

(mark one box only)

- If one or more of the categories above is marked "INACCESSIBLE", then the polling place is .....INACCESSIBLE
- If no category is marked "INACCESSIBLE", but one or more is marked "ACCESSIBLE BUT INCONVENIENT", then the polling place is .....ACCESSIBLE BUT INCONVENIENT
- If *all* categories above are marked "FULLY ACCESSIBLE", then the polling place is .....FULLY ACCESSIBLE

**DISPOSITION OF INACCESSIBLE POLLING PLACE**

- If the polling place is INACCESSIBLE:
- |   |                          |                          |
|---|--------------------------|--------------------------|
|   | Yes                      | No                       |
| a. Has an alternative accessible facility been sought?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Are permanent or temporary alterations planned to render the polling place accessible in the coming elections? | <input type="checkbox"/> | <input type="checkbox"/> |

STRICKEN GRAPHIC))

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-260-020 Definitions.** As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or statewide office;

(4) "Preliminary review report of findings and recommendations" means that draft report made by the election review staff to the county auditor and which contains any recommendations made by the review staff and a preliminary conclusion regarding the county's election procedures;

(5) "Draft election review report" means that report made by the election review staff to the county auditor and the designated members of the county canvassing board. The auditor and/or county canvassing board ~~((may))~~ must respond to the draft election review report in writing ~~((and/or))~~ and may appeal the report to the election administration and certification board;

(6) "Final election review report" means that report made by the election review staff which contains a copy of the recommendations made by the review staff, ~~((any))~~ the response to those recommendations made by the county auditor or the county canvassing board, and a conclusion written by the staff;

(7) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;

(8) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW 29A.04.580. Such a designee must be certified as required by chapter 29A.04 RCW.

(9) "Election administrator" means the person or persons appointed by the county auditor to election management positions as required by RCW 36.22.220 and the state director of elections, assistant directors of elections, certification and training program staff members, and any other secretary of state election division employees designated by the director of elections;

(10) "Assistant election administrator" means any person involved in the administration of elections at the state or county level who has been designated as an assistant election administrator by the state director of elections or the county auditor as applicable;

(11) "County canvassing board members" means those officers designated as such pursuant to the provision of chapter 29A.60 RCW;

(12) "Election observers" means those persons designated by the county political party central committee chair person to observe the counting of ballots and related elections procedures;

(13) "Election administration and certification board" means that board created pursuant to the provisions of RCW 29A.04.510;

(14) "Creditable training hours" means each creditable training hour contemplated in WAC 434-260-230 and shall consist of a minimum of fifty minutes of instructional activity programmed for the purpose of mastering information beneficial to the performance of the duties of administering elections.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-030 Scheduled reviews—Auditor request.** Not later than ~~((July))~~ June 1, any county auditor may request that the secretary of state designate his or her county for an election review. The secretary of state shall, whenever practical, honor that request.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-260-040 Election reviews—Secretary of state to designate.** Not later than ~~((August 1))~~ June 15 the secretary of state shall notify, in writing, the counties selected for an election review and the chairs of the state committees of any major political party. The notification ~~((may))~~ shall include ~~((tentative))~~ the date ~~((s for))~~ and time the ~~((conduct of the))~~ review ~~((s))~~ is scheduled to begin. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29A.04.570 (1)(b).

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-050 Notice of special review.** ~~((Whenever any election review is to be held in a county, the secretary of state shall provide written notice to the county auditor and to the chairs of the state committees of any major political party of the date and time the review is scheduled to begin. Notice for scheduled reviews shall be provided at least thirty days in advance of the review.))~~ Notice of a special review shall be provided to the county auditor and the political party chairs, by telephone ~~((or))~~ and by electronic facsimile transmission, not later than twenty-four hours after the determination has been made to conduct the special review.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-260-140 Draft election review report.** As soon as practicable, but in any event not later than thirty days after the issuance of the preliminary report of findings and recommendations, the review staff shall issue a draft of the



election review report to the county auditor and the designated members of the county canvassing board as provided in chapter 29A.60 RCW, and shall include, but not be limited to, the following:

- (1) A narrative description of recommendations made by the review staff;
- (2) Any other information the review staff deems pertinent;
- (3) A preliminary conclusion/evaluation of the county's election procedures.

~~((The draft election review report is exempt from public inspection and copying, as provided by RCW 42.17.310.))~~

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-145 Response to draft election review report.** The county auditor and/or county canvassing board ~~((shall have the right to))~~ must respond, in writing, to the draft election review report, listing the steps that will be taken to correct any problems listed in the report. Such response shall be submitted to the review staff not later than ten days following the issuance of the draft election review report.

Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or canvassing board. ~~((In the event the review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying.))~~

Any county auditor or other member of the county canvassing board may appeal the recommendations or the conclusion of any draft election review report to the election administration and certification board. Any appeal must be in writing, must detail specific exceptions made to the draft election review report, and must be filed with the board not later than thirty days following the issuance of the report.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-150 Final election review report.** As soon as practicable, but in any event not later than forty-five days after the issuance of the draft election review report, the review staff shall issue a final election review report. The final election review report shall be available for public inspection and copying. The report shall be made to the county canvassing board, and shall include, but not be limited to, the following:

- (1) A narrative description of any general observations by the review staff;
- (2) A narrative description of any recommendations made by the review staff;
- (3) A response by the county auditor or the county canvassing board ~~((, if any));~~
- (4) A conclusion by the review staff. A copy of the final review report shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

### NEW SECTION

**WAC 434-260-155 County review follow-up.** Following the final review report, the secretary of state shall visit the county before the next state primary or general election to verify that the county has taken the steps listed in the response to correct the problems noted in the report. If steps have not been taken, the secretary of state shall send a letter to the county canvassing board listing the areas needing correction. The letter shall be made a part of the county's review report.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-310 Application for initial certification and maintenance of certification.** The secretary of state shall ~~((, not later than July 1 of each year, distribute))~~ make available certification application forms to the county auditors. The county auditor in each county shall, not later than ~~((December))~~ January 1 of each year, submit an application for certification for each employee for whom certification is requested.

**AMENDATORY SECTION** (Amending WSR 02-07-029, filed 3/12/02, effective 4/12/02)

**WAC 434-261-005 Definitions.** (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot ~~((upon)).~~ Inspection is performed on an absentee ballot as part of the initial processing, and on a poll ballot after breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of making a true copy of valid votes from ballots that may not be properly counted by the vote tallying system ~~((to blank ballots of the same type and style, or as directed by the canvassing board)).~~ Ballots may be duplicated on blank ballots or by making changes on an electronic facsimile of the ballot. The original ballot may not be altered in any way;

(3) ~~((("Ballot enhancement" is the process of adding or covering marks or punches on an optical scan ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board;~~

~~((4)))~~ (4) "Readable ballot" is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title. In the case of punch cards, this means all voting response positions are cleanly punched and removed from the card;

~~((5)))~~ (4) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks or punches, and questions of vote intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

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~~((6))~~ (5) "Valid signature" is the ~~(verified)~~ signature of a registered voter eligible to vote in the ~~(primary or)~~ election as ~~(contained in)~~ verified against the voter registration files ~~(of the county)~~. On an absentee ballot, a mark with two witnesses ~~(on an absentee ballot, a mail ballot precinct ballot, or a vote by mail ballot shall be considered)~~ is a valid signature.

#### NEW SECTION

**WAC 434-261-050 Unsigned oath or mismatched signatures.** If a voter neglects to sign the oath on an absentee or provisional ballot envelope, or the signature on the envelope does not match the signature on the voter registration file, the auditor shall notify the voter by phone, as required by RCW 29A.60. . . . (2005 c 243 s 8), if the voter has provided the auditor with a phone number. Leaving a message for the voter is not sufficient. If, at least one week prior to the certification of the election, the county auditor still has not been able to contact the voter by phone, the county auditor shall send a first class letter to the voter. If the ballot is received within one week of certification, the county auditor shall both send a letter and telephone the voter. The voter must sign the oath that appeared on the envelope.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-261-070 Manual inspection of ballots.** (1) Upon receiving absentee ballots and upon breaking the seals and opening the ballot containers from the precincts, all voting positions on voted ballots shall be manually inspected on both sides of the ballot ~~(and every voting position for unreadable ballots)~~ to determine whether the ballot will be readable by the vote tabulating system. ~~(The same manual inspection process shall apply to absentee ballots, mail ballot precinct ballots, and vote by mail ballots.)~~ This manual inspection ~~(shall include examining each voter response position, and)~~ is a required part of processing ballots ~~(used with all electronic vote tabulating systems).~~

(2) The inspection of ballots tabulated at the poll site is not required provided that the poll site ballot programming provisions of RCW 29A.44.340 are ~~(being complied with)~~ in effect.

(3) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or ~~(that contain)~~ marks or punches that differ from those specified in the voting instructions ~~(contained on or with the ballot)~~, but the marks clearly form a discernible and consistent pattern on the ballot to the extent that the voter's intent can be clearly determined, the county auditor may either:

- (a) Refer the ballots to the county canvassing board; or
- (b) Duplicate the ballots if authorized by the county canvassing board ~~(as per WAC 434-261-090; or~~
- ~~(c) Enhance the ballots if authorized by the county canvassing board and enhancement can be accomplished without permanently obscuring the original marks or punches of the voters as per WAC 434-261-080 and 434-261-085).~~

If the voter's intent is not clear, the ballot must be referred to the county canvassing board.

(4) In the case of punch card ballots, if two or more corners or attachment points are detached in a punch position, the vote is valid and the chad ~~(must)~~ may be removed without duplication ~~(enhancement)~~, or ~~(reference)~~ referral to the county canvassing board. If less than two corners are detached, then subsection (3) of this section shall apply.

AMENDATORY SECTION (Amending WSR 02-07-029, filed 3/12/02, effective 4/12/02)

**WAC 434-261-075 Manual inspection of ballot—Acceptability of marks or punches.** (1) If the voter returns voting responses by mail on any form other than the ballot sent, the votes thereon shall be acceptable and tallied provided that:

(a) Only votes for offices or measures for which the voter is eligible are counted.

(b) The candidate or measure response position for which the voter is voting can be clearly identified.

(c) The ballot issued is not returned, or if returned, contains no marks or punches indicating an attempt to vote it.

(d) A valid signature on an absentee oath is on file with the county auditor.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment ~~(as prescribed in WAC 434-261-090).~~

(2) Corrected absentee ballots shall be counted in the following manner:

(a) If a voter follows the instructions for correcting a vote, either the written instructions or other ~~(s)~~ instructions given to the voter by the county auditor, the correction shall be made ~~(and the corrected vote tabulated. The county auditor may enhance or duplicate the ballot)~~ by duplicating the ballot and then tabulating the duplicated ballot.

(b) If a voter appears to have corrected ~~(their)~~ the ballot in a manner other than as instructed, the vote for that candidate or issue shall not be tabulated unless the voter provides written instructions directing how the vote should be counted or has clearly attempted to erase a mark.

(3) ~~(Where)~~ If a voter has indicated a write-in vote on ~~(their)~~ the ballot which duplicates the name of a candidate who already appears on the ballot for the same office, the ballot shall be ~~(enhanced or)~~ duplicated to count one vote for the candidate indicated. Such a vote shall ~~(not be considered an overvote or a write-in vote)~~ be counted pursuant to RCW 29A.60.021.

(4) ~~(An absentee ballot, a mail ballot precinct ballot, and a vote by mail ballot shall not be counted)~~ If a voter signs the oath with a mark and does not have two witnesses attest to the signature, the envelope must be treated as if it were unsigned.

(5) If a ballot contains marks or punches that differ from those specified in the voting instructions, those marks or punches shall not be counted as valid votes unless there is a discernible and consistent pattern, to the extent that the voter's intent can clearly be determined. If there is such a pattern, the ballot shall be ~~(enhanced or)~~ duplicated to reflect the voter's intent.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-261-100** (~~Written~~) **Ballot duplication procedures.** Written procedures shall be established detailing the situations in which ballots may be (~~enhanced or~~) duplicated. These procedures shall be included as a part of the county canvassing board manual.

**NEW SECTION**

**WAC 434-261-105 Tabulation of ballots to be continuous—Exception.** The tabulation of ballots on the day of a primary or election at a polling place or counting center shall proceed without interruption or adjournment until all the ballots cast at the polls at that primary or election have been tabulated except as follows:

(1) Ballots that have been found defective and not capable of being processed by the automated system may, at the discretion of the county auditor, be held over until the working day following the election or primary, duplicated, and the duplicates then tallied no later than the day before the certification of the primary or election;

(2) If the system should become inoperative, the tally may be interrupted until the system is repaired, and if necessary, resumed the day following the election using the repaired system or an alternative method if necessary. If the election or primary includes offices or issues which the secretary of state is required by law to canvass, the auditor shall notify the secretary of state at the time of interruption, its cause and best estimate for resumption, along with the status of the tally, at the first practical opportunity. The public shall be informed of the situation as soon as possible after the interruption if it is evident the tally will not be resumed the same day.

**NEW SECTION**

**WAC 434-261-107 Daily canvassing.** Pursuant to RCW 29A.60.160, if a county auditor is in possession of more than twenty-five ballots that have yet to be canvassed, the county auditor in a county with a population of seventy-five thousand people or more must process and canvass the absentee ballots on a daily basis, and the county auditor in a county with a population of less than seventy-five thousand people must process and canvass the absentee ballots at least every third day. Legal holidays, as defined in RCW 1.16.050, and Sundays are exempt. The population of the county is based on the last federal census. For purposes of daily processing, the county auditor must produce a report of cumulative results. If the mail is not delivered to the county auditor's office each day that the county auditor must process ballots, the county auditor must make reasonable efforts to retrieve the mail from the post office.

**AMENDATORY SECTION** (Amending WSR 05-06-035 and 05-08-065, filed 2/25/05, effective 3/28/05)

**WAC 434-261-110 Election results** (~~(reconciliation)~~) **anomalies.** (~~(Immediately following the last ballots counted on election day,)~~) Precinct results, showing overvotes and

undervotes, (~~(shall be printed for poll-site votes. The results)~~) shall be inspected by the county canvassing board, or their designees, for anomalies that may indicate problems with the hardware or programming used to tabulate the votes. Anomalies may include, but are not limited to, an abnormal number of overvotes, undervotes, vote distribution, and voter turnout in any precinct, race, or jurisdiction. This inspection shall be completed within two days of the election.

Additionally, these results shall be used in the reconciliation process required in (~~(chapter 434-253)~~) WAC 434-253-165 and RCW 29A.60. . . . (2005 c 243 s 11).

**NEW SECTION**

**WAC 434-261-115 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, challenged ballots, spoiled ballots, ballots referred to the canvassing board, ballots to be duplicated, and ballots with write-in votes.

(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 poll-site supplies for ballots.
- (g) Manually count the number of ballots.
- (h) 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 is certified.

**NEW SECTION**

**WAC 434-261-120 Poll-site ballot reconciliation—Precinct count optical scan and direct recording devices.** 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) Compare the total number of votes cast from each counter at the poll-site to the number of signatures in the poll books.

(3) 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, challenged ballots, spoiled ballots, out-sorted ballots,

ballots referred to the canvassing board, ballots to be duplicated, and ballots with write-in votes.

(4) 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 ballot counter or direct recording device results.
- (d) Check the bins in the ballot counters.
- (e) Check the spoiled ballots.
- (f) Check the provisional ballots.
- (g) Count the ballot stubs.
- (h) Check the poll-site supplies for ballots.
- (i) Manually count the number of ballots.
- (j) Call the poll workers.

(5) 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 is certified.

#### NEW SECTION

**WAC 434-261-125 Crediting voters.** Voters shall be credited for voting after each special, primary and general election.

(1) A voter may not be credited for voting if the ballot was voted after election day, was received after certification of the election, or will otherwise not be counted.

(2) If an election was conducted entirely by mail, the crediting of voters must be completed prior to the certification of the election. If an election was conducted using polling places, the crediting of voters must be completed as soon after the election as possible, and prior to the certification of the election when possible.

(3) The reconciliation of voters credited with ballots counted shall be completed within thirty days following certification of a primary or election. The certification must include, but is not limited to, information indicating that the number of ballots counted equals the number of voters credited. If these numbers do not match, the county auditor must take steps to reconcile the numbers and any discrepancies. If the county auditor cannot reconcile the numbers, documentation of steps taken to reconcile and any other applicable information must be included with the official reconciliation.

(4) Changes to the list of registered voters, such as new registrations, transfers, or cancellations, may not be made following a general election until the crediting reconciliation is complete. Correction of errors is allowed.

(5) The county auditor shall make an electronic or paper copy of the list of registered voters immediately following this reconciliation. Using this data, the county auditor shall also produce validation statistics for each minor taxing district in the county. Once the list is copied and the validation statistics are complete, changes to the data base may be made.

#### NEW SECTION

**WAC 434-261-130 Referral of ballots to canvassing board.** Whenever a precinct election officer in a precinct

where ballots are being tabulated, or counting center personnel in a county where ballots are being centrally tabulated, has a question about the validity of a ballot or the votes contained on the ballot that they are unable to resolve, the ballot shall be placed in a special envelope marked "for canvassing board." The following information must be provided on the outside of the envelope:

(1) Identification of the precinct from which the ballot originated;

(2) The facts giving rise to the question of validity including, if applicable, the office or issue on the ballot which is affected by the question;

(3) An identification number by which the envelope containing the ballot may be tracked.

If the question arises at a polling place, the precinct inspector shall annotate the ballot accountability sheet in a manner similar to recording other irregularly voted ballots, shall seal the envelope and transfer it to the elections office in the special envelope for irregularly voted ballots.

If the question arises in the counting center, the counting center supervisor shall record the ballot on an irregularly voted ballot log sheet.

Ballots being held for determination of validity or voter's intent shall be provided the same security as regular voted ballots and shall be kept in a secure area when not being processed. As long as they are in the sealed envelope it is not necessary to seal them in other containers within the counting center provided they are otherwise safeguarded. Once the issue of validity has been determined, the ballots must be tabulated, if applicable, stored, and retained the same as regular voted ballots.

When the determination of validity is made, the disposition of the ballot shall be entered on the envelope and the ballot accountability sheet or the irregularly voted ballot log sheet.

#### NEW SECTION

**WAC 434-261-135 Opening ballot container.** Whenever it is determined there is a need to open all containers to conduct a mandatory or requested recount, or when such action is directed by court order, the containers shall be opened and the security of the ballots verified only by those persons designated to do so, in writing, by the canvassing board.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-261-080	Ballot enhancement—Optical scan systems.
WAC 434-261-085	Ballot enhancement—Punch card systems.
WAC 434-261-090	Ballot duplication.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-262-010 Definitions.** As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing (~~(absentee)~~) ballots, of ruling on the validity of questioned or challenged ballots, of the verifying all unofficial returns as listed in the auditor's abstract of votes, and the producing of the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairman of the board of the county legislative authority, or their designated representatives.

(3) "Auditor's abstract of votes" is that report prepared by the county auditor which lists the number of registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, (~~(and which includes)~~) absentee ballot totals, legislative district subtotals, if any, and county-wide totals. The auditor's abstract of votes must also include the reconciliation report required by RCW 29A.60.001 (1) (2005 c 243 s 11(1)). Vote totals in the auditor's abstract of votes shall be unofficial until verified and certified by the county canvassing board.

(4) "County canvass report" is the auditor's abstract of votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW 29A.60.200, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.

(5) "Certified copy of the county canvass report" is that report transmitted by the county auditor to the secretary of state which contains registered voters and votes cast by precinct, or combination of precincts if applicable, votes cast for and against state measures, and votes cast for candidates for federal and statewide offices and for any office whose jurisdiction encompasses more than one county, absentee ballot totals for those measures and candidates, subtotals if applicable, and county-wide totals. It shall also include a certificate, bearing original signatures and an original county seal, identical to that included in the official county canvass report, and any other material which may be pertinent to the canvass of the election.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-262-015 Canvassing board—Delegation of authority.** The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per chapter 29A.60 RCW, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters 29A.40 and 29A.60 RCW, and the rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the

county auditor prior to any person undertaking any action on behalf of the board. In no instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of (~~(determining the validity of any special ballots referred to them by the county auditor, to anyone other than a person authorized by law to act on their behalf)~~) rejecting ballots. When considering the validity or rejection of ballots, the canvassing board may review the ballots individually, in batches, or as part of a report of ballots presented to the board. In the event the canvassing board determines that the signature on an absentee or provisional ballot was not made by the voter to whom the ballot was issued or that a voter attempted to vote more than once, the board must direct the county auditor to refer the ballot and any relevant material to the county prosecuting attorney.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-262-020 Preliminary abstract of votes.** Following the election and prior to the official canvass, the county auditor shall prepare a preliminary abstract of votes, listing the number of registered voters and votes cast. The preliminary abstract of votes must (~~(also)~~) list separately (~~(for)~~) votes cast by absentee ballot and (~~(those cast)~~) at the polls, votes cast for and against measures, votes cast for candidates, overvotes and undervotes, by precinct or groups of precincts in the event that precincts have been combined in accordance with RCW 29A.16.060, for canvassing purposes. The county auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-262-025 Canvassing board—Notice of open public meeting.** All activities of the canvassing board shall be open to the public, although (~~(they)~~) the board may limit the number of persons observing any aspect of the process whenever, in (~~(their)~~) the judgment of the board, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board. Such notice or notices shall be in substantially the following form:

## OPEN PUBLIC MEETING NOTICE

The canvassing board of (Name of County) County, pursuant to chapter 29A.60 RCW, will hold public meetings at (Time of Meetings), (Dates), at (Locations), to (Purpose of Meetings). These meetings of the canvassing board are open, public meetings, and shall be contin-

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ued until the activity for which the meetings are held has been completed.

A record of the proceedings of the county canvassing board shall be made and maintained in the county auditor's office, and shall be available for public inspection and copying. The record shall be retained for the same time period required by law for the retention of absentee ballots.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-262-030 Auditor's abstract of votes.** No later than the tenth day following any primary or special election and the ~~((fifteenth))~~ twenty-first day following any general election the county canvassing board shall meet and canvass all ~~((absentee ballots not previously processed under the provisions of chapter 29A.40 RCW, together with all special and challenged))~~ ballots. Upon completion of this canvass, the board shall direct the county auditor to include all ~~((absentee ballot totals and all challenged and special))~~ ballot totals, or legislative or congressional district subtotals if applicable, and the reconciliation report in the preliminary abstract of votes prepared pursuant to WAC 434-262-020. The county auditor shall then add these totals to the existing precinct totals. The ensuing report, containing a count of all ballots cast in the election, subtotal reports by legislative district, and county-wide totals shall constitute the auditor's abstract of votes.

#### NEW SECTION

**WAC 434-262-031 Rejection of ballots or parts of ballots.** Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

- (1) Where two ballots are found folded together, or where a voter has voted more than one ballot;
- (2) Where two ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures under the affidavit, both ballots must be counted;
- (3) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent;
- (4) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;
- (5) Where the voter has voted for more candidates for an office than are permissible;
- (6) Where the voter has incorrectly attempted to correct a vote on the ballot contrary to the instructions provided pursuant to WAC 434-250-060 unless the voter provides written instructions directing how the vote should be counted.

Additionally, the canvassing board shall reject any ballot cast by a voter not qualified to vote, and shall reject absentee ballots where such rejection is required by law or administrative rule.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes.** In the event that the county canvassing board, during the verifications process, discovers that errors exist in the auditor's abstract of votes or that discrepancies exist between that abstract and the manual or adding machine totals for registered voters and votes cast produced pursuant to WAC ~~((434-62-040))~~ 434-262-040, the board shall investigate those errors and discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may then proceed to verify votes cast on measures or for candidates if a majority of the board believes that the nature of the errors or discrepancies discovered warrant such further action on their part.

**AMENDATORY SECTION** (Amending WSR 00-10-010, filed 4/21/00, effective 5/22/00)

**WAC 434-262-080** ~~((Auditor's abstract of votes—Secretary of state to receive certified copy—))~~ Transmittal of certified copy of county canvass report to the secretary of state. ~~((No later than the next business day))~~ Immediately following the certification of the returns of any primary, special, or general election ~~((at which votes were cast for or against state measures or for candidates for federal and state-wide office or for state legislative and judicial offices whose jurisdiction encompasses more than one county;))~~ in which state measures, federal or state offices, or legislative or judicial offices whose jurisdiction encompasses more than one county appeared on the ballot, the county auditor must transmit those returns to the secretary of state by fax, e-mail, or other electronic means. No later than the next business day, the county auditor ~~((shall))~~ must send a certified copy of that part of the ~~((auditor's abstract of votes))~~ county canvass report covering those issues and offices to the secretary of state. ~~((This copy must be no larger than eleven inches by fourteen inches and have a certificate identical to that accompanying the official county canvass report, bearing the county seal and original signatures of the officers required to sign that document attached or affixed thereto;))~~ A copy of the written narrative documenting errors and discrepancies discovered and corrective action taken shall accompany the abstract if applicable. Copies of the adding machine tapes used during the verification process need not be sent to the secretary of state.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-090 Receipt of certified copy of** ~~((auditor's abstract of votes))~~ county canvass report by secretary of state. The secretary of state shall ensure that all material required to be submitted pursuant to state law and these regulations has been included in the certified copy of the ~~((auditor's abstract of votes))~~ county canvass report transmitted to his or her office. In the event the secretary of state

determines that the ~~((certified copy of the auditor's abstract of votes))~~ report is incomplete, he or she shall notify the county auditor of that fact and shall request that the missing part ~~((of the abstract))~~ be forwarded immediately. No county's certified copy of the ~~((abstract of votes))~~ county canvass report shall be considered ~~((as))~~ complete for acceptance by the secretary of state until all of the material required by statute and regulation has been received by the secretary of state. In the event the certified copy of the ~~((official abstract))~~ county canvass report is illegible or in improper form, the secretary of state shall return ~~((that abstract))~~ it and require an immediate resubmission of the ~~((abstract))~~ report in proper or legible form.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-100 Canvass of returns by the secretary of state—Powers and duties.** Upon receipt of a complete certified copy of the ~~((auditor's abstract of votes))~~ county canvass report from a county auditor, the secretary of state shall proceed to include the results from that abstract in the official canvass of the primary, special, or general election ~~((prepared by that office))~~. This shall be ~~((done))~~ accomplished by adding the certified returns from each ~~((completed))~~ county abstract of votes in order to determine the final results for those offices and issues he or she is required by law to certify. The secretary of state shall accept the certified copy of the official abstract of votes from each county as being full, true, and correct in all respects. The secretary of state may include in the official canvass, a narrative which details or describes any apparent discrepancies discovered during the canvassing procedure, and may notify the county or counties involved of such discrepancies.

**AMENDATORY SECTION** (Amending WSR 00-10-010, filed 4/21/00, effective 5/22/00)

**WAC 434-262-110 Certification of primary returns by the secretary of state.** Pursuant to RCW 29A.60.240, upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the third Tuesday following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all ~~((candidates for))~~ state ballot measures, federal and state-wide offices, ~~((for))~~ and those ~~((state))~~ legislative and judicial offices whose jurisdiction encompasses more than one county ~~((, and the ballot titles for all state measures))~~. In the event the secretary of state is unable to certify all or part of a primary election by the third Tuesday following that primary because he or she has not received ~~((completed certified copies of the auditor's abstract of votes))~~ a certified copy of a county canvass report from one or more counties, he or she shall certify the state ballot measures and ~~((those))~~ candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the county auditors, those reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding certified copies of ~~((official abstracts))~~ county canvass reports have been received and filed.

**AMENDATORY SECTION** (Amending WSR 00-10-010, filed 4/21/00, effective 5/22/00)

**WAC 434-262-120 Certification of general election returns by the secretary of state.** Pursuant to RCW 29A.60.250, upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the thirtieth day following a general election, the secretary of state shall certify to the governor, president of the senate, and speaker of the house of representatives the returns for all ~~((candidates for))~~ state ballot measures, federal and state-wide offices, ~~((for))~~ and those ~~((state))~~ legislative and judicial offices whose jurisdiction encompasses more than one county ~~((, and for all state ballot measures))~~. In the event the secretary of state is unable to certify all or part of a general election by the thirtieth day following that election because he or she has not received ~~((completed certified copies of the auditor's abstract of votes))~~ a certified copy of a county canvass report from one or more counties, he or she shall certify ~~((those))~~ the state ballot measures and candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the governor, president of the senate, and speaker of the house of representatives those reasons which render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding ~~((certified copies of official abstracts))~~ county canvass reports have been received.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-262-005	Authority and purpose.
WAC 434-262-035	Canvassing board—Absentee ballot signature verification.
WAC 434-262-045	Canvassing mail ballots.
WAC 434-262-150	Rejection of ballots or parts of ballots.
WAC 434-262-170	Referral of ballots to canvassing board.
WAC 434-262-180	Tabulation of ballots to be continuous—Exception.
WAC 434-262-190	Canvassing board—Opening ballot container.
WAC 434-262-203	Poll-site ballot reconciliation—Central count optical scan and punchcard.
WAC 434-262-204	Poll-site ballot reconciliation—Precinct count optical scan and direct recording devices.





## WSR 05-14-051

## EXPEDITED RULES

## MARINE EMPLOYEES' COMMISSION

[Filed June 29, 2005, 8:25 a.m.]

Title of Rule and Other Identifying Information: Chapter 316-75 WAC, Marine employees' union security and chapter 316-85 WAC, Surveys—Compensation—Benefits—Employment.

Amending WAC 316-75-001 Scope—Contents—Other rules, 316-76-010 Union security—Obligation of exclusive bargaining representative, 316-75-030 Union security—Assertion of right of nonassociation, 316-75-050 Union security—Response by exclusive bargaining representative, 316-75-070 Union security—Filing of dispute with commission, 316-75-090 Union security—Petition form—Number of copies—Filing—Service, 316-75-110 Union security—Contents of petition, 316-75-130 Union security—Escrow of disputed funds by department, 316-75-150 Union security—Investigation—Settlement, 316-75-170 Union security—Notice of hearing, 316-75-190 Union security—Hearings—Who shall conduct, 316-75-210 Authority of hearing officer, 316-75-230 Hearings—Nature and scope, 316-75-250 Proceedings before the hearing officer, 316-75-270 Proceedings before the commission—Petition for review, 316-75-310 Implementation, 316-85-001 Scope—Contents—Other rules, 316-85-010 Policy—Purpose, 316-85-020 Fact-finding surveys—Content—Coverage, 316-85-030 Fact-finding surveys—Geographic limits, 316-85-040 Fact-finding surveys—Timing, 316-85-050 Washington state ferry system employee data required, 316-85-060 Fact-finding survey—Conduct, 316-85-070 Fact-finding preliminary findings—Hearings, and 316-85-080 Fact-finding survey—Final report.

Reviser's note: WAC 316-75-070 is referred to in the agency's notice; however, the proposed text of the section was not included with the filing by the agency. cf. RCW 34.08.020 (1)(a).

## 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 Kathy Marshall, Marine Employees' Commission, P.O. Box 40902, Olympia, WA 98504-0902, AND RECEIVED BY September 6, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To make house-keeping changes and simplify/reduce language.

Reasons Supporting Proposal: In compliance with Executive Order 97-02, these rules were reviewed and clarification changes made to those rules.

Statutory Authority for Adoption: RCW 34.05.230.

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

Name of Proponent: Marine Employees' Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Kathy Marshall, 711 Capitol Way South, Suite 104, Olympia, WA, (360) 586-6354; Implementation and Enforcement: John R. Swanson, Chairman, 711 Capitol Way South, Suite 104, Olympia, WA, (360) 586-6354.

June 28, 2005

Kathy Marshall

Administrator

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-001 Scope—Contents—Other rules.** This chapter (~~governs~~) directs proceedings before the marine employees' commission relating to union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which (~~contains~~) lists rules (~~promulgated~~) adopted by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 316-75 WAC, except:

(a) WAC 10-08-035, which is (~~supplanted~~) replaced by detailed requirements in WAC 316-75-050;

(b) WAC 10-08-211, which is (~~supplanted~~) replaced by WAC 316-75-270; and

(c) WAC 10-08-230, which is (~~supplanted~~) replaced by WAC 316-75-150.

(2) Chapter 316-02 WAC, which (~~contains~~) lists rules of practice and procedure (~~applicable~~) that apply to all types of proceedings before the marine employees' commission.

(3) Chapter 316-25 WAC, which (~~contains~~) lists rules (~~relating to~~) about proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(4) Chapter 316-35 WAC, which (~~contains~~) lists rules (~~relating to~~) about proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(5) Chapter 316-45 WAC, which (~~contains~~) lists rules (~~relating to~~) about proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(6) Chapter 316-65 WAC, which (~~contains~~) lists rules (~~relating to~~) about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-010 Union security—Obligation of exclusive bargaining representative.** An exclusive bargaining representative (~~which desires~~) desiring to enforce a union security provision contained in a collective bargaining agreement negotiated under the provisions of chapter 47.64 RCW (~~shall~~) will provide each affected employee with a copy of the collective bargaining agreement containing the union security provision and (~~shall~~) will specifically advise each employee of his or her obligation under that agreement, including informing the employee of the amount owed, the

method used to compute that amount, when such payments are to be made, and the effects of a failure to pay.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-030 Union security—Assertion of right of nonassociation.** An employee who, ~~((pursuant to))~~ in accordance with RCW 47.64.160, asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member ~~((shall))~~ will notify the exclusive bargaining representative, in writing, of the claim of a right of nonassociation ~~((and shall)).~~ At the same time(,) the employee will provide the exclusive bargaining representative with the name(s) and address(es) of one or more nonreligious charitable organizations to which the employee is prepared to make alternative payments in lieu of the payments required by the union security provision.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-050 Union security—Response by exclusive bargaining representative.** Within thirty days after it is served with written notice of a claimed right of non-association under WAC 316-75-030, the exclusive bargaining representative ~~((shall))~~ will respond to the employee, in writing, both as to the eligibility of the employee to make alternative payments and as to the charitable organization(s) suggested by the employee. If a dispute exists concerning whether the employee is within a class of employees obligated under the terms of the union security provision, all such matters of contractual interpretation ~~((shall))~~ will be resolved under ~~((such))~~ procedures ~~((as may be))~~ available for unit clarification, under chapter 316-35 WAC, or resolution of disputes concerning the interpretation or application of the collective bargaining agreement, under chapter 316-65 WAC.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-090 Union security—Petition form—Number of copies—Filing—Service.** Each petition for declaratory ruling on union security obligations ~~((shall))~~ will be prepared ~~((in conformance with))~~ according to WAC 316-75-110. The original petition ~~((shall))~~ will be filed ~~((with))~~ at the commission's ~~((at its))~~ Olympia office~~((, and))~~. The party filing the petition ~~((shall))~~ must serve a copy on the other party to the dispute and on the department.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-110 Union security—Contents of petition.** Each petition ~~((shall))~~ will be headed "In the matter of the petition of (name of petitioning party) for a declaratory ruling concerning the union security obligations of (name of affected employee(s)) under a collective bargaining agreement between Washington state department of transportation,

marine division, and (name of exclusive bargaining representative)," and ~~((shall))~~ must contain:

(1) The name and address of the marine division of the department and the name, address and telephone number of the person(s) designated by the department as its representative(s) for adjudicatory proceedings under chapter 47.64 RCW.

(2) The name, address and affiliation, if any, of petitioner's exclusive representative, and the name, address and telephone number of its principal representative, if any.

(3) The name, address and telephone number of the affected employee(s) and the name, address and telephone number of his/her/their representative.

(4) Statements, in additional numbered paragraphs, of the matters in dispute.

(5) A copy, attached to the petition as an exhibit, of the union security provision under which the dispute arises.

(6) Any other relevant facts.

(7) The signature(s) and, if any, the title(s) of the petitioner(s) and/or his/her/their representative(s).

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-130 Union security—Escrow of disputed funds by department.** ~~((Upon))~~ After being served with a copy of a petition filed under WAC 316-75-070, the department ~~((shall))~~ will preserve the status quo by withholding and retaining the disputed dues for periods during the ~~((pendency))~~ course of the proceedings before the commission. ~~((Said))~~ These funds shall draw interest at the rate provided by commercial banks for regular passbook savings accounts. While the proceedings remain pending before the commission, the department shall not honor or otherwise act upon any request for discharge or other action against the affected employee based on the employee's union security obligations.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-150 Union security—Investigation—Settlement.** The commission ~~((shall))~~ will refer the petition under dispute to one of its members, who ~~((shall))~~ will conduct an investigation and such prehearing conferences as may be necessary to determine the relative positions of the parties and the facts and authorities relied upon by them. He/she ~~((shall))~~ will encourage the parties to reach agreement, expressed in stipulations binding on all parties. If the parties do not reach agreement, the commissioner ~~((shall))~~ will issue a declaratory order which either grants or denies the petition, subject to commission review under WAC 316-02-230, or ~~((shall))~~ will order a hearing under WAC 316-75-170.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-170 Union security—Notice of hearing.** If the petition raises material questions of fact which cannot be resolved without a hearing, and if summary disposition under WAC 316-02-230 is not appropriate, ~~((there shall be~~

~~issued and~~) a notice of hearing before the commission or commissioner will be served on each of the parties to the dispute and on the department ~~((a notice of hearing before the commission or a commissioner))~~. Any such notice and hearing and further proceedings ~~((shall))~~ will be in accordance with chapter 316-35 or 316-65 WAC and WAC 316-75-050, as the commission directs. Any such notice may be amended or withdrawn prior to the close of the hearing.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-190 Union security—Hearings—Who shall conduct.** Hearings may be conducted by the commission or a member of the commission assigned as a hearing officer. ~~((At any time,))~~ A hearing officer may be substituted for the hearing officer previously presiding at any time.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-210 Authority of hearing officer.** The hearing officer ~~((shall have))~~ has the authority granted by WAC 316-35-150 or 316-65-515, whichever is applicable.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-230 Hearings—Nature and scope.** Hearings ~~((shall be))~~ are public and shall be limited to matters concerning the determination of the eligibility of the employee to make alternative payments and the designation of an organization to receive such alternative payments.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-250 Proceedings before the hearing officer.** After the close of the hearing or after submission of briefs, the assigned commissioner ~~((may proceed forthwith upon the record, after submission of briefs or after further hearing, as may be appropriate, and shall))~~ will issue and serve on the parties an order determining the matter, or ~~((shall))~~ will refer the matter back to the commission. ~~((Thereupon))~~ Then he/she ~~((shall))~~ will transfer the entire record in the proceeding to the commission.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-270 Proceedings before the commission—Petition for review.** The final order of the hearing officer ~~((shall be))~~ is subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the hearing officer. The original petition for review ~~((shall))~~ must be filed ~~((with))~~ at the commission's ~~((at its))~~ Olympia office ~~((, and))~~. The party filing the petition ~~((shall))~~ must serve a copy on the other party to the proceeding and on the employer. The petition for review ~~((shall))~~ will identify the actions or rulings claimed to be in error. Any party to the pro-

ceeding may, within fourteen days after the initiation of review, file briefs or written arguments for consideration by the commission. The original brief or written argument ~~((shall))~~ must be filed ~~((with))~~ at the commission's ~~((at its))~~ Olympia office and a copy ~~((shall))~~ must be served ~~((upon))~~ on the other party. The commission or the assigned commissioner may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter.

**AMENDATORY SECTION** (Amending WSR 90-01-120, filed 12/20/89, effective 1/20/90)

**WAC 316-75-310 Implementation.** Where alternative payments in lieu of payments under a union security agreement have been agreed upon by the parties or ordered by the commission, the department ~~((shall))~~ will release any funds (together with accumulated interest) held in escrow under WAC 316-75-130 to the designated charitable organization and from then on the employee ~~((shall thereafter))~~ will make payments and ~~((shall))~~ furnish written proof to the exclusive bargaining representative that such payments have been made to the designated charitable organization. ~~((Where))~~ If the employee is found ineligible to make alternative payments, the department ~~((shall))~~ will release any funds (together with accumulated interest) held in escrow to the exclusive bargaining representative and ~~((shall))~~ will enforce the union security provision according to its terms. The department and the exclusive bargaining representative ~~((shall))~~ will allow the affected employee a grace period of not less than thirty days following the agreement or final order of the commission to correct any ~~((arrears))~~ amounts owing.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-001 Scope—Contents—Other rules.** This chapter ~~((governs))~~ directs proceedings before the marine employees' commission relating to fact-finding surveys of compensation, benefits, and conditions of employment. This chapter does not contemplate, and does not provide procedures for, investigation and/or settlement of contested cases between parties. ~~((Therefore,))~~ Hearings held in reaching conclusions in the fact-finding required by RCW 47.64.220 are not deemed to be adjudicatory in nature and not governed by RCW 34.05.425 or 34.12.020 or chapter 10-08 WAC. ~~((However, insofar as))~~ Where additional fact-finding may be requested by parties involved in dispute or impasse in accordance with RCW 47.64.220, the provisions of this chapter should be read in conjunction with the provisions of:

- (1) Chapter 316-02 WAC, which ~~((contains))~~ lists rules of practice and procedure ~~((applicable))~~ that apply to all types of proceedings before the marine employees' commission;
- (2) Chapter 316-45 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about proceedings on complaints charging unfair labor practices in the Washington state ferry system;

(3) Chapter 316-55 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about the resolution of impasses occurring in ferry system collective bargaining; and

(4) Chapter 316-65 WAC, which ~~((contains))~~ lists rules ~~((relating to))~~ about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-010 Policy—Purpose.** Prior to collective bargaining between the Washington state ferry system and the ferry employee organizations, the commission ~~((shall))~~ or its authorized representative will conduct ~~((ertain))~~ a fact-finding survey~~((s))~~ as ~~((hereinafter))~~ described in this chapter. ~~((Such surveys shall))~~ This survey will be used to guide generally but not to define or limit collective bargaining between the parties.

**AMENDATORY SECTION** (Amending WSR 01-01-124, filed 12/19/00, effective 1/19/01)

**WAC 316-85-020 ((Fact-finding)) Salary survey((s))—Content—Coverage.** In ~~((conducting))~~ carrying out its prebargaining survey~~((s))~~ and publishing the findings, the commission ~~((shall make comparisons of))~~ or its authorized representative will compare wages, hours, employee benefits, and conditions of employment of Washington state ferry employees with those of public and private sector employees doing directly comparable but not necessarily identical work. In making its comparisons between and among employers, the commission ~~((shall))~~ or its authorized representative will recognize the principle that the greater the degree of comparability between work requirements and conditions of employment, the greater will be the validity of comparisons of wages and employee benefits. The commission ~~((shall))~~ or its authorized representative will give consideration to factors peculiar to the area and the classifications involved.

In determining the scope of the survey and in selecting the ferry systems or other employers to be included in the survey, the commission ~~((shall))~~ or its authorized representative will consider the size, tonnage, and horsepower of the vessels operated by the Washington state ferry system and by the employers to be included in the survey. The commission ~~((shall))~~ or its authorized representative will not include those classifications of employees exempted ~~((pursuant to))~~ as outlined in RCW 41.06.079.

Except as provided in the following subsection of this section, salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.17 RCW.

A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data ~~((upon))~~ on which the salary survey results are based. The state auditor ~~((shall))~~ will review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from

disclosing the salary survey data to any other person or entity, except by court order.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-030 ((Fact-finding)) Salary survey((s))—Geographic limits.** The commission ~~((shall))~~ will limit its prebargaining fact-finding survey~~((s))~~ to ferry systems and other employers located in states along the west coast, including Alaska, and in British Columbia.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-040 ((Fact-finding)) Salary survey((s))—Timing.** (1) ~~((No later than September 10))~~ In the fall of each even-numbered year the commission ~~((shall))~~ or its authorized representative will notify the department of transportation and the ferry employee organizations that the commission is starting ~~((a fact-finding))~~ the survey required by RCW 47.64.220.

(2) No later than ~~((the following))~~ October 1 of each even-numbered year, the department and the ferry employee organizations ~~((shall))~~ will each inform the commission or its authorized representative of any particular personnel positions or classifications which may be expected to receive extraordinary attention during the next renewal of agreements.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-050 Washington state ferry system employee data required.** ~~((In order))~~ To assure maximum effectiveness and minimal error in its fact-finding survey~~((s))~~, no later than October 1 of each even-numbered year, the department ~~((shall))~~ will also provide the commission or its authorized representative with the following data:

(1) A complete and current set of specifications for each position classification occupied by ferry employees except those exempted ~~((pursuant to))~~ as outlined in RCW 41.06.079. ~~((Each classification specification shall include as a minimum:~~

- ~~((a) Classification title;~~
- ~~((b) General definition;~~
- ~~((c) Typical duties and responsibilities;~~
- ~~((d) Special or extraordinary but recurring conditions of employment, if any;~~
- ~~((e) Direction/supervision received;~~
- ~~((i) Degree of closeness and frequency;~~
- ~~((ii) Source of direction/supervision;~~
- ~~((f) Direction/supervision exercised;~~
- ~~((i) Over which classifications;~~
- ~~((ii) Number(s) of personnel;~~
- ~~((g) Minimum requirements for initial appointment;~~
- ~~((i) Licensure or certificate;~~
- ~~((ii) Education;~~
- ~~((iii) Work experience;~~
- ~~((h) Additional desirable qualifications, knowledge abilities;))~~

(2) Wages/salaries currently paid to personnel described in foregoing specifications for regular hours worked;

(3) Current premium pay;

(a) Overtime;

(b) Other irregular hours;

(c) Hazards;

(4) Employee benefits currently paid or furnished by the department and, where appropriate, the proportion paid by the employee by payroll deduction or by reduction of compensation ~~((pursuant to))~~ as outlined in RCW 47.64.270.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-060 ((Fact-finding)) Salary survey—Conduct.** (1) After receiving the information required in WAC 316-85-040(2) and 316-85-050, the commission ~~((shall))~~ or its authorized representative will make inquiry of other ferry systems and other employers by U.S. mail ((or in person)), e-mail, voice mail, or electronically to conduct ((such)) necessary field audits or desk audits ((as deemed necessary)) for valid comparisons, and analyze salary and benefit data ((thus accumulated)).

(2) In conducting its survey and in analyzing its data, the commission ~~((shall))~~ or its authorized representative will consider factors ((peculiar)) unique to the areas from which the data were accumulated ((pursuant to)) as outlined in RCW 47.64.220 and 47.64.240 (9)(b) and WAC 316-85-020, including but not limited to:

(a) Comparison of rates of monetary exchange;

(b) Differential costs of living in each area compared with the Seattle cost of living index, and employer compensation ~~((therefor)),~~ if any;

(c) The cost effect of universal health care coverage provided by British Columbia or a state, if any, as compared with the fee for service and/or health maintenance organization health care coverage provided by the state of Washington.

(3) The commission ~~((shall))~~ or its authorized representative will not include in its survey any employer who is involved in a strike or lockout or whose wage-benefit package is indeterminate for any other known reason.

(4) ~~((No later than))~~ At the December ((15)) commission public meeting, the commission ~~((shall compile))~~ or its authorized representative will present a preliminary draft of findings regarding wages, employee benefits, and other compensation being paid to other employees as compared with wages, employee benefits, and other compensation being paid by the Washington state ferry system. The preliminary draft of findings ~~((shall))~~ will be distributed to the department and to the ferry employee organizations.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-070 ((Fact-finding preliminary findings—Hearings.)) Salary survey preliminary findings—Public review.** (1) ~~((No later than January 10))~~ At the January commission public meeting of each odd-numbered year, the commission ((shall)) or its authorized representative will conduct a public review of its preliminary findings, after soliciting comments and suggestions for improvement of

validity of ~~((said))~~ the preliminary survey findings from the department and from the ferry employee organizations.

(2) The commission ~~((shall))~~ or its authorized representative will immediately ((thereafter)) investigate and/or reanalyze all comments and questions raised by the department or ferry employee organizations. If necessary to resolve doubts raised about validity, the commission ((shall)) or its authorized representative will perform ((such)) additional field or desk audits as may be necessary and feasible.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-080 ((Fact-finding)) Salary survey—Final report.** ~~((No later than March 1 of each odd-numbered year, the commission shall publish and distribute to all parties its final prebargaining fact-finding survey report.))~~ At the February commission public meeting each odd-numbered year, the final report will be presented by the commission or its authorized representative for approval. The final report will be published and distributed to all parties within one month of approval.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-090 Additional fact finding.** In addition to the prebargaining survey~~((s))~~ described in this chapter, the commission ~~((shall))~~ will make such other findings of fact as the parties may request during bargaining or impasse.

**AMENDATORY SECTION** (Amending WSR 90-06-046, filed 3/2/90, effective 4/2/90)

**WAC 316-85-100 Fact-finding reports—Public documents.** All fact-finding reports issued by the commission ~~((shall))~~ will be in writing and ((shall be)) are public documents.

WSR 05-14-149

EXPEDITED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 6, 2005, 8:04 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-250 WAC, Commercial feed rules.

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 George Huffman, Rules Coordinator, Washington State Department of Agriculture

(WSDA), P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY September 6, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Subsection (1)(c) of RCW 34.05.353 Expedited rule making, allows an agency to file notice for the expedited adoption of rules when the proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect. The WSDA is using this process to update references and make other housekeeping changes in chapter 16-250 WAC, Commercial feed rules, and revise WAC 16-250-155 and 16-250-160(a) to comply with changes made to chapter 15.53 RCW during the 2005 legislative session.

Subsection (2)(c) of RCW 34.05.353 allows an agency to file notice for expedited repeal of rules when the rule is no longer necessary because of changed circumstances. The WSDA is using this process to repeal WAC 16-250-001 Effective date, because it is no longer needed.

Reasons Supporting Proposal: The proposed amendments are necessary to ensure that chapter 16-250 WAC is consistent with current commercial feed law requirements (chapter 15.53 RCW, Commercial feed). Also, they are necessary to ensure that the references in chapter 16-250 WAC are correct so users of the chapter will find it easier to follow and comply with its requirements.

Statutory Authority for Adoption: Chapter 15.53 RCW, Commercial feed and chapter 34.05 RCW, Administrative Procedure Act.

Statute Being Implemented: Chapter 15.53 RCW, Commercial feed.

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

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

Name of Agency Personnel Responsible for Drafting: Ted Maxwell, 1111 Washington Street, Olympia, WA 98504, (360) 902-2026; Implementation and Enforcement: Ali Kashani, 1111 Washington Street, Olympia, WA 98504, (360) 902-2028.

July 6, 2005  
Bob Arrington  
Assistant Director

## NEW SECTION

**WAC 16-250-007 The code of federal regulation.** Throughout these rules where the code of federal regulation is referred to, the reference is to the 2002 edition.

**AMENDATORY SECTION** (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

**WAC 16-250-010 Commercial feed terms and definitions.** Except for the specific terms and definitions contained in this section or in RCW 15.53.901, the terms and definitions used in reference to commercial feeds, in this chapter, are the official feed terms adopted by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication. Throughout these rules

where the Association of American Feed Control Officials (AAFCO) official publication is referred to, the reference is to the 2003 *Official Publication*.

Note: A copy of the official publication is on file with the department. Copies may be purchased from AAFCO Assistant Secretary Treasurer, P.O. Box 478 Oxford, IN 47971.

(1) "**Animal wastes**" means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans.

(2) "**Canned**" means feed that has been processed, packaged, sealed, and sterilized for preservation in cans, pouches, or similar containers.

(3) "**Commercial feed**" means all materials or combinations of materials that are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted. The following commodities are exempted and are not considered "commercial feed" if they are not adulterated (see RCW 15.53.902 for a list of conditions that cause commercial feeds to be adulterated):

- Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.

- Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed or intermixed with other materials.

(4) "**Customer-formula feed**" means commercial feed that is a mixture of commercial feeds or feed ingredients, or both, each batch of which is manufactured according to the instructions of the final purchaser.

(5) "**Department**" means the Washington state department of agriculture (WSDA).

(6) "**Director**" means the director of the Washington state department of agriculture or the director's designee.

(7) "**Distressed pet food**" means pet food (dog and cat) in distribution that is no longer available for retail sale. Examples of distressed pet food include, but are not limited to, dented cans, torn bags, or pet food past its sell-by date.

(8) "**Distressed specialty pet food**" means specialty pet food in distribution that is no longer available for retail sale. Examples of distressed specialty pet food include, but are not limited to, dented cans, torn bags, or specialty pet food past its sell-by date.

(9) "**Distribute**" means to:

- (a) Offer for sale, sell, exchange or barter, commercial feed; or

- (b) Supply, furnish, or otherwise provide commercial feed to a contract feeder.

(10) "**Distributor**" means a person who distributes.

(11) "**Drug**" means:

- (a) Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man; and

- (b) Articles other than feed intended to affect the structure or any function of the animal body.

(12) "**Enzyme**" means a protein made up of amino acids or their derivatives, which catalyses a defined chemical reaction. Required cofactors should be considered an integral part of the enzyme.

(13) "**Facility**" means any place where a commercial feed is manufactured, repackaged, sold, transloaded, or stored for later distribution.

(14) "**Feed ingredient**" means each of the constituent materials making up a commercial feed.

(15) "**Grain mixture feed**" means mixed or intermixed whole or physically altered grains, that:

- (a) Are not chemically altered;
- (b) May or may not contain molasses; and
- (c) Except for molasses, contain no other additives.

(16) "**Guarantee**" means a listing of specified nutrients or nonnutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules.

(17) "**Guaranteed analysis**" means a listing of the minimum, maximum or both minimum and maximum concentrations of specified nutrients contained in a commercial feed that the manufacturer or distributor named on the feed label warrants. Both minimum and maximum concentrations of specified nutrients contained in a commercial feed are stated on an "as is" basis rather than on a "one hundred percent moisture free" basis in units specified by these rules.

(18) "**Initial distributor**" means a person who first distributes a commercial feed in or into Washington state.

(19) "**Ingredient statement**" means a contiguous listing on the label of all ingredients of which the commercial feed is composed.

(20) "**Label**" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a bulk commercial feed is distributed.

(21) "**Labeling**" means all labels and other written, printed, or graphic matter:

- (a) Upon a commercial feed or any of its containers or wrappers; or
- (b) Accompanying such commercial feed.

(22) "**Lot identifier**" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.

(23) "**Net weight**" means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1)(i).)

(24) "**Nutritionally adequate**" means the feed, when fed according to directions on the label, will meet the nutritional requirements of the class of animals for which the feed was manufactured.

(25) "**Nutritionally suitable**" means nutritionally adequate.

(26) "**Person**" means an individual, firm, partnership, corporation, or association.

(27) "**Pet food**" means a commercial feed prepared and distributed for consumption by domesticated dogs or cats.

(28) "**Principal display panel**" means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

(29) "**Prohibited mammalian protein**" means any protein-containing portion of mammalian animals, excluding:

- Blood and blood products;
- Gelatin;
- Inspected meat products that have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulose food casings);
- Milk products (milk and milk proteins); and
- Products whose only mammalian protein is porcine or equine protein.

(30) "**Processed**," as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.

(31) "**Quantity statement**" means the part of the label expressing net weight (mass), net volume (liquid or dry) or count.

(32) "**Repackage**" means taking commercial feed from packages (no larger than one hundred pounds for dry feed or fifty-five gallons for liquid feed) and placing it into smaller packages for resale.

(33) "**Salvage pet food**" means pet food (dog and cat food) still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted pet food, pet food fines, and other products not suitable for packaging for retail sale.

(34) "**Salvage specialty pet food**" means specialty pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted specialty pet food, specialty pet food fines, and other products not suitable for packaging for retail sale.

(35) "**Sell**" or "**sale**" includes exchange.

(36) "**Specialty pet**" means a domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

(37) "**Specialty pet food**" means a commercial feed prepared and distributed for consumption by specialty pets.

(38) "**Transload**" means to transfer commercial feed from one carrier to another carrier without processing or blending the ingredients. For example, transferred from rail cars to trucks or shipping containers.

**AMENDATORY SECTION** (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

**WAC 16-250-035 Format required for all commercial feed labels except customer-formula feed.** (1)(a) The following label information must appear in its entirety, in the



following order, on one side of the label or container of all commercial feed except customer-formula feed:

- (i) Product name and brand name, if any;
- (ii) Drug used, if any drug is used;
- (iii) Purpose of feed statement;
- (iv) Guaranteed analysis;
- (v) Feed ingredients;

(vi) Directions for use and precautionary statements or reference to their location if they appear elsewhere on the label;

(vii) Name and principal mailing address of the manufacturer or person responsible for distributing the feed; and

(viii) Quantity statement.

(b) A lot identifier must appear on the label of all commercial feed, but may be in a different location than the information required by (a) of this subsection.

(2)(a) If a reference to the location of the directions for use and precautionary statements is made on the principal label, the directions for use and precautionary statements must be displayed in a prominent place on the label or container but not necessarily on the same side as the information required in subsection (1)(a) of this section.

(b) When directions for use or precautionary statements are placed on a different side of the label or container than the information required in subsection (1)(a) of this section, there must be a statement on the same side of the label or container that the information required in subsection (1)(a) of this section is printed such as "see back of label for directions for use."

(3) When the Bovine Spongiform Encephalopathy precautionary statement "do not feed to cattle or other ruminants" is required by 21 CFR, Part 589.2000 ((2002 edition)), it must appear in a prominent place on the label.

**Note:** A copy of 21 CFR, Part 589.2000 is available from the department. It is also available on the internet at ([http://www.access.gpo.gov/nara/cfr/waisidx\\_01/21cfr589\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/21cfr589_01.html)) <http://www.gpoaccess.gov/cfr/retrieve.html>.

(4) The information required in WAC 16-250-030 must not be subordinated or obscured by other statements or designs.

(5) Printed or written material or design (for example, pictures of animals or birds) of any kind must not be attached to, appear on, or distributed with commercial feed if the material or design is misleading, incorrect, or at variance in any respect with the information required on the label.

(6)(a) Statements referring to a competitive product or comparing the properties of a packaged feed to those of a competitive product must not appear on a label unless the competitive product is specifically identified.

(b) Negative statements regarding a competitive product must not appear on a label unless the director determines that the information provided by the statements is beneficial to the product's purchaser.

**AMENDATORY SECTION** (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

**WAC 16-250-050 Guarantee requirements that apply to WAC 16-250-052 through 16-250-065.**

**Note:** "Guarantee" means a listing of specified nutrients or non-nutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules. See WAC 16-250-010(16).

The requirements in subsections (1) through (4) of this section apply to WAC 16-250-052 through 16-250-065.

(1) Complete feeds and feeds intended to be mixed with grain to produce complete feed for the following animal classes and/or species always require a mineral guarantee:

- (a) Swine;
- (b) Poultry;
- (c) Fish; and
- (d) Veal and herd milk replacers.

(2) When stated on a commercial feed label, nutritional guarantees must be listed in the following order:

- (a) Crude protein;
- (b) Crude protein from nonprotein nitrogen;
- (c) Amino acids;
- (d) Crude fat;
- (e) Crude fiber;
- (f) Acid detergent fiber;
- (g) Calcium;
- (h) Phosphorus;
- (i) Salt;
- (j) Sodium.

(3) Other required and/or voluntary guarantees should follow those listed in subsection (2) of this section grouped by the unit (percentage, parts per million, International Units, etc.) of measure used to express the guarantees. For example, all guarantees measured by parts per million should be grouped together.

(4) The use of commercial, copyrighted brand, or trade names in the guarantees statement is prohibited.

(5) The following requirements apply to WAC 16-250-052 through 16-250-063:

(a) Commercial feed must be labeled for the animal class or classes for which it is intended.

(b) Commercial feed must also be nutritionally suitable for each and every class for which it is labeled.

(c) WAC 16-250-052 through 16-250-063 contains a series of animal class tables. When a manufacturer uses the class terms in the tables, the feed must be suitable for the class as defined in the table.

(d) Instead of the class terms used in the tables, a manufacturer may use more specific and common language to describe animal classes, especially when describing attributes such as the weight range, sex, or age of the animal for which the feed is manufactured.

**AMENDATORY SECTION** (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

**WAC 16-250-090 Feed ingredient statement terms and recordkeeping requirements.** Feed ingredients listed on the label or on file at the plant producing the product must comply with the following:



(1) The name of each ingredient must conform to one of the following:

(a) Ingredients must have an official definition in the AAFCO official publication;

(b) If there is no official definition for an ingredient in the AAFCO official publication, then an ingredient with an AAFCO tentative definition may be used;

(c) The ingredient is defined in WAC 16-250-015; or

(d) The ingredient has a commonly accepted name that requires no definition, for example, sugar.

(2) Collective terms for the grouping of feed ingredients must be those defined in the Association of American Feed Control Officials official publication. However, when a collective term for a group of ingredients is used on a label:

(a) Individual ingredients within that group must not be listed on the label; and

(b) When requested the manufacturer must give the department a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing the commercial feed in Washington state. These records must be available to the department for inspection and copying for at least one year after the last date of distribution of the commercial feed.

(3) Ingredients on labels must be listed in descending order by weight.

(4) The specific amount of each ingredient does not need to be listed on the label.

(5) A single ingredient product, as defined by the Association of American Feed Control Officials official publication, does not need an ingredient statement.

(6) The names of all listed ingredients must be shown in the same size of letters and type.

(7) Commercial, copyrighted, brand, or trade names must not be used in the ingredient statement.

(8) No reference to quality or grade of an ingredient may appear in the ingredient statement.

(9) The term "dehydrated" may precede the name of any product that has been artificially dried.

(10) When the word "iodized" is used in connection with a feed ingredient, the ingredient must contain at least 0.007% iodine, uniformly distributed.

(11) The term "degermed" must precede the name of any product from which germs were wholly or partially removed.

(12) If a drug is used, the drug does not have to be listed in the ingredient statement. However, the drug name is required to be listed on the label (see WAC 16-250-030 and 16-250-035).

(13) Unless meat and meat by-products are made from cattle, swine, sheep or goats, the terms "meat" and "meat by-products" must specifically identify the animal from which they are derived.

**AMENDATORY SECTION** (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

**WAC 16-250-095 Drug and feed additive requirements.** Before the department approves a label for commercial feed that contains additives (including drugs, other special purpose additives, or nonnutritive additives), the distributor may be required to submit evidence satisfactory to the

department proving the safety and effectiveness of the commercial feed when used according to the directions on the label.

Satisfactory evidence of the safety and effectiveness of a commercial feed that contains additives (including drugs, other special purpose additives, or nonnutritive additives) is established if one or more of the following apply:

(1) When the use of a commercial feed containing such additives either:

(a) Conforms to the requirements of the applicable regulation in 21 CFR (~~(-2002 edition)~~); or

(b) Are "prior sanctioned"; or

(c) Are "informal review sanctioned"; or

(d) "Generally recognized as safe" (GRAS) for such use.

(2) When the commercial feed is itself a drug, and

(a) Is generally recognized as safe (GRAS) and effective for the labeled use; or

(b) Is marketed subject to an application approved by the Food and Drug Administration under ((Title)) 21 U.S.C. 360 b as amended effective on the date these rules were adopted.

(3) When one purpose for feeding a commercial feed is to immunize through some immunological process and the immunizing drugs or additives have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended in 1985 (21 U.S.C. 151 et seq.).

(4) When the commercial feed is a directly fed microbial product and the:

(a) Product meets the particular fermentation product definition as defined in the Association of American Feed Control Officials official publication; and

(b) Required microbial content statement in the label is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms"; and

(c) Source is stated with a corresponding guarantee expressed according to WAC 16-250-076 requirements.

(5) When the commercial feed is an enzyme product and the:

(a) Product meets the particular enzyme definition in the Association of American Feed Control Officials official publication; and

(b) Enzyme is stated with a corresponding guarantee expressed according to WAC 16-250-076 requirements.

**AMENDATORY SECTION** (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

**WAC 16-250-100 Directions for use and precautionary statement requirements.** (1) Directions for use and precautionary statements on the required labeling of all commercial feeds containing additives, (including, but not limited to, prohibited mammalian protein, drugs, nonprotein nitrogen, special purpose additives, or nonnutritive additives) must:

(a) Be adequate to enable users with no special knowledge of the purpose and use of the feed to use it safely and effectively for ((it's)) its intended purposes; and

(b) Include all information described by all applicable regulations of 21 CFR, Parts 500-599 under the Federal Food, Drug and Cosmetic Act (~~(-2002 edition)~~).

**Note:** The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents,

Government Printing Office, Washington, D.C. 20402. They are also available on the internet at (~~http://www.access.gpo.gov/nara/efr/efr-retrieve.html#page1~~) <http://www.gpoaccess.gov/cfr/retrieve.html>. A copy of (~~the 2002 edition~~;) 21 CFR Parts 500-599 is also on file with the department.

(2) Feeds containing nonprotein nitrogen must have adequate directions for use and precautionary statements as specified in WAC 16-250-075.

(3) Adequate directions for use and precautionary statements identified in subsection (1) of this section are required for commercial feeds that are distributed to:

- (a) Supply particular dietary needs; or
- (b) For supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

**AMENDATORY SECTION** (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

**WAC 16-250-120 Adulteration of feed.** (1) The terms "poisonous or deleterious substances" as used in RCW 15.53.902 include, but are not limited to, the following:

- (a) A commercial feed or feed ingredient that contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or in total.
- (b) Fluorine and any mineral or mineral mixture that is used directly to feed domestic animals and in which the fluorine exceeds:

Maximum Allowed Percentage of Fluorine in Minerals	Type of Animal
0.20%	Breeding and dairy cattle
0.30%	Slaughter cattle
0.30%	Sheep
0.35%	Lambs
0.45%	Swine
0.60%	Poultry

(c) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts:

Maximum Allowed Percentage of Fluorine in Ration Excluding Roughage	Type of Animal
0.004%	Breeding and dairy cattle
0.009%	Slaughter cattle
0.006%	Sheep
0.01%	Lambs
0.015%	Swine
0.03%	Poultry

(d) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that result in

a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight.

(e) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted with (~~trichloroethylene~~) trichloroethylene or other chlorinated solvents.

(f) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients that are considered or reported to be a significant source of vitamin B1 (thiamine).

(g) Any substance that is prohibited by 21 CFR, Part 589(~~, 2002 edition~~).

(2) When screenings are used in a commercial feed, the labeling and screenings must comply with the requirements in WAC 16-250-110 or the commercial feed will be considered adulterated.

(3) Feed containing raw or unprocessed animal waste will be considered adulterated.

**AMENDATORY SECTION** (Amending WSR 04-14-076, filed 7/6/04, effective 1/1/05)

**WAC 16-250-155 Tonnage fee requirements.** Each initial distributor of commercial feed in or into Washington state must pay the department an inspection fee of twelve cents per ton on all commercial feed they sold during the year. The minimum inspection fee, the late (~~penalty~~) fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.

**AMENDATORY SECTION** (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

**WAC 16-250-160 Commercial feed license application requirements.** (1) The commercial feed license application form, to be completed by applicants and licensees, must include:

- (a) The company name and (~~business~~) mailing address of the applicant; (~~and~~)
- (b) The physical address of the facility;
- (c) The name, contact information, and signature of the applicant;

(d) Information regarding the types of business the firm is engaged in (feed manufacturer, dealer, broker); and

(~~e~~) (e) The type of commercial feed distributed (medicated feed, complete feed, feed supplement, or animal by-products).

(2) A commercial feed license is not required for facilities that only:

- (a) Sell food processing by-products from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants;
- (b) Sell bona fide experimental feed on which accurate records and experimental programs are maintained;
- (c) Makes retail sales of bagged, or packaged commercial feed bearing labeling or other approved indicators showing that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the required tonnage inspection fees.

Note: The commercial feed license application form is available from the department. This form may also be downloaded

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from the internet at (<http://www.wa.gov/agr/FoodAnimal/AnimalFeed/Forms/Form4273.pdf>) <http://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.htm>.

**AMENDATORY SECTION** (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

**WAC 16-250-180 Good manufacturing practices adopted.** The following good manufacturing practices are adopted:

(1) Regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in 21 CFR, Part 225, Sections 225.1 - 225.202(~~(2002 edition)~~).

(2) Regulations prescribing good manufacturing practices for Type A Medicated Articles as published in 21 CFR, Part 226, Sections 226.1 - 226.115(~~(2002 edition)~~).

(3) Regulations pertaining to animal proteins prohibited in ruminant feed as published in 21 CFR, Part 589.2000(~~(2002 edition)~~), even if interstate commerce is not involved.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 16-250-001                      Effective date.

**WSR 05-14-150**  
**EXPEDITED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed July 6, 2005, 8:06 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-252 WAC, Commercial feed rules—Pet food and specialty pet food.

#### **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 George Huffman, Rules Coordinator, Washington State Department of Agriculture (WSDA), P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY September 6, 2005.**

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Subsection (1)(c) of RCW 34.05.353 Expedited rule making, allows an agency to file notice for the expedited adoption of rules when the proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect. The WSDA is using this process to update references and make other housekeeping changes in chapter 16-252 WAC, Commercial feed rules—Pet food and

specialty pet food, and revise WAC 16-252-155, to comply with changes made to chapter 15.53 RCW during the 2005 legislative session.

Subsection (2)(c) of RCW 34.05.353 allows an agency to file notice for expedited repeal of rules when the rule is no longer necessary because of changed circumstances. The WSDA is using this process to repeal WAC 16-252-001 Effective date, because it is no longer needed.

Reasons Supporting Proposal: The proposed amendments are necessary to ensure that chapter 16-252 WAC is consistent with current commercial feed law requirements (chapter 15.53 RCW, Commercial feed). Also, they are necessary to ensure that the references in chapter 16-252 WAC are correct so users of the chapter will find it easier to follow and comply with its requirements.

Statutory Authority for Adoption: Chapter 15.53 RCW, Commercial feed and chapter 34.05 RCW, Administrative Procedure Act.

Statute Being Implemented: Chapter 15.53 RCW, Commercial feed.

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

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

Name of Agency Personnel Responsible for Drafting: Ted Maxwell, 1111 Washington Street, Olympia, WA 98504, (360) 902-2026; Implementation and Enforcement: Ali Kashani, 1111 Washington Street, Olympia, WA 98504, (360) 902-2028.

July 6, 2005

Bob Arrington  
Assistant Director

#### **NEW SECTION**

**WAC 16-252-007 The code of federal regulation.** Throughout these rules where the code of federal regulation is referred to, the reference is to the 2002 edition.

**AMENDATORY SECTION** (Amending WSR 03-23-129, filed 11/19/03, effective 7/1/04)

**WAC 16-252-010 Commercial feed terms and definitions.** Except for the specific terms and definitions contained in this section or in RCW 15.53.901, the terms and definitions used in reference to commercial feeds, in this chapter, are the official feed terms adopted by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication. Throughout these rules where the Association of American Feed Control Officials (AAFCO) official publication is referred to, the reference is to the 2003 Official Publication.

**Note:** A copy of the official publication is on file with the department. Copies may be purchased from AAFCO Assistant Secretary-Treasurer, P.O. Box 478 Oxford, IN 47971.

(1) "**Animal wastes**" means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans.

(2) **"All life stages"** means gestation/lactation, growth, and adult maintenance life stages of a domesticated dog or cat.

(3) **"Canned"** means feed that has been processed, packaged, sealed, and sterilized for preservation in cans, pouches, or similar containers.

(4) **"Commercial feed"** means all materials or combination of materials that are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted.

The following commodities are exempted and are not considered "commercial feed" if they are not adulterated (see RCW 15.53.902 for a list of conditions that cause commercial feeds to be adulterated):

- Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.

- Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed or intermixed with other materials.

(5) **"Customer-formula feed"** means commercial feed that is a mixture of commercial feeds or feed ingredients, or both, each batch of which is manufactured according to the instructions of the final purchaser.

(6) **"Department"** means the Washington state department of agriculture (WSDA).

(7) **"Director"** means the director of the Washington state department of agriculture or the director's designee.

(8) **"Distressed pet food"** means pet food (dog and cat) in distribution that is no longer available for retail sale. Examples of distressed pet food include, but are not limited to, dented cans, torn bags, or pet food past its sell-by date.

(9) **"Distressed specialty pet food"** means specialty pet food in distribution that is no longer available for retail sale. Examples of distressed specialty pet food include, but are not limited to, dented cans, torn bags, or specialty pet food past its sell-by date.

(10) **"Distribute"** means to:

- (a) Offer for sale, sell, exchange or barter, commercial feed; or

- (b) Supply, furnish, or otherwise provide commercial feed to a contract feeder.

(11) **"Distributor"** means a person who distributes.

(12) **"Drug"** means:

- (a) Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man; and

- (b) Articles other than feed intended to affect the structure or any function of the animal body.

(13) **"Enzyme"** means a protein made up of amino acids or their derivatives, which catalyses a defined chemical reaction. Required cofactors should be considered an integral part of the enzyme.

(14) **"Facility"** means any place where a commercial feed is manufactured, repackaged, sold, transloaded, or stored for later distribution.

(15) **"Family"** means a group of pet food products, which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product, which has been successfully test-fed according to an AAFCO feeding protocol(s).

(16) **"Feed ingredient"** means each of the constituent materials making up a commercial feed.

(17) **"Grain mixture specialty pet food"** means mixed or intermixed whole or physically altered grains, that:

- (a) Are not chemically altered;

- (b) May or may not contain molasses; and

- (c) Except for molasses, contain no other additives.

(18) **"Guarantee"** means a listing of specified nutrients or nonnutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules.

(19) **"Guaranteed analysis"** means a listing of the minimum, maximum or both minimum and maximum concentrations of specified nutrients contained in a commercial feed that the manufacturer or distributor named on the feed label warrants. Both minimum and maximum concentrations of specified nutrients contained in a commercial feed are stated on an "as is" basis rather than on a "one hundred percent moisture free" basis in units specified by these rules.

(20) **"Initial distributor"** means a person who first distributes a commercial feed in or into Washington state.

(21) **"Ingredient statement"** means a contiguous listing on the label of all ingredients of which the commercial feed is composed.

(22) **"Label"** means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a bulk commercial feed is distributed.

(23) **"Labeling"** means all labels and other written, printed, or graphic matter:

- (a) Upon a commercial feed or any of its containers or wrappers; or

- (b) Accompanying such commercial feed.

(24) **"Lot identifier"** means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed, the lot identifier is on a label, invoice, or shipping document accompanying the feed.

(25) **"Net weight"** means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1)(i).)

(26) **"Nutritionally adequate"** means the feed, when fed according to directions on the label, will meet the nutritional requirements of the class of animals for which the feed was manufactured.

(27) **"Nutritionally suitable"** means nutritionally adequate.

(28) **"Person"** means an individual, firm, partnership, corporation, or association.

(29) **"Pet food"** means a commercial feed prepared and distributed for consumption by domesticated dogs or cats.

(30) "Principal display panel" means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

(31) "Prohibited mammalian protein" means any protein-containing portion of mammalian animals, excluding:

- Blood and blood products;
- Gelatin;
- Inspected meat products that have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulose food casings);
- Milk products (milk and milk proteins); and
- Products whose only mammalian protein is porcine or equine protein.

(32) "Processed," as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.

(33) "Quantity statement" means the part of the label expressing net weight (mass), net volume (liquid or dry) or count.

(34) "Repackage" means taking commercial feed from packages (no larger than one hundred pounds for dry feed or fifty-five gallons for liquid feed) and placing it into smaller packages for resale.

(35) "Salvage pet food" means pet food (dog and cat food) still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelletted pet food, pet food fines, and other products not suitable for packaging for retail sale.

(36) "Salvage specialty pet food" means specialty pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelletted specialty pet food, specialty pet food fines, and other products not suitable for packaging for retail sale.

(37) "Sell" or "sale" includes exchange.

(38) "Specialty pet" means a domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

~~(("Salvage specialty pet food" means specialty pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelletted specialty pet food, specialty pet food fines, and other products not suitable for packaging for retail sale.))~~

(39) "Specialty pet food" means a commercial feed prepared and distributed for consumption by specialty pets.

(40) "Transload" means to transfer commercial feed from one carrier to another carrier without processing or blending the ingredients. For example, transferred from rail cars to trucks or shipping containers.

AMENDATORY SECTION (Amending WSR 03-23-129, filed 11/19/03, effective 7/1/04)

**WAC 16-252-095 Drug and feed additive requirements.** (1) Before the department approves a registration application and/or a label for pet food or specialty pet food that contains additives (including drugs, other special purpose additives, or nonnutritive additives), the distributor may be required to submit, to the department, satisfactory evidence proving the safety and effectiveness of the pet food or specialty pet food when used according to the directions on the label.

(2) Satisfactory evidence of the safety and effectiveness of a pet food or specialty pet food that contains additives (including drugs, other special purpose additives, or nonnutritive additives) is established if one or more of the following apply:

(a) When the use of a pet food or specialty pet food containing such additives either:

(i) Conforms to the requirements of the applicable regulation in 21 CFR ((-2002 edition)); or

(ii) Are "prior sanctioned"; or

(iii) Are "informal review sanctioned"; or

(iv) "Generally recognized as safe" (GRAS) for such use.

(b) When the pet food or specialty pet food is itself a drug, and is:

(i) Generally recognized as safe (GRAS) and effective for the labeled use; or

(ii) Marketed subject to an application approved by the Food and Drug Administration under ((Title)) 21 U.S.C. 360 b as amended effective on the date these rules were adopted.

(c) When one purpose for feeding a pet food or specialty pet food is to immunize through some immunological process and the immunizing drugs or additives have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended in 1985 (21 U.S.C. 151 et seq.).

(d) When the pet food or specialty pet food is a directly fed microbial product and the:

(i) Product meets the particular fermentation product definition as listed in the Association of American Feed Control Officials official publication; and

(ii) Required microbial content statement on the label is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms"; and

(iii) Source is stated with a corresponding guarantee expressed according to WAC 16-252-076 requirements.

(e) When the pet food or specialty pet food is an enzyme product and the:

(i) Product meets the particular enzyme definition listed in the Association of American Feed Control Officials official publication; and

(ii) Enzyme is stated with a corresponding guarantee expressed according to WAC 16-252-076 requirements.

AMENDATORY SECTION (Amending WSR 03-23-129, filed 11/19/03, effective 7/1/04)

**WAC 16-252-100 "Directions for use" and "precautionary statement" requirements.** (1) Directions for use and precautionary statements on required labeling of all pet

food and specialty pet foods containing additives (including, but not limited to, drugs, nonprotein nitrogen, special purpose additives, or nonnutritive additives) must:

(a) Be adequate to enable users with no special knowledge of the purpose and use of the feed to use it safely and effectively for its intended purposes; and

(b) Include all information described by all applicable regulations of 21 CFR, Parts 500-599 under the Federal Food, Drug and Cosmetic Act (~~(, 2002 edition)~~).

**Note:** The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. They are also available on the internet at (<http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1>) <http://www.gpoaccess.gov/cfr/retrieve.html>. A copy of (~~the 2002 edition~~) 21 CFR Parts 500-599 are also on file with the department.

(2) Adequate directions for use and precautionary statements identified in subsection (1) of this section are required for pet food and specialty pet food that is distributed to:

(a) Supply particular dietary needs; or

(b) Supplement or fortify the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

(3)(a) When a pet food or specialty pet food is intended for use by or under the supervision of a veterinarian, the statement "use only as directed by your veterinarian" must be on the label. When such a statement is on a pet food label, feeding instructions are not required, but may appear on the label. This regulation takes precedence over other regulations in this subsection.

(b) Pet food, including snacks or treats, labeled as "complete and balanced" for any or all life stages, must list feeding directions on the label. Any pet food labeled as "snacks" or "treats" that contains a drug, must list feeding directions on the label. These directions must:

(i) Be expressed in common terms;

(ii) Appear prominently on the label;

(iii) State the frequency of feeding; and

(iv) At a minimum state, "feed (weight or other measure of product) per (weight only) of dog (or cat)."

(c) Directions must be consistent with the intended use(s) indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared elsewhere (for example, "adult formula").

(d) Directions must be given for each life stage stated on the label.

(4)(a) Pet food and specialty pet food snacks and treats do not require feeding directions on the label except when they:

(i) Are labeled as "complete and balanced"; or

(ii) Contain a drug.

(b) Feeding directions may be on the label for snacks and treats even when not required.

(5) Pet food and specialty pet food labels must contain the statement "This product is intended for intermittent or supplemental feeding only," if the product does not meet the nutrient requirements of the appropriate AAFCO recognized nutrient profile, feeding protocol, or any other special nutritional or dietary need, thus making it suitable only for limited, intermittent, or supplementary feeding.

**AMENDATORY SECTION** (Amending WSR 03-23-129, filed 11/19/03, effective 7/1/04)

**WAC 16-252-120 Adulteration of pet food and specialty pet food.** (1) The terms "poisonous or deleterious substances" as used in RCW 15.53.902 include, but are not limited to, the following:

(a) Any ingredient, pet food or specialty pet food that contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or in total.

(b) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted with trichloroethylene or other chlorinated solvents.

(c) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on pet food or pet food ingredients that are considered or reported to be a significant source of vitamin B1 (thiamine).

(d) Any substance that is prohibited by 21 CFR, Part 589 (~~(, 2002 edition)~~).

(2) When screenings are used in a pet food or specialty pet food, the screenings and the finished product must comply with the requirements in WAC 16-252-110 or the pet food will be considered adulterated.

(3) Pet food or specialty pet food containing raw or unprocessed animal waste will be considered adulterated.

**AMENDATORY SECTION** (Amending WSR 04-14-076, filed 7/6/04, effective 1/1/05)

**WAC 16-252-155 Tonnage fee required.** Each initial distributor of a pet food or specialty pet food in or into Washington state must pay the department an inspection fee of twelve cents per ton on all pet food or specialty pet food they sold, for distribution within Washington state, during the year. The minimum inspection fee, the late (~~(penalty)~~) fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.

**AMENDATORY SECTION** (Amending WSR 03-23-129, filed 11/19/03, effective 7/1/04)

**WAC 16-252-165 Registration requirements.** (1) All registration applications for pet food and specialty pet food must be on forms available from the department.

(2) The application for pet food and specialty pet food registration, to be completed by applicants and registrants, must include:

(a) The company name (registrant);

(b) Complete business mailing address;

(c) Complete physical address of the business, if different than the mailing address;

(d) Telephone number;

(e) Company name on label if different than the registrant;

(f) Number of products sold in small packages of less than ten pounds;

(g) Number of products sold in large packages of ten pounds or more;

(h) Company registrar's name;

(i) Company registrar's title;

(j) Registrar's signature; and

(k) Date signed.

**Note:** The application for registration of pet food and specialty pet food products may be downloaded from the internet at ((<http://www.wa.gov/agr/FoodAnimal/AnimalFeed/Forms/Form4307.pdf>)) <http://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.htm>.

**AMENDATORY SECTION** (Amending WSR 03-23-129, filed 11/19/03, effective 7/1/04)

**WAC 16-252-180 Good manufacturing practices adopted.** The following good manufacturing practices are adopted:

(1) Regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in 21 CFR, Part 225, Sections 225.1-225.202(~~(, 2002 edition)~~).

(2) Regulations prescribing good manufacturing practices for Type A Medicated Articles as published in 21 CFR, Part 226, Sections 226.1-226.115(~~(, 2002 edition)~~).

(3) Regulations pertaining to animal proteins prohibited in ruminant feed as published in 21 CFR, Part 589.2000(~~(, 2002 edition)~~).

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 16-252-001            Effective date.

EXPEDITED





**WSR 05-14-001**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-131—Filed June 22, 2005, 3:31 p.m., effective July 23, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Correct nonexistent reference in hydraulic rule.

Citation of Existing Rules Affected by this Order: Amending WAC 220-110-170.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 05-09-040 on April 14, 2005.

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 0, Repealed 0.

Date Adopted: June 21, 2005.

J. P. Koenings  
 for Ron Ozment, Chair  
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

**WAC 220-110-170 Outfall structures.** Outfall structure projects shall incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. (~~Additional restrictions may apply to outfall structures associated with storm water management projects (see WAC 220-110-225).~~) The following technical provisions shall apply to outfall structure projects:

(1) The outfall structure shall be constructed according to an approved design to prevent the entry of fish, except where fish passage could enhance fish life or habitat.

(2) The watercourse bank and bed at the point of discharge shall be armored to prevent scouring.

(3) Excavation for placement of the structure or armor-ing materials shall be isolated from the wetted perimeter.

(4) Alteration or disturbance of banks and bank vegetation shall be limited to that necessary to construct the project. All disturbed areas shall be protected from erosion within seven days of completion of the project using vegetation or other means. The banks shall be revegetated within one year with native or other approved woody species. Vegetative cuttings shall be planted at a maximum interval of three feet (on center), and maintained as necessary for three years to ensure eighty percent survival. Where proposed, planting densities

and maintenance requirements for rooted stock will be determined on a site-specific basis. The requirement to plant woody vegetation may be waived for areas where the potential for natural revegetation is adequate, or where other engineering or safety factors preclude them.

(5) Structures containing concrete shall be sufficiently cured prior to contact with water, to avoid leaching.

(6) All piling, lumber, or other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed. The use of wood treated with creosote or pentachlorophenol is not allowed in lakes.

**WSR 05-14-013**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed June 22, 2005, 4:22 p.m., effective July 23, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments to WAC 388-160-0075 makes the chapter consistent with the licensing requirements of other chapters governing Children's Administration's licensed residential facilities. The changes further increase the safety protections around child abuse or neglect history of applicants and staff of an overnight youth shelter. Changes to WAC 388-160-0195 clarifies the meaning of the word "disqualify" by replacing with the words that are the intent of this section, which are "deny, suspend, or revoke." This adds clarity and consistency.

Citation of Existing Rules Affected by this Order: Amending WAC 388-160-0075 and 388-160-0195.

Statutory Authority for Adoption: RCW 74.15.010, 74.15.030.

Adopted under notice filed as WSR 05-09-079 on April 19, 2005.

A final cost-benefit analysis is available by contacting Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-7992, fax (360) 902-7903, e-mail loje300@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 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: June 16, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 01-15-001, filed 7/5/01, effective 8/5/01)

**WAC 388-160-0075** What qualifications ~~((do-I))~~ **does a person need to care for youth at an overnight youth shelter?** If ~~((you-are))~~ **a person is** requesting a license or a position as an employee, intern, or a volunteer at an overnight youth shelter, ~~((you))~~ **he/she** must not:

(1) Have a history of ~~((founded))~~ child abuse or neglect.  
(2) Be disqualified by our background check (see chapter 388-06 WAC).

(3) Have had a license denied or revoked from an agency that provides care to children or vulnerable adults, unless the department determines that the denial or revocation was not based on a factor that may pose a risk to the health, safety or welfare of children.

(4) The department may require additional information from you, your staff, interns, or volunteers. We may request this information at any time and it may include, but is not limited to any of the following evaluations and/or documentation of completed treatment:

- (a) Substance and alcohol abuse evaluations;
- (b) Psychiatric evaluations;
- (c) Psycho-sexual evaluations; and
- (d) Medical evaluations or reports.

~~((4))~~ (5) Any evaluation or information requested by the department must be supplied at the expense of the applicant or licensee.

~~((5))~~ (6) The department must approve the evaluator providing the above services and you must give the licensor permission to speak with the evaluator before and after the evaluation.

**AMENDATORY SECTION** (Amending WSR 01-15-001, filed 7/5/01, effective 8/5/01)

**WAC 388-160-0195** **When must the department deny, suspend or revoke a license?** (1) A license must be denied, suspended or revoked if the department decides that you cannot provide care for youth in a way that ensures their safety, health and well-being.

(2) The department must ~~((disqualify-you))~~ **deny, suspend, or revoke you license** for any of the reasons that follow.

(a) You have failed your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation.

(c) You or anyone on the premises had a license denied or revoked from an agency that provided care to children or vulnerable adults.

(d) You attempt to get a license by deceitful means, such as making false statements or leaving out important information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements on their applications to work at your agency.

(h) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

(i) You have refused to allow our authorized staff and inspectors to have requested information or access to your facility, child and program files, and/or your staff and clients.

(j) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

## WSR 05-14-019

### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed June 24, 2005, 7:59 a.m., effective July 25, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Bovine tuberculosis is a contagious bacterial disease affecting cattle, caused by *Mycobacterium bovis*. It can be transmitted to people through contact with infected animals. To date, bovine tuberculosis has been diagnosed in dairy cattle in Arizona, California, New Mexico, and Michigan. This rule making order adopts amendments to WAC 16-54-082(1) to prevent the introduction and dissemination of bovine tuberculosis among Washington state livestock.

Citation of Existing Rules Affected by this Order: Amending WAC 16-54-082(1).

Statutory Authority for Adoption: Chapters 16.36 and 34.05 RCW.

Adopted under notice filed as WSR 05-11-094 on May 18, 2005.

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: June 24, 2005.

Valoria H. Loveland  
Director

**AMENDATORY SECTION** (Amending WSR 99-09-023, filed 4/15/99, effective 5/16/99)

**WAC 16-54-082 Domestic bovine animals.** All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area. The state veterinarian may require a negative tuberculosis test within thirty days of import for cattle (including bison) from the states classified as modified accredited or accredited free if *Mycobacterium bovis* (*M. bovis*) has been cultured from a herd in that state within the previous twelve months. All Mexican cattle imported from Mexico within three years of date of importation to Washington must show proof of a tuberculosis retest at least one hundred twenty days after import to the United States. Such cattle without proof of retest must be held on the premises of destination under Hold Order/Quarantine in Washington and kept separate from all other cattle for not less than one hundred twenty nor more than one hundred eighty days from the date of entry and retested for tuberculosis during the one hundred twenty to one hundred eighty-day period.

All dairy cows and bulls six months of age or older must test negative for bovine tuberculosis within sixty days prior to entering Washington. These dairy cattle must be identified with a USDA silver identification ear tag or a RFID (Radio Frequency Identification) tag. Dairy heifers and bull calves under six months of age entering Washington must obtain a permit and upon entry will be issued a hold order/quarantine requiring the animals to proceed directly to a premise or designated facility and to be held separate from all other cattle until they test negative for bovine tuberculosis after six months of age. Dairy heifers and bull calves under six months of age must be identified with a USDA silver identification ear tag or a RFID (Radio Frequency Identification) tag. Dairy cattle that originate in an accredited tuberculosis free herd as defined by USDA in 9 CFR Chapter 1, Part 77 (January 1, 2005) and for which both an accredited herd number and date of last tuberculosis test are shown on the official interstate health certificate or certificate of veterinary inspection, dairy steers and spayed heifers being imported to restricted feedlots to be fed for slaughter, dairy cattle consigned to federally inspected slaughter plants for immediate slaughter, and dairy cattle consigned to a state federally approved livestock market to be sold directly to slaughter only are exempt from bovine tuberculosis testing under this section.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to restricted feedlots, to federally inspected slaughter plants for immediate slaughter, or beef breed cattle, slaughter only dairy breed cattle, or dairy breed cattle from Oregon, Montana, and Idaho consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact females from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment.

(B) Sexually intact males from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(C) Sexually intact males from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states or dairy cattle coming from Idaho, Montana, or Oregon may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the

lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) **Brucellosis vaccinates—female dairy cattle.** All female dairy cattle must be identified as official brucellosis vaccinates before entry into a dairy cow breeding herd. Except the following classes of cattle are exempt from this requirement:

- (i) Calves under four months of age.
- (ii) Those cattle consigned directly to a restricted feedlot.
- (iii) Spayed heifers.

(c) **Brucellosis vaccinates—female beef cattle.** All female beef breed cattle must be identified as official brucellosis vaccinates before entry into a beef cow breeding herd, except the following classes of cattle are exempt from this requirement:

- (i) Calves under four months of age.
- (ii) Cattle sold or consigned to a restricted feedlot.
- (iii) Spayed heifers.

(d) Cattle from a certified brucellosis free country may be imported if the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, issues a special permit for such entry.

(3) **Scabies.** The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) **Vesicular stomatitis.** The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) **Temporary grazing permits.** Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian. The state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

**WSR 05-14-027**  
**PERMANENT RULES**  
**PUGET SOUND**  
**CLEAN AIR AGENCY**

[Filed June 24, 2005, 9:05 a.m., effective August 1, 2005]

Effective Date of Rule: August 1, 2005.

Purpose: To cover the costs of implementing our registration and notice of construction programs, we are increasing the fees for certain categories.

Citation of Existing Rules Affected by this Order: Amending Sections 5.07 and 6.04 of Regulation I.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 05-11-068 on May 17, 2005.

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: June 23, 2005.

Steve M. Van Slyke  
Supervisory Engineer

**AMENDATORY SECTION**

**REGULATION I SECTION 5.07 ANNUAL REGISTRATION FEES**

(a) The Agency shall assess annual fees as set forth in Section 5.07(c) of this regulation for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program, which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program. Payment of these fees by the owner or operator of a source shall maintain its active registration status (even if it is not actively operating).

(b) Upon assessment by the Agency, registration fees are due and payable within 45 days of the date of the invoice. They shall be deemed delinquent if not fully paid within 45 days of the date of the invoice and shall be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$1,000. Persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70.94 RCW).

(c) Except as specified in Section 5.07 (d) and (e) of this regulation, registered sources shall be assessed a fee of \$850, plus the following fees:

(1) Sources subject to a federal emission standard as specified in Section 5.03 (a)(1) of this regulation shall be assessed \$1,750 per subpart of 40 CFR Parts 60-63;

(2) Sources subject to a federally enforceable emission limitation as specified in Section 5.03 (a)(2) or meeting the emission thresholds specified in Section 5.03 (a)(3) of this regulation shall be assessed \$2,000; ~~(and)~~

(3) Sources subject to the emission reporting requirements under Section 5.05(b) of this regulation shall be assessed \$23 for each ton of CO and \$46 for each ton of NOx, PM10, SOx, HAP, and VOC, based on the emissions reported during the previous calendar year(-s);

(4) Sources with more than one coffee roaster installed on-site shall be assessed \$2,000; and

(5) Sources of commercial composting with raw materials from off-site shall be assessed \$5,000.

(d) Gasoline dispensing facilities shall be assessed the following fees based on their gasoline throughput during the previous calendar year (as certified at the time of payment):

- (1) More than 6,000,000 gallons. . . . \$3,000 ~~((2,000))~~;
- (2) 3,600,001 to 6,000,000 gallons. . . \$1,500 ~~((1,000))~~;
- (3) 1,200,001 to 3,600,000 gallons. . . . \$1,000 ~~((750))~~;
- (4) 840,001 to 1,200,000 gallons. . . . . \$500;
- (5) 200,001 to 840,000 gallons. . . . . \$250.

(e) The following registered sources shall be assessed an annual registration fee of \$100, provided that they meet no other criteria listed in Section 5.03(a) of this regulation:

(1) Sources with spray-coating operations subject to Section 9.16 of this regulation that use no more than 4,000 gallons per year of total coatings and solvents;

(2) Gasoline dispensing facilities subject to Section 2.07 of Regulation II with gasoline annual throughput during the previous calendar year (as certified at the time of payment) of no more than 200,000 gallons;

(3) Motor vehicle and mobile equipment coating operations subject to Section 3.04 of Regulation II; and

(4) Unvented dry cleaners subject to Section 3.03 of Regulation III.

**AMENDATORY SECTION**

**REGULATION I SECTION 6.04 NOTICE OF CONSTRUCTION FEES**

(a) A Notice of Construction application is incomplete until the Agency has received fees as shown below:

Filing Fee (for each application, to be paid prior to any review)	\$750
Spray-Coating Booth (commercially manufactured)	\$250
Coffee Roaster (less than 40 pounds/batch, with thermal oxidizer)	\$500
Hot Mix Asphalt Batch Plant	\$7,000
Soil Thermal Desorption Unit	\$5,000
Electric Generation Project: (combined heat input capacity)	
10 - 100 million Btu/hr (2.9 - 29 MW) . . . . .	\$5,000
101 - 250 million Btu/hr (29 - 73 MW) . . . . .	\$10,000
> 250 million Btu/hr (> 73 MW) . . . . .	\$25,000
Composting Facility	\$10,000
Commercial Solid Waste Handling Facility	\$10,000
Landfill Gas System	\$2,500
Refuse Burning Equipment: (rated charging capacity)	
≤ 12 tons per day . . . . .	\$5,000
> 12 tons and ≤ 250 tons per day . . . . .	\$20,000
> 250 tons per day . . . . .	\$50,000
Other (not listed above) for each Piece of Equipment and Control Equipment	\$500
Additional Charges (for each application):	
SEPA Threshold Determination (DNS, under Regulation I, Section 2.04)	\$500
SEPA Threshold Determination (MDNS, under Regulation I, Section 2.07)	\$1,500
Public Notice (under WAC 173-400-171)	\$500
	(+ publication costs)
NSPS or NESHAP (per subpart of 40 CFR Parts 60, 61, and 63)	\$1,000
Refined Dispersion Modeling Analysis (under Regulation III, Section 2.07 (c)(2))	\$500
Major Source, Major Modification, or Emission Increases Greater than Prevention of Significant Deterioration (PSD) Thresholds (under WAC 173-400-112 or WAC 173-400-113)	\$5,000
	(+ Ecology fees)
An Agency request for an Inapplicability Determination for PSD Program Requiring Written Applicability Determination from Ecology	\$5,000
Construction or Reconstruction of a Major Source of Hazardous Air Pollutants (see 40 CFR 63.2)	\$2,500
Tier II Air Toxics Review (under WAC 173-460-090)	\$5,000
	(+ Ecology fees)
Opacity/Grain Loading Correlation	\$5,000

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(b) A notification under Section 6.03 (b)(1) through Section 6.03 (b)(9) of this regulation is incomplete until the Agency has received a fee of \$100. An application processed as a Notice of Construction exemption under Section 6.03 (b)(10) requires payment of the Notice of Construction filing fee only. An application for coverage under a general order of approval issued by this Agency is not subject to the fees in Section 6.04(a) and instead requires payment of a \$500 fee, which is due prior to any review of the application.

(c) The Control Officer is authorized to enter into a written cost-reimbursement agreement with an applicant as provided in RCW 70.94.085.

(d) Additional Fee for Service - Second Incomplete Application

Upon receipt of a second incomplete Notice of Construction application from the same applicant for the same project, the Control Officer may cease review of the application and provide written notification of that determination. The Control Officer may resume review of the application if, within 30 days of the date of the notification describing the Agency's receipt of the second incomplete Notice of Construction application, the applicant has deposited \$1,000 with the Agency, and executed a fee-for-service agreement with the Agency that allows the Agency to recover the reasonable direct and indirect costs that arise from processing the Notice of Construction application, including the requirements of other relevant laws such as the Washington State Environmental Policy Act (SEPA).

The agreement shall require that the applicant assume full responsibility for paying the Agency for the costs incurred under the fee-for-service agreement. The Agency shall credit the \$1,000 deposit made by the applicant towards the costs required by a fee-for-service agreement. The fee-for-service agreement may require the applicant to make progress payments during the application review period. The \$1,000 deposit referred to in this section and the costs provided for in a fee-for-service agreement are in addition to the fees required in Section 6.04(a).

If the applicant has not made a \$1,000 deposit and executed such a fee-for-service agreement within 30 days of the date of the notification from the Agency describing its receipt of a second incomplete application, the Agency may issue an Intent to Disapprove an Application.

The \$1,000 deposit required under this section is not refundable. In addition, any payments made to the Agency under a fee-for-service agreement are not refundable.

(e) Additional Fee - Revised Application

The Control Officer may assess an additional fee for processing a Notice of Construction application when a subsequent significantly revised application is submitted after the original application was determined to be complete and prior to the Agency issuing an Order of Approval or Intent to Disapprove an Application regarding the original application. The revision fee shall be the amount of the fee that was charged for the original Notice of Construction application, including the filing fee. The resulting total fee is the fee for the original Notice of Construction application plus the revision fee.

**WSR 05-14-029  
PERMANENT RULES  
BOARD OF  
PILOTAGE COMMISSIONERS**

[Filed June 24, 2005, 9:07 a.m., effective August 1, 2005]

Effective Date of Rule: August 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: All requirements necessary to amend the existing Grays Harbor

pilotage district tariff as set forth in chapter 53.08 RCW have been met.

Purpose: To establish an annual tariff for pilotage services in the Grays Harbor pilotage district.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 05-10-069 on May 3, 2005.

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: June 9, 2005.

Peggy Larson  
Administrator

AMENDATORY SECTION (Amending WSR 04-14-018, filed 6/28/04, effective 8/1/04)

**WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.** Effective 0001 hours August 1, ((2004)) 2005, through 2400 hours July 31, ((2005)) 2006.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Fees for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:

Draft and tonnage fees:

Each vessel shall be charged according to its draft and tonnage for each vessel movement inbound to the Grays Harbor pilotage district, and for each movement outbound from the district. The draft charges shall be \$((80.99)) 90.00 per meter (or \$((24.64)) 27.43 per foot) and the tonnage charge shall be \$0.2583 per net registered ton. The minimum net registered tonnage charge is \$903.79. The charge for an extra vessel (in case of tow) is \$516.48.

Provided that, due to unique circumstances in the Grays Harbor pilotage district, vessels that call, and load or discharge cargo, at Port of Grays Harbor Terminal No. 2 shall be charged \$5,000 per movement for each vessel movement inbound to the district for vessels that go directly to Terminal No. 2 or that go to anchor and then go directly to Terminal No. 2, and for each vessel movement outbound from

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the district from Terminal No. 2, and that this charge shall be in lieu of only the draft and tonnage fees listed above.

Boarding fee:

Per each boarding/deboarding from a boat or helicopter . . . . . \$(~~800.00~~) 1000.00

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage . . . . . \$647.88
Delays per hour . . . . . \$154.49
Cancellation charge (pilot only) . . . . . \$258.22
Cancellation charge (boat or helicopter only) . . . . . \$774.69

Pension charge:

Charge per pilotage assignment, including cancellations . . . . . \$(~~190.00~~) 180.00

Travel allowance:

Transportation fee per assignment . . . . \$55.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$903.82 for each day or fraction thereof, and the travel expense incurred . . . . . \$903.82

Bridge transit:

Charge for each bridge transited . . . . . \$283.61
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam . . . . . \$785.22

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 05-14-035
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-130—Filed June 24, 2005, 4:12 p.m., effective July 25, 2005]

Effective Date of Rule: Thirty-one days after filing.
Purpose: Set 2005 sport halibut seasons.
Citation of Existing Rules Affected by this Order: Amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.
Adopted under notice filed as WSR 05-09-033 on April 13, 2005.

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 0, Repealed 0.

Date Adopted: June 21, 2005.

J. P. Koenings
Director

AMENDATORY SECTION (Amending Order 03-24, filed 2/14/03, effective 5/1/03)

WAC 220-56-255 Halibut—Seasons—Daily and possession limits. (1) It is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

(a) Catch Record Card Area 1: Open May 1 through September 30(~~(, unless closed earlier by emergency regulation. Minimum size limit 32 inches in length))~~. By-catch restriction: It is unlawful during any vessel trip to bring into port or land bottomfish except sablefish if the vessel has brought halibut into port or landed halibut.

(b) Catch Record Card Area 2:
(i) Those waters south of the Queets River, north of 47° and east of 124°40'W - Open May ((2)) 1 through September 30(~~(, unless closed earlier by emergency regulation))~~).

(ii) All other ((open)) waters in Area 2 - Open May ((2)) 1 through September 30, ((unless)) except closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday.

~~((iii) The following waters are closed to halibut fishing: Inside a rectangle defined by the following four corners: 47°19'0"N, 124°53'0"W; 47°19'00"N, 124°48'0"W; 47°16'0"N, 124°53'0"W; 47°16'0"N, 124°48'0"W.))~~

(c) Catch Record Card Areas 3 and ((those waters of Catch Record Card Area)) 4 ((west of the Bonilla Tatoosh line:)) - Open May ((1)) 10 through September 30 ((unless closed by emergency regulation.)), except closed to fishing for halibut 12:01 a.m. of each Sunday through 11:59 p.m. of each Monday. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward facing "C" shaped closed area defined as: Beginning at ((48°N, 124°59'W, thence to 48°N, 125°18'W, thence to 48°18'N, 125°18'W, thence to 48°18'N, 124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to

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48°04'N, 125°11'W, thence to 48°04'N, 124°59'W,))  
 48°18'N. lat.; 125°18'W. long., thence to 48°18'N. lat.;  
 124°59'W. long., thence to 48°11'N. lat.; 124°59'W. long.,  
 thence to 48°11'N. lat.; 125°11'W. long., thence to 48°04'N.  
 lat.; 125°11'W. long., thence to 48°04'N. lat.; 124°59'W.  
 long., thence to 48°00'N. lat.; 124°59'W. long., thence to  
 48°00'N. lat.; 125°18'W. long., thence to the point of origin.

(d) ~~Catch Record Card Area ((4 east of the Bonilla-Tatoosh line and Catch Record Card Areas)) 5 ((through 13)) - Open May ((27)) 26 through July ((12--)) 31, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday ((of each week during the open period)).~~

(e) ~~Catch Record Card Areas 6 through 13 - Open April 14 through June 20, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.~~

(2) Daily limit one halibut. ~~((The daily limit in Area 1 is the first halibut over 32 inches in length brought aboard the vessel.))~~

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

**WSR 05-14-049**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed June 28, 2005, 9:13 a.m., effective July 29, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order adopts new chapter 16-730 WAC, Asparagus equipment leasing program, which implements chapter 276, Laws of 2004 (ESHB 2459) by providing for the purchase of automated labor saving equipment that will strengthen the fresh, frozen or pickled "after harvest" asparagus industry. ESHB 2459 directed the department to:

- Purchase agricultural products packing equipment; and
- Negotiate an appropriate agreement with the agricultural industry for the use of that equipment.

Chapter 16-730 WAC establishes the rules for the purchase and leasing of such automated labor saving equipment.

Statutory Authority for Adoption: Chapters 15.04 and 34.05 RCW, chapter 276, Laws of 2004 (ESHB 2459).

Adopted under notice filed as WSR 05-11-098 on May 18, 2005.

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 17, 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 17, Amended 0, Repealed 0.

Date Adopted: June 28, 2005.

Valoria H. Loveland  
 Director

**Chapter 16-730 WAC**

**ASPARAGUS EQUIPMENT LEASE PROGRAM**

NEW SECTION

**WAC 16-730-005 What is the purpose of the asparagus equipment lease program?** (1) The Washington state department of agriculture is establishing the asparagus equipment lease program to implement section 308(10), chapter 276, Laws of 2004 (ESHB 2459), which directs the Washington state department of agriculture (WSDA) to purchase agricultural products packing equipment and to negotiate an appropriate agreement with the agricultural industry for the use of that equipment.

(2) The asparagus equipment lease program allows Washington state packers and handlers of Washington asparagus to lease with an opportunity to purchase automated labor saving equipment that will strengthen their post-harvest efforts to efficiently handle or pack fresh, frozen or pickled asparagus.

NEW SECTION

**WAC 16-730-007 How does the department ensure that program participants comply with the program's purpose?** To ensure that program participants are in compliance with the terms of the program and to ensure that the leased equipment is being used only to pack and process fresh, frozen or pickled asparagus, the participating handlers must, during each year of their participation, give the department or its agent a letter:

- (1) Certifying that the leased equipment is being used for the program's intended purpose; and
- (2) Summarizing the cost and labor savings for that year.

NEW SECTION

**WAC 16-730-010 What definitions are important to this chapter?** "Applicant" means any person who applies to participate in the equipment leasing program and commercially handles 250,000 pounds or more of asparagus in the calendar year that they apply.

"Approved handler/packer" means any asparagus handler and/or packer who has submitted an equipment leasing program application to the department and has been approved by the department to participate in the program.

"Automation" means the technique and equipment used to bring about automatic operation and control of a process.

"Department" means the Washington state department of agriculture.

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**"Director"** means the director of the Washington state department of agriculture or the director's designee.

**"Handler/packer"** means a person who sells, arranges for sale, represents, processes, distributes or packages fresh, frozen or pickled asparagus.

**"Facility"** means any place where fresh asparagus is prepared, handled and packaged as fresh, frozen, or pickled for sale.

**"Labor saving"** means actions, activities or processes designed to decrease the amount of human labor needed to prepare, handle or package fresh, frozen or pickled asparagus.

**"Leasing"** means to obtain the use of asparagus handling or packing equipment through the asparagus equipment leasing program.

**"Packing equipment"** means equipment associated with the activities of the post-harvest handler/packer of fresh, frozen or pickled asparagus.

**"Person"** means an individual, firm, partnership, corporation, or association engaged in handling and/or packing fresh, frozen or pickled Washington state asparagus.

**"Program administrator"** means the director of the Washington state department of agriculture or the director's designee.

**"Review committee"** means a group of five to seven people representing the department and the Washington asparagus commission staff and members and one at large agricultural representative who is neither directly affiliated with the asparagus industry nor any of the equipment leasing program applicants. The purpose of the committee is to review equipment leasing program applications.

#### NEW SECTION

**WAC 16-730-015 How will the asparagus equipment leasing program be administered?** The director or the director's designee will administer the asparagus equipment leasing program according to the rules of this chapter. If necessary, the program administrator, following the rule-making procedures in chapter 34.05 RCW (Administrative Procedure Act), may develop and implement additional rules or guidelines to ensure that this program is successful in achieving its purpose.

#### NEW SECTION

**WAC 16-730-020 Who is eligible to participate in the asparagus equipment leasing program?** To be eligible to participate in the asparagus equipment leasing program, a post-harvest asparagus handler must:

(1)(a) Pack a minimum of 250,000 pounds of fresh, frozen or pickled asparagus in Washington in the calendar year in which they apply; and

(b) Provide documentation verifying the 250,000 pounds. Verification can include asparagus commission assessments or other industry accepted documentation.

(2) Comply with all applicable federal, state, and local laws and rules related to doing business in Washington and handling food products.

#### NEW SECTION

**WAC 16-730-025 How does an eligible asparagus handler/packer apply to the equipment leasing program?**

(1) Eligible handler/packers can obtain an equipment leasing program application by contacting:

Asparagus Leasing Program  
Washington State Department of Agriculture  
1111 Washington St. S.E., 2nd Floor  
P.O. Box 42560  
Olympia, WA 98504-2560

(2) Eligible applicants must complete the program application and provide the department with the following information:

(a) Verification consistent with normal and usual leasing agreements that their business is a going concern;

(b) Verification that they have the ability to adequately insure any equipment they may lease;

(c) A statement declaring their eligibility and intent to participate in the program;

(d) Documentation of their ability to provide the necessary upkeep and maintenance of any equipment they may lease;

(e) A description of the equipment to be leased and its cost;

(f) A description of how the leased equipment will automate their post-harvest operation and how it will reduce post-harvest labor costs; and

(g) The pounds of asparagus processed for the period of years identified on the application and documentation verifying the pounds processed.

(3) The completed application and the related information (subsection (2) of this section) must be submitted to:

Asparagus Leasing Program  
Washington State Department of Agriculture  
1111 Washington St. S.E., 2nd Floor  
P.O. Box 42560  
Olympia, WA 98504-2560

#### NEW SECTION

**WAC 16-730-030 When will an applicant know if they have been approved to participate in the equipment leasing program?** (1) The department, in consultation with the Washington asparagus commission, the Washington asparagus council and the industry at large, will establish application deadlines, application review dates and dates for notifying applicants if they have been accepted to participate in the equipment lease program.

(2) The process for reviewing and approving application is as follows:

(a) The review committee will review all applications and recommend approved applicants to the director.

(b) The director will review the review committee's recommendations.

(c) Once the director approves the recommended applicants, applicants will be notified of the results within five working days of the director's decision.

(3) The department may implement additional application cycles as needed in order to insure that handler/packers may fully participate in the program.

**NEW SECTION**

**WAC 16-730-035 If an application is denied, can the applicant request a review of the director's decision?** (1) An applicant whose application has been denied by the director may request a review of the director's decision. The request for review must:

- (a) Specify the date of the decision or action being appealed;
- (b) Explain as precisely as possible the issue to be resolved by the administrative review;
- (c) Include the address of the applicant; and
- (d) Be signed by the applicant.

(2) Administrative reviews of denied applications will follow an informal process conducted by the director's designee.

- (a) The review will be completed within thirty days after receipt of the review request.
- (b) Once the review is completed, the department has ten days to inform the handler of the review decision.
- (3) The rights of the department provided in this section are exclusive and are in addition to any other rights and remedies provided by law.

**NEW SECTION**

**WAC 16-730-040 If an applicant's initial application is disapproved, can the applicant reapply to the equipment leasing program?** (1) Program applicants whose initial application was denied have ten days from the date they received the director's decision denying their application to reapply.

(2) Applicants must reapply by following the procedures outlined in WAC 16-730-025.

(3) When reapplying, the applicant must request different equipment and/or a different mix of equipment from that listed on their original application.

**NEW SECTION**

**WAC 16-730-045 What is the process the program will follow to distribute equipment leasing money to approved applicants?** The program's equipment leasing money will be distributed indirectly to approved applicants as follows:

(1) The department, in consultation with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large, will determine the amount of equipment leasing money allocated to each approved applicant and then distribute this money to a department approved equipment leasing company.

(2) The approved leasing company will then purchase the equipment and subsequently lease it to an approved applicant.

**NEW SECTION**

**WAC 16-730-050 How will the program's equipment leasing money be allocated in 2004?** (1) The initial allocation of equipment leasing money for 2004 will be distributed based upon documented annual average pounds of asparagus an approved handler/packer reported from 2001 through 2004.

**Note:** If additional application cycles are needed to administer current and future equipment lease allocations and distributions, the department may adjust the initial four-year annual average production period (2001-2004).

(2)(a) Unless the department, in consultation with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large, determines that the allocation formula be changed, all approved applicants will receive either a base amount of at least \$75,000 for their initial 2004-program allocation or an amount adjusted to reflect an appropriate base for future program offerings.

(b) If the department does change the allocation formula, it will notify the Washington state asparagus industry and, specifically, Washington state asparagus handler/packers.

(3) The department has developed the following categories to help allocate the equipment lease program's initial 2004 offering:

Handler/Packer Categories*	Pounds of Asparagus Handled Annually
Small	Less than 1,000,000 pounds
Medium	1,000,000 to 2,000,000 pounds
Large	2,000,001 to 5,000,000 pounds

\*Note: These categories could change. If they do, the department will notify asparagus handler/packers and the industry.

**NEW SECTION**

**WAC 16-730-055 For the initial leasing program, what are the base distribution amounts for each category of handler/packers?**

**Note:** The department will always work with the review committee to assure that the distributions to approved applicants are fair and equitable and based on the pounds processed formula.

(1) The final handler/packer allocation for 2004 is illustrated in the following table:

Handler/Packer Size	Dollar Allocation per Handler/Packer
Small	\$87,000.00
Medium	\$110,500.00
Large	\$154,500.00

(2) Future distributions will be determined by the:

- (a) Amount of program funds available after all administrative and contract-leasing costs are subtracted from the total program allocation received from the legislature; and
- (b) Number of participants in the program; and

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(c) Department consultations with the Washington asparagus commission, the Washington asparagus council and the asparagus industry at large.

#### NEW SECTION

**WAC 16-730-060 What requirements apply to equipment leasing program lease agreements?** (1) The department will follow office of financial management (OFM) procurement guidelines when selecting a leasing company to act as its agent to purchase and manage all equipment leasing arrangements for all approved handler/packers.

(2) All approved handler/packers will complete a lease agreement with the department approved leasing firm.

(3) All equipment lease agreements:

(a) Must be exclusive to the approved handler/packers for the term of the contract with the leasing company; and

(b) Are not transferable without the written approval of the department.

(4) Lease agreements cannot be paid off before the leasing company's contract termination date.

(5) In addition to the leasing requirements contained in this chapter, the department, in its contract with the leasing company, will include other lease requirements that approved handler/packers must follow.

#### NEW SECTION

**WAC 16-730-062 What happens if an approved handler/packer defaults on a lease?** (1) If an approved handler/packer 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 consultation with the Washington asparagus commission, the Washington asparagus council and asparagus industry representatives.

(2) The selection process used by the department to redistribute defaulted lease equipment to approved handler/packers must comply with any applicable state and federal laws and regulations.

#### NEW SECTION

**WAC 16-730-065 How long will the initial asparagus equipment leasing program be in operation?** (1) How long the initial equipment leasing program will be in operation will be determined by:

(a) An office of financial management (OFM) approved depreciation schedule for each type of equipment that will be available for leasing; and

(b) The period of time needed to:

(i) Surplus and transfer equipment; and

(ii) Complete program closeout activities.

(2) For any distributions following the initial one, the department may modify the program length, depreciation schedules, contract requirements or leasing agreements.

#### NEW SECTION

**WAC 16-730-070 Who develops the depreciation schedules for the program's leased equipment?** The

department, with final approval from OFM, will develop depreciation schedules for the program's leased equipment. These schedules will be based upon the characteristic economic useful lives of asparagus processing and handling equipment used by the industry.

#### NEW SECTION

**WAC 16-730-075 Will the equipment used in the asparagus equipment leasing program be offered for sale to the handler/packer who leased it?** (1) At the end of its depreciation period, the equipment leased to a handler/packer will be declared "surplus" and offered for sale to the handler/packer or their designee.

(2) If a handler/packer wants to sell their leased equipment to a designee, they must complete a designee form and have the form approved by the department.

**WSR 05-14-058**

PERMANENT RULES

**HORSE RACING COMMISSION**

[Filed June 29, 2005, 9:26 a.m., effective July 30, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To repeal WAC 260-12-160 Denial of admission to grounds—Narcotics offenders.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-12-260 Denial of admission to grounds—Narcotics offenders.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

Adopted under notice filed as WSR 04-22-008 [05-01-214] on December 21, 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 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 10, 2005.

R. M. Leichner  
Executive Secretary

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 260-12-160 Denial of admission to grounds—Narcotics offenders.

**WSR 05-14-070  
PERMANENT RULES  
STATE BOARD FOR  
COMMUNITY AND TECHNICAL COLLEGES**

[Filed June 30, 2005, 1:46 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amend language related to tuition charges for certain ungraded courses, specifically related to training contracts with apprentice organizations.

Citation of Existing Rules Affected by this Order: Amending WAC 131-28-026.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 05-09-018 on April 11, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 23, 2005.

DelRae Oderman  
Executive Assistant  
Agency Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 04-11-027, filed 5/11/04, effective 6/11/04)

**WAC 131-28-026 Tuition charges for certain ungraded courses.** (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025. Ungraded shall mean courses not categorized by level of instruction and may be assigned degree credit or letter grades.

(2) Ungraded courses shall meet the following qualifications:

(a) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(b) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge that is intended to enhance potential for initial or continued employment, parenting skills or retirement.

(c) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(d) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journey person training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult basic education, English as a second language, GED preparation: An amount to be established by the state board.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices registered with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: A college shall waive one-half of the standard per credit tuition and services and activities fee. The college may convert the credit hour charge to a rounded amount per clock hour. Colleges may ~~((not))~~ deduct the tuition owed from training contracts with apprentice organizations.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15.031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

**WSR 05-14-082  
PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Health and Rehabilitative Services Administration)

[Filed June 30, 2005, 2:00 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Mental Health Division is adding new requirements to WAC 388-865-0420, 388-865-0430, 388-865-0610, 388-865-0620 and 388-865-0630 to comply with RCW 71.05.445 and 71.05.390 as amended by chapter 166, Laws of 2004 (E2SSB 6358). There are new requirements for mental health providers in their communication with the Department of Corrections and county designated mental health professionals.

Citation of Existing Rules Affected by this Order: Amending WAC 388-865-0420, 388-865-0430, 388-865-0610, 388-865-0620, and 388-865-0630.

Statutory Authority for Adoption: RCW 71.05.445 and 71.05.390 as amended by chapter 166, Laws of 2004 (E2SSB 6358).

Adopted under notice filed as WSR 05-09-080 on April 19, 2005.

Changes Other than Editing from Proposed to Adopted Version: Proposed Rule Text: WAC 388-865-0430 Clinical record.

(13) Documentation that an evaluation by a county designated mental health professional was requested when the mental health provider becomes aware of a violation of court ordered treatment if the consumer is both on an less restrictive alternative and is being supervised by the department of corrections;

Adopted Rule: WAC 388-865-0430 Clinical record.

(13) When a mental health provider becomes aware of a violation that relates to public safety of court ordered treatment of a consumer who is both on a less restrictive alternative and is being supervised by the department of corrections; documentation that an evaluation by a county designated mental health professional was requested.

The changes were made based on public testimony at the CR-102 hearing.

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 5, 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 5, Repealed 0.

Date Adopted: June 27, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0420 Intake evaluation.** The community support service provider must complete an intake evaluation in collaboration with the consumer within fourteen days of admission to service. If seeking this information presents a barrier to service, the item may be left incomplete provided that the reasons are documented in the clinical record. The following must be documented in the consumer's intake evaluation:

(1) A consent for treatment or copy of detention or involuntary treatment order;

(2) Consumer strengths, needs and desired outcomes in their own words. At the consumer's request also include the input of people who provide active support to the consumer;

(3) The consumer's age, culture/cultural history, and disability;

(4) History of substance use and abuse or other co-occurring disorders;

(5) Medical and mental health services history and a list of medications used;

(6) Documentation that consumers receiving court ordered treatment or treatment ordered by the department of corrections (DOC) have been asked if they are under supervision by the department of corrections. The consumer is required to disclose this information.

(7) For children:

(a) Developmental history; and

(b) Parent's goals and desired outcomes.

~~((7))~~ (8) Sufficient information to justify the diagnosis;

~~((8))~~ (9) Review of the intake evaluation by a mental health professional.

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0430 Clinical record.** The community support service provider must maintain a clinical record for each consumer and safeguard the record against loss, defacement, tampering, or use by unauthorized persons. The clinical record must contain:

(1) An intake evaluation;

(2) Evidence that the consumer rights statement was provided to the consumer;

(3) A copy of any advance directives, powers of attorney or letters of guardianship provided by the consumer;

(4) The crisis treatment plan when appropriate;

(5) The individualized service plan and all changes in the plan;

(6) Documentation that services are provided by or under the clinical supervision of a mental health professional;

(7) Documentation that services are provided by, or under the clinical supervision, or the clinical consultation of a mental health specialist. Consultation must occur within thirty days of admission and periodically thereafter as specified by the mental health specialist;

(8) Periodic documentation of the course of treatment and objective progress toward established goals for rehabilitation, recovery and reintegration into the mainstream of social, employment and educational choices;

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(9) A notation of extraordinary events affecting the consumer;

(10) Documentation of mandatory reporting of abuse, neglect, or exploitation of consumers consistent with chapters 26.44 and 74.34 RCW;

(11) Documentation that the department of corrections was notified by the provider when a consumer on an less restrictive alternative or department of corrections order mental health treatment informs them that they are under supervision by department of corrections. Notification can be either written or oral. If oral notification, it must be confirmed by a written notice, including e-mail and fax. The disclosure to department of corrections does not require the person's consent;

(12) If the consumer has been given relief by the committing court it must be confirmed in writing;

(13) When the mental health provider becomes aware of a violation that relates to public safety of court ordered treatment of a consumer who is both in a less restrictive alternative and is being supervised by the department of corrections, documentation that an evaluation by a county designated mental health professional was requested;

(14) Documentation of informed consent to treatment and medications by the consumer or legally responsible other;

~~((12))~~ (15) Documentation of confidential information that has been released without the consent of the consumer including, but not limited to provisions in RCW 70.02.050, 71.05.390 and 71.05.630.

**AMENDATORY SECTION** (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0610 Definitions.** Relevant records and reports includes written documents obtained from other agencies or sources, often referred to as third-party documents, as well as documents produced by the agency receiving the request. Relevant records and reports do not include the documents restricted by either federal law or federal regulation related to treatment for alcoholism or drug dependency or the Health Insurance Portability and Accountability Act or state law related to sexually transmitted diseases, as outlined in RCW 71.05.445 and 71.34.225.

(1) **"Relevant records and reports"** means:

(a) Records and reports of inpatient treatment:

(i) Inpatient psychosocial assessment - Any initial, interval, or interim assessment usually completed by a person with a master's degree in social work (or equivalent) or equivalent document as established by the holders of the records and reports;

(ii) Inpatient intake assessment - The first assessment completed for an admission, usually completed by a psychiatrist or other physician or equivalent document as established by the holders of the records and reports;

(iii) Inpatient psychiatric assessment - Any initial, interim, or interval assessment usually completed by a psychiatrist (or professional determined to be equivalent) or equivalent document as established by the holders of the records and reports;

(iv) Inpatient discharge/release summary - Summary of a hospital stay usually completed by a psychiatrist (or professional determined to be equivalent) or equivalent document as established by the holders of the records and reports;

(v) Inpatient treatment plan - A document designed to guide multidisciplinary inpatient treatment or equivalent document as established by the holders of the records and reports;

(vi) Inpatient discharge and aftercare plan data base - A document designed to establish a plan of treatment and support following discharge from the inpatient setting or equivalent document as established by the holders of the records and reports.

(vii) Forensic discharge review - A report completed by a state hospital for individuals admitted for evaluation or treatment who have transferred from a correctional facility or is or has been under the supervision of the department of corrections.

(b) Records and reports of outpatient treatment:

(i) Outpatient intake evaluation - Any initial or intake evaluation or summary done by any mental health practitioner or case manager the purpose of which is to provide an initial clinical assessment in order to guide outpatient service delivery or equivalent document as established by the holders of the records and reports;

(ii) Outpatient periodic review - Any periodic update, summary, or review of treatment done by any mental health practitioner or case manager. This includes, but is not limited to: Documents indicating diagnostic change or update; annual or periodic psychiatric assessment, evaluation, update, summary, or review; annual or periodic treatment summary; concurrent review; individual service plan as required by WAC 388-865-0425 through 388-865-0430, or equivalent document as established by the holders of the records and reports;

(iii) Outpatient crisis plan - A document designed to guide intervention during a mental health crisis or decompensation or equivalent document as established by the holders of the records and reports;

(iv) Outpatient discharge or release summary - Summary of outpatient treatment completed by a mental health professional or case manager at the time of termination of outpatient services or equivalent document as established by the holders of the records and reports;

(v) Outpatient treatment plan - A document designed to guide multidisciplinary outpatient treatment and support or equivalent document as established by the holders of the records and reports.

(c) Records and reports regarding providers and medications:

(i) Current medications and adverse reactions - A list of all known current medications prescribed by the licensed practitioner to the individual and a list of any known adverse reactions or allergies to medications or to environmental agents;

(ii) Name, address and telephone number of the case manager or primary clinician.

(d) Records and reports of other relevant treatment and evaluation:

(i) Psychological evaluation - A formal report, assessment, or evaluation based on psychological tests conducted by a psychologist;

(ii) Neuropsychological evaluation - A formal neuropsychological report, assessment, or evaluation based on neuropsychological tests conducted by a psychologist;

(iii) Educational assessment - A formal report, assessment, or evaluation of educational needs or equivalent document as established by the holders of the records and reports;

(iv) Functional assessment - A formal report, assessment, or evaluation of degree of functional independence. This may include but is not limited to: Occupational therapy evaluations, rehabilitative services data base activities assessment, residential level of care screening, problem severity scale, instruments used for functional assessment or equivalent document as established by the holders of the records and reports;

(v) Forensic evaluation - An evaluation or report conducted pursuant to chapter 10.77 RCW;

(vi) Offender/violence alert - A any documents pertaining to statutory obligations regarding dangerous or criminal behavior or to dangerous or criminal propensities. This includes, but is not limited to, formal documents specifically designed to track the need to provide or past provision of: Duty to warn, duty to report child/elder abuse, victim/witness notification, violent offender notification, and sexual/kidnaping offender notification per RCW 4.24.550, 10.77.205, 13.40.215, 13.40.217, 26.44.330, 71.05.120, 71.05.330, 71.05.340, 71.05.425, 71.09.140, and 74.34.035;

(vii) Risk assessment - Any tests or formal evaluations including department of corrections risk assessments administered or conducted as part of a formal violence or criminal risk assessment process that is not specifically addressed in any psychological evaluation or neuropsychological evaluation.

(e) Records and reports of legal status - Legal documents are documents filed with the court or produced by the court indicating current legal status or legal obligations including, but not limited to:

(i) Legal documents pertaining to chapter 71.05 RCW;

(ii) Legal documents pertaining to chapter 71.34 RCW;

(iii) Legal documents containing court findings pertaining to chapter 10.77 RCW;

(iv) Legal documents regarding guardianship of the person;

(v) Legal documents regarding durable power of attorney;

(vi) Legal or official documents regarding a protective payee;

(vii) Mental health advance directive.

(2) **"Relevant information"** means descriptions of a consumer's participation in, and response to, mental health treatment and services not available in a relevant record or report, including all statutorily mandated reporting or duty to warn notifications as identified in WAC 388-865-610 (1)(d) (vi), Offender/Violence alert, and all requests for evaluations for involuntary civil commitments under chapter 71.05 RCW. The information may be provided in verbal or written form at the discretion of the mental health service provider.

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

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0620 Scope.** Many records and reports are updated on a regular or as needed basis. The scope of the records and reports to be released to the department of corrections are dependent upon the reason for the request.

(1) For the purpose of a presentence investigation release only the most recently completed or received records of those completed or received within the twenty-four-month period prior to the date of the request; or

(2) For all other purposes including risk assessments release all versions of records and reports that were completed or received within the ten year period prior to the date of the request that are still available.

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0630 Time frame.** The mental health service provider shall provide the requested relevant records, reports and information to the authorized department of corrections person in a timely manner, according to the purpose of the request:

(1) Presentence investigation - within seven calendar days of the receipt of the request. If some or all of the requested relevant records, reports and information are not available within that time period the mental health service provider shall notify the authorized department of corrections person prior to the end of the seven-day-period and provide the requested relevant records, reports or information within a mutually agreed to time period; or

(2) All other purposes - within thirty calendar days of the receipt of the request. If some or all of the requested relevant records, reports and information are not available within that time period the mental health service provider shall notify the authorized department of corrections person prior to the end of the thirty-day period and provide the requested relevant records, reports or information within a mutually agreed to time period; or

(3) Emergent situation requests - When an offender subject has failed to report for department of corrections supervision or in an emergent situation that poses a significant risk to the public, the mental health provider shall upon request, release information related to mental health services delivered to the offender and, if known, information regarding the whereabouts of the offender. Requests if oral must be subsequently confirmed in writing the next working day, which includes e-mail or facsimile so long as the requesting person at the department of corrections is clearly defined. The request must specify the information being requested. Disclosure of the information requested does not require the consent of consumer.

(a) Information that can be released is limited to:

(i) A statement as to whether the offender is or is not being treated by the mental health services provider; and

(ii) Address or information about the location or whereabouts of the offender.

Date Adopted: June 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

**WSR 05-14-086**

**PERMANENT RULES**

**DEPARTMENT OF REVENUE**

[Filed June 30, 2005, 3:16 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 458-20-177 describes the application of the B&O and retail sales taxes to sales of motor vehicles, campers, and trailers to nonresident consumers. The rule describes the application of the retail sales tax exemption provided by RCW 82.08.0264 for the sale of motor vehicles, campers, and trailers delivered to nonresidents in Washington, including military personnel temporarily stationed in Washington. It also describes the tax consequences of a sale to a nonresident when the vehicle, camper, or trailer is delivered outside the state.

The department amended this rule to update the documentation forms that are provided in the rule. The "Buyer's Certificate—Out-of-State Delivery" and "Seller's Certificate—Out-of-State Delivery" have been changed to require that statements regarding the accuracy and completion of the information on the certificates be initialed by the buyer and person delivering the vehicle to the buyer. Information about the sales tax exemptions provided by RCW 82.08.0269 and 82.08.0273 has been added. Specific factual examples of sales of motor vehicles and their respective tax results have also been added to the rule. The information in this rule has been reorganized to make it easier for readers to understand and use.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-177 Sales of motor vehicles, campers, and trailers to nonresident((s)) consumers.

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

Adopted under notice filed as WSR 05-06-018 on February 22, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

**WAC 458-20-177 Sales of motor vehicles, campers, and trailers to nonresident((s)) consumers.** ~~((The scope of this rule is limited to sales by dealers in this state of motor vehicles, campers, and trailers to nonresidents of the state for use outside the state.~~

~~For the purposes of this rule, members of the armed services (but not including civilian military employees) who are temporarily stationed in the State of Washington pursuant to military orders will be presumed to be nonresidents unless such persons were residents of this state at the time of their induction; the term "vehicle" as used herein refers to motor vehicles, campers, and trailers.~~

**Business and Occupation Tax**

~~In computing the tax liability of persons engaged in the business of selling vehicles no deduction is allowed by reason of sales made to nonresidents for use outside this state but who take delivery in Washington, and irrespective of the fact that such buyers may be entitled to a statutory exemption from the retail sales tax.~~

~~A deduction from gross proceeds of sales will be allowed when, as a necessary incident of the contract of sale, the seller agrees to, and does, deliver the vehicle to the buyer at a point outside the state, or delivers the same to a common carrier consigned to the purchaser outside the state.~~

~~The foregoing deduction, however, will be allowed only when the seller has secured and retains in his files satisfactory proof:~~

~~(a) That under the terms of the sales agreement the seller was required to deliver the vehicle to the buyer at a point outside this state; and~~

~~(b) That such out-of-state delivery was actually made by the seller or by a common carrier acting as his agent.~~

~~For forms of proof acceptable to the department of revenue see below under retail sales tax out of state delivery. For "interstate commerce" deductions, generally, refer to WAC 458-20-193A.~~

**Retail Sales Tax**

~~(1) Sales to nonresidents. Under RCW 82.08.0264 the retail sales tax does not apply to sales of vehicles to nonresidents of Washington for use outside this state, even though delivery be made within this state, but only when either one of the following conditions is met:~~

~~(a) Said vehicle will be taken from the point of delivery in this state directly to a point outside this state under the authority of a trip permit issued by the department of licensing pursuant to the provisions of RCW 46.16.160; or~~

~~(b) Said vehicle will be registered and licensed immediately (at the time of delivery) under the laws of the state of the purchaser's residence, will not be used in this state more than~~



three months, and will not be required to be registered and licensed under the laws of this state.

Thus, in determining whether or not this particular exemption from the retail sales tax is applicable the dealer must establish the facts, first, that the purchaser is a bona fide nonresident of Washington and that the vehicle is for use outside this state and, second, that the vehicle is to be driven from his premises under the authority of either (a) a trip permit, or (b) valid license plates issued to that vehicle by the state of the purchaser's residence, with such plates actually affixed to the vehicle at the time of final delivery.

As evidence of the exempt nature of the sales transaction the seller, at the time of sale, is required to take an affidavit from the buyer giving his name, the state of his residence, his address in that state, the name, year and motor or serial number of the vehicle purchased, the date of sale, his declaration that the described vehicle is being purchased for use outside this state and, finally, that the vehicle will be driven from the premises of the dealer under the authority of a trip permit (giving the number) or that the vehicle has been registered and licensed by the state of his residence and will be driven from the premises of the dealer with valid license plates (giving the number) issued by that state affixed thereto. If the vehicle being sold is already licensed with valid Washington plates and the nonresident purchaser wishes to qualify for exemption by transporting the vehicle out of state under authority of a trip permit, the dealer is required to remove the Washington plates prior to delivery of the vehicle and retain evidence of such removal to avoid liability for collection and payment of the retail sales tax. The seller must himself certify by appending a certification to the affidavit, to the fact that the vehicle left his premises under the authority of a trip permit or with valid license plates issued by the state of the buyer's residence affixed thereto. The buyer's affidavit and the dealer's certificate must be in the following form:

Affidavit

For use by a nonresident buyer of a vehicle transporting the same outside this state under the authority of

- (a)  Trip permit
(b)  Nonresident license plates (check appropriate box)

STATE OF WASHINGTON )
)
)
county of \_\_\_\_\_ ) ss.

(Purchaser) being first duly sworn on oath, deposes and says:

That he is a bona fide resident of the State of \_\_\_\_\_ and that his address is (street and number or rural route), (city, town or post office), (state); That on this date he has purchased from (dealer) the following described vehicle, to-wit:

Make \_\_\_\_\_ Model \_\_\_\_\_
Year \_\_\_\_\_ (Motor Number)
(Serial No.) \_\_\_\_\_

and that said vehicle is being purchased for use outside this state and that the same will be driven from the premises of the dealer under the authority of (a) a trip permit numbered

..... which has been issued to him authorizing the transit of said vehicle, or, (b) that said vehicle is being purchased for use outside this state and will not be used in the State of Washington for more than three months; and That the affiant has licensed said vehicle in the state of ... and has had issued to him by that state license plates numbered ..... which are valid until (expiration date of license) and that said plates have been affixed to said vehicle prior to the time it has left the premises of the dealer.

Dated at \_\_\_\_\_, Washington, this \_\_\_\_ day of \_\_\_\_\_, 19...

(Signature)

Service No. if Member of Armed Services

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19...

-Notary Public in and for the State of Washington, residing at \_\_\_\_\_

Certificate of Dealer

I hereby certify that before final delivery of the vehicle described in the foregoing affidavit (a) I have examined trip permit No. .... which authorizes transit of the vehicle described, or (b) that license plates numbered. ...., issued to said vehicle by the state of. .... and expiring ....., were affixed thereto. I further certify that I have personally examined two or more of the following items of documentary evidence showing the purchaser's residency in the state of .....

- .... Driver's license
.... Voter's registration
.... Fishing or hunting license
.... Income tax returns
.... Other (specify) .....

I further certify that if the vehicle sold was already licensed with valid Washington plates, they were physically removed by. ...., agent of the seller.

(Signature of dealer or representative)

(Title Officer or Agent)

Failure to take this affidavit and to complete the dealer's certification, in full, at the time of delivery of the vehicle will negate any exemption from the buyer's duty to pay and the dealer's duty to collect the retail sales tax under RCW 82.08.0264. Furthermore, a copy of the completed affidavit and certification must be attached to the dealer's excise tax report submitted for the reporting period in which any such vehicles were sold. Such filing is a procedural requirement and does not conclusively establish the buyer's or seller's right to exemption.

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The foregoing affidavit will be prima facie evidence that sales of vehicles to nonresidents have qualified for the sales tax exemption provided in RCW 82.08.0264 when there are no contrary facts which would negate the presumption that the seller relied thereon in complete good faith. The burden rests upon the seller to exercise a reasonable degree of prudence in accepting statements relative to the nonresidence of buyers. Lack of good faith on the part of the seller or lack of the exercise of the degree of care required would be indicated, for example, if the seller has knowledge that the buyer is living or is employed in Washington, if for the purpose of financing the purchase of the vehicle the buyer gives a local address, if at the time of sale arrangements are made for future servicing of the vehicle in the seller's shop and a local address is shown for the shop customer, or if the seller has ready access to any other information which discloses that the buyer may not be in fact a resident of the state which he claims. A nonresident permit issued by the department of revenue may be accepted as prima facie evidence of the out-of-state residence of the buyer, but does not relieve the seller from obtaining the affidavit and completing the certificate required by this rule.

Members of the armed services who are temporarily stationed in Washington pursuant to military orders will be presumed to be nonresidents unless such persons were residents of this state at the time of their induction. This presumption is not applicable in respect to civilian employees of the armed services.

In all other cases where delivery of the vehicle is made to the buyer in this state, the retail sales tax applies and must be collected at the time of sale. The mere fact that the buyer may be or claims to be a nonresident or that he intends to, and actually does, use the vehicle in some other state are not in themselves sufficient to entitle him to the benefit of this exemption. In every instance where the vehicle is licensed or titled in Washington by the purchaser the retail sales tax is applicable.

(2) ~~Out of state deliveries.~~ Out of state deliveries to buyers who are bona fide nonresidents are exempt from the retail sales tax when the seller, as a necessary incident to the contract of sale, delivers possession of vehicles to such buyers at points outside Washington and such vehicles are not licensed or titled in this state. If the vehicle being sold bears valid Washington plates and the nonresident wishes to qualify for exemption by taking delivery from the dealer at a point outside the state, the dealer is required to remove the Washington plates prior to delivery and retain evidence of such removal to avoid liability for collection and payment of the retail sales tax.

In such cases, as evidence of the exempt nature of the transaction, the seller must take from the buyer a certificate of out of state delivery which shall give the purchaser's name and address, the name, model, year and motor number of the vehicle purchased, and contain the buyer's statement that he is a bona fide resident of the named state, that the vehicle was purchased for use outside Washington state and that under the terms of the sales agreement the dealer was required to and did deliver the vehicle to a named point outside the state of Washington. The certificate shall be signed by the buyer at the place of delivery. Attached to this certificate and made a

part thereof shall be a certification by the seller that he delivered the vehicle to the purchaser named at the named place of delivery.

These certificates shall be substantially in the following form:

Certificate of Out of State Delivery

(To be obtained from the purchaser at the time delivery is made to him at a point outside Washington)

The undersigned hereby certifies that he is a bona fide resident of the State of ..... and that his address is (street and number or rural route) , (city, town or post office) ; (state) ; That on the ..... day of ..... , 19..... , he purchased from (Dealer) the following described vehicle to-wit:

Make ..... Model .....  
 Year ..... (Motor Number) .....  
 (Serial No.) .....

and that said vehicle was purchased for use outside Washington state;

That under the terms of the sales agreement the dealer was required to, and did on this day, deliver said vehicle to him at (Place of delivery) .

Dated at ..... , this ..... day of ..... , 19.....

.....  
 (Signature)

Service No. if Member of Armed Services

Certification of Dealer

I hereby certify that I have this day delivered the vehicle hereinabove described to (Name of purchaser) , at (Place of delivery) .

Dated .....

.....  
 (Signature of dealer or representative)

.....  
 (Title Officer or Agent)

When such out of state delivery is made by a common carrier acting as agent of the seller then, as evidence of the exempt nature of the transaction, the seller shall retain in his files a signed copy of the bill of lading issued by the carrier in which the seller is shown as the consignor and by which the carrier agrees to transport the vehicle to a point outside the state.

The retail sales tax applies upon sales at retail made by local dealers to local residents for use by them in this state, even though delivery may be taken by the purchaser at the factory or other point outside this state, or that shipment may be made direct from outside this state to the purchaser in this state. However, where delivery is taken by local residents in foreign countries the vehicles will be deemed not to be for

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use in this state and local dealers will not be required to collect the retail sales tax.

(3) Records to be retained by seller. The affidavits and certificates referred to in this rule must be retained by the seller in his files as a part of his permanent records subject to audit by the department of revenue. In the absence of such proof, claims that transactions were exempt from tax will be disallowed.) (1) **Introduction.** This rule applies to any sale of a vehicle to a consumer who is not a resident of the state, including nonresident military personnel temporarily stationed in Washington. The rule describes the different business and occupation (B&O) and retail sales tax consequences that result from vehicle sales to nonresidents, particularly the sales tax exemption provided by RCW 82.08.0264. It also describes the documentation a seller must retain to demonstrate that a sale is exempt.

For information on use tax liability associated with vehicles, see WAC 458-20-178, Use tax.

For sales of vehicles to Indians or Indian tribes and required documentation, see WAC 458-20-192, Indians—Indian country.

Questions regarding vehicle licensing or registration requirements should be directed to the department of licensing.

(2) **What is a "vehicle"?** For the purposes of this rule, a "vehicle" is any vehicle of a type that may be lawfully licensed under chapter 46.16 RCW for operation on a public highway in this state, except that the term does not include any machinery and implements for use in conducting a farming activity subject to RCW 82.08.0268. The term "vehicle" includes, but is not limited to, a car, truck, camper, trailer, bus, motorhome, and motorcycles equipped for road use. It does not include farm tractors, bicycles, mopeds, motorized scooters, snowmobiles, or vehicles that are manufactured for exclusively off-road use.

(3) **What are the tax consequences when a vehicle sold to a nonresident is delivered in-state?** A sale of a vehicle to a nonresident where the vehicle is delivered in-state is exempt from retail sales tax if the sale meets the requirements of RCW 82.08.0264. In all other cases where the vehicle is delivered to the buyer in this state, the retail sales tax applies and must be collected at the time of sale, unless otherwise exempt by law. The mere fact that the buyer may be or claims to be a nonresident or that the buyer intends to, and actually does, use the vehicle in some other state does not, by itself, entitle the buyer to the exemption. In any case where the seller licenses or registers the vehicle in Washington on the buyer's behalf, the retail sales tax applies.

In computing the B&O tax liability of persons engaged in the business of selling vehicles, no deduction is allowed for a sale made to a nonresident for use outside this state if the nonresident buyer takes delivery in Washington. This is true even if the buyer is entitled to an exemption from the retail sales tax.

(a) **Exemption requirements.** If a vehicle is delivered within this state to a nonresident buyer, retail sales tax does not apply if the vehicle is purchased for use outside this state and, immediately upon delivery, the vehicle:

(i) Is removed from the state under the authority of a trip permit issued by the department of licensing pursuant to RCW 46.16.160; or

(ii) Is registered and licensed in the state of the buyer's residence, will not be used in this state more than three months, and will not be legally required to be registered and licensed in this state.

If the vehicle bears Washington state license plates, the seller must remove the Washington plates before delivering the vehicle and retain evidence of that removal to avoid liability for collection and payment of the retail sales tax.

(b) **Seller obligations; documentation.** The seller must properly document the following facts:

(i) The buyer is a nonresident of Washington;

(ii) The vehicle is for use outside this state;

(iii) The vehicle is to be removed from the seller's premises under the authority of either:

(A) A trip permit; or

(B) Valid license plates issued for that vehicle by the state of the buyer's residence, with the plates actually affixed to the vehicle upon final delivery; and

(iv) If the vehicle bears Washington state license plates, the seller has removed the Washington plates before delivery.

To comply with these requirements, the seller must retain a properly completed buyer's affidavit and seller's certificate (in-state delivery) in substantially the form prescribed in subsection (5) of this rule. The seller must also retain documentation of the buyer's nonresidence, as required in subsection (6) of this rule. If the nonresident buyer is a corporation, the seller must also retain the number of the corporate nonresident permit.

(4) **What are the tax consequences when a vehicle sold to a nonresident is delivered out-of-state?** A sale of a vehicle to a nonresident where the seller delivers the vehicle out-of-state is exempt from retail sales tax. If the vehicle is delivered to the buyer outside the state, the seller may also deduct the sale amount from the gross proceeds of sales for B&O tax purposes. The deductible amount must be included in the gross income reported on the excise tax return and then deducted on the return to determine the amount of taxable income. The deduction must be identified on the deduction detail page of the return as an "interstate and foreign sales" deduction.

(a) **Requirements.** If a vehicle is delivered outside the state to a nonresident buyer, retail sales tax does not apply if:

(i) The seller, as required by the contract of sale, delivers possession of the vehicle to the buyer at a point outside Washington; and

(ii) The vehicle is not licensed or registered in this state. If the vehicle bears Washington state license plates, the seller must remove the Washington plates before delivery and retain evidence of that removal to avoid liability for collection and payment of the retail sales tax.

(b) **Seller obligations; documentation.** The seller must properly document the following facts:

(i) The buyer's out-of-state address;

(ii) The vehicle is not licensed or registered in this state or the Washington state license plates have been removed from the vehicle before delivery;

(iii) Under the terms of the sales agreement, the seller is required to deliver the vehicle to the buyer at a point outside this state; and

(iv) The out-of-state delivery was actually made by the seller or by a common carrier acting as the seller's agent.

To comply with these requirements, the seller must retain a properly completed buyer's certificate and seller's certificate (out-of-state delivery) in substantially the form prescribed in subsection (5) of this rule. The seller's certificate must be signed by the person who actually delivers the vehicle to the buyer at the out-of-state location and may be completed only after delivery occurs.

(c) Documentation when delivery is made by common carrier. When a vehicle is delivered outside the state by common carrier acting as the seller's agent, no buyer's certificate or seller's certificate is required. Instead, the seller must retain:

(i) Evidence that the vehicle's license plates (if licensed in Washington) were removed; and

(ii) A signed copy of the bill of lading issued by the carrier. The bill of lading must show the seller as the consignor and indicate that the carrier agrees to transport the vehicle to a point outside the state.

(5) What forms should be used to document an exempt sale? The following documents are necessary to substantiate exempt sales to nonresidents. Do not send the documents described in this subsection to the department of revenue, but keep them as part of the seller's permanent records for five years. Without this documentation, claims that a transaction was exempt from tax will be disallowed.

Copies of the forms can be obtained:

• From the department's internet web site at http://dor.wa.gov

• By facsimile by calling fast fax at 360-705-6705 or 800-647-7706 (using menu options)

• By writing to:

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

(a) In-state delivery. A sale with in-state delivery requires a completed buyer's affidavit and seller's certificate-in-state delivery.

The buyer's affidavit must be substantially in the following form:

Buyer's Affidavit

To Be Completed by the Buyer When the Vehicle Is Delivered to the Buyer in Washington

I, (Name of buyer), swear that:

I am a resident of the State of... I am not a resident of the state of Washington and do not claim to be a resident of Washington for any purpose. My home address is (Street and number or rural route), (City, town or post office), (State), (Zip Code). On (Date), I purchased from (Name of seller) the following vehicle:

Make... Model...
Year... Serial No. (VIN)...

I am purchasing this vehicle for use outside Washington state. The vehicle will be removed from Washington state by the following means: (Select and complete one)

A. The vehicle will be driven from the seller's premises under the authority of a trip permit numbered... which has been issued to me by the Washington state department of licensing.

B. The vehicle will not be used in the state of Washington for more than three months and has been licensed in the state of... That state has issued to me license plates numbered... Those license plates are valid until (Expiration date of license). The plates have been affixed to the vehicle before it has left the seller's premises.

I, the undersigned buyer, understand that by completing and signing this affidavit I am swearing that I qualify for the tax-exempt purchase of the vehicle described above. In addition, I understand that false or erroneous use of this affidavit will result in liability for unpaid tax with interest and may result in additional penalties.

Dated at...

(Buyer's signature)

Service No. if member of armed services

Subscribed and sworn to before me at... Washington, this... day of... 20...

My appointment expires: ...

The seller's certificate must be substantially in the following form and be attached to the buyer's affidavit:

Seller's Certificate In-State Delivery

I certify that before final delivery of the vehicle described in the buyer's affidavit: (a) I examined trip permit No... which authorizes the vehicle's transit; or (b) license plates numbered... issued for the vehicle by the state of... and expiring... were affixed to the vehicle. I further certify that I have examined and retained a copy of the following item(s) of documentary evidence showing the buyer's residency in the state of...

SELECT AT LEAST ONE

- Driver's license #
Other picture identification #
Other (specify) #

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(If the vehicle sold was previously licensed with Washington plates) I further certify that the Washington state license plates were removed by . . . . ., agent of the seller.

.....  
(Signature of seller or representative)  
.....  
(Title-officer or agent)

**(b) Delivery out-of-state by seller.** A sale with out-of-state delivery by a seller requires a completed buyer's certificate and seller's certificate-out-of-state.

The buyer's certificate must be substantially in the following form:

**Buyer's Certificate**  
**Out-of-State Delivery**

**To Be Completed by Buyer at Time of Delivery Outside Washington State**

(Name of buyer)  
(Street and number or rural route)  
(City, town or post office)  
(State), (Zip Code)  
On . . . . . I purchased from (Name of seller) the following vehicle:

Make . . . . . Model . . . . .  
Year . . . . . Serial No. (VIN) . . . . .

Under the terms of the sales agreement the seller was required to, and did on this day, deliver this vehicle to me at (Place of delivery) in (State).

Dated at . . . . . this . . . day of . . . . . 20. . . . .  
.....  
(Signature)

.....  
Service No. if Member of Armed Services

**THE FOLLOWING STATEMENTS MUST BE INITIALED BY THE BUYER:**

..... I certify under penalty of perjury under the laws of the State of Washington that all of the information on this certificate is true. I further understand that I may be subject to criminal prosecution or other legal penalties for providing false information on this certificate.

..... I have completed and signed this certificate *after* the vehicle was delivered to me at the place and time described above.

The seller's certificate must be substantially in the following form and be attached to the buyer's certificate:

**Seller's Certificate**  
**Out-of-State Delivery**

**To Be Completed at Time of Delivery by the Person Who Delivers the Vehicle to the Buyer**

I certify that today I delivered the vehicle described in the buyer's certificate to (Name of buyer), at (Place of delivery). (If the vehicle sold was previously licensed with Washington plates) I further certify that the Washington state license plates were removed by . . . . ., agent of the seller.

Dated . . . . .  
.....  
(Signature of the person who delivered the vehicle to the buyer)  
.....  
(Title-Officer or Agent)

**The Following Statements Must Be Initialed by the Person Who Delivered the Vehicle to the Buyer:**

..... I certify under penalty of perjury under the laws of the State of Washington that all of the information on this certificate is true. I further understand that I may be subject to criminal prosecution or other legal penalties for providing false information on this certificate.

..... I have completed and signed this certificate *after* the vehicle was delivered to the buyer as described above.

**(6) What are a seller's obligations to verify a buyer's statements on nonresidency?** Completion of a buyer's affidavit documents the exempt nature of a sale under RCW 82.08.0264 unless there are facts that negate the presumption that the seller relied on the buyer's affidavit in good faith. The seller, however, must exercise a reasonable degree of care in accepting statements regarding a buyer's nonresidence. If delivery occurs in-state, the seller must examine and retain a copy of at least one form of documentary evidence showing the buyer's out-of-state residence. Lack of good faith on the part of the seller or lack of the exercise of the degree of care required is indicated, for example, in the following circumstances:

- (a) If the seller knows that the buyer is living in Washington;
- (b) If the buyer gives a Washington address for the purpose of financing the purchase of the vehicle;
- (c) If, at the time of sale, arrangements are made for future servicing of the vehicle in the seller's shop and a Washington address or telephone number is shown for the shop customer; or
- (d) If the seller has ready access to any other information that discloses that the buyer may be a resident of Washington.

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**(7) Do military personnel qualify for the nonresident exemptions?** A member of the armed services who is temporarily stationed in Washington is presumed to be a nonresident, unless that person was a resident of this state when inducted. This presumption does not apply to a civilian employee of the armed services. Nonetheless, a sale to a nonresident member of the armed forces must meet all of the statutory requirements for a retail sales tax exemption or B&O tax deduction. If a vehicle sold to a member of the armed forces will remain in Washington for more than three months, retail sales tax is due on the sale, even if the vehicle is registered in the home state of the armed forces member.

**(a) Military temporary license.** In addition to the exemptions provided under RCW 82.08.0264, a member of the armed forces may alternatively qualify for the retail sales tax and use tax exemptions provided by RCW 46.16.480 if the member obtains a 45-day nonresident military temporary license from the department of licensing under RCW 46.16.460 and satisfies the requirements of RCW 46.16.480.

**(b) Additional documentation required.** In addition to the documentation otherwise required by this rule, for a sale to a member of the armed forces a seller must retain a copy of military orders showing that the buyer:

**(i) Is temporarily stationed in Washington and will leave within three months of the date of purchase; or**

**(ii) Is permanently reassigned to a new duty station outside Washington and will leave within three months of the date of purchase.**

**(c) Military personnel of NATO-member nations.** Pursuant to treaty, a member of the armed forces of any NATO-member nation who is stationed in Washington is considered to be a nonresident for purposes of the RCW 82.08.0264 retail sales tax exemption. The buyer must meet all otherwise applicable requirements for exemption. In addition, the seller must retain proof of the buyer's military assignment in Washington as a member of a NATO-member nation's armed forces.

**(8) Are sales to residents of noncontiguous states exempt from Washington retail sales tax?** RCW 82.08.0269 exempts purchases of tangible personal property from the retail sales tax if the property is purchased for use in states, territories, and possessions of the United States that are not contiguous with any other state. However, the exemption only applies if, as a necessary incident to the contract of sale, the seller delivers the property to the purchaser or the purchaser's designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in a noncontiguous state, territory, or possession.

RCW 82.08.0269 applies to the sale of motor vehicles when the requirements stated above are met. Therefore, in addition to being exempt from retail sales tax under RCW 82.08.0264 (discussed above), a sale of a motor vehicle to a resident of a noncontiguous state, territory, or possession may qualify for exemption under RCW 82.08.0269. If so, the sale is exempt from retail sales tax but does not qualify for a B&O tax deduction. For more information on the requirements of the RCW 82.08.0269 exemption, including the doc-

umentation requirements, see WAC 458-20-193, Inbound and outbound interstate sales of tangible personal property.

**(9) Are sales to residents of states with no sales tax exempt from Washington retail sales tax?** RCW 82.08.0273 exempts purchases of tangible personal property from the retail sales tax if the purchaser is a resident of another state or possession or a province of Canada that does not impose a retail sales tax or use tax of three percent or more. That statute does not apply to purchases of vehicles. Because RCW 82.08.0264 more specifically applies to the sale of vehicles, it takes precedence over RCW 82.08.0273. A resident of another state or possession or a province of Canada that does not impose a retail sales tax or use tax of three percent or more may purchase and take delivery of a vehicle in Washington free of retail sales tax only if the person meets the requirements of RCW 82.08.0264 or 82.08.0269.

**(10) Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all facts and circumstances.

**(a) Buyer purchases a vehicle from Dealer. Buyer provides identification indicating that Buyer is a resident of California and provides California license plates for the vehicle. However, Buyer also states that he intends to use the vehicle in the state of Washington for four months before returning to California. Buyer does not qualify for a sales tax exemption because Buyer will use the vehicle for more than three months in the state.**

**(b) Buyer provides proof of residency in Idaho; there are no contrary facts regarding Buyer's residency. Buyer completes the buyer's affidavit, stating that the vehicle is for use out-of-state. Buyer obtains and uses a trip permit issued under authority of RCW 46.16.160 to remove the vehicle from Washington. The Dealer completes a seller's certificate and certifies that the Dealer removed the Washington license plates before delivering the vehicle to Buyer. This sale qualifies for the retail sales tax exemption but not the B&O tax deduction.**

**(c) Buyer is a Washington resident, employed by out-of-state Corporation X. On behalf of Corporation X, Buyer purchases and accepts in-state delivery of a vehicle from Dealer. The vehicle will be used as a company car out-of-state and will not be used or garaged in Washington. Payment is made by corporate check. Buyer provides a trip permit for transport of the vehicle out of Washington. This sale qualifies for the retail sales tax exemption (but not for the B&O tax deduction) notwithstanding the Washington residency of its employee. The Dealer must record in its records the number of the corporate nonresident permit.**

**(d) Buyer is a resident of Alaska and purchases a vehicle from Dealer in Washington. The sales contract requires Dealer to deliver the vehicle to Buyer at Anchorage, Alaska. Before shipping the vehicle, Dealer removes the vehicle's Washington state license plates and retains a photocopy of the plates as evidence of the removal. Seller ships the vehicle to Alaska by common carrier. Seller retains a signed copy of the bill of lading, indicating the Seller as consignor and the**

Buyer as consignee. This sale qualifies for the retail sales tax exemption and a B&O tax deduction.

(e) Buyer is a resident of Alaska and purchases a vehicle from Dealer in Washington. Dealer delivers the vehicle to the Buyer at dockside in Seattle to be shipped to Anchorage, Alaska by common carrier. Dealer retains the exemption certificate and dock receipt required by WAC 458-20-193. This sale qualifies for the retail sales tax exemption provided by RCW 82.08.0269 but not for a B&O tax deduction.

(f) Buyer is a member of the armed forces and provides a copy of her orders showing that she is temporarily stationed in Washington. Before entering military service, buyer resided in another state. Buyer purchases a vehicle from Dealer and licenses it in her home state, but intends to keep the vehicle in this state for over three months. This sale does not qualify for any exemption or deduction. If the vehicle were to be removed from the state within three months, the sale would qualify for the RCW 82.08.0264 retail sales tax exemption but not for a B&O tax deduction.

(g) Buyer owns homes in Washington and Arizona, spending summers in Washington and winters in Arizona. In October, Buyer purchases a vehicle from Dealer, asserting that he will immediately drive the vehicle to Arizona and license it in that state. Buyer presents an Arizona driver's license for identification and provides a trip permit to remove the vehicle from Washington. Dealer is aware that Buyer lives in Washington for a significant portion of each year. In such a case, the sale would not qualify for the retail sales tax exemption. Under these facts, Buyer has dual residency in Washington and Arizona for tax purposes and Dealer cannot, in good faith, rely upon a buyer's affidavit from Buyer.

(h) Buyer provides an Oregon driver's license and states that the vehicle will be licensed in Oregon and used out-of-state. However, when Dealer runs a credit check on Buyer, the credit report contains several references to a Washington address for Buyer. In this situation, Dealer cannot rely in good faith on Buyer's single form of identification as proof of nonresidency. The dealer must obtain additional evidence of nonresidency to substantiate a claimed exemption before making a tax-exempt sale in this situation.

(i) Buyer purchases a motorcycle from Dealer in Vancouver, Washington. The motorcycle is equipped for use on public highways. Buyer provides an Oregon driver's license and asserts that the motorcycle will be licensed in Oregon. Buyer also states that the motorcycle will only be used outside of Washington. Buyer places the motorcycle in the back of a truck for transport to Oregon. This sale does not qualify for any exemption or deduction. To qualify for the sales tax exemption, RCW 82.08.0264 requires the Buyer to obtain a trip permit or provide license plates from another state before removing the vehicle from Washington.

WSR 05-14-087

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed June 30, 2005, 3:17 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The rule is required by statute (RCW 84.33.091) to be effective on July 1, 2005.

Purpose: WAC 458-40-660 Timber excise tax—Stumpage value tables, provides eight stumpage value tables representing the areas in the state in which timber is harvested. RCW 84.33.091 requires that the department publish stumpage values on a semiannual basis. The rule is being revised to provide stumpage values for July 1 - December 31, 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 05-11-052 on May 16, 2005.

A final cost-benefit analysis is available by contacting Roseanna Hodson, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543, e-mail roseannah@dor.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 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 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

AMENDATORY SECTION (Amending WSR 05-02-040, filed 12/30/04, effective 1/1/05)

**WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.** (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2005:

TABLE 1—Stampage Value Table

Stampage Value Area 1  
January 1 through June 30, 2005

Stampage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species Name	Species Code	Quality	Hauling				
			Distance	Zone	Number	1	2

Douglas Fir	DF	1	\$502	\$495	\$488	\$481	\$474
		2	418	411	404	397	390
		3	416	409	402	395	388
		4	366	359	352	345	338
Western Redcedar(2)	RC	1	759	752	745	738	731
Western Hemlock and Other Conifer(3)	WH	1	331	324	317	310	303
		2	276	269	262	255	248
		3	244	237	230	223	216
		4	237	230	223	216	209
Red Alder	RA	1	370	363	356	349	342
		2	297	290	283	276	269
Black Cottonwood	BC	1	13	6	1	1	1
Other Hardwood	OH	1	196	189	182	175	168
Douglas Fir Poles	DPL	1	657	650	643	636	629
Western Redcedar Poles	RCP	1	1191	1184	1177	1170	1163
Chipwood(4)	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCP	1	121	114	107	100	93
RC & Other Posts(5)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(6)	DPX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(6)	TPX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.  
 (2) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, as "White Fir."  
 (3) Stampage value per ton.  
 (4) Stampage value per lineal foot or portion thereof.  
 (5) Stampage value per lineal foot or portion thereof.  
 (6) Stampage value per lineal foot.

PERMANENT

(TABLE 1—Stampage Value Table

Stampage Value Area 1  
January 1 through June 30, 2005

Stampage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species Name	Species Code	Quality	Hauling				
			Distance	Zone	Number	1	2

Douglas Fir	DF	1	\$473	\$466	\$459	\$452	\$445
		2	441	424	427	420	413
		3	400	393	386	379	372
		4	352	345	338	331	324
Western Redcedar(2)	RC	1	759	752	745	738	731
Western Hemlock and Other Conifer(3)	WH	1	331	324	317	310	303
		2	223	216	209	202	195
		3	223	216	209	202	195
		4	223	216	209	202	195
Red Alder	RA	1	370	363	356	349	342
		2	297	290	283	276	269
Black Cottonwood	BC	1	13	6	1	1	1
Other Hardwood	OH	1	196	189	182	175	168
Douglas Fir Poles	DPL	1	657	650	643	636	629
Western Redcedar Poles	RCP	1	1191	1184	1177	1170	1163
Chipwood(4)	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCP	1	121	114	107	100	93
RC & Other Posts(5)	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(6)	DPX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(6)	TPX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.  
 (2) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, as "White Fir."  
 (3) Stampage value per ton.  
 (4) Stampage value per lineal foot or portion thereof.  
 (5) Stampage value per lineal foot or portion thereof.  
 (6) Stampage value per lineal foot.



TABLE 4—Stumpage Value Table  
Stumpage Value Area 4  
January 1 through June 30, 2005

Species	Quantity	Distance Zone Number	Species Code	Species Code	Quantity	Distance Zone Number
Douglas Fir(2)	1	\$134 \$427 \$420 \$413 \$406	DF	1	412 405 398 391 384	4
	2	434 427 420 413 406		2	434 427 420 413 406	3
	3	434 427 420 413 406		3	434 427 420 413 406	3
	4	412 405 398 391 384		4	412 405 398 391 384	4
Lodgepole Pine	1	207 200 193 186 179	LP	1	207 200 193 186 179	1
Ponderosa Pine	1	251 244 237 230 223	PP	1	251 244 237 230 223	1
	2	190 192 185 178 171		2	190 192 185 178 171	2
Western Hemlock and Western Redcedar(3)	1	759 752 745 738 731	RC	1	759 752 745 738 731	1
Western Hemlock and Other Conifer(4)	1	331 324 317 310 303	WH	1	331 324 317 310 303	1
	2	264 257 250 243 236		2	264 257 250 243 236	2
	3	225 218 211 204 197		3	225 218 211 204 197	3
	4	224 217 210 203 196		4	224 217 210 203 196	4
Red Alder	1	370 363 356 349 342	RA	1	370 363 356 349 342	1
Black Cottonwood	1	13 6 1 1 1	BC	1	13 6 1 1 1	1
Other Hardwood	1	196 189 182 175 168	OH	1	196 189 182 175 168	1
Douglas Fir Poles	1	657 650 643 636 629	DPL	1	657 650 643 636 629	1
Western Redcedar Poles	1	1191 1184 1177 1170 1163	RCP	1	1191 1184 1177 1170 1163	1
Chipwood(5)	1	1 1 1 1 1	CHW	1	1 1 1 1 1	1
RC Shake Blocks	1	303 296 289 282 275	RCS	1	303 296 289 282 275	1
RC Shingle Blocks	1	121 114 107 100 93	RCP	1	121 114 107 100 93	1
RC & Other Poles(6)	1	0.45 0.45 0.45 0.45 0.45	RCP	1	0.45 0.45 0.45 0.45 0.45	1
DF Christmas Trees(7)	1	0.25 0.25 0.25 0.25 0.25	DPX	1	0.25 0.25 0.25 0.25 0.25	1
Other Christmas Trees(7)	1	0.50 0.50 0.50 0.50 0.50	TPX	1	0.50 0.50 0.50 0.50 0.50	1

Stumpage Values per Thousand Board Feet Net Scriber Log Scale(1)

TABLE 3—Stumpage Value Table  
Stumpage Value Area 3  
January 1 through June 30, 2005

Species	Quantity	Distance Zone Number	Species Code	Species Code	Quantity	Distance Zone Number
Douglas Fir(2)	1	\$386 \$379 \$372 \$365 \$358	DF	1	317 310 303 296 289	4
	2	324 327 320 313 306		2	324 327 320 313 306	3
	3	324 327 320 313 306		3	324 327 320 313 306	3
	4	317 310 303 296 289		4	317 310 303 296 289	4
Western Redcedar(3)	1	759 752 745 738 731	RC	1	759 752 745 738 731	1
Western Hemlock and Western Redcedar(3)	1	331 324 317 310 303	WH	1	331 324 317 310 303	1
Other Conifer(4)	2	232 225 218 211 204		2	232 225 218 211 204	2
	3	167 160 153 146 139		3	167 160 153 146 139	3
	4	148 141 134 127 120		4	148 141 134 127 120	4
Red Alder	1	370 363 356 349 342	RA	1	370 363 356 349 342	1
Black Cottonwood	1	13 6 1 1 1	BC	1	13 6 1 1 1	1
Other Hardwood	1	196 189 182 175 168	OH	1	196 189 182 175 168	1
Douglas Fir Poles	1	657 650 643 636 629	DPL	1	657 650 643 636 629	1
Western Redcedar Poles	1	1191 1184 1177 1170 1163	RCP	1	1191 1184 1177 1170 1163	1
Chipwood(5)	1	1 1 1 1 1	CHW	1	1 1 1 1 1	1
RC Shake Blocks	1	303 296 289 282 275	RCS	1	303 296 289 282 275	1
RC Shingle Blocks	1	121 114 107 100 93	RCP	1	121 114 107 100 93	1
RC & Other Poles(6)	1	0.45 0.45 0.45 0.45 0.45	RCP	1	0.45 0.45 0.45 0.45 0.45	1
DF Christmas Trees(7)	1	0.25 0.25 0.25 0.25 0.25	DPX	1	0.25 0.25 0.25 0.25 0.25	1
Other Christmas Trees(7)	1	0.50 0.50 0.50 0.50 0.50	TPX	1	0.50 0.50 0.50 0.50 0.50	1

Stumpage Values per Thousand Board Feet Net Scriber Log Scale(1)

TABLE 6—Stumpage Value Table  
Stumpage Value Area 6  
January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Quality Code	Distance Zone Number				
			1	2	3	4	5
Timber	DP	+	\$312	\$305	\$298	\$291	\$284
Lodgepole Pine	LP	+	207	200	193	186	179
Ponderosa Pine	PP	+	251	244	237	230	223
Ponderosa Pine	PP	2	199	192	185	178	171
Western Redcedar(3)	RC	+	475	468	461	454	447
True Fir and Spruce(4)	WH	+	219	212	205	198	191
Western White Pine	WP	+	302	295	288	281	274
Hardwoods	OH	+	50	43	36	29	22
Western Redcedar Poles	RCPL	+	475	468	461	454	447
Small Logs(5)	SML	+	25	24	23	22	21
Red Alder	RA	+	370	363	356	349	342
Red Alder	RA	2	297	290	283	276	269
Black Cottonwood	BC	+	13	6	1	1	1
Other Hardwood	OH	+	196	189	182	175	168
Douglas Fir Poles	DFP	+	657	650	643	636	629
Western Redcedar Poles	RCPL	+	1191	1184	1177	1170	1163
Chipwood(5)	CHW	+	1	1	1	1	1
RC Shake Blocks	RCS	+	303	296	289	282	275
RC Shingle Blocks	RCR	+	121	114	107	100	93
RC & Other Poles(6)	RCP	+	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DPX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	DPX	+	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-10-680.  
 (2) Includes Western Larch.  
 (3) Includes Alaska Cedar.  
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
 (5) Stumpage value per ton.  
 (6) Stumpage value per lineal foot or portion thereof.  
 (7) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
 (8) Stumpage value per lineal foot.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species Name	Species Code	Quality Code	Distance Zone Number				
			1	2	3	4	5
Timber	DP	+	\$440	\$433	\$426	\$419	\$412
Lodgepole Pine	LP	+	207	200	193	186	179
Ponderosa Pine	PP	+	251	244	237	230	223
Ponderosa Pine	PP	2	199	192	185	178	171
Western Redcedar(3)	RC	+	759	752	745	738	731
Western Hemlock and Other Conifer(4)	WH	+	331	324	317	310	303
Other Conifer(4)	OH	+	239	232	225	218	211
Douglas Fir Poles	DFP	+	657	650	643	636	629
Western Redcedar Poles	RCPL	+	1191	1184	1177	1170	1163
Chipwood(5)	CHW	+	1	1	1	1	1
RC Shake Blocks	RCS	+	303	296	289	282	275
RC Shingle Blocks	RCR	+	121	114	107	100	93
RC & Other Poles(6)	RCP	+	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(7)	DPX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	DPX	+	0.50	0.50	0.50	0.50	0.50

TABLE 5—Stumpage Value Table  
Stumpage Value Area 5  
January 1 through June 30, 2005

PERMANENT

TABLE 8 - Stumpage Value Table

Stumpage Value Area 10  
January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species Name	Species Code	Quality	Timber											
			Distance	Zone	Number	1	2	3	4	5				
Douglas Fir (2)	DF	+	\$420	\$413	\$406	\$399	\$392	3	2	420	413	406	399	392
Lodgepole Pine	LP	+	207	200	193	186	179	4	3	420	413	406	399	392
Ponderosa Pine	PP	+	251	244	237	230	223	3	2	199	192	185	178	171
Western Redcedar (3)	RC	+	745	738	731	724	717	2	250	243	236	229	222	
Western Hemlock and Western Redcedar (4)	WH	+	317	310	303	296	289	3	321	314	307	300	293	286
Black Cottonwood	BC	+	+	+	+	+	+	2	283	276	269	262	255	
Red Alder	RA	+	356	349	342	335	328	2	356	349	342	335	328	
Other Hardwood	OH	+	182	175	168	161	154	2	643	636	629	622	615	
Douglas Fir Poles	DFP	+	643	636	629	622	615	2	1177	1170	1163	1156	1149	
Western Redcedar Poles	RCP	+	1177	1170	1163	1156	1149	2	1177	1170	1163	1156	1149	
Chipwood (5)	CHW	+	+	+	+	+	+	2	303	296	289	282	275	
RC Shake Blocks	RCS	+	303	296	289	282	275	2	121	114	107	100	93	
RC Shingle Blocks	RCF	+	121	114	107	100	93	2	0.45	0.45	0.45	0.45	0.45	
RC & Other Poles (6)	RCP	+	0.45	0.45	0.45	0.45	0.45	2	0.25	0.25	0.25	0.25	0.25	
DP Christmas Trees (7)	DPX	+	0.25	0.25	0.25	0.25	0.25	2	0.50	0.50	0.50	0.50	0.50	
Other Christmas Trees (7)	OPX	+	0.50	0.50	0.50	0.50	0.50	2						

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TABLE 7 - Stumpage Value Table

Stumpage Value Area 7  
January 1 through June 30, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (1)

Species Name	Species Code	Quality	Timber											
			Distance	Zone	Number	1	2	3	4	5				
Douglas Fir (2)	DF	+	\$345	\$338	\$331	\$324	\$317	2	225	218	211	204	197	
Lodgepole Pine	LP	+	225	218	211	204	197	2	240	233	226	219	212	
Ponderosa Pine	PP	+	240	233	226	219	212	2	475	468	461	454	447	
Western Redcedar (3)	RC	+	475	468	461	454	447	2	266	259	252	245	238	
True Fir and Spruce (4)	WH	+	266	259	252	245	238	2	302	295	288	281	274	
Western White Pine	WP	+	302	295	288	281	274	2	50	43	36	29	22	
Hardwoods	OH	+	50	43	36	29	22	2	475	468	461	454	447	
Western Redcedar Poles	RCP	+	475	468	461	454	447	2	25	24	23	22	21	
Small Logs (5)	SML	+	25	24	23	22	21	2	+	+	+	+	+	
Chipwood (5)	CHW	+	+	+	+	+	+	2	0.25	0.25	0.25	0.25	0.25	
RC Shake & Shingle Blocks	RCP	+	0.25	0.25	0.25	0.25	0.25	2	0.35	0.35	0.35	0.35	0.35	
LP & Other Poles (6)	LPP	+	0.35	0.35	0.35	0.35	0.35	2	0.25	0.25	0.25	0.25	0.25	
Pine Christmas Trees (7)	PX	+	0.25	0.25	0.25	0.25	0.25	2	0.25	0.25	0.25	0.25	0.25	
Other Christmas Trees (7)	OPX	+	0.25	0.25	0.25	0.25	0.25	2						

(1) Log scale conversions Western and Eastern Washington - See conversion methods WAC 458-40-680.  
 (2) Includes Western Larch.  
 (3) Includes Alaska Cedar.  
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce-Pacific Silver Fir, as "White Fir."  
 (5) Stumpage value per ton.  
 (6) Stumpage value per lineal foot - Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
 (7) Stumpage value per lineal foot.  
 (8) Stumpage value per lineal foot.

(1) Log scale conversions Western and Eastern Washington - See conversion methods WAC 458-40-680.  
 (2) Includes Western Larch.  
 (3) Includes Alaska Cedar.  
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce-Pacific Silver Fir, as "White Fir."  
 (5) Stumpage value per ton.  
 (6) Stumpage value per lineal foot - Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
 (7) Stumpage value per lineal foot.  
 (8) Stumpage value per lineal foot.

**TABLE 1—Stumpage Value Table**  
**Stumpage Value Area 1**  
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$461	\$454	\$447	\$440	\$433
		2	459	452	445	438	431
		3	411	404	397	390	383
		4	377	370	363	356	349
Western Redcedar <sup>(2)</sup>	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer <sup>(2)</sup>	WH	1	351	344	337	330	323
		2	287	280	273	266	259
		3	280	273	266	259	252
		4	280	273	266	259	252
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood <sup>(4)</sup>	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCP	1	231	224	217	210	203
RC & Other Posts <sup>(5)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(6)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(6)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 2—Stumpage Value Table**  
**Stumpage Value Area 2**  
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$489	\$482	\$475	\$468	\$461
		2	489	482	475	468	461
		3	468	461	454	447	440
		4	415	408	401	394	387
Western Redcedar <sup>(2)</sup>	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer <sup>(2)</sup>	WH	1	392	385	378	371	364
		2	334	327	320	313	306
		3	323	316	309	302	295
		4	317	310	303	296	289
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood <sup>(4)</sup>	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCP	1	231	224	217	210	203
RC & Other Posts <sup>(5)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(6)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(6)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Alaska-Cedar.

<sup>(3)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(4)</sup> Stumpage value per ton.

<sup>(5)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(6)</sup> Stumpage value per lineal foot.

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Alaska-Cedar.

<sup>(3)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(4)</sup> Stumpage value per ton.

<sup>(5)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(6)</sup> Stumpage value per lineal foot.

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**TABLE 3—Stumpage Value Table**  
**Stumpage Value Area 3**  
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$407	\$400	\$393	\$386	\$379
		2	385	378	371	364	357
		3	385	378	371	364	357
		4	310	303	296	289	282
Western Redcedar <sup>(3)</sup>	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer <sup>(4)</sup>	WH	1	392	385	378	371	364
		2	287	280	273	266	259
		3	236	229	222	215	208
		4	236	229	222	215	208
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts <sup>(6)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(7)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(7)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 4—Stumpage Value Table**  
**Stumpage Value Area 4**  
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$468	\$461	\$454	\$447	\$440
		2	461	454	447	440	433
		3	461	454	447	440	433
		4	461	454	447	440	433
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar <sup>(3)</sup>	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer <sup>(4)</sup>	WH	1	392	385	378	371	364
		2	311	304	297	290	283
		3	290	283	276	269	262
		4	290	283	276	269	262
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts <sup>(6)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(7)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(7)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(7)</sup> Stumpage value per lineal foot.

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(7)</sup> Stumpage value per lineal foot.

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**TABLE 5—Stumpage Value Table**  
**Stumpage Value Area 5**  
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$520	\$513	\$506	\$499	\$492
		2	474	467	460	453	446
		3	458	451	444	437	430
		4	424	417	410	403	396
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar <sup>(3)</sup>	RC	1	703	696	689	682	675
Western Hemlock and Other Conifer <sup>(4)</sup>	WH	1	405	398	391	384	377
		2	317	310	303	296	289
		3	317	310	303	296	289
		4	317	310	303	296	289
Red Alder	RA	1	374	367	360	353	346
		2	291	284	277	270	263
Black Cottonwood	BC	1	31	24	17	10	3
Other Hardwood	OH	1	197	190	183	176	169
Douglas-Fir Poles	DFL	1	679	672	665	658	651
Western Redcedar Poles	RCL	1	1250	1243	1236	1229	1222
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts <sup>(6)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(7)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(7)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(7)</sup> Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table**  
**Stumpage Value Area 6**  
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$302	\$295	\$288	\$281	\$274
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar <sup>(3)</sup>	RC	1	520	513	506	499	492
True Firs and Spruce <sup>(4)</sup>	WH	1	211	204	197	190	183
Western White Pine	WP	1	327	320	313	306	299
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	520	513	506	499	492
Small Logs <sup>(5)</sup>	SML	1	30	29	28	27	26
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>(6)</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>(7)</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(8)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(7)</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>(8)</sup> Stumpage value per lineal foot.

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**TABLE 7—Stumpage Value Table**  
**Stumpage Value Area 7**  
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$356	\$349	\$342	\$335	\$328
Lodgepole Pine	LP	1	245	238	231	224	217
Ponderosa Pine	PP	1	259	252	245	238	231
		2	197	190	183	176	169
Western Redcedar <sup>(3)</sup>	RC	1	520	513	506	499	492
True Firs and Spruce <sup>(4)</sup>	WH	1	263	256	249	242	235
Western White Pine	WP	1	327	320	313	306	299
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	520	513	506	499	492
Small Logs <sup>(5)</sup>	SML	1	26	25	24	23	22
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>(6)</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>(7)</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(8)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

**TABLE 8—Stumpage Value Table**  
**Stumpage Value Area 10**  
 July 1 through December 31, 2005

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>(1)</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>(2)</sup>	DF	1	\$454	\$447	\$440	\$433	\$426
		2	447	440	433	426	419
		3	447	440	433	426	419
		4	447	440	433	426	419
Lodgepole Pine	LP	1	227	220	213	206	199
Ponderosa Pine	PP	1	261	254	247	240	233
		2	195	188	181	174	167
Western Redcedar <sup>(3)</sup>	RC	1	689	682	675	668	661
Western Hemlock and Other Conifer <sup>(4)</sup>	WH	1	378	371	364	357	350
		2	297	290	283	276	269
		3	276	269	262	255	248
		4	276	269	262	255	248
Red Alder	RA	1	360	353	346	339	332
		2	277	270	263	256	249
Black Cottonwood	BC	1	17	10	3	1	1
Other Hardwood	OH	1	183	176	169	162	155
Douglas-Fir Poles	DFL	1	665	658	651	644	637
Western Redcedar Poles	RCL	1	1236	1229	1222	1215	1208
Chipwood <sup>(5)</sup>	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	347	340	333	326	319
RC Shingle Blocks	RCF	1	231	224	217	210	203
RC & Other Posts <sup>(6)</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>(7)</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>(7)</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(7)</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>(8)</sup> Stumpage value per lineal foot.

<sup>(1)</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

<sup>(2)</sup> Includes Western Larch.

<sup>(3)</sup> Includes Alaska-Cedar.

<sup>(4)</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>(5)</sup> Stumpage value per ton.

<sup>(6)</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>(7)</sup> Stumpage value per lineal foot.

PERMANENT

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((January)) July 1 through ((June-30)) December 31, 2005:

**TABLE 9—Harvest Adjustment Table**  
Stumpage Value Areas 1, 2, 3, 4, 5, and 10  
((January)) July 1 through ((June-30)) December 31, 2005

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
II. Logging conditions		
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table**  
Stumpage Value Areas 6 and 7  
((January)) July 1 through ((June-30)) December 31, 2005

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
Note: A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.		
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00



TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

### WSR 05-14-090

#### PERMANENT RULES

#### DEPARTMENT OF REVENUE

[Filed June 30, 2005, 3:21 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule explains the application of business and occupation (B&O), retail sales, and use taxes to persons operating hospitals as defined in RCW 70.41.020, nursing homes as defined in RCW 18.51.010, boarding homes as defined in RCW 18.20.020, adult family homes as defined in RCW 70.128.010, and similar health care facilities. The department is revising this rule to reflect legislative changes

and to provide updated and more comprehensive information.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-168 Hospitals, (~~medical care facilities~~) nursing homes, boarding homes, adult family homes, and similar health care facilities.

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

Adopted under notice filed as WSR 05-06-019 on February 22, 2005.

Changes Other than Editing from Proposed to Adopted Version: The following are the changes to the proposed rule WAC 458-20-168.

- The term "directly" is added into subsection (3)(e) of the proposed rule, so that it reads, "A B&O tax deduction is provided... for amounts received directly from the United States, any instrumentality of the United States, the state of Washington, or any municipal corporation or political subdivision of the state of Washington...."
- The term "sales of drugs for human use pursuant to a prescription" replaces the term "sales of prescription drugs as defined in RCW 82.08.0281" in subsection (3)(d) of the proposed rule.
- Subsection (3)(f) of the proposed rule is revised to incorporate SB 5857, chapter 86, Laws of 2005, which is effective August 1, 2005. This legislation provides a B&O tax deduction to nonprofit community health center or a network of nonprofit community health centers.
- The sentence "Refer to subsection (3)(h) of the rule for B&O tax deductions and exemptions available to boarding homes" is added in subsection (2)(c) of the proposed rule.
- Subsection (3)(h) is added to incorporate provisions of ESHB 2314, chapter 514, Laws of 2005. This legislation provides that effective July 1, 2005, amounts received by a nonprofit boarding home licensed for providing room and domiciliary care to residents of the boarding home are exempt from B&O tax.
- Subsection (6) is revised to incorporate provisions of ESHB 2314, chapter 514, Laws of 2005, which provide that quality maintenance fees on nursing homes not exempt from the fee under RCW 74.46.091 expire after July 1, 2011.
- Subsection (4)(c) is added to incorporate provisions of ESHB 2314, chapter 514, Laws of 2005, which provide that effective July 1, 2006, sales of medical supplies, chemicals, or materials to a comprehensive cancer center are exempt from retail sales and use tax.
- We have added an explanation in subsection (3)(d) that nursing homes operated by church organizations or by nonprofit corporations that assist alcoholics in recovery and rehabilitation qualify for the B&O tax deduction. Language has also been added to explain that nursing homes and homes for unwed mothers operated by governmental entities, including public hospital districts, do not qualify for the deduction.
- Language has been added to subsection (4)(b) to explain that the sales and use tax exemptions for prepared meals provided to senior citizens, disabled per-

sons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW apply to sales of prepared meals to such not-for-profit organizations.

- Subsection (3)(f) is revised to clarify that this B&O tax deduction applies to amounts received directly or through a third party from Medicare, Washington Basic Health plan, and programs under chapter 70.49 RCW.
- Subsection (3)(b) is revised to explain that B&O tax does not apply to donations received by a public hospital, as long as the donees do not receive any goods, services, or business benefits in return. Language has also been added to explain that a public hospital is not allowed to take a B&O tax deduction on amounts received from a state university for work-study programs or training seminars for doctors, because the university receives business benefits in return, as students receive education and training while enrolling the university's degree programs.

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 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice 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 05-15 issue of the Register.

## WSR 05-14-092

### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed June 30, 2005, 3:59 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To comply with the governor's Executive Order 1997-02, and to add "leasing" activity to the WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-405, 308-56A-410, 308-56A-415, and 308-56A-420.

Statutory Authority for Adoption: RCW 46.70.160.

Adopted under notice filed as WSR 05-01-226 on December 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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 14, 2005.

Daniel Devoe  
Administrator

**AMENDATORY SECTION** (Amending Order MV 208, filed 7/31/74)

**WAC 308-56A-405 Acquired from United States government. Do I need to title those vehicles?** A licensed vehicle dealer who acquires vehicles from an agency of the United States government may title the vehicles under "title purpose only" procedures and need attach only the original or one certified copy of the bill of sale if each application is filed in the name of the dealer and all such applications are filed at the same time.

**AMENDATORY SECTION** (Amending Order MV 208, filed 7/31/74)

**WAC 308-56A-410 No application required. When do I not need to apply for a certificate of ownership?** A Washington vehicle dealer need not apply for title in his own name when:

- (1) A vehicle is acquired that is titled and the title is properly released; or
- (2) One vehicle dealer transfers a particular vehicle to another vehicle dealer, unless precluded by other regulations;
- (3) The dealer has a properly executed affidavit of loss from the legal owner of record and release of interest from the registered and legal owners of record for a Washington titled vehicle.

**AMENDATORY SECTION** (Amending Order MV 208, filed 7/31/74)

**WAC 308-56A-415 Application in dealers name. When do I need to apply for a certificate of ownership?** Except as referenced in WAC 308-56A-410, a Washington dealer must apply for title in his/her own name by following all procedures set forth in these rules whenever the dealer does not have a valid certificate of ownership properly released.

**AMENDATORY SECTION** (Amending WSR 99-02-049, filed 1/5/99, effective 2/5/99)

**WAC 308-56A-420 Delivery of vehicle on dealer temporary permit. How do I deliver a vehicle on a dealer temporary permit?**

(1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear valid Washington state license plates or tabs by utilizing a dealer temporary license permit.

(2) The application for title portion of the permit form must be properly and completely filled out by the selling/leasing dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the customer/purchaser/lessee. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s) or lessee.

(3) The dealer shall collect all fees required for titling and registration of a vehicle.

(4) The dealer shall detach the hard copy of the dealer permit and shall record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date on which the vehicle is physically delivered to the customer/purchaser/lessee.

(5) The application copies shall be used by the dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), when a second temporary permit is authorized; the selling dealer must submit the application and all title/licensing fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date on which the vehicle is physically delivered to the customer/purchaser. The date on which the selling or leasing dealer physically delivers the vehicle to the customer/purchaser/lessee shall commence the forty-five day interval in which the selling or leasing dealer must make an application for a certificate of title in the purchaser's or lessee's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.

(6) The hard copy of the permit and a purchase order identifying the vehicle and the date on which the vehicle ~~((is))~~ was physically delivered to the customer/purchaser/lessee must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

(7) The hard copy of the dealer temporary license permit shall be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing or following at the rear of the vehicle.

(8) The dealer temporary license permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is physically delivered to the customer/purchaser/lessee.

(9) The dealer temporary license permit shall not:

(a) Be issued for a dealer inventoried or a dealer or dealer-employee operated vehicle;

(b) Be issued as a demonstration permit;

(c) Be issued for a vehicle processed as a courtesy delivery.

(10) Fees paid for dealer temporary license permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer. A credit, in the amount of the permit form fee, will be provided when the permit is used by the vehicle dealer to make application for a vehicle title.

(11) The dealer shall maintain a record of each dealer temporary permit form acquisition and distribution including the following:

(a) ~~((Vehicle purchaser's names;))~~ Date and location of purchase of each permit and the permit number;

(b) ~~((Vehicle identification;))~~ Identification of vehicles delivered on temporary permits;

(c) Dates of vehicle sales, leases and deliveries ~~((; and~~

~~((d) Date and location of purchase of each permit form and the permit number)).~~

**WSR 05-14-093**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

[Filed June 30, 2005, 4:02 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Housekeeping amendments.

Citation of Existing Rules Affected by this Order: Amending WAC 308-63-020, 308-63-030, 308-63-050, 308-63-060, 308-63-070, 308-63-080, 308-63-090, 308-63-100, 308-63-110, and 308-63-130.

Statutory Authority for Adoption: RCW 46.80.140.

Adopted under notice filed as WSR 05-01-227 on December 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 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 10, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 14, 2005.

Daniel Devoe  
Administrator

**AMENDATORY SECTION** (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

**WAC 308-63-020 Definitions. May I acquire a vehicle or a vehicle part on a bill of sale?** (1) Bill of sale for acquiring vehicles. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the

vehicle (~~(or part)~~) being (~~(sold)~~) purchased, including the make, model and identification or serial number; the date of (~~(sale)~~) purchase; and the purchase price of the vehicle. Bills of sale are acceptable in lieu of title in the cases of:

(a) Vehicles from nontitle jurisdictions;

(b) When an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-56A-460; or

(c) For vehicles of the type to which titles are not issued.

(2) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

**AMENDATORY SECTION** (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

**WAC 308-63-030 Established place of business. What is a vehicle wrecker place of business?** A vehicle wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals; and where the business books and records are kept available for inspection during normal business hours and dismantling of vehicles is accomplished. It must conform with local zoning regulations.

**AMENDATORY SECTION** (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

**WAC 308-63-050 Expiration of motor vehicle wrecker's license. When does my vehicle wrecker license expire?** (1) A (~~(motor)~~) vehicle wrecker's license shall expire twelve consecutive months from the date of issuance.

(2) (~~(Motor)~~) Vehicle wrecker license plates shall expire on the same date as the expiration of the license.

**AMENDATORY SECTION** (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

**WAC 308-63-060 Vehicle wrecker(s)—Special plates. How do I use the special vehicle wrecker license plates?** All vehicles used for towing or transporting vehicles or vehicle parts by a vehicle wrecker on the highways of this state in the conduct of the business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes one dollar for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on the application as owned, rented, leased and operated by the applicant for towing or transporting of vehicles or vehicle parts in the conduct of the business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles, the applicant shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or vehicle parts shall display both wrecker plates of the same number. However, when any vehicle being towed does not have valid license plates, the set of wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

**AMENDATORY SECTION** (Amending WSR 01-03-141, filed 1/24/01, effective 2/24/01)

**WAC 308-63-070 Wreckers—General procedures and requirements.** Vehicle wreckers shall comply with all rules and regulations relative to the handling of vehicle parts or vehicles to be dismantled.

(1) Enclosure. The activities of a vehicle wrecker shall be conducted entirely within the established place of business. A physical barrier shall designate the boundary of the wrecking yard. Where necessary to obscure public view of the premises, it shall be enclosed by a sight-obscuring wall or fence at least eight feet high.

(a) Where required, such sight-obscuring wall or fence shall be painted or stained in a neutral shade to blend with the surrounding premises. If the fence is made of chain link, it must have sufficient slats or other construction to obscure public view of the premises.

(b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(c) All enclosures and barriers shall be kept in good repair.

(d) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

(e) Exceptions to this section must be granted in writing by the department.

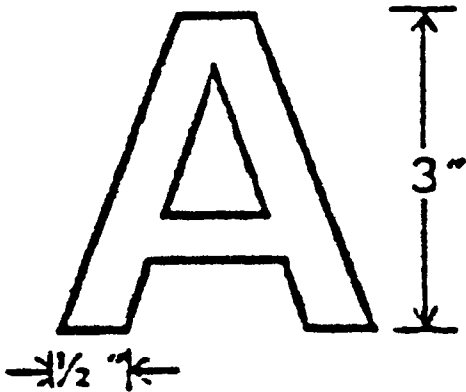
(2) Additional places of business. Each licensed vehicle wrecker may maintain one or more additional places of business within the same county, under the same permit. The vehicle wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) of this section. Duplicate vehicle wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(~~(es)~~) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or vehicle parts which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and the current business telephone number of the licensee. Such information shall be painted on or permanently affixed to both sides of the vehi-

cle. Each letter and numeral shall be made with at least a half-inch in solid width and shall be at least three inches high. See example.



(6) License plates from vehicles entered into the wrecking yard shall be removed within twenty-four hours. Plates on vehicles in the segregated area may be left on until the vehicle is entered into the wrecking yard. The wrecker shall destroy such plates prior to submitting the monthly report for the month the vehicle was entered into the wrecking yard.

(7) Major component parts. Under RCW 46.80.010(~~(3)~~) (5) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat. The term "drive axle" means a differential assembly.

(8) Vehicles in custody and awaiting approved ownership documents, as provided under WAC 308-63-080, must be placed in a segregated storage area within the wrecking yard which must be designated by a physical barrier. Vehicles may remain in this area after ownership documents have arrived and the vehicle has been properly entered into the wrecking yard inventory. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the vehicle wrecker is both a vehicle wrecker and a dealer however, there will be no storage of vehicle parts.

**AMENDATORY SECTION** (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

**WAC 308-63-080 Vehicle wrecker(s)—Procedures for acquiring vehicles and vehicle parts. With what ownership documents may I acquire vehicles or vehicle parts?** Supporting acquisition. The vehicle wrecker may acquire vehicles and vehicle parts if the seller can furnish ownership documents as follows:

- (1) Certificate of title, including salvage certificates, properly endorsed in the case of vehicles from states issuing a title.
- (2) Bills of sale pursuant to WAC 308-63-020(1) for vehicles from nontitle jurisdictions, for vehicles that have had their title surrendered to a state after having been declared a

total loss, and for vehicles of the type to which titles are not issued.

- (3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.
- (4) Insurance company bills of sale pursuant to WAC 308-56A-460(3).
- (5) Affidavit of sale of an abandoned vehicle pursuant to WAC 308-61-026(1).
- (6) Affidavit of junk vehicle pursuant to RCW 46.55.230.
- (7) A court order.
- (8) A bill of sale for parts pursuant to WAC 308-63-020(2).
- (9) A bill of sale from another licensed vehicle wrecker.

**AMENDATORY SECTION** (Amending WSR 02-19-036, filed 9/10/02, effective 10/11/02)

**WAC 308-63-090 Vehicle wrecker(s)—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report?** (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

- (a) A record of each vehicle or part acquired giving:
  - (i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;
  - (ii) The date purchased or acquired by the vehicle wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;
  - (iii) The certificate of title number if registered in a title state, or registration number if a nontitle state; or description of the document used in lieu of title, such as an affidavit of sale or a bill of sale for a vehicle or vehicle part;
  - (iv) The name of the state and license number in the state that a vehicle was last registered; and
  - (v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the market value threshold amount immediately before it was wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460(3). If this statement is not provided, when required, the department will treat the vehicle as if the wrecker indicated that the market value threshold was met when required.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

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(2) The vehicle wrecker must furnish written reports. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker must submit a report on the form prescribed by the department documenting that those vehicles were acquired and entered into the wrecking yard inventory during the previous month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC 308-63-070(8), will not be reported. The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles were acquired during that month, the monthly report must be sent in stating "none." The report shall contain such information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), (iv), and (v) of this section. The report must be accompanied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates; provided that records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and made available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the wrecking yard shall be identified by a yard number as assigned in the wrecker's records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number of the vehicle shall be remarked in another location on the vehicle.

**AMENDATORY SECTION** (Amending WSR 01-03-141, filed 1/24/01, effective 2/24/01)

**WAC 308-63-100 Vehicle wrecker(s)—Must furnish bill of sale for parts. What document must I use to sell a vehicle part?** No vehicle wrecker may sell a (~~motor~~) vehicle part unless (~~he/she~~) the vehicle wrecker gives the purchaser a bill of sale for such part. Whenever the vehicle wrecker sells a motor, frame, or other major component part, except for a core part, the bill of sale must describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken.

No vehicle wrecker may sell vehicles to a scrap processor or to a hulk hauler for transportation to a scrap processor without giving the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle by yard number. The vehicle wrecker shall retain a copy of such invoices for inspection purposes.

**AMENDATORY SECTION** (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

**WAC 308-63-110 Vehicle wrecker(s)—Selling used vehicles. Where do I store inoperable vehicles that I acquire for sale under my vehicle dealer license?** (1) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(2) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires,

safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

**AMENDATORY SECTION** (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

**WAC 308-63-130 Termination of business. If I terminate my business, must I surrender my vehicle wrecker license?** A vehicle wrecker who terminates business shall, within ten days of such termination return the vehicle wrecker license and special license plates to the department for cancellation.

## WSR 05-14-099

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 30, 2005, 4:25 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendment of WAC 388-14A-3350 Are there any limits on how much back support the division of child support can seek to establish? Traditionally, the Division of Child Support (DCS) has started a claim for child support as of the date DCS received the nonassistance application for services. This approach works fine for a case where the custodial parent (CP) applies directly to DCS for child support services. However, DCS believes that this rule works a hardship on the CP where the CP applies to another child support agency (another state, country or Indian tribe), and the CP must wait for the other agency to refer the case to DCS for support establishment. DCS believes it is appropriate to start the nonassistance claim as of the date the CP applied for services, not as of the date DCS receives an application filed with another agency.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-3350.

Statutory Authority for Adoption: RCW 74.08.090, 74.20A.055, and 74.20A.310.

Adopted under notice filed as WSR 05-11-080 on May 17, 2005.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 27, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

~~((6))~~ (7) DCS considers a prorated share of each monthly public assistance payment as paid on each day of the month.

**AMENDATORY SECTION** (Amending WSR 03-20-072, filed 9/29/03, effective 10/30/03)

**WAC 388-14A-3350** Are there any limits on how much back support the division of child support can seek to establish? (1) When no public assistance is being paid to the custodial parent (CP) and the children, the division of child support (DCS) starts the claim for support as of the date:

(a) DCS receives the application for nonassistance services if the CP applies directly to DCS for services; or

(b) Another state or Indian tribe received the application for nonassistance services or the actual date the other state or tribe requests that child support start, whichever is later, if the other state or Indian tribe requests DCS to establish a support order.

(2) This section does not limit in any way the right of the court to order payment for back support as provided in RCW 26.26.130 and 26.26.134 if the case requires paternity establishment.

~~((2))~~ (3) When another state or an Indian tribe is paying public assistance to the CP and children, DCS starts the claim for support as of the date specified by the other state or tribe.

~~((3))~~ (4) For the notice and finding of parental responsibility, WAC 388-14A-3120(9) limits the back support obligation.

~~((4))~~ (5) When the state of Washington is paying public assistance to the CP and/or the children, the following rules apply:

(a) For support obligations owed for months on or after September 1, 1979, DCS must exercise reasonable efforts to locate the noncustodial parent (NCP);

(b) DCS serves a notice and finding of financial or parental responsibility within sixty days of the date the state assumes responsibility for the support of a dependent child on whose behalf support is sought;

(c) If DCS does not serve the notice within sixty days, DCS loses the right to reimbursement of public assistance payments made after the sixtieth day and before the notice is served;

(d) DCS does not lose the right to reimbursement of public assistance payments for any period of time:

(i) During which DCS exercised reasonable efforts to locate the NCP; or

(ii) For sixty days after the date on which DCS received an acknowledgment of paternity for the child for whom the state has assumed responsibility, and paternity has not been established.

~~((5))~~ (6) The limitation in subsection ~~((4))~~ (5) does not apply to:

(a) Cases in which the physical custodian is claiming good cause for not cooperating with the department; and

(b) Cases where parentage is an issue and:

(i) Has not been established by superior court order; or

(ii) Is not the subject of a presumption under RCW 26.26.320.

**WSR 05-14-100**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed June 30, 2005, 4:27 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this proposed change is to clarify in rule that every temporary assistance for needy families (TANF) assistance unit must contain either an "eligible child" or a pregnant woman. This change will bring the rule in line with current practice and result in the department not losing fair hearings if this practice is challenged. This proposed change also clarifies that a client cannot receive both state and tribal TANF benefits in the same month.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-400-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 05-09-083 on April 19, 2005.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 27, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-23-027, filed 11/8/04, effective 12/9/04)

**WAC 388-400-0005** Who is eligible for temporary assistance for needy families? (1) You can get temporary assistance for needy families (TANF), if you:

(a) Can be in a TANF/SFA assistance unit as allowed under WAC 388-408-0015 through 388-408-0030;

(b) Meet the citizenship/alien status requirements of WAC ~~((388-424-0001))~~ 388-424-0010;

PERMANENT



**WSR 05-14-101**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed June 30, 2005, 4:28 p.m., effective July 31, 2005]

(c) Live in the state of Washington. A child must live with a caretaker relative, guardian, or custodian who meets the state residency requirements of WAC 388-468-0005;

(d) Do not live in a public institution unless specifically allowed under RCW 74.08.025;

(e) Meet TANF/SFA:

(i) Income requirements under chapter 388-450 WAC;

(ii) Resource requirements under chapter 388-470 WAC;

and

(iii) Transfer of property requirements under chapter 388-488 WAC.

(f) Assign your rights to child support as required under WAC 388-422-0005;

(g) Cooperate with the division of child support (DCS) as required under WAC 388-422-0010 by helping them:

(i) Prove who is the father of children applying for or getting TANF or SFA; and

(ii) Collect child support.

(h) Tell us your Social Security number as required under WAC 388-476-0005;

(i) Cooperate in a review of your eligibility as required under WAC 388-434-0005;

(j) Cooperate in a quality assurance review as required under WAC 388-464-0001;

(k) Participate in the WorkFirst program as required under chapter 388-310 WAC;

(l) Report changes of circumstances as required under WAC 388-418-0005; and

(m) Complete a six-month report and provide proof of any changes as required under WAC 388-418-0011.

(2) If you are an adult (~~and do not~~), you must have ((a)) an eligible child living with you((:)) or you must be pregnant and meet the requirements of WAC 388-462-0010.

(3) If you are an unmarried pregnant teen or teen parent:

(a) Your living arrangements must meet the requirements of WAC 388-486-0005; and

(b) You must attend school as required under WAC 388-486-0010.

(4) In addition to rules listed in subsection (1) of this section, a child must meet the following rules to get TANF:

(a) Meet the age requirements under WAC 388-404-0005; and

(b) Live in the home of a relative, court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* as required under WAC 388-454-0005; or

(c) If the child lives with a parent or other adult relative that provides care for the child, that adult cannot have used up their sixty-month lifetime limit of TANF or SFA cash benefits as defined in WAC 388-484-0005.

(5) You cannot get TANF if you have been:

(a) Convicted of certain felonies and other crimes under WAC 388-442-0010; or

(b) Convicted of unlawful practices to get public assistance under WAC 388-446-0005 or 388-446-0010.

(6) If you are a client in a household which is eligible for a tribal TANF program, you cannot receive state and tribal TANF in the same month.

**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.

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Division of Child Support (DCS) is bringing its rules into accord with the temporary assistance to needy families (TANF) regulations dealing with a child's eligibility for TANF after age eighteen, so that both the child support program and the TANF program have the same definition of "dependent child." DCS is also amending the rule to clarify that DCS does not establish an order after a child turns eighteen.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-1020 and 388-14A-3810.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056, 74.20A.310.

Adopted under notice filed as WSR 05-11-081 on May 17, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: June 27, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-17-119, filed 8/17/04, effective 9/17/04)

**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~~) participating full-time ((student, and

(b) Reasonably expected to complete) in a secondary school ((or the equivalent)) program or the same 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 03-17-013, filed 8/12/03, effective 9/12/03)

**WAC 388-14A-3810 Once a child support order is entered how long does the support obligation last?** (1) A noncustodial parent's obligation to pay support under an administrative order continues until:

- (a) A superior or tribal court order supersedes the order;
- (b) The order is modified under WAC 388-14A-3925;
- (c) The child reaches eighteen years of age;
- (d) The child is emancipated;
- (e) The child marries;
- (f) The child becomes a member of the United States armed forces;
- (g) The child or the responsible parent die;
- (h) A responsible stepparent's marriage is dissolved;
- (i) The parties to the order marry or remarry, as provided in WAC 388-14A-3100(3); or
- (j) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

(2) As an exception to the above rule, a noncustodial parent's obligation to pay support under an administrative order continues ~~((and/or may be established))~~ for a dependent child ~~((who is:~~

~~(a)) over the age of eighteen if the child is under age nineteen ((years of age; and~~

~~(b)-A)), and participating full-time ((student reasonably expected to complete a program of)) in a secondary school ((or the equivalent)) program or the same level of vocational or technical training ((before the end of the month in which the student becomes nineteen years of age)), as defined in WAC 388-404-0005 (1)(b). However, if the child has already met the requirements to finish the educational program, the child is no longer considered to be dependent.~~

(3) A noncustodial parent's obligation to pay support under an administrative order may be temporarily suspended when the:

(a) Noncustodial parent (NCP) resides with the child for whom support is sought for purposes other than visitation;

(b) NCP reconciles with the child and the custodial parent; or

(c) Child returns to the residence of the NCP from a foster care placement, for purposes other than visitation.

(4) When the NCP's obligation to pay current support on a case is suspended under subsection (3) of this section, the division of child support (DCS) informs the NCP that the obligation is suspended, in writing, sent by regular mail to the NCP's last known address.

(5) If circumstances causing an NCP's support obligation to be temporarily suspended change, the support obligation resumes. DCS sends the NCP a notice that the obligation to make current support payments has resumed.

## WSR 05-14-102

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 30, 2005, 4:31 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Division of Child Support (DCS) is clarifying the rules regarding the contents of administrative child support orders, especially to reenact a prior requirement that each administrative support order set a noncustodial parent's support obligation as a sum certain amount, with an amount per month for each child covered by the order. DCS also is clarifying that the support order must contain the date of birth for every child covered by the order so that the parents are able to determine when the child support obligation ends.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-3600 and 388-14A-6300.

Statutory Authority for Adoption: RCW 26.23.050, 34.05.220, 74.08.090, 74.20A.310.

Adopted under notice filed as WSR 05-11-079 on May 17, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: June 27, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 03-17-013, filed 8/12/03, effective 9/12/03)

**WAC 388-14A-3600** The parties may resolve any child support case by entering a consent order or an agreed settlement. (1) The division of child support (DCS) may enter a consent order or agreed settlement to finalize any dispute in which a party requests a hearing. DCS attempts to settle matters through agreement when possible.

(a) An agreed settlement is signed only by the parties ~~((DCS, the custodial parent and the noncustodial parent))~~ to the dispute.

(b) A consent order must be signed by the parties and by an administrative law judge (ALJ) provided that:

(i) In a telephone hearing, the ALJ may sign on behalf of any party if that party gives their consent on the record; and

(ii) The ALJ approves a consent order without requiring testimony or a hearing, unless entry of the order would be unlawful.

(2) An agreed settlement or consent order is final and enforceable on:

(a) The date the last party signs the agreed settlement, if all parties signed the agreed settlement;

(b) The date the ALJ signs the consent order; or

(c) If the ALJ defaults one of the parties to the proceeding, the latest of the following dates:

(i) The date the ALJ signed the consent order;

(ii) The date the last party signed the agreed settlement; or

(iii) The date the order of default is final. See WAC 388-14A-6110 and 388-14A-6115 to determine whether the ALJ issues an initial order or a final order.

(3) A party to a consent order or an agreed settlement may:

(a) Not petition for review of the settlement or order under WAC 388-02-0560;

(b) Petition for modification under WAC 388-14A-3925; and

(c) Petition to vacate the settlement or consent order under WAC 388-14A-3700. However, the ALJ may only vacate a settlement or consent order after making a finding of fraud by a party, or on any other basis that would result in manifest injustice.

(4) If a hearing has been scheduled, DCS files a copy of the agreed settlement or consent order with the office of administrative hearings (OAH), and OAH issues an order dismissing the hearing. There are no hearing rights on the order dismissing the hearing.

(5) An agreed settlement or consent order entered under this section must comply with the requirements of WAC 388-14A-6300 if the dispute concerns a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition to determine the amount of a support obligation.

**AMENDATORY SECTION** (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

**WAC 388-14A-6300** Duty of the administrative law judge in a hearing to determine the amount of a support obligation. (1) A support order entered under this chapter

must conform to the requirements set forth in RCW 26.23.050(3) and 26.23.050(5).

(2) In hearings held under this chapter to contest a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition, the administrative law judge (ALJ) must determine:

(a) The noncustodial parent's obligation to provide support under RCW 74.20A.057;

(b) The names and dates of birth of the children covered by the support order;

(c) The net monthly income of the noncustodial parent (NCP) and any custodial parent (CP);

~~((e))~~ (d) The NCP's share of the basic support obligation and any adjustments to that share, according to his or her circumstances;

~~((d))~~ (e) If requested by a party, the NCP's share of any special child-rearing expenses in a sum certain amount per month;

~~((e))~~ (f) The NCP's obligation to provide medical support under RCW 26.18.170;

~~((f))~~ (g) The NCP's accrued debt and order payments toward the debt; ~~((and))~~

~~((g))~~ (h) The NCP's current and future monthly support obligation as a per month per child amount and order payments in that amount; and

(i) The NCP's total current and future support obligation as a sum certain and order payments in that amount.

~~((2))~~ (3) Having made the determinations required in subsection (2) above, the ALJ must order the NCP to make payments to the Washington state support registry (WSSR).

(4) The ALJ must allow the division of child support (DCS) to orally amend the notice at the hearing to conform to the evidence. The ALJ may grant a continuance, when necessary, to allow the NCP or the CP additional time to present rebutting evidence or argument as to the amendment.

~~((3))~~ (5) The ALJ may not require DCS to produce or obtain information, documents, or witnesses to assist the NCP or CP in proof of defenses to liability. However, this rule does not apply to relevant, nonconfidential information or documents that DCS has in its possession.

## WSR 05-14-106

### PERMANENT RULES

### DEPARTMENT OF REVENUE

[Filed June 30, 2005, 4:36 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 458-12-342, explains the valuation of new construction covered under the provisions of RCW 36.21.070 and 36.21.080. The rule has been amended to bring it into conformity with current law. The amendment clarifies when new construction, that is not completed before July 31 in any year, is added to the assessment roll. It also explains that an improvement located on leased public land is new construction for purposes of RCW 36.21.070 and 36.21.080. The rule has been updated regarding the time period for filing appeals of the value placed on new construction by the assessor.

Citation of Existing Rules Affected by this Order:  
Amending WAC 458-12-342 New construction—Assessment.

Statutory Authority for Adoption: RCW 84.08.010 and 84.41.090.

Adopted under notice filed as WSR 05-11-007 on May 4, 2005.

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: June 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

**AMENDATORY SECTION** (Amending WSR 93-08-049, filed 4/2/93, effective 5/3/93)

**WAC 458-12-342 New construction—Assessment.**  
(1) New construction covered under the provisions of RCW 36.21.070 and 36.21.080, and defined in WAC 458-19-005 (2)(q), shall be assessed at its true and fair value as of July 31st each year regardless of its percentage of completion. In instances when new construction continues after July 31 of any year, the increase in value of the property due to the new construction that occurs between August 1 of that year through July 31 of the following year is added to the assessment roll as "new construction" in the following year. New construction as used in this section refers only to real property, as defined in RCW 84.04.090 and further defined in WAC 458-12-010, and also to improvements, as described in WAC 458-12-005(4), located on leased public land, for which a building permit was issued or should have been issued pursuant to chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits.

(2) The assessor is authorized to place new construction on the assessment rolls up to August 31st each year and shall notify the owner, or person responsible for payment of taxes, of the value of any new construction that has been assessed. The notice shall advise the owner, or person responsible for payment of taxes, that ((he)) such owner or person has thirty days from the date of mailing of the notice, or up to sixty days when the county legislative authority has adopted a longer time period, whichever is later, to appeal the valuation to the county board of equalization as provided in WAC 458-14-056.

## WSR 05-14-107

### PERMANENT RULES

#### DEPARTMENT OF REVENUE

[Filed June 30, 2005, 4:38 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule explains under what circumstances a person is considered a successor to a person quitting business. It explains the successor's responsibility for payment of an outstanding tax liability owed by the person taxpayer quitting business, whether that liability is known at the time of purchase or not. The department has revised this rule to reflect legislative changes (EHB 2269) and to provide updated information to taxpayers.

EHB 2269, chapter 13, Laws of 2003 1st sp.s., revised RCW 82.04.180 and 82.32.140 to change the conditions under which a person becomes a successor. The primary changes reflected in the rule are:

- A successor can be a successor if obtaining from a taxpayer more than 50% of the fair market value of intangible assets;
- A surviving corporation of a statutory merger is included in RCW 82.04.180 definition of "successor"; and
- If the fair market value of assets acquired by a successor is less than \$50,000, the successor's liability for payment of the taxpayer's unpaid tax is limited to the fair market value of the acquired assets.

Citation of Existing Rules Affected by this Order:  
Amending WAC 458-20-216 Successors, quitting business.

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

Adopted under notice filed as WSR 05-09-032 on April 13, 2005.

Changes Other than Editing from Proposed to Adopted Version:

- The first sentence of subsection (2)(b)(i)(A) of the proposed rule is changed to, "Any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of business, a major part of the taxpayer's materials, supplies, merchandise, inventory, fixtures, or equipment, whether he or she operates the business or not. RCW 82.04.180." This change is made in order to be consistent with the statutory language of RCW 82.04.180 prior to July 1, 2003.
- Subsection (2)(b)(i)(B) of the proposed rule is deleted. This subsection had explained that a surviving corporation of a statutory merger was a successor even prior to the law change. Surviving corporations of a statutory merger did have a liability prior to the law change, but not because they were a successor as defined in RCW 82.04.180 (the subject of this rule). Prior to becoming successors under RCW 82.04.180 surviving corporations were liable for tax, interest, and penalties. This explanation is now provided in a new subsection (2)(c).
- The last sentence of subsection (5)(a) of the proposed rule is revised to clarify that a successor "as defined in

RCW 82.04.180" is not liable for interest or penalties associated with the taxpayer's tax liability.

- A new sentence has been added to subsection (6)(b): "The written notice is available on the department's internet web site at [www.dor.wa.gov](http://www.dor.wa.gov) under forms."
- Editing changes as needed were also made.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

**AMENDATORY SECTION** (Amending WSR 99-08-034, filed 3/31/99, effective 5/1/99)

**WAC 458-20-216 Successors, quitting business.** (1) **Introduction.** RCW 82.32.140 requires a taxpayer to remit any outstanding tax liability to the department of revenue (department) within ten days of quitting business. If this tax is not paid by the taxpayer, any successor to the taxpayer becomes liable for the outstanding tax. This rule explains under what circumstances a person is considered a successor to a person quitting business. It explains the successor's responsibility for payment of an outstanding tax liability (~~incurred~~) owed by the (~~person~~) taxpayer quitting business, whether that liability is known at the time of purchase or not. This rule also provides examples illustrating when successorship does or does not apply.

(2) (~~"Successor" defined. For purposes of this rule, the term "successor" means:~~) **Who is a "successor"?**

**(a) "Successor" on or after July 1, 2003.**

~~((a))~~ (i) RCW 82.04.180 provides that a "successor" is:

(A) Any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of the taxpayer's business, (~~a major part of the materials, supplies, merchandise, inventory, fixtures, or equipment of the taxpayer. RCW 82.04.180. Persons acquiring only intangible assets such as copyrights and trademarks are not "successors."~~)

(i) A person is a successor if he or she acquires a major part of the taxpayer's materials, supplies, merchandise, inventory, fixtures, or equipment in bulk, whether he or she operates the business or not. A person acquires a "major part" of the materials, supplies, merchandise, inventory, fixtures, or

equipment if he or she acquires more than fifty percent of the fair market value of any such property at the time of conveyance.

(ii) However, persons who acquire a major part of a taxpayer's materials, supplies, merchandise, inventory, fixtures, or equipment through insolvency proceedings or regular legal proceedings to enforce a lien, security interest, or judgment, or by repossession under a security agreement are not successors.) more than fifty percent of the fair market value of either the (I) tangible assets or (II) intangible assets of the taxpayer;

(B) Any surviving corporation of a statutory merger; or

~~((c))~~ (C) Any person obligated to fulfill the terms of a contract as a surety or guarantor of a defaulting contractor, in which case the person is deemed a successor only to tax liability arising out of that contract. (~~RCW 82.04.180.~~

~~(3) Responsibility~~) (ii) A person, however, is not a "successor" if the person acquires more than fifty percent of the fair market value of the tangible or intangible assets of the taxpayer through insolvency proceedings, regular legal proceedings to enforce a lien, security interest, or judgment, or by repossession under a security agreement.

**(b) "Successor" prior to July 1, 2003.**

(i) For the periods prior to July 1, 2003, a "successor" is:

(A) Any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of business, a major part of the taxpayer's materials, supplies, merchandise, inventory, fixtures, or equipment, whether he or she operates the business or not. RCW 82.04.180. A person acquires a "major part" of the taxpayer's materials, supplies, merchandise, inventory, fixtures, or equipment if he or she acquired more than fifty percent of the fair market value of such property at the time of the sale or conveyance;

(B) Any person obligated to fulfill the terms of a contract as a surety or guarantor of a defaulting contractor, in which case the person is deemed a successor only to tax liability arising out of that contract.

(ii) A person, however, is not a "successor" if the person acquires a major part of a taxpayer's materials, supplies, merchandise, inventory, fixtures, or equipment through insolvency proceedings, regular legal proceedings to enforce a lien, security interest, or judgment, or by repossession under a security agreement.

**(c) Surviving corporation of statutory merger taken effect prior to July 1, 2003.** A surviving corporation of a statutory merger that takes effect prior to July 1, 2003, is liable for the full tax liability of the non-surviving corporation, plus any interest or penalties due, under RCW 23B.11.060 or similar laws in other jurisdictions.

**(3) What are tangible and intangible assets for purposes of this rule?**

(a) **Tangible assets.** "Tangible assets" include, but are not limited to, materials, supplies, merchandise, inventory, equipment, or other tangible personal property.

(b) **Intangible assets.** "Intangible assets" include, but are not limited to, all moneys and credits including mortgages, notes, accounts, certificates of deposit; tax certificates; judgments; state, county and municipal bonds; bonds of the



United States and of foreign countries; bonds, stocks, or shares of private corporations; personal service contracts; trademarks; trade names; brand names; patents; copyrights; trade secrets; franchise agreements; licenses; permits; core deposits of financial institutions; non-compete agreements; business name; telephone numbers and internet addresses; customer or patient lists; favorable contracts and financing agreements; reputation; exceptional management; prestige; good name; integrity of a business; or other intangible personal property.

**(4) What are taxpayer's responsibilities for outstanding tax liability?** Whenever a taxpayer quits business, or sells out, exchanges, or otherwise disposes of ~~((his or her))~~ more than fifty percent of the tangible or intangible assets of the business, any tax administered by the department and for which the taxpayer is liable ~~((for shall become))~~ is immediately due and payable. The taxpayer ~~((shall))~~ must, within ten days ~~((of quitting, selling out, exchanging, or otherwise disposing of the business))~~, complete a tax return and pay the tax due. RCW 82.32.140.

**(5) What are successor's responsibilities for taxpayer's outstanding tax liability?**

**(a) Withholding tax or obtaining documentation that no tax is due from taxpayer.** A successor ~~((shall))~~ must withhold from the purchase price a sum sufficient to pay any tax due from the taxpayer until the taxpayer produces either a statement of tax status from the department showing ~~((either no tax is due or))~~ payment in full of any tax due or a certificate from the department that no tax is due. If the tax is not paid by the taxpayer within ten days from the date of sale, exchange, or disposal of the business, the successor ~~((shall))~~ will become liable for the payment of the full amount of tax. A successor as defined in RCW 82.04.180 is not liable for interest or penalties associated with the taxpayer's tax liability. RCW 82.32.140.

**(b) Payment of successor liability is payment against purchase price.** The payment of the ~~((seller's))~~ taxpayer's tax liability by the successor ~~((shall be))~~ is deemed a payment upon the purchase price. If the sum of the payment to the department plus any payments made, directly or indirectly, to the ~~((seller))~~ taxpayer is greater in amount than the purchase price, the amount of the difference ~~((shall))~~ becomes a debt due the successor from the taxpayer. RCW 82.32.140.

**(c) Limitation on successor's responsibility for taxpayer's outstanding tax liability.** Effective July 1, 2003, if the fair market value of the assets acquired by a successor is less than fifty thousand dollars, the successor's liability for payment of the unpaid tax is limited to the fair market value of the assets acquired from the taxpayer. The burden of establishing the fair market value of the assets acquired is on the successor.

**(6) Can a successor avoid responsibility for taxpayer's outstanding tax liability?**

**(a) What must a successor do to avoid responsibility for tax due by a taxpayer?** A successor is not liable for any tax due from the taxpayer if ~~((+))~~ the successor provides written notice of the acquisition to the department ~~((;))~~ and ~~((+))~~ within six months of receiving the written notice, the department has not issued a tax assessment against the taxpayer and mailed a copy of a notice of tax due to the succes-

sor. RCW 82.32.140. The six-month period begins upon the department's receipt of the written notice, or the date the person becomes a successor, whichever is later.

If there are circumstances that prohibit an audit from being completed within six months of the department receiving a proper written notice, the successor and the department may execute a Liability of Successor Waiver Agreement (Form Rev 31 0068) to extend the time in which the department may issue a tax assessment, and the successor will remain liable for the taxes. In lieu of executing such agreement, the department may issue a protective assessment under RCW 82.32.100 if the records cannot be made available for examination in a timely manner.

**(b) How does a successor notify to the department of the acquisition of a taxpayer?** Written notice of the acquisition must be ~~((sent either to))~~ made on a form prescribed by the department, or it must contain substantially the same information. The written notice must be provided by mailing to the Department of Revenue, ~~((Taxpayer Account Administration))~~ Attn: Successorship Notices, P.O. Box 47476, Olympia, Washington 98504-7476 ~~((or to one of the department's field offices. The six-month period begins upon the department's receipt of the written notice))~~. The written notice is available on the department's internet web site at [www.dor.wa.gov](http://www.dor.wa.gov) under forms. The written notice must contain the following information:

(i) The ~~((predecessor))~~ taxpayer's name, business name, address, and UBI number ~~((if known))~~;

(ii) The successor's name, business name, address, and UBI number;

(iii) The date of the acquisition;

~~((A statement that))~~ (iv) Whether or not the successor acquired more than fifty percent of the tangible or intangible assets of the ~~((predecessor))~~ taxpayer ~~((who was quitting business; and~~

~~((+))~~;

(v) A description of the assets acquired ~~((+))~~ and their estimated fair market value;

(vi) The total costs of acquisition; and

(vii) How the person became a successor (i.e., asset purchase, merger, guarantor of a defaulting contractor, etc.).

**(7) Disclosure.** The department is not prohibited from disclosing to a person against whom the department has asserted liability as a successor under RCW 82.32.140 return or tax information pertaining to the specific business of the taxpayer to which the person has succeeded. RCW 82.32.-330. For example, a successor is liable under RCW 82.32.-140 for payment of an outstanding tax liability of the predecessor taxpayer. The department is only authorized to provide the successor return or tax information related to that outstanding tax liability.

**(8) Tax deferrals not terminated.** A tax deferral granted to a ~~((predecessor))~~ taxpayer may be transferred to the successor if the successor meets the eligibility requirements for the remaining periods of the deferral and the parties agree in writing that the successor will assume liability for the tax deferral. RCW 82.60.060, 82.63.045, 82.68.050 and 82.69.-050. If the deferral is transferred, the successor of the investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the



original recipient of the deferral. If the deferral is not transferred, the successor's liability for deferred tax is limited to the deferred taxes due at the time of the transfer. Refer to WAC 458-20-24001 and 458-20-24001A (Sales and use tax deferral—Manufacturing and research/development activities in distressed areas), 458-20-24002 (Sales and use tax deferral—New manufacturing and research/development facilities), and 458-20-24003 (Tax incentives for high technology businesses) for further reference regarding successors of deferral investment projects.

**(9) Examples.** The following factual situations illustrate the application of successorship. These factual situations should be used only as a general guide. The successorship status of each situation depends on all the facts and circumstances. Assume all the examples below occur on or after July 1, 2003.

(a) **Example 1.** Taxpayer quits business and sells all equipment(~~(,-fixtures,)~~) and inventory to one purchaser. The taxpayer may be either solvent or insolvent at the time of sale. The purchaser is a successor.

(b) **Example 2.** Taxpayer quits business, selling (~~(only)~~) all of its intangible assets consisting of customer lists and a covenant not to compete. The purchaser is (~~(not)~~) a successor.

(c) **Example 3.** Taxpayer sells its entire business, including all (~~(fixtures and)~~) equipment (60% of its tangible assets) to Purchaser A, and all inventory (40% of its tangible assets) to Purchaser B. (~~(Both purchasers are successors-)~~) Purchaser A is a successor. Purchaser B is not a successor.

(d) **Example 4.** Taxpayer sells its entire business, including all (~~(fixtures, equipment, and inventory in the following percentages of fair market value)~~) assets as follows to three purchasers on January 1, 2004:

PURCHASER A	PURCHASER B	PURCHASER C
<del>((55% of fixtures))</del>	<del>((25% of fixtures))</del>	<del>((20% of fixtures))</del>
<u>Inventory of \$200,000</u>	<u>Equipment of \$100,000</u>	<u>Receivable of \$45,000</u>
<del>((30% of equipment</del>	<u>30% of equipment</u>	<u>40% of equipment</u>
<del>)</del>		<del>)</del>
<del>((30% of inventory</del>	<u>55% of inventory</u>	<u>15% of inventory</u>
<del>)</del>		<del>)</del>

Purchaser A is a successor because it has acquired (~~(a major part, 55%)~~) more than 50% of the fair market value, of the (~~(fixtures)~~) tangible assets of the taxpayer. Purchaser B is not a successor because it has acquired (~~(a major part, 55%)~~) less than 50% of the fair market value(,) of the (~~(inventory)~~) tangible assets of the taxpayer. Purchaser C is (~~(not)~~) a successor because it has (~~(not)~~) acquired (~~(a major part of any of the categories of)~~) more than 50% of the intangible assets (~~(sold by)~~) of the taxpayer. Purchaser C's tax liability is limited to \$45,000 because the fair market value of the assets acquired is less than \$50,000.

(i) On February 1, 2004, Purchaser C provides a proper written notice to the department regarding its purchase from the taxpayer. Purchaser A does not provide any written notice to the department regarding its purchase from the taxpayer. On September 30, 2004, the department issues a tax

assessment to the taxpayer for \$100,000 in taxes owed, plus penalties and interest. A copy of the tax assessment is also mailed to Purchaser A as a successor to the taxpayer. Purchaser A is liable for the \$100,000 in taxes owed by the taxpayer since it did not provide a proper written notice to the department. Purchaser C is not liable for the \$100,000 in taxes because it provided a proper written notice, and the department did not issue an assessment within six months of receiving the notice.

(ii) Same facts as in the previous example except the department issues its tax assessment on July 15, 2004, and mails a copy of the tax assessment to both Purchasers A and C as successors. Both Purchasers A and C are liable as successors for the taxes owed by the taxpayer. However, Purchaser C's liability is limited to \$45,000 in taxes since the fair market value of the assets it acquired was less than \$50,000.

(e) **Example 5.** Taxpayer obtains a loan from a financial institution to purchase equipment(~~(,-fixtures,)~~) and inventory. The financial institution secures the loan by taking a security interest in the equipment(~~(,-fixtures,)~~) and inventory. Taxpayer quits business, leaving the equipment(~~(,-fixtures,)~~) and inventory behind. The financial institution repossesses these items. The financial institution is not a successor.

(f) **Example 6.** Taxpayer purchases all equipment and inventory under a line of credit extended by a bank and guaranteed by a third party. The third party perfects a security interest in the equipment and inventory. Taxpayer quits business, surrendering the equipment and inventory to the third party guarantor. The third party guarantor is not a successor.

(g) **Example 7.** Taxpayer leaves business, including (~~(fixtures)~~) equipment, materials, and inventory, which the landlord holds for unpaid rent. The landlord forecloses the landlord's lien using the summary foreclosure provisions of RCW 60.10.030, or holds a foreclosure sale by the sheriff, or accepts a bill of sale in satisfaction of the landlord's lien for rent created by RCW 60.72.010. The landlord is not a successor.

(h) **Example 8.** Taxpayer purchases all equipment and inventory under a security agreement.

(i) If the property is repossessed by the vendor, the vendor is not a successor.

(ii) If the taxpayer sells his or her equity under the security agreement to a third person, the third person is a successor.

(iii) If the equipment and inventory is not repossessed and the vendor buys back the interest of the taxpayer without following the summary foreclosure provisions of RCW 60.10.030, the vendor is a successor.

(i) **Example 9.** Taxpayer dies or becomes bankrupt, goes into receivership, or makes an assignment for the benefit of creditors. The executor, administrator, trustee, receiver, or assignee is not a successor but stands in the place of the taxpayer and is responsible for payment of tax out of the proceeds derived upon disposition of the assets. A purchaser from the executor, administrator, trustee, receiver, or assignee is not a successor, unless under the terms of the purchase agreement the purchaser assumes and agrees to pay taxes and/or lien claims.

(j) **Example 10.** Taxpayer is a contractor and is required to post a bond to insure completion of the contract. Taxpayer

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defaults on the contract and the bonding company completes it. The bonding company is a successor to the contractor to the extent of the contractor's liability for that particular contract and is also liable for taxes incurred in the completion of the contract.

**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 05-14-113

#### PERMANENT RULES

#### HOME CARE

#### QUALITY AUTHORITY

[Filed July 1, 2005, 12:58 p.m., effective August 1, 2005]

**Effective Date of Rule:** Thirty-one days after filing.

**Purpose:** The Home Care Quality Authority has developed rules that pertain to the operation of the referral registry as specified in RCW 74.39A.250. Included in the rule are guidelines for using the registry for individual providers, prospective individual providers and consumer/employers.

**Citation of Existing Rules Affected by this Order:** New sections WAC 257-10-020, 257-10-040, 257-10-060, 257-10-080, 257-10-100, 257-10-120, 257-10-140, 257-10-160, 257-10-180, 257-10-200, 257-10-220, 257-10-240, 257-10-260, 257-10-280, 257-10-300, 257-10-320, 257-10-340, 257-10-360, 257-10-380, 257-10-400, and 257-10-420.

**Statutory Authority for Adoption:** RCW 74.39A.280(3) and 74.39A.250 (1)(a)-(h).

Adopted under notice filed as WSR 05-09-126 on April 20, 2005.

**Changes Other than Editing from Proposed to Adopted Version:** (1) Clarification of definitions.

(2) Provided more specific references to chapter 35.05 [34.05] RCW, including RCW 34.05.479, 34.05.425, and 34.05.461.

(3) Changed title of WAC 257-10-400 in order to make the content of the response clearer.

**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 21, 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 21, 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: June 21, 2005.

Mindy R. Schaffner  
Executive Director

### Chapter 257-10 WAC

#### REFERRAL REGISTRY

#### NEW SECTION

**WAC 257-10-020 What is the purpose of WAC 257-10-020 through 257-10-420?** The purpose of this chapter is to ensure compliance by the home care quality authority with the provisions of RCW 74.39A.250. The home care quality authority is authorized to adopt rules under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

#### NEW SECTION

**WAC 257-10-040 What definitions apply to WAC 257-10-020 through 257-10-420?** "AAA" refers to the local area agency on aging office.

"ALJ" refers to administrative law judge.

"Authority" means the home care quality authority.

"Consumer/employer" refers to an adult or child with functional or developmental disabilities who qualifies for and uses personal care or respite care paid for through Medicaid or state only funds.

"Consumer representative" refers to an individual who is acting on behalf of the consumer/employer.

"DSHS" refers to the department of social and health services.

"Emergency" provider means an individual provider who is employed as a back-up for a provider who did not show up or who was unable to work due to unexpected circumstances.

"Employer" refers to the consumer.

"HCQA" refers to the home care quality authority.

"Individual provider" means a person, regardless of relationship, including a personal aide working for a consumer under self-directed care, who has a contract with the department of social and health services to provide personal care or respite care services to adults or children with functional or developmental disabilities and is reimbursed for those services through Medicaid or state only funding.

"IP" refers to an individual provider.

"Malfeasance" means any unlawful act committed by the provider, whether in the course of employment or otherwise.

"Mandatory reporter" is an employee of the authority; DSHS; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

"Misfeasance" means performance of a workplace duty in an improper manner; including events which jeopardize the health and safety of persons, unresolved pattern of performance, issues related to truth or dishonesty, including failure to report a criminal conviction.

"OAH" refers to the office of administrative hearings.

"Prospective individual provider" refers to someone who is seeking employment with a consumer/employer.

PERMANENT

**"Provider"** means an individual provider.

**"Referral registry"** is a data base that is designed to assist consumers with finding individual providers and to assist individual providers to find employment.

**"Respite"** provider means an individual provider who is employed on a prearranged short-term basis to fill in for a routine caregiver.

**"Routine"** provider means an individual provider who is employed on a regularly scheduled basis.

#### NEW SECTION

**WAC 257-10-060** What is the purpose of the referral registry? The referral registry was designed to increase consumer/employer choice while providing assistance in finding individual providers and prospective individual providers. In addition, the referral registry:

- (1) Takes into account the consumer/employer needs and preferences when identifying potential individual providers;
- (2) Provides for reasonable standards of accountability for individual providers and prospective individual providers listed through the registry;
- (3) Is voluntary for individual providers and prospective individual providers and consumers/employers;
- (4) Promotes job opportunities for individual providers and prospective individual providers;
- (5) Provides access to the data base for consumer/employers who want to query a referral independently; and
- (6) Increases a consumer/employer's choice of individual providers and prospective individual providers via an established pool of available individual providers and prospective individual providers on the registry.

#### NEW SECTION

**WAC 257-10-080** Who is eligible to request a referral from the referral registry? (1) Consumer/employers who are adults or children with functional or developmental disabilities who qualify for and use personal care or respite care paid for through Medicaid or state only funds.

(2) People who are authorized to request a referral on behalf of a consumer including family members, area agency on aging case managers, DSHS social workers and/or a consumer representative.

#### NEW SECTION

**WAC 257-10-100** What is the difference between an individual provider and a prospective individual provider? An individual provider is someone who has signed a DSHS contract. A prospective individual provider is someone who is seeking employment with a consumer/employer and who has not yet signed a DSHS contract.

#### NEW SECTION

**WAC 257-10-120** What qualifies individual providers or prospective individual providers to be included on the referral registry? The individual provider or prospective individual provider must:

(1) Satisfactorily complete a Washington state patrol background check and not be convicted of a disqualifying crime listed in RCW 43.43.830 as specified by DSHS home and community services or developmental disabilities or children's administration; and

(2) Complete an FBI fingerprint-based background check if the person has lived in the state of Washington fewer than three years;

(3) Not be listed on any long-term care abuse and neglect registry used by DSHS;

(4) Be eighteen years of age or older;

(5) Provide picture identification;

(6) Have a Social Security card or authorization to work in the United States; and

(7) Comply with requirements listed in WAC 257-10-180.

#### NEW SECTION

**WAC 257-10-140** How does an individual provider or prospective individual provider apply to be listed on the registry? The individual provider or prospective individual provider must contact their local source of registry operations, request and complete an application packet and meet the qualifications specified in WAC 257-10-120.

#### NEW SECTION

**WAC 257-10-160** Does an individual provider or prospective individual provider have any ongoing responsibilities to stay on the registry? Yes, the individual provider or prospective individual provider must:

(1) Contact the referral registry office once a month to verify that the information in the system is accurate and up-to-date; and

(2) Successfully complete a Washington state patrol criminal history background check every twelve months.

Failure to comply with ongoing responsibilities will result in placing the individual provider or prospective individual provider in an "inactive" status. The provider will not be referred to a consumer/employer when in "inactive" status.

#### NEW SECTION

**WAC 257-10-180** Are there any training requirements for being listed on the referral registry? Yes. An individual provider or prospective individual provider must complete the "becoming a professional IP" training prior to being referred to a consumer, with the exception of any person who has already worked as an individual provider for more than three months under DSHS contract. All other mandatory training requirements established by DSHS are in effect.

#### NEW SECTION

**WAC 257-10-200** Can an individual provider or prospective individual provider be removed from the registry? Yes. An individual provider or prospective individual provider will be removed from the referral registry for the following reasons:

(1) Failure to meet the qualifications identified in WAC 257-10-120 to 257-10-180.

(2) A determination by the HCQA that the person has committed misfeasance in the performance of his or her duties as an individual provider.

(3) A determination of malfeasance.

(4) A request is made by the person to be removed from the registry.

(5) DSHS IP contract termination.

#### NEW SECTION

**WAC 257-10-220 What is the procedure for removing an individual provider or prospective individual provider from the registry?** The procedure for removing an individual provider or prospective individual provider from the referral registry is as follows:

The authority and/or its designee will review all complaints and disqualification information received by the authority and:

(1) For those complaints that fall under the legal jurisdiction of law enforcement or adult protective services (APS) or child protective services (CPS), an immediate referral shall be made to the appropriate agency.

(a) The HCQA may initiate an emergency proceeding to inactivate the individual provider or prospective individual provider on the registry pending the investigation.

(b) If APS, CPS and/or law enforcement declines the referral, the complaint will proceed to assessment, recommendation and decision.

(c) If APS, CPS and/or law enforcement accepts the complaint, then action beyond the emergency adjudicative process per RCW 34.05.479, will be stayed pending APS, CPS and/or law enforcement action.

(2) For those complaints not forwarded to APS, CPS or law enforcement, HCQA will conduct an internal assessment.

(a) Upon assessment, a decision will be made and notification will be sent, in writing to the individual provider or prospective individual provider.

(b) The individual provider or prospective individual provider has the right to appeal an adverse decision within twenty-eight days of the date the formal notice was mailed by HCQA.

(c) The appeal must be sent in writing to the office of administrative hearings (OAH) as designated on the formal notice within twenty-eight days of the date the formal notice was mailed by HCQA.

(d) The OAH will schedule the hearing and notify interested parties.

(e) An administrative law judge (ALJ) from OAH shall act as presiding officer for the adjudicative proceeding as provided in RCW 34.05.425 (1)(c).

(f) The ALJ shall render an initial decision.

(g) The initial decision will be reviewed and final agency action shall be taken by the HCQA board, either adopting, modifying, or reversing the initial decision which shall be reduced to a final order of the board.

(h) The final order is the final agency action and will be provided to all interested parties and to the individual provider or prospective individual provider along with informa-

tion regarding the right to seek judicial review in superior court when applicable.

(i) The final order shall include, or incorporate by reference to the initial order, all matters required by RCW 34.05.461(3).

#### NEW SECTION

**WAC 257-10-240 What is the procedure for the denial of an individual provider or prospective individual providers application to be listed on the referral registry?** For those individual providers or prospective individual providers whose application to be listed on the registry results in a reasonable, good faith belief by HCQA that the person will be unable to appropriately meet the care needs of consumers, the following procedure applies:

(1) An internal assessment will be conducted, a decision will be made and notification will be sent, in writing to the individual provider or prospective individual provider.

(2) The individual provider or prospective individual provider has the right to appeal an adverse decision within twenty-eight days of receiving formal notice.

(3) The appeal must be sent in writing to the office of administrative hearings as designated on the formal notice.

(4) The OAH will schedule the hearing and notify interested parties.

(5) An administrative law judge from OAH shall act as presiding officer for the adjudicative proceeding as provided in RCW 34.05.425 (1)(c).

(6) The ALJ shall render an initial decision.

(7) The initial decision will be reviewed and final agency action shall be taken by the HCQA board, either adopting, modifying, or reversing the initial decision which shall be reduced to a final order of the board.

(8) The final order is the final agency action and will be provided to all interested parties and to the individual provider or prospective individual providers along with information regarding the right to seek judicial review in superior court when applicable.

(9) The final order shall include, or incorporate by reference to the initial order, all matters required by RCW 34.05-461(3).

#### NEW SECTION

**WAC 257-10-260 Who must be notified if a complaint is received about an individual provider?** If, in the course of carrying out its duties, the authority or its designee identifies concerns regarding the services being provided by an individual provider, the authority or its designee must notify the relevant area agency on aging case manager or DSHS social worker regarding such concerns per RCW 74.39A.250 (1)(h).

#### NEW SECTION

**WAC 257-10-280 Are registry staff considered mandatory reporters?** Any HCQA staff or subcontracted staff working for the authority are considered mandatory reporters.

NEW SECTION

**WAC 257-10-300 What is reasonable cause for mandatory reporting?** RCW 74.34.035 outlines reasonable cause for mandatory reporting.

NEW SECTION

**WAC 257-10-320 Does an individual provider or prospective individual provider have the right to appeal being removed from the registry?** The individual provider or prospective individual provider or the consumer/employer, to whom the individual provider is providing services, may request an adjudicative hearing to contest removal from the referral registry, as provided in WAC 257-10-220 and RCW 74.39A.250 (1)(e).

A letter will be sent notifying the individual provider or prospective individual provider of being removed from the registry and will include information pertaining to the appeal and hearing process.

NEW SECTION

**WAC 257-10-340 How does a consumer/employer apply to use the referral registry services?** A consumer/employer or consumer representative must complete the registration process in order to use the referral registry. The registration process conducted by local operations must confirm that the consumer/employer is qualified to use personal care or respite care paid for through Medicaid or state only funds.

NEW SECTION

**WAC 257-10-360 How does a consumer/employer obtain a referral list of names?** The consumer/employer or consumer representative completes and submits a request application to the local source of registry operations. The completed application may indicate the days and times an individual provider is needed, the personal care tasks that need to be performed, and any preferences the consumer/employer may have. Upon completion of the application, a registry coordinator will conduct a query which will generate a list of names that best match the consumer/employer's specific criteria. The list will be given to the consumer/employer via mail, or phone, or fax or e-mail within a reasonable time frame.

Upon successful submission of a request application, a consumer/employer or consumer representative may request a user name and password to access the registry independently to generate a list of names.

NEW SECTION

**WAC 257-10-380 Who hires an individual provider or prospective individual provider?** It is the consumer/employer or consumer representative's responsibility to interview, screen, hire and terminate an individual provider or prospective individual provider.

NEW SECTION

**WAC 257-10-400 Does a consumer/employer who wants their individual provider to receive Medicaid or public funding from DSHS need to gain approval from his/her case manager?** Yes. DSHS or AAA may deny payment upon 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 consumer/employer needs.

NEW SECTION

**WAC 257-10-420 How can a consumer/employer obtain emergency or critical personal care back-up referrals?** A consumer/employer must complete an application with the referral registry office. Registry applications can be obtained by contacting the local source of registry operations. Although a consumer/employer must complete the application process he/she is not required to have previously used the registry prior to requesting back-up referrals.

## WSR 05-14-125

## PERMANENT RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed July 1, 2005, 4:34 p.m., effective August 1, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Medicare savings program known as qualified individual 2 has been removed from WAC due to a change in federal law, and the WAC has been revised to make it clearer and more concise by breaking it out into three smaller WAC sections, adopting new sections WAC 388-517-0310 and 388-517-0320.

Citation of Existing Rules Affected by this Order: Amending WAC 388-517-0300.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530.

Other Authority: 42 U.S.C. 1396a(a) (Section 1902 (n)(2) of the Social Security Act of 1924).

Adopted under notice filed as WSR 05-11-076 on May 17, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: June 29, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-11-074, filed 5/13/02, effective 6/13/02)

**WAC 388-517-0300 Federal Medicare savings and state-funded Medicare buy-in programs.** ((The Medicare savings programs help a client pay some of the costs that Medicare does not cover. When determining eligibility for these programs, the department follows the income and resource methodology of the Supplemental Security Income (SSI) program described in chapter 388-474 WAC. For a client receiving long term care (LTC) services, refer to subsection (4) of this section.

(1) The department determines a person's eligibility in the following order:

(a) The qualified medicare beneficiary (QMB) program;  
(b) The specified low income medicare beneficiary (SLMB) program;

(c) The qualified individual (QI-1) program, formerly known as the expanded special low income Medicare beneficiary (ESLMB) program;

(d) The qualified disabled working individual (QDWI) program;

(e) The qualified individual (QI-2) program, formerly known as the qualified individual (QI) program;

(f) The state funded buy in program, formerly known as the Medicare buy in program.

(2) In order to be eligible for any of these programs, a person must:

(a) Be eligible or receiving Medicare Part A; and

(b) For the QDWI program only, be under the age of sixty five; and

(c) Have nonexcluded resources at or below the resource standard, see WAC 388-478-0085(6).

(3) A person must also meet the income standards as follows:

(a) For the QMB program, see WAC 388-478-0085(1);

(b) For the SLMB program, see WAC 388-478-0085(2);

(c) For the QI-1 program, see WAC 388-478-0085(3);

(d) For the QDWI program, see WAC 388-478-0085(4);

(e) For the QI-2 program, see WAC 388-478-0085(5);

and

(f) For the state paid buy in program, there is no maximum income limit as long as the person receives services under either categorically needy (CN) or medically needy (MN) programs.

(4) When determining an LTC client's eligibility for Medicare savings programs, the department considers countable income and resources left after the following are deducted:

(a) Allocations to a spouse and/or dependent family members; and

(b) The client's participation in the cost of care.

Refer to chapter 388-513 WAC for the LTC rules.

(5) The department adjusts income standards for Medicare savings programs on April 1st of each year, see WAC 388-478-0085. The department also applies the annual Social Security cost-of-living adjustment (COLA) for these programs on April 1st of each year. Therefore, the annual COLA does not effect the eligibility of either applicants or clients of Medicare savings programs until April 1st of each year.

(6) The department pays the following benefits for Medicare savings program clients:

(a) Under the QMB program: Medicare Part A if any, Part B premiums, coinsurance, deductibles as described in subsection (7) of this section, and medical expenses the client's Medicare managed care plan charges;

(b) Under the SLMB or QI-1 programs: Only Medicare Part B premiums (see the exception under subsection (11) of this section);

(c) Under the QDWI program: Only Medicare Part A premiums;

(d) Under the QI-2 program: Only a part of the client's Medicare Part B premiums. The Centers for Medicare and Medicaid (CMS) determine the amount which is paid. The department pays the client on an annual basis (see the exception under subsection (11) of this section); and

(e) Under the state funded buy in program: Medicare Part B premiums, coinsurance, deductibles as described in subsection (7) of this section, and medical expenses a client's Medicare managed care plan charges.

(7) The department has certain maximum payments for services provided to Medicare savings programs clients:

(a) Medicare co-insurance charges are paid only if the Medicaid payment rate is higher than the amount paid by Medicare, and within that limit, only the cost-sharing liability;

(b) Dual eligible clients are those who are eligible for QMB and SLMB programs and another Medicaid program. For dual eligibles, the department's maximum payment is:

(i) for covered services, the Medicaid or the Medicare payment rate whichever is lower; and

(ii) for services only covered by Medicare, the Medicare deductibles and co-insurance is the maximum Medicaid payment.

(8) The department does not authorize QMB, SLMB or state funded buy in programs for the client receiving categorically needy (CN) or medically needy (MN) programs. The state funded buy in program is only for a client receiving CN or MN medical coverage who is not eligible for the QMB or SLMB programs.

(9) The department does not authorize QI-1, QI-2, or QDWI programs for a client receiving CN or MN medical program benefits.

(10) The department does not authorize the QI-2 program for a client who is eligible for one of the other Medicare savings programs.

(11) When the department's annual allotment of federal funds for the QI-1 and QI-2 programs is exhausted, the department does not authorize benefits under the respective program for the remainder of that calendar year.

(12) For certification periods for the Medicare savings programs, refer to WAC 388-416-0035)) (1) Federal Medi-

care savings and state-funded Medicare buy-in programs help clients pay some of the costs that Medicare does not cover under WAC 388-517-0320 (for program eligibility, see WAC 388-517-0310).

(2) The department offers the following Medicare savings programs to eligible clients:

(a) Qualified medicare beneficiary (QMB);

(b) Specified low-income medicare beneficiary (SLMB);

(c) Qualified individual (QI-1); and

(d) Qualified disabled working individual (QDWI).

(3) The department offers the state-funded Medicare buy-in program for clients who receive Medicaid but do not qualify for the federal Medicare savings programs.

#### NEW SECTION

**WAC 388-517-0310 Eligibility for federal Medicare savings and state-funded Medicare buy-in programs.** (1) Persons eligible for any Medicare savings programs (MSP) must:

(a) Be eligible for or receiving Medicare Part A. Qualified disabled working individuals (QDWI) clients must be under age sixty-five;

(b) Meet program income standards, see WAC 388-478-0085; and

(c) Have resources at or below resource standards, see WAC 388-478-0085(6).

(2) MSP follow SSI related rules in chapter 388-475 WAC.

(3) MSP clients are entitled to a fair hearing when the department takes an adverse action such as denying or terminating MSP benefits.

(4) The department subtracts the allocations and deductions described under WAC 388-513-1380 from a long-term care client's countable income and resources when determining MSP eligibility:

(a) Allocations to a spouse and/or dependent family member; and

(b) Client participation in cost of care.

(5) Medicaid eligibility may affect MSP eligibility, as follows:

(a) Qualified medicare beneficiaries (QMB) and specified low income beneficiaries (SLMB) clients can receive Medicaid and still be eligible to receive QMB or SLMB benefits.

(b) Qualified individuals (QI-1) and qualified disabled working individuals (QDWI) clients who begin to receive Medicaid are no longer eligible for QI-1 or QDWI benefits.

(6) Every year, when the federal poverty level changes:

(a) The department adjusts income standards for MSP and state funded Medicare buy-in programs, see WAC 388-478-0085.

(b) The department begins to count the annual Social Security cost-of-living (COLA) increase on April 1st each year when determining eligibility for MSP and state funded Medicaid buy-in programs.

(7) There is no income limit for the state-funded Medicare buy-in program. The state-funded Medicare buy-in pro-

gram is for clients who receive Medicaid but do not qualify for the federal MSP.

#### NEW SECTION

**WAC 388-517-0320 Medicare savings and state-funded Medicare buy-in programs cover some client costs.** (1) For qualified medicare beneficiary (QMB) clients, the department:

(a) Pays Medicare Part A premiums (if any);

(b) Pays Medicare Part B premiums;

(c) Pays all coinsurance deductibles as described in subsection (6) of this section;

(d) May pay Medicare Advantage Part C premiums, if cost effective, for those clients already enrolled in Medicare Advantage Part C at the time of application for Medicare Advantage Part C premium payment. (The department does not select a Medicare Advantage Part C plan for QMB clients);

(e) Pays all coinsurance deductibles and co-payments for QMB-eligible clients enrolled in Medicare Advantage Part C as described in subsection (6) of this section; and

(f) Pays QMB premiums the first of the month following the month that QMB eligibility is determined.

(2) For specified low-income medicare beneficiary (SLMB) clients, the department pays Medicare Part B premiums effective up to three months prior to the certification period. No other payments are made for SLMBs.

(3) For qualified individual (QI-1) clients, the department pays Medicare Part B premiums effective up to three months prior to the certification period unless:

(a) The client receives Medicaid categorically needy (CN) or medically needy (MN) benefits; and/or

(b) The department's annual federal funding allotment is spent. The department resumes QI-1 benefit payments the beginning of the next calendar year.

(4) For qualified disabled working individual (QDWI) clients, the department pays Medicare Part A premiums effective up to three months prior to the certification period. The department stops paying Medicare Part A premiums if the client begins to receive CN or MN Medicaid.

(5) For state-funded Medicare buy-in program clients, the department pays Medicare:

(a) Part B premiums; and

(b) Part A and B co-insurance, deductibles, and co-payments described in subsection (6) of this section.

(6) The department limits payments for certain services, provided to Medicare savings and state-funded Medicare buy-in clients, as follows:

(a) If the Medicaid payment rate is higher than the amount paid by Medicare, the department pays only the cost-sharing liability of the Medicare co-insurance charge; and

(b) For Medicaid clients who are entitled to Medicare Part A and/or Medicare Part B (referred to as "dual eligible" clients:

(i) The department pays the Medicare or Medicaid payment rate, whichever is less, for services covered by both Medicare and Medicaid; and

(ii) The department pays the Medicare deductibles and co-insurance services only covered by Medicare.



**WSR 05-14-142**  
**PERMANENT RULES**  
**PENINSULA COLLEGE**

[Filed July 5, 2005, 1:57 p.m., effective August 5, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Updating Title 132A WAC.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 132A-156-006, 132A-156-011 and 132A-156-016; and amending chapter 132A-350 WAC.

Statutory Authority for Adoption: RCW 28B.50.140 and chapter 28B.50 RCW.

Adopted under notice filed as WSR 05-11-04 [05-11-041] on May 12, 2005.

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 1, Repealed 4 [3].

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 26, 2005.

Bonnie Cauffman  
 Director of Human Resources

**AMENDATORY SECTION** (Amending WSR 99-15-072, filed 7/20/99, effective 8/20/99)

**WAC 132A-350-015 Peninsula College antidiscrimination policy.** (1) **Preamble.** Peninsula College is committed to protecting the rights and dignity of each individual in the campus community and will not tolerate any form of discrimination. All Peninsula College employees and students may report alleged discriminatory behavior without fear of restraint, reprisal, interference, or coercion. No employee's or student's status with the college shall be adversely affected in any way because he or she utilizes the following procedures. Peninsula College's informal and formal grievance procedures are designed to ensure fairness and consistency in the college's relations with its employees and students. Nothing in these procedures shall be construed as abridging the right of an employee or student to allege discrimination in exercising constitutional or statutory rights which may be available.

(2) **Informal review procedures.** Any employee or student is urged to communicate his or her discrimination grievance to the appropriate supervisor. Every effort should be made to resolve the grievance informally within the department. However, should an employee or student feel that he or she is unable to discuss the grievance with the appropriate supervisor, then that employee or student should go to the major administrator for that unit, department, or division to

discuss the problem. The employee or student may also wish to exercise his or her rights to pursue an informal resolution, which may include mediation with the assistance of the affirmative action officer.

(3) **Formal review procedures.** The following formal review procedures have been established for those kinds of discrimination problems which remain unsolved after informal review has occurred and when the informal procedure has failed to resolve the conflict to the satisfaction of the parties.

(a) Any employee or student who believes he or she has been discriminated against in connection with a violation of the college's affirmative action policy may, after the informal procedures have failed, file a formal complaint in writing with the college's affirmative action officer, stating the grievance and requesting a remedy. Within five working days of the filing, the affirmative action officer shall serve a copy of the complaint to the respondent and notify the respondent's major administrator. The respondent has five working days in which to respond to the allegations in the complaint in writing and submit the reply to the affirmative action officer. Within five working days of the receipt of the reply, the affirmative action officer shall show the reply to the complainant, and ask both the complainant and respondent if they will mediate the complaint. If so, the affirmative action officer will initiate the mediation within ten working days of receiving the reply, unless availability of the parties involved necessitates an extension.

(b) If the complaint is unresolved after mediation, or if either party refuses to mediate, the affirmative action officer, or a qualified designee shall then investigate the complaint. Depending upon the circumstances, this investigation may include meetings with the employee, the immediate supervisor, the major administrator, and any other person who may be involved. A finding of probable cause or no probable cause shall be given to the employee or student by the affirmative action officer within sixty working days of the filing of the complaint. This time may be extended by mutual agreement between the complainant and the ((committee)) respondent.

(c) If the complainant or respondent is not satisfied with the results of the review as indicated above, that person may appeal to the college president. All information regarding the complaint shall be forwarded to the president by the affirmative action officer, and the complainant or respondent may submit any further information desired. The president shall, within ten working days, communicate in writing to the complainant or respondent a decision, with a copy to the affirmative action officer. Again, the time may be extended by mutual agreement. The decision of the president shall be the college's final decision.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 132A-156-006	Applications.
WAC 132A-156-011	Fees.
WAC 132A-156-016	Discipline.



**WSR 05-14-033**  
**EMERGENCY RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed June 24, 2005, 4:05 p.m., effective June 24, 2005]

Effective Date of Rule: Immediately.

Purpose: To revise current rules (chapter 392-109 WAC) regarding election of members to the State Board of Education to reflect 2005 legislative changes.

Citation of Existing Rules Affected by this Order: Amending chapter 392-109 WAC.

Statutory Authority for Adoption: Chapter 28A.305 RCW and ESSB 5732.

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: Pursuant to the changes incorporated in ESSB 5732; the Superintendent of Public Instruction must immediately amend existing rules in order to conduct the 2005 election of members to the State Board of Education in a timely manner.

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: June 22, 2005.

Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction

**AMENDATORY SECTION** (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-109-037 Purpose and authority.** (1) The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing policies and procedures which implement the statutory election process for such positions.

(2) The authority for this chapter is RCW ((28A.305-020)) 28A.305.102 which authorizes the superintendent of public instruction to adopt rules and ((regulations)) procedures for the conduct of election for members of the state board of education.

**AMENDATORY SECTION** (Amending Order 96-05, filed 3/21/96, effective 4/21/96)

**WAC 392-109-040 ((Purpose)) Composition.** The state board of education consists of ((nine)) sixteen members: Seven members appointed by the governor; five members elected by the members of public school boards of directors, including two from eastern Washington and three from western Washington; one member elected by private school boards of directors ((and)); the superintendent of public instruction ((who is an ex-officio member of the board. The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing policies and procedures which implement the statutory election process for such positions)); and two students selected by the state board of education.

**AMENDATORY SECTION** (Amending Order 18, filed 7/19/90, effective 8/19/90)

**WAC 392-109-043 Election officer.** In accordance with RCW ((28A.305.020)) 28A.305.102 the superintendent of public instruction shall serve as the election officer for the coordination and conduct of the election of members ((of)) to the state board of education.

**AMENDATORY SECTION** (Amending Order 80-20, filed 6/17/80)

**WAC 392-109-045 Definitions.** As used in this chapter the term:

(1) "Board of directors" shall mean:

(a) The statutory, multimember board of directors of a public school district; and

(b) The person ((or multimember body)) recognized by ((a)) an approved private school as having the final authority for policy decisions which govern the operation of the private school((-

(2) ~~"Chairperson" shall mean a member of a private school board of directors who has been selected by the board either to act as the chief officer of the board or to tabulate)) and shall cast the private school's vote pursuant to this chapter.~~

((3)) (2) "Private school" shall mean a school which((- (a) Operates any of the grades one through twelve; and (b) Is certified)) is approved by the state board of education pursuant to chapter 180-90 WAC, as now or hereafter amended, as being in compliance with statutory standards.

(3) "Eastern Washington region" shall mean the region comprised of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties.

(4) "Western Washington region" shall mean the region comprised of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom counties.

AMENDATORY SECTION (Amending Order 96-05, filed 3/21/96, effective 4/21/96)

**WAC 392-109-047 Annual elections.** Elections for members of the state board of education shall be conducted each year preceding the year in which the term of one or more members expires, and as required by RCW ((28A.305.090) 28A.305.102 following a vacancy on the board.

NEW SECTION

**WAC 392-109-048 Election timeline.** An official election timeline shall be published by the superintendent of public instruction at the call of each yearly election. Such timeline shall include all necessary dates for the conduct of election.

AMENDATORY SECTION (Amending Order 84-8, filed 5/15/84)

**WAC 392-109-050 Information necessary for the conduct of elections—Responsibility of school officials.** It shall be the responsibility of each member of a board of directors to assure that the superintendent of public instruction is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the superintendent of public instruction for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

- (1) Private schools: The mailing address and previous ((September)) October enrollment for each approved private school; and
- (2) Public school districts: The name, legal residence, mailing address and ((congressional district number)) region, as defined in WAC 392-109-034, of residence for each member of a board of directors.

AMENDATORY SECTION (Amending Order 84-8, filed 5/15/84)

**WAC 392-109-060 Publicity and call of election.** On or before August twenty-fifth of each year ((or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date)) the superintendent of public instruction shall ((give written)) publicize notice of an election to be held for each ((voting)) position on the state board of education subject to election ((and for the nonvoting position if it is subject to election)) by school directors and private school board members. Notice shall be ((accomplished)) made by, but not limited to:

- (1) Mailing the call of election notice citing the election rules, declaration and affidavit of candidacy, biographical data form, ((tentative certification of electors, calendar and rules)) and election timeline to each member of a public school district board of directors; ((and))
- (2) Mailing ((copies of)) the call of election notice citing the election rules, declaration and affidavit of candidacy, biographical data form, ((tentative certification of electors, calendar and rules)) and election timeline to each approved private school addressed ((as follows: Chairperson of the board

of directors, e/o principal or)) to the chief administrator((, (name and address of the particular)) of each approved private school((. It shall be the responsibility of each such chairperson to duplicate the call of election notice, calendar and rules if necessary and provide a copy of each to each member of the private school's board of directors)); and

(3) Making the call of election notice citing the election rules, declaration and affidavit of candidacy, biographical data form, and election timeline available by contacting: Administrative Resource Services, Office of the Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200.

AMENDATORY SECTION (Amending Order 96-05, filed 3/21/96, effective 4/21/96)

**WAC 392-109-065 Candidates—Eligibility—Filing.**

(1) Eligibility: A person is eligible to be a candidate for only one vacancy on the state board of education at a time.

(a) A candidate for a vacancy among the ((nine)) five positions on the state board elected by members of public school boards of directors must be a resident of the ((congressional district)) region represented by the position and meet the other qualifications established by RCW ((28A.305-040)) 28A.305.102; and

(b) A candidate for a vacancy in the position on the state board elected by private schools ((boards of directors)) must be a resident of the state of Washington and meet the other qualifications established by RCW ((28A.305-040)) 28A.305.102.

(2) Forms for filing: A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 392-109-070; and

(b) The biographical data form provided for in WAC 392-109-075: Provided, That a declarant may elect not to submit biographical data.

(3) Filing period: The filing period for candidates for any position on the state board of education ((is from September 1 through September 16. Any declaration of candidacy that is not received by the superintendent of public instruction on or before 5:00 p.m. September 16 shall not be accepted and such a declarant shall not be a candidate. Provided, That any declaration that is postmarked on or before midnight September 16 and received by mail prior to the printing of ballots shall be accepted. Provided further, That any declaration received pursuant to the United States mail on or before 5:00 p.m. September 21 that is not postmarked or legibly postmarked shall also be accepted)) shall be included on the election timeline as published at the call of each yearly election. Declarations not received by 5:00 p.m. on the indicated date will not be included on the certified list of candidates.

AMENDATORY SECTION (Amending Order 96-05, filed 3/21/96, effective 4/21/96)

**WAC 392-109-070 Declaration and affidavit of candidacy form.** The declaration and affidavit of candidacy form which each candidate is required to substantially complete and to file as a condition to having his or her name

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placed on an official ballot is available from the superintendent of public instruction and shall be as follows:

I, . . . . ., solemnly swear (or affirm): That (if filing for a position elected by members of public school boards of directors) I reside in the . . . . . ((Congressional District)) Region of the state of Washington ((or)) (OR if filing for the position elected by private schools ((boards of directors))) I reside within the state of Washington; That I am aware that if elected, I cannot concurrently serve as a member of the state board of education and as an employee of any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction, or as a member of the board of directors of either a common school district or a private school; and, That I hereby declare myself a candidate for membership on the state board of education for . . . . . Region, Position No. . . . ., a term ((of . . . . . years)) beginning on the second Monday in January, ((19)) 20 . . . . ., subject to the election to be held during the month of ((October)) November, ((19)) 20 . . . . ., and I request that my name be listed on the ballot ((therefor)) thereof.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signature) . . . . .

Address: . . . . .

Telephone number . . . . .

State of Washington

County of . . . . .

Signed and sworn to (or affirmed) before me on (date) by (name of person making statement).

(Signature) . . . . .

(Seal or stamp) Notary Public

My appointment expires . . . . .

AMENDATORY SECTION (Amending Order 84-8, filed 5/15/84)

WAC 392-109-075 Biographical data form. (1) The superintendent of public instruction shall provide a biographical data form not exceeding ((two)) one letter size typewritten page((s)) in length which each candidate may complete. ((Completed forms submitted to the superintendent of public instruction by a candidate must be camera ready.))

(2) Biographical data forms shall be reproduced as submitted and distributed by the superintendent of public instruction with the ballots to each ((voter)) elector.

AMENDATORY SECTION (Amending Order 81-10, filed 8/7/81)

WAC 392-109-077 Withdrawal of candidacy. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the superintendent of public instruction on or

before 5:00 p.m. ((September 24)) on the date included on the election timeline as published at the call of each yearly election. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

AMENDATORY SECTION (Amending Order 84-8, filed 5/15/84)

WAC 392-109-078 Certificate of electors. (1) The list of eligible ((voters)) electors shall remain open for changes and deletions until 5:00 p.m. ((September 26 or in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date)) on the date included on the election timeline as published at the call of each yearly election.

(2) The superintendent of public instruction as soon thereafter as is practical shall certify the list of electors and the weighted vote for each elector to be used for election purposes.

AMENDATORY SECTION (Amending Order 84-8, filed 5/15/84)

WAC 392-109-080 Ballots—Contents. The ballot for each position subject to election pursuant to this chapter shall contain the names of each candidate eligible for the particular position. Ballots for voting positions shall be prepared for each ((congressional district and the names of candidates thereon shall be rotated)) region. In addition to the names of candidates, each ballot shall set forth the number of electoral ((points)) votes to which each ((voter)) elector is entitled, as follows:

(1) Public school board members: Each member of a public school district board of directors shall be entitled to a number of electoral ((points)) votes equal to:

((a) The actual number of students enrolled in the school district during September of the current calendar year and reported to the superintendent of public instruction for basic education apportionment purposes; or

(b) If such figure is unavailable by 5:00 p.m. September 26 or in the event such date is a Saturday, Sunday, or holiday, the working day immediately following such date, the actual number of students enrolled and last reported to the superintendent of public instruction for basic education apportionment purposes: Provided, That each member of the board of directors of a public school district that permanently or temporarily has more than five statutory directors shall have his or her electoral points recomputed by multiplying the foregoing enrollment number by a fraction, the denominator of which shall be the number of directors, and the numerator of which shall be five.)

School District Student Enrollment	Votes per Director
1 - 1,000	1 vote
1,001 - 2,000	2 votes
2,001 - 3,000	3 votes
3,001 - 4,000	4 votes

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<u>School District Student Enrollment</u>	<u>Votes per Director</u>
<u>4,001 - 5,000</u>	<u>5 votes</u>
<u>5,001 - 6,000</u>	<u>6 votes</u>
<u>6,001 - 7,000</u>	<u>7 votes</u>
<u>7,001 - 8,000</u>	<u>8 votes</u>
<u>8,001 - 9,000</u>	<u>9 votes</u>
<u>9,001 - 10,000</u>	<u>10 votes</u>
<u>10,001 - 15,000</u>	<u>11 votes</u>
<u>15,001 - 20,000</u>	<u>12 votes</u>
<u>20,001 - 25,000</u>	<u>13 votes</u>
<u>25,001 - 30,000</u>	<u>14 votes</u>
<u>30,001 - 35,000</u>	<u>15 votes</u>
<u>35,001 - 40,000</u>	<u>16 votes</u>
<u>40,001 - or greater</u>	<u>17 votes</u>

~~tions for voting purposes if necessary and provide a copy to each member of the private school's board of directors).~~

AMENDATORY SECTION (Amending Order 96-05, filed 3/21/96, effective 4/21/96)

**WAC 392-109-090 Voting—Marking and return of ballots.** (1) Public school board members: Each member of a public school district board of directors may vote for one of the candidates for each position named on his or her ballot by placing an "x" or other mark in the space provided next to the name of a candidate.

(2) ~~Approved private schools ((board members)):~~ Each ~~((member of a))~~ approved private school ((board of directors shall return his or her marked ballot to the chairperson of the board. ~~The chairperson shall tabulate the votes and be entitled to cast one vote for the candidate who receives a majority of the board members' votes. The chairperson shall then mark the official ballot accordingly))~~ may vote for one candidate by placing an "x" or other mark in the space provided next to the candidate.

(3) Return of ballots: Each member of a public school district board of directors and each ~~((chairperson of a))~~ approved private school ((board of directors)) shall complete voting by:

(a) Placing ~~((his or her))~~ the marked official ballot in the smaller, unmarked envelope and sealing the same;

(b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot return envelope" and sealing the same; and

(c) ~~((If not already designated, completing the following information on the face of the official ballot return envelope: Name, identification of school district or private school and, in the case of public school district board members, identification of the congressional district of residence; and~~

~~((d)))~~ Placing the official ballot return envelope in the United States mail or otherwise delivering the envelope to the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 84-8, filed 5/15/84)

**WAC 392-109-095 Election ((board)) committee—Appointment and composition.** The ~~((state board of education))~~ superintendent of public instruction shall annually appoint a three member election ~~((board))~~ committee and at least one alternate who shall serve thereon in the absence of a regular member of the election ~~((board))~~ committee. Votes cast at elections conducted pursuant to this chapter shall be ~~((counted))~~ supervised by the superintendent of public instruction or his or her designee and the election ~~((board))~~ committee.

AMENDATORY SECTION (Amending Order 96-05, filed 3/21/96, effective 4/21/96)

**WAC 392-109-100 Receipt of ballots and count of votes.** (1) As official ballot return envelopes are received by the superintendent of public instruction, a preliminary determination shall be made as to the eligibility of the ~~((voter))~~ elector, and a record shall be made on a list of eligible ~~((vet-~~

(2) Approved private schools: Each private school board of directors shall be entitled to a number of electoral ~~((points))~~ votes equal to the actual number of students enrolled in each private school under the governance of the state board of education during ~~((September))~~ October of the preceding calendar year and reported to the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 96-05, filed 3/21/96, effective 4/21/96)

**WAC 392-109-085 Ballots and envelopes—Mailing to ((voters)) electors.** (1) ~~((On or before October 1))~~ Ballots shall be mailed to ~~((voters))~~ electors on the date included on the election timeline as published at the call of each yearly election, together with two envelopes to be used for voting.

(a) The outer and larger envelope (i.e., official ballot return envelope) shall:

~~((a))~~ (i) Be labeled "official ballot return envelope";

~~((b))~~ (ii) Be preaddressed with the "superintendent of public instruction" as addressee; and

~~((c))~~ ~~Have provision for prepaid postage; and~~

~~((d))~~ (iii) Have provision for the identification of the ~~((voter))~~ elector, his or her school district or school and his or her ~~((congressional district if pertinent))~~ home address.

(b) The inner and smaller envelope shall be unlabeled and unmarked.

(2) One official ballot and the two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each member of a public school district board of directors.

(3) One official ballot, ~~((a number of copies of the ballot))~~ two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each approved private school addressed ~~((as follows: Chairperson of the board of directors, e/o principal or))~~ to the chief administrator ((name and address of the particular)) of each approved private school ((It shall be the responsibility of each such chairperson to duplicate the ballot, biographical data and pertinent instruc-

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ers)) electors and approved private schools that the ((~~voter~~)) elector or school has voted.

(2) Official ballot return envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election ((~~board~~)) committee.

((~~2~~)) (3) The election ((~~board~~)) committee shall convene for the purpose of counting votes on ~~((or before October 25 or if such date is a Saturday, Sunday, or holiday, on or before the state working day immediately preceding such date at a date, time and place designated by the superintendent of public instruction))~~ the date included on the election timeline as published at the call of each yearly election.

(a) Official ballot return envelopes that are accepted by the election ((~~board~~)) committee shall be opened, and the inner envelopes containing ballots shall be removed and placed aside, still sealed.

(b) The inner envelopes shall then be opened and the votes counted by the election ((~~board~~)) committee.

((~~3~~)) (4) No record shall be made or maintained of the candidate for ((~~which~~)) whom any ((~~voter~~)) elector cast his or her vote.

AMENDATORY SECTION (Amending Order 96-05, filed 3/21/96, effective 4/21/96)

**WAC 392-109-105 Ineligible votes.** The following ballots and votes shall be declared void and shall not be accepted:

- (1) Votes for write-in candidates;
- (2) Votes cast on other than an official ballot provided pursuant to this chapter;
- (3) Ballots which contain a vote for two or more of the named candidates;
- (4) Ballots contained in other than an official ballot return envelope provided pursuant to this chapter;
- (5) Ballots contained in an official ballot return envelope upon which the ((~~voter~~)) elector is not designated by name;
- (6) Ballots received after 5:00 p.m. ((~~October 16~~)) on the date included on the election timeline as published at the call of each yearly election: Provided, That any official ballot return envelope that is postmarked on or before midnight ((~~October 16~~)) of the above date and received pursuant to the United States mail prior to the initial counting of votes by the election ((~~board~~)) committee shall be accepted((~~:- Provided further, That any official ballot return envelope received pursuant to the United States mail on or before 5:00 p.m. on October 21 that is not postmarked or legibly postmarked shall also be accepted~~)); and
- (7) Such other ballots or votes as the election ((~~board~~)) committee shall determine to be unidentifiable or unlawful.

#### NEW SECTION

**WAC 392-109-111 Run-off election.** If no candidate for any one position receives a minimum of fifty percent plus one of the total votes for such position, the superintendent of public instruction shall call a run-off election between the two candidates receiving the two highest vote totals for such position.

#### NEW SECTION

**WAC 392-109-112 Dispute resolution.** (1) Any common school district board member or any approved private school eligible to vote for a candidate for membership on the state board of education or any candidate for the position, within ten days after the superintendent of public instruction's reporting of election, may contest the election of a candidate for any of the following causes:

(a) Because the person whose right is being contested gave a bribe or reward to an elector for the purpose of procuring the candidate's election, or offered to do so; or

(b) On account of illegal votes.

(2) An action contesting an election pursuant to this chapter shall be conducted in compliance with chapter 29A.68 RCW, as now or hereafter amended.

AMENDATORY SECTION (Amending Order 84-8, filed 5/15/84)

**WAC 392-109-115 ((~~Certification~~)) Report and certification of election.** ~~((Within ten calendar days after the date upon which the votes were counted, but no sooner than eight calendar days after the votes were counted by the election board, the superintendent of public instruction shall officially certify the name or names of candidates elected by signing and forwarding written notice to the secretary of state.))~~ (1) On the date included on the election timeline as published at the call of each yearly election, but no later than December 15, if a candidate receives a minimum of fifty percent plus one of the total votes for a position, the superintendent shall publicly announce the election results.

(2) If a candidate does not receive a minimum of fifty percent plus one of the total votes for a position, the superintendent shall publicly announce the need for a run-off election.

(3) Ten calendar days after announcing the results of an election in which a candidate receives a minimum of fifty percent plus one of the votes for a position, the superintendent shall officially certify the name of the candidate by signing and forwarding written notice to the secretary of state.

AMENDATORY SECTION (Amending Order 90-01, filed 1/31/90, effective 3/3/90)

**WAC 392-109-117 Publishing of names.** As soon as reasonably possible after each annual election the superintendent of public instruction shall publish the names of the directors and approved private schools who voted in the election.

AMENDATORY SECTION (Amending Order 96-05, filed 3/21/96, effective 4/21/96)

**WAC 392-109-120 Vacancies and special elections.** (1) Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, it shall be the duty of the remaining members representing public school boards of directors to fill such vacancy consistent with the appropriate regional position being vacated by appointment, and the per-

son so appointed shall continue in office until his or her successor has been specially elected.

(2) Whenever a vacancy of the private school elected member occurs on the state board of education, from any cause whatsoever, it shall be the duty of the private school advisory committee to fill such vacancy consistent with qualifications in RCW 28A.305.102 and the person so appointed shall continue in office until his or her successor has been specially elected.

(3) When a vacancy occurs, the superintendent of public instruction shall include such a vacancy in the call of election the following year; a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose position was vacated.

(4) Special elections provided for in RCW ((28A.305-030 (new congressional districts), 28A.305.060 (run-off elections) and 28A.305.090 (vacancies))) 28A.305.102 shall be conducted in accordance with the pertinent procedural and substantive provisions of this chapter, including the time schedules governing the conduct of elections, as modified by the superintendent of public instruction to accommodate the special nature of the election and special statutory dates and requirements.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 392-109-055            Publicity.
- WAC 392-109-058            Tentative certification of electors.
- WAC 392-109-072            Candidates for new congressional district positions—First elections—Term of office.
- WAC 392-109-110            Recount of votes cast—Automatic—By request.

**WSR 05-14-036  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 05-132—Filed June 24, 2005, 4:13 p.m., effective June 24, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500E; and amending WAC 220-56-325.

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 needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the northern portion of Marine Area 7. 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: June 24, 2005.

J. P. Koenings  
Director

**NEW SECTION**

**WAC 220-56-32500F Shrimp—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay and Port Townsend Shrimp Districts and Marine Areas 7, 8, 9, 10 and 11, except as provided for in this section.

a) Effective 9:00 p.m. June 28, 2005, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 7, except as provided for in this section.

1) Marine Area 7 north of a line from the Initiative 77 marker on Fidalgo Island to Point Colville on Lopez Island, then north of a line from Davis Point to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary:

a. Open to the harvest of all shrimp species except Spot shrimp. It is unlawful to possess Spot shrimp, and all Spot shrimp must immediately be returned to the water unharmed.

b. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

2) Marine Area 7, south of a line from the Initiative 77 marker on Fidalgo Island to Point Colville on Lopez Island, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of a line due west from Lime Kiln Point light to the international boundary are open daily to the harvest of all shrimp species.

b) Effective immediately, until further notice, all waters south of a line from Tukey Point to Contractors Point in the Discovery Bay Shrimp District are open, on a daily basis, to

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the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately.

c) Effective immediately, until further notice, all waters south of a line from Walan Point to Kala Point in the Port Townsend Bay Shrimp District are open, on a daily basis, to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately.

d) Effective immediately, until further notice, all waters equal to or less than 150 feet in depth in Marine Areas 8, 9 (excluding the Port Townsend Shrimp District), and Marine Area 11 will open daily to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

2) Effective immediately, until further notice, all waters of Marine Areas 4 east of the Bonilla-Tatoosh line, and Marine Areas 5, 6 and 13 (excluding the Shrimp Districts), are open daily to the harvest of all shrimp species.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500E Shrimp—Areas and season (05-113)

**WSR 05-14-059  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 05-133—Filed June 29, 2005, 12:04 p.m., effective June 29, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-03000Y; and amending WAC 220-33-030.

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: This rule is consistent with actions of the Columbia River compact hearing of June 28, 2005, and is consistent with requirements of the ESA. 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: June 29, 2005.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-33-03000Y Commercial shad—Columbia River.** Notwithstanding the provisions of WAC 220-33-030, it is unlawful to take, fish for or possess shad taken for commercial purposes except as provided for in this section:

**Area: Area 2S.** True north/south line through Light #50 near the mouth of the Sandy River upstream to the commercial fishing boundary near Beacon Rock.

**Dates:** Daily, 3:00 p.m. to 10:00 p.m.  
June 29 and June 30, 2005

**Gear:** Single-wall, unslackened, floater gill net, with breaking strength of less than 10 pounds. Mesh size: 5 3/8 inches to 6 1/4 inches. The net may not exceed 150 fathoms in length nor 40 meshes in depth. No salmon nets are allowed on the vessel when both fisheries are open.

**Allowable Sale:** During the fishing periods provided in this section, only shad may be kept and sold. All salmonids, walleye and sturgeon must be immediately returned to the water and those alive must be released unharmed.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 10:01 p.m. June 30, 2005.

WAC 220-33-03000Y Commercial shad—Columbia River.

**WSR 05-14-061  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 05-134—Filed June 29, 2005, 3:31 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900C; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

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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: The Columbia River summer chinook fishery will be nonselective beginning July 1. The run size is predicted to be near the preseason forecast and the regulation is consistent with providing harvest opportunity on this run. Rule is consistent with joint state actions of the Washington Department of Fish and Wildlife and Oregon Department of Fish and Wildlife on June 28, 2005. 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: June 29, 2005.

J. P. Koenings  
Director  
by Larry Peck

## NEW SECTION

**WAC 232-28-61900G Exceptions to statewide rules—Camas Slough, Columbia River Lewis River, Washougal River and Wind River.** Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Camas Slough (Clark County):** Defined as those waters outside of the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Same rules as Columbia River from I-5 Bridge to Bonneville Dam.

(2) **Columbia River:**

(i) In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington, except Camas Slough, where the license of either state is valid when fishing from a floating device.

(ii) From the Rocky Point - Tongue Point line to the I-5 Bridge: Salmon: Open until further notice. Immediately through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye. August 1 until further notice, daily limit 6 fish of which no more than 2 may be adult salmon, but not more than 1 adult chinook. Release chum, sockeye, and wild coho.

(iii) From the I-5 Bridge to the Highway 395 Bridge at Pasco: Salmon: Open until further notice. Immediately through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye. August 1 until further notice, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye, release wild coho downstream of Bonneville Dam. August 1 until further notice, daily limit may contain not more than 1 adult chinook downstream from Bonneville Dam. Trout: Open until further notice, daily limit two hatchery steelhead.

(iv) From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Salmon: Open through July 31 and August 16 until further notice. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye through July 31.

(v) From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): Salmon: Open through July 31 and August 16 until further notice. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release sockeye through July 31.

(vi) From Vernita Bridge (Highway 24) to Priest Rapids Dam: Salmon: Open through July 31 and August 16 until further notice. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye through July 31.

(3) **Lewis River, North Fork (Clark/Skamania counties):** From mouth to overhead powerlines at Merwin Dam: When nonbuoyant lure restrictions are in effect, only fish hooked inside the mouth may be retained.

(4) **Washougal River (Clark County):** From mouth to bridge at Salmon Falls: When nonbuoyant lure restrictions are in effect, only fish hooked inside the mouth may be retained.

(5) **Wind River (Skamania County):** Mouth to source, including all tributaries: When nonbuoyant lure restrictions are in effect, only fish hooked inside the mouth may be retained.

**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 July 1, 2005:

WAC 232-28-61900C Exceptions to statewide rules—Camas Slough, Columbia River Lewis River, Washougal River and Wind River. (05-117)

**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.



**WSR 05-14-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-135—Filed June 29, 2005, 3:32 p.m., effective July 5, 2005,  
 12:01 a.m.]

Effective Date of Rule: July 5, 2005, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 232-28-61900F; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: It is anticipated that 13,650 sturgeon will be harvested by the current estuary sturgeon retention fishery which was scheduled to close July 5, leaving 4,150 sturgeon remaining from the 17,800 fish annual harvest guideline. The adopted fishery extension for the mainstem Columbia River downstream of the Wauna powerlines and for Deep River is expected to result in a catch that remains within the harvest guideline set forth in the joint state management plan concerning lower Columbia River sturgeon management and fisheries. The closure date for retention of sturgeon between John Day and McNary dams was adopted because Washington and Oregon fish managers estimate that the harvest guideline of 165 fish will be caught by July 11. 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: June 29, 2005.

Evan Jacoby  
 for Jeff Koenings  
 Director

**NEW SECTION**

**WAC 232-28-61900H Exceptions to statewide rules—Sturgeon, Columbia and Deep rivers. Notwithstanding the provisions of WAC 232-28-619:**

(1) Columbia River

(a) Effective 12:01 a.m. July 5, 2005 through July 10, 2005, it is lawful to retain sturgeon caught in those waters of the Columbia River downstream of the Wauna powerline crossing at RM 40,

- Effective 12:01 a.m. July 11, 2005 through July 14, 2005, it is unlawful to retain sturgeon caught in those waters of the Columbia River downstream of the Wauna powerline crossing at RM 40,

- Effective 12:01 a.m. July 15, 2005 through July 17, 2005, it is lawful to retain sturgeon caught in those waters of the Columbia River downstream of the Wauna powerline crossing at RM 40,

- Effective 12:01 a.m. July 18, 2005, until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River downstream of the Wauna powerline crossing at RM 40,

(b) Effective immediately until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to the Dalles Dam,

(c) Effective immediately until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from The Dalles Dam upstream to John Day Dam,

(d) Effective 12:01 a.m. July 11, 2005 until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from John Day Dam upstream to McNary Dam.

(2) Deep River –

- Effective 12:01 a.m. July 5, 2005 through July 10, 2005, it is lawful to retain sturgeon caught in those waters of the Deep River,

- Effective 12:01 a.m. July 11, 2005 through July 14, 2005, it is unlawful to retain sturgeon caught in those waters of the Deep River,

- Effective 12:01 a.m. July 15, 2005 through July 17, 2005, it is lawful to retain sturgeon caught in those waters of the Deep River,

- Effective 12:01 a.m. July 18, 2005, until further notice, it is unlawful to retain sturgeon caught in those waters of the Deep River.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 5, 2005:

WAC 232-28-61900F	Exceptions to statewide rules—Sturgeon, Columbia and Deep rivers. (05-129)
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**WSR 05-14-063**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-136—Filed June 29, 2005, 3:33 p.m., effective July 5, 2005,  
 12:01 a.m.]

Effective Date of Rule: July 5, 2005, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 220-56-128.

Statutory Authority for Adoption: RCW 77.12.240.

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 closure includes the area of an experiment with rockfish related to conservation of rockfish stocks in Puget Sound and the evaluation of marine protected areas as a management tool. Any fishing-induced mortality on the rockfish at this location could invalidate the results of the experiment. This work is being done to fulfill a contract, just received, which becomes available as of July 1, 2005. The experiment must be conducted within the contract time-frame. There is insufficient time to promulgate a permanent rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 29, 2005.

Evan Jacoby  
 for Jeff Koenings  
 Director

**NEW SECTION**

**WAC 220-56-12800I Food fish fishing—Closed areas.** Notwithstanding the provisions of WAC 220-56-128, effective 12:01 a.m. July 5, 2005 until further notice, it is unlawful to fish for rockfish in those waters of Catch Record Card Area 11 within 500 yards of the radio tower at Point Heyer.

**WSR 05-14-074**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)  
 [Filed June 30, 2005, 1:53 p.m., effective June 30, 2005]

Effective Date of Rule: Immediately.

Purpose: Adopting new rules to implement the Medicare-Medicaid integration program (MMIP), a new and innovative managed care program in the state of Washington that will combine long-term care and medical services under one coordinated service delivery model and capitated payment structure, thereby improving client health outcomes through increased coordination, while better managing Medicaid expenditures.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 42 C.F.R. 441.302(a), Social Security Act, Section 1915(c) waiver rules, 42 C.F.R. 438.

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: These new rules will allow the department to immediately implement coordinated medical and long-term care services under MMIP to improve client outcomes and preserve the health of eligible frail seniors and persons with disabilities. The new rules will offer clients additional choice in their long-term care options, will result in more efficient care and enhanced service delivery, and will help the department better manage Medicaid resources.

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 5, 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 5, Amended 0, Repealed 0.

Date Adopted: June 24, 2005.

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

**MEDICARE/MEDICAID INTEGRATION  
 PROGRAM (MMIP) SERVICES**

**NEW SECTION**

**WAC 388-106-0720 What services may I receive under MMIP?** (1) Once you are determined eligible, your

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care plan could include, but is not limited to, any of the following long-term care services:

- (a) Care coordination;
  - (b) Personal care services in your own home or in a residential facility;
  - (c) Home Health Aide;
  - (d) Adult Day Services;
  - (e) Environmental Modifications;
  - (f) Personal Emergency Response System (PERS);
  - (g) Skilled Nursing;
  - (h) Specialized Medical Equipment and Supplies;
  - (i) Home Delivered Meals;
  - (j) Residential care;
  - (k) Nursing facility care.
- (2) The care plan may also include, but is not limited to,

the following medical services:

- (a) Primary medical care;
  - (b) Restorative therapies, including speech, occupational, and physical therapy;
  - (c) Nursing Services;
  - (d) Durable medical equipment (e.g., wheelchair);
  - (e) Pharmaceutical products;
  - (f) Immunizations and vaccinations;
  - (g) Vision Care;
  - (h) Emergency room visits and inpatient hospital stays.
- The care plan may also include other services determined necessary by the interdisciplinary team to improve and maintain your overall health status.

#### NEW SECTION

**WAC 388-106-0725 Am I eligible for MMIP services?** To qualify for Medicaid-funded MMIP services, you must:

- (1) Be age sixty-five or older;
- (2) Live within the designated MMIP service area;
- (3) Be eligible for Medicare (Parts A and B);
- (4) Be eligible for Medicaid-funded medical and/or long-term care services.

(a) To be eligible to receive long-term care services under this program, you must be assessed by the department (per WAC 388-106-0020) and meet either MPC (per WAC 388-500-0005) or COPES/Nursing Facility Level of Care eligibility (per WAC 388-515-1505).

(b) Ongoing functional and financial eligibility for long-term care services will be determined on at least an annual basis by the state.

(c) If you are determined not eligible for long-term care services, you may be eligible to receive medical services under MMIP; and

(5) Not be enrolled in any other medical coverage plan that purchases services on a prepaid basis (e.g., prepaid health plan).

#### NEW SECTION

**WAC 388-106-0730 How do I pay for MMIP services?** Depending on your income and resources, you may be required to pay for part of your MMIP services. The department's financial worker will determine what amount, if any, you must contribute toward the cost of your care.

#### NEW SECTION

**WAC 388-106-0735 How do I disenroll from MMIP?** You may choose to disenroll from MMIP for any reason at any time. See WAC 388-538-061 for additional information on ending enrollment in MMIP.

#### NEW SECTION

**WAC 388-106-0740 What is the fair hearing process for enrollee appeals of managed care organization actions?** See WAC 388-538-112 for additional information about the fair hearing process.

#### **WSR 05-14-075**

#### **EMERGENCY RULES DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed June 30, 2005, 1:53 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: To change personal needs allowance allowed in a medical facility for nongeneral assistance clients to the following: Forty-one dollars and sixty-two cents for clients receiving general assistance, and fifty-one dollars and sixty-two cents for all other clients residing in a medical facility effective July 1, 2005. This also continues the April 1, 2005, changes to the community spouse income and family standard (\$1604) and the community spouse excess shelter standard (\$481). This filing replaces the emergency rules filed as WSR 05-13-062.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.09.500, and 74.09.530.

Other Authority: Chapter 518, Laws of 2005.

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: To make this rule consistent with legislative mandate (2005 supplemental budget, section 207, chapter 518, Laws of 2005) to increase personal needs allowance for institutional medical clients. Implementation of the April 1, 2005, federal changes to the institutional Medicaid standard and community spouse income and family allocation and excess shelter standard is required by the state in order to ensure the continued receipt of federal funds, under 42 U.S.C. chapter 7.

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: June 17, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 05-07-033, filed 3/9/05, effective 4/9/05)

**WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services.** This rule describes how the department allocates income and excess resources when determining participation in the cost of care (in the post-eligibility process). The department applies rules described in WAC 388-513-1315 to define which income and resources must be used in this process.

(1) For a client receiving institutional or hospice services in a medical facility, the department applies all subsections of this rule.

(2) For a client receiving waived services at home or in an alternate living facility, the department applies only those subsections of this rule that are cited in the rules for those programs.

(3) For a client receiving hospice services at home, the department applies rules used for the community options program entry system (COPES).

(4) Excess resources are reduced in an amount equal to incurred medical expenses (for definition see WAC 388-519-0110(10)) that are not subject to third-party payment and for which the client is liable, including:

(a) Health insurance and Medicare premiums, deductions, and co-insurance charges;

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan; and

(c) The amount of excess resources is limited to the following amounts:

(i) For LTC services provided under the categorically needy (CN) program, the amount described in WAC 388-513-1315(3); or

(ii) For LTC services provided under the medically needy (MN) program, the amount described in WAC 388-513-1395 (2)(a) or (b).

(5) The department allocates nonexcluded income up to a total of the medically needy income level (MNIL) in the following order:

(a) A personal needs allowance (PNA) of:

(i) One hundred sixty dollars for a client living in a state veterans' home;

(ii) Ninety dollars for a veteran or a veteran's surviving spouse, who receives a VA improved pension and does not live in a state veterans' home; or

(iii) Forty-one dollars and sixty-two cents for all (~~other~~) clients in a medical facility receiving general assistance.

(iv) Fifty-one dollars and sixty-two cents for all other clients in a medical facility effective July 1, 2005.

(b) Federal, state, or local income taxes owed by the client.

(c) Wages for a client who:

(i) Is related to the supplemental security income (SSI) program as described in WAC 388-503-0510(1); and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(d) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(6) The department allocates nonexcluded income after deducting amounts described in subsection (5) in the following order:

(a) Income garnisheed for child support:

(i) For the time period covered by the PNA; and

(ii) Not deducted under another provision in the post-eligibility process.

(b) A monthly maintenance needs allowance for the community spouse not to exceed, effective January 1, 2005, two thousand three hundred seventy-eight dollars, unless a greater amount is allocated as described in subsection (8) of this section. The monthly maintenance needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand (~~five~~) six hundred (~~sixty-two~~) four dollars, effective April 1, 2005; and

(B) Excess shelter expenses as specified under subsection (7) of this section; and

(ii) Is allowed only to the extent the client's income is made available to the community spouse.

(c) A monthly maintenance needs amount for each minor or dependent child, dependent parent or dependent sibling of the community or institutionalized spouse who:

(i) Resides with the community spouse, equal to one-third of the amount that one thousand (~~five~~) six hundred (~~sixty-two~~) four dollars effective April 1, 2005 exceeds the dependent family member's income.

(ii) Does not reside with the community spouse, equal to the MNIL for the number of dependent family members in the home less the income of the dependent family members.

(iii) Child support received from noncustodial parent is the child's income.

(d) Incurred medical expenses described in subsections (4)(a) and (b) not used to reduce excess resources.

(e) Maintenance of the home of a single client or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and  
 (iv) When social services staff documents initial need for the income exemption and reviews the client's circumstances after ninety days.

(7) For the purposes of this section, "excess shelter expenses" means the actual expenses under subsection (7)(b) less the standard shelter allocation under subsection (7)(a). For the purposes of this rule:

(a) The standard shelter allocation is four hundred ~~((sixty-nine))~~ eighty-one dollars, effective April 1, ~~((2004))~~ 2005; and

(b) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

- (i) Rent;
- (ii) Mortgage;
- (iii) Taxes and insurance;
- (iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance for four persons, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(8) The amount allocated to the community spouse may be greater than the amount in subsection (6)(b) only when:

(a) A court enters an order against the client for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(9) A client who is admitted to a medical facility for ninety days or less and continues to receive full SSI benefits is not required to use the SSI income in the cost of care for medical services. Income allocations are allowed as described in this section from non-SSI income.

**WSR 05-14-076**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed June 30, 2005, 1:54 p.m., effective July 1, 2005.]

Effective Date of Rule: July 1, 2005.

Purpose: The Division of Employment and Assistance Programs is amending WAC 388-478-0055 How much do I get from my state supplemental payments (SSP)?, this rule change is necessary to increase state supplemental payments to individuals residing in nursing facilities by \$10 per month as mandated by the 2005 legislative session, ESSB 6090.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0055.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The 2005 supplemental budget, section 207, chapter 518, Laws of 2005, increased state supplemental payments effective July 1, 2005, as follows: "(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments."

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: June 17, 2005.

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-07-024, filed 3/8/04, effective 4/8/04)

**WAC 388-478-0055 How much do I get from my state supplemental payments (SSP)?** (1) The SSP is a payment from the state for certain SSI eligible people (see WAC 388-474-0012).

If you converted to the federal SSI program from state assistance in January 1974, because you were aged, blind, or disabled, and have remained continuously eligible for SSI since January 1974, the department calls you a grandfathered client. Social Security calls you a mandatory income level (MIL) client.

A change in living situation, cost-of-living adjustment (COLA) or federal payment level (FPL) can affect a grandfathered (MIL) client. A grandfathered (MIL) client gets a federal SSI payment and a SSP payment, which totals the higher of one of the following:

(a) The state assistance standard set in December 1973, unless you lived in a medical institution at the time of conversion, plus the federal cost-of-living adjustments (COLA) since then; or

(b) The current payment standard.

(2) The monthly SSP rates for eligible persons under WAC 388-474-0012 and individuals residing in an institution are:

SSP eligible persons	Monthly SSP Rate
Individual (aged 65 and older) - Calendar Year <del>((2004))</del> <u>2005</u>	\$46.00

SSP eligible persons	Monthly SSP Rate
Individual (blind as determined by SSA) - Calendar Year ((2004)) 2005	\$46.00
Individual with an ineligible spouse - Calendar Year ((2004)) 2005	\$46.00
Grandfathered (MIL)	Varies by individual based on federal requirements. Payments range between \$0.54 and \$199.77.

Medical institution	Monthly SSP Rate
Individual	\$((11.62)) <u>21.62</u>

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 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: June 16, 2005.

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-03-019, filed 1/12/04, effective 2/12/04)

**WAC 388-418-0025 Effect of changes on medical program eligibility.** (1) You continue to be eligible for Medicaid until the department determines your ineligibility or eligibility for another medical program. This applies to you if, during a certification period, you become ineligible for, or are terminated from, or request termination from:

- (a) A CN Medicaid program; or
- (b) Any of the following cash grants:
  - (i) TANF;
  - (ii) SSI; or
  - (iii) GA-X. See WAC 388-434-0005 for changes reported during eligibility review.

(2) If you become ineligible for refugee cash assistance, refugee medical assistance can be continued through the eight-month limit, as described in WAC 388-400-0035(4).

(3) If you receive a TANF cash grant or family medical, you are eligible for a medical extension, as described under WAC 388-523-0100, when your cash grant or family medical program is terminated as a result of:

- (a) Earned income; or
  - (b) Collection of child or spousal support.
- (4) A change in income during a certification period does affect eligibility for all medical programs except:
- (a) Pregnant women's medical programs;
  - (b) Children's medical for newborns (F05); ((e))
  - (c) Children's medical benefits (F06); or
  - (d) The first six months of the medical extension benefits.

(5) For a child receiving benefits under SCHIP as described in chapter 388-542 WAC, the department must redetermine eligibility for a Medicaid program when the family reports:

- (a) Family income has decreased to less than two hundred percent Federal Poverty Level (FPL);
- (b) The child becomes pregnant;
- (c) A change in family size; or
- (d) The child receives SSI.

**AMENDATORY SECTION** (Amending WSR 04-15-057, filed 7/13/04, effective 8/13/04)

**WAC 388-505-0210 Children's medical eligibility.** (1) A child under the age of one is eligible for categorically needy (CN) medical assistance when:

**WSR 05-14-077**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)

[Filed June 30, 2005, 1:55 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: To reinstate twelve-month continuous eligibility for children's medical.

Citation of Existing Rules Affected by this Order: Amending WAC 388-418-0025 Effect of changes on medical program eligibility, 388-505-0210 Children's medical eligibility, and 388-523-0130 Medical extension—Redetermination.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.415, and 74.09.530.

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 governor has directed the Department of Social and Health Services to reinstate twelve-month continuous eligibility for the children's medical programs.

Observing the time requirements of regular rule-making procedures would prevent the department from implementing the governor's directive timely and thereby prevent potentially eligible children to continue on Medicaid. Therefore, immediate adoption of the proposed amendments is necessary to implement the governor's directive in a timely manner.

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.

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(a) The child's mother was eligible for and receiving coverage under a medical program at the time of the child's birth; and

(b) The child remains with the mother and resides in the state.

(2) Children under the age of nineteen are eligible for CN medical assistance when they meet the requirements for:

(a) Citizenship or U.S. national status as defined in WAC 388-424-0001 or "qualified alien" status as described in WAC 388-424-0006 (1) or (4);

(b) State residence as described in chapter 388-468 WAC;

(c) A social security number as described in chapter 388-476 WAC; and

(d) Family income levels as described in WAC 388-478-0075 (1)(c) at each application or review.

(3) Children under the age of nineteen are eligible for the state children's health insurance program (SCHIP), as described in chapter 388-542 WAC, when:

(a) They meet the requirements of subsection (2)(a), (b), and (c) of this section;

(b) They do not have other creditable health insurance coverage; and

(c) Family income exceeds two hundred percent of the federal poverty level (FPL), but does not exceed two hundred fifty percent of the FPL as described in WAC 388-478-0075 (1)(c) and (d).

(4) Children under the age of twenty-one are eligible for CN medical assistance when they meet:

(a) Citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c) of this section;

(b) Income levels described in WAC 388-478-0075; and

(c) One of the following criteria:

(i) Reside, or are expected to reside, in a medical hospital, intermediate care facility for mentally retarded (ICF/MR), or nursing facility for thirty days or more;

(ii) Reside in a psychiatric or chemical dependency facility for ninety days or more;

(iii) Are in foster care; or

(iv) Receive subsidized adoption services.

(d) For a child meeting the criteria (c)(i) of this subsection, the only parental income the department considers available to the child is the amount the parent chooses to contribute.

(e) For a child meeting the criteria in (c)(ii) of this subsection, parental income is counted as described in WAC 388-408-0055 (1)(c).

(5) Children are eligible for CN medical assistance if they:

(a) Receive Supplemental Security Income (SSI) payments based upon their own disability; or

(b) Received SSI cash assistance for August 1996, and except for the August 1996 passage of amendments to federal disability definitions, would be eligible for SSI cash assistance.

(6) Children under the age of nineteen are eligible for medically needy (MN) medical assistance as defined in chapter 388-500 WAC when they:

(a) Meet citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c); and

(b) Have income above the income levels described in WAC 388-478-0075 (1)(c).

(7) A child is eligible for SSI-related MN when the child:

(a) Meets the blind and/or disability criteria of the federal SSI program or the condition in subsection (5)(b); and

(b) Has countable income above the level described in WAC 388-478-0070(1).

(8) There are no resource limits for children under CN, MN, or SCHIP coverage.

(9) Children may also be eligible for:

(a) Family medical as described in WAC 388-505-0220; or

(b) Medical extensions as described in WAC 388-523-0100.

(10) Except for a client described in subsection (4)(c)(i) and (ii), an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

**AMENDATORY SECTION** (Amending WSR 02-10-018, filed 4/22/02, effective 5/23/02)

**WAC 388-523-0130 Medical extension—Redetermination.** (1) When the department determines the family or an individual family member is ineligible during the medical extension period, the department must determine if they are eligible for another medical program.

(2) Children are eligible for twelve month continuous eligibility beginning with the first month of the medical extension period.

(3) When a family reports a reduction of income, the family may be eligible for a family medical program instead of medical extension benefits.

((3)) (4) Postpartum and family planning extensions are described in WAC 388-462-0015.

**WSR 05-14-078**

**EMERGENCY RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed June 30, 2005, 1:56 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: WAC 388-105-0035 is being amended to limit the payment of a capital add-on rate to licensed boarding homes with assistance living (AL) contracts that make units that meet new structural requirements available to Medicaid clients.

Citation of Existing Rules Affected by this Order: Amending WAC 388-105-0035.

Statutory Authority for Adoption: RCW 74.39A.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: The department has paid a capital add-on rate to licensed boarding homes with AL contracts when a boarding home meets new construction requirements under WAC 388-110-140. In October 2004, the department revised WAC 388-110-140 that "grandfathered" licensed boarding homes that did not meet new construction requirements as meeting new requirements. The purpose of the capital add-on rate is to ensure Medicaid clients access to AL facilities that meet new construction requirements. Unless the department adopts an emergency rule change to WAC 388-105-0035, then the July 1, 2005, capital add-on rates will be paid to AL facilities that do not meet new construction requirements. This would limit access of Medicaid clients to new AL facilities. Limiting access would be contrary to the public interest in ensuring the health, safety and general welfare of the public that depends on Medicaid to pay for their care in AL facilities.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 14, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-22-058, filed 10/31/02, effective 12/1/02)

**WAC 388-105-0035** (~~What are the~~) **Requirements for a capital add-on rate for licensed boarding homes contracted to provide assisted living ((facilities (ALF)?) (AL) services.** (1) (~~Effective July 1, 2002,~~) **To the extent of available funding,** the department will grant a capital add-on rate to (~~an ALF~~) **AL contractors that**(:

(a) **Meets**) **make units available to Medicaid clients. Each unit must meet the following construction requirements** (~~of WAC 388-110-140; and~~):

(a) **A private apartment-like unit of two hundred and twenty square feet that may include counters, closets and built-ins, but must exclude the bathroom;**

(b) **A separate private bathroom that includes a sink, toilet, and a shower or bathtub. The licensed boarding home must have a minimum of one wheelchair accessible bathroom with a roll-in shower of at least forty-eight inches by thirty inches for every two residents whose care is partially or fully funded by Medicaid;**

(c) **A lockable entry door;**

(d) **A kitchen area equipped with a refrigerator, microwave oven or stove top; a counter surface of 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; a storage space for utensils and supplies; and**

(e) **A living area wired for telephone and television service when available in the geographic location.**

((b) Has) (2) **In addition to meeting the requirements of subsection (1) of this section, to receive a capital add-on rate, the AL contractor must have a Medicaid occupancy percentage that equals or exceeds the applicable biyearly Medicaid minimum occupancy percentage set in accordance with subsection (3) of this section.**

((2)) The department will determine an ((ALF's)) **AL contractor's** Medicaid occupancy percentage by dividing its Medicaid resident days by the product of all its licensed boarding home beds irrespective of use times calendar days for the six-month period beginning one year prior to the percentage effective date.

(3)(a) To set the biyearly Medicaid minimum occupancy percentage, the department will:

(i) Determine the estimated total budgeted funds for capital add-on rates for the six-month period;

(ii) Rank from highest to lowest the individual ((ALF)) **AL contractor** occupancy percentages determined in accordance with subsection (2) of this section;

(iii) Assign, beginning with the highest ((ALF)) **AL contractor's** Medicaid occupancy percentage, the estimated expenditure needed to pay the capital add-on rate to each facility for the six-month period;

(iv) Identify the ((ALF)) **AL contractor's** Medicaid occupancy percentage at which the estimated total budgeted funds determined under subsection (3)(a)(i) of this section would be expended; and

(v) Set that Medicaid occupancy percentage as the biyearly Medicaid minimum occupancy percentage.

(b) The biyearly Medicaid minimum occupancy percentage will be set every January 1 and July 1.

WSR 05-14-079

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 30, 2005, 1:57 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: Increasing the spousal resource maximum from \$41,000 to \$41,943 effective July 1, 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1350.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.575, 74.09.500, and 74.09.530.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline



for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: State law - RCW 74.09.575(3) - requires that every biennium beginning July 1, 2005, the department increase the allowable resource maximum for the spouse of an institutionalized Medicaid-eligible individual.

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: June 10, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 05-07-033, filed 3/9/05, effective 4/9/05)

**WAC 388-513-1350 Defining the maximum amount of resources allowed and determining resources availability for long-term care (LTC) services.** This section describes how the department defines the resource standard and available resources when determining a client's eligibility for LTC services. The department uses the term "resource standard" to describe the maximum amount of resources a client can have and still be resource eligible for program benefits.

(1) The resource standard used to determine eligibility for LTC services equals:

(a) Two thousand dollars for:

(i) A single client; or

(ii) A legally married client with a community spouse, subject to the provisions described in subsections (5) through (8); or

(b) Three thousand dollars for a legally married couple, unless subsection (2) applies.

(2) If the department has already established eligibility for one spouse, then it applies the standard described in subsection (1)(a) to each spouse, unless doing so would make one of the spouses ineligible.

(3) The department applies the following rules when determining available resources for LTC services:

(a) WAC 388-475-0300, Resource eligibility and limits;

(b) WAC 388-475-0250, How to determine who owns a resource;

(c) WAC 388-470-0060(6), Resources of an alien's sponsor; and

(d) WAC 388-506-0620, SSI-related medical clients.

(4) For LTC services the department determines a client's nonexcluded resources as follows:

(a) For an SSI-related client, the department reduces available resources by excluding resources described in WAC 388-475-0350 through 388-475-0550;

(b) For an SSI-related client who has a community spouse, the department:

(i) Excludes resources described in WAC 388-513-1360; and

(ii) Adds together the available resources of both spouses according to subsection (5)(a) or (b) as appropriate;

(c) For a client not described in subsection (4)(a) or (b), the department applies the resource rules of the program used to relate the client to medical eligibility.

(5) The department determines available resources of a legally married client, when both spouses are institutionalized, by following WAC 388-506-0620 (5) and (6). For legally married clients when only one spouse meets institutional status, the following rules apply. If the client's current period of institutional status began:

(a) Before October 1, 1989, the department adds together one-half the total amount of nonexcluded resources held in the name of:

(i) The institutionalized spouse; or

(ii) Both spouses.

(b) On or after October 1, 1989, the department adds together the total amount of nonexcluded resources held in the name of:

(i) Either spouse; or

(ii) Both spouses.

(6) If subsection (5)(b) applies, the department determines the amount of resources that are allocated to the community spouse before determining nonexcluded resources used to establish eligibility for the institutionalized spouse, as follows:

(a) If the client's current period of institutional status began on or after October 1, 1989 and before August 1, 2003, the department allocates the maximum amount of resources ordinarily allowed by law. The maximum allocation amount is ninety-five thousand one hundred dollars effective January 1, 2005; or

(b) If the client's current period of institutional status began on or after August 1, 2003, the department allocates the greater of:

(i) A spousal share equal to one-half of the couple's combined nonexcluded resources as of the beginning of the current period of institutional status, up to the amount described in subsection (6)(a); or

(ii) The state spousal resource standard of ~~((forty thousand))~~ forty-one thousand, nine-hundred forty-three dollars effective July 1, 2005.

(7) The amount of the spousal share described in (6)(b)(i) is determined sometime between the date that the current period of institutional status began and the date that eligibility for LTC services is determined. The following rules apply to the determination of the spousal share:

(a) Prior to an application for LTC services, the couple's combined countable resources are evaluated from the date of the current period of institutional status at the request of either member of the couple. The determination of the spou-

sal share is completed when necessary documentation and/or verification is provided; or

(b) The determination of the spousal share is completed as part of the application for LTC services if the client was institutionalized prior to the month of application, and declares the spousal share exceeds the state spousal resource standard. The client will be required to provide verification of the couple's combined countable resources held at the beginning of the current period of institutional status.

(8) The amount of allocated resources described in subsection (6) can be increased, only if:

(a) A court transfers additional resources to the community spouse; or

(b) An administrative law judge establishes in a fair hearing described in chapter 388-02 WAC or by consent order, that the amount is inadequate to provide a minimum monthly maintenance needs amount for the community spouse.

(9) The department considers resources of the community spouse unavailable to the institutionalized spouse the month after eligibility for LTC services is established, unless subsection (10)(a), (b), or (c) applies.

(10) A redetermination of the couple's resources as described in subsections (4)(b) or (c) is required, if:

(a) The institutionalized spouse has a break of at least thirty consecutive days in a period of institutional status;

(b) The institutionalized spouse's nonexcluded resources exceed the standard described in subsection (1)(a), if subsection (5)(b) applies; or

(c) The institutionalized spouse does not transfer the amount described in subsections (6) or (8) to the community spouse or to another person for the sole benefit of the community spouse as described in WAC 388-513-1365(4) by either:

(i) The first regularly scheduled eligibility review; or

(ii) The reasonable amount of additional time necessary to obtain a court order for the support of the community spouse.

**WSR 05-14-080**

**EMERGENCY RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed June 30, 2005, 1:58 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: To comply with the requirements of the 2005 legislature, the department is adopting separate base community psychiatric hospital payment rates for Medicaid and non-Medicaid clients.

Citation of Existing Rules Affected by this Order: Amending 388-550-2800.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500.

Other Authority: Section 204, chapter 518, Laws of 2005 (ESSB 6090 Part II).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The legislature appropriated from the general fund for fiscal year 2006 and 2007, funds to establish separate base community psychiatric hospitalization payment rates for Medicaid and non-Medicaid clients at hospitals that accept commitments under the Involuntary Treatment Act (ITA) and free-standing psychiatric hospitals that accept commitments under ITA. This emergency rule is needed to carry out the legislature's directive while the department adopts the permanent rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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: June 27, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-19-113 [05-12-022], filed 9/21/04 [5/20/05], effective 10/22/04 [6/20/05])

**WAC 388-550-2800 Inpatient payment methods and limits.** (1) The department reimburses hospitals for Medicaid inpatient hospital services using the rate setting methods identified in the department's approved state plan that includes:

Method	Used for
Diagnoses related group (DRG) negotiated conversion factor	Hospitals participating in the Medicaid hospital selective contracting program under waiver from the federal government
DRG cost-based conversion factor	Hospitals not participating in or exempt from the Medicaid hospital selective contracting program
Ratio of costs-to-charges (RCC)	Hospitals or services exempt from DRG payment methods; <u>Hospitals eligible to be paid through the certified public expenditure (CPE) payment program</u>
<u>Single case rate</u>	<u>Bariatric surgery</u>

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Method	Used for
Fixed per diem rate	Acute physical medicine and rehabilitation (Acute PM&R) Level B facilities and long-term acute care (LTAC) hospitals
Cost settlement	MAA-approved critical access hospitals (CAHS)

(2) The department's annual aggregate Medicaid payments to each hospital for inpatient hospital services provided to Medicaid clients will not exceed the hospital's usual and customary charges to the general public for the services (42 CFR § 447.271). The department recoups annual aggregate Medicaid payments that are in excess of the usual and customary charges.

(3) The department's annual aggregate payments for inpatient hospital services, including state-operated hospitals, will not exceed the estimated amounts that the department would have paid using Medicare payment principles.

(4) When hospital ownership changes, the department's payment to the hospital will not exceed the amount allowed under 42 U.S.C. Section 1395x (v)(1)(O).

(5) Hospitals participating in the medical assistance program must annually submit to the medical assistance administration:

(a) A copy of the hospital's HCFA 2552 Medicare Cost Report; and

(b) A disproportionate share hospital application.

(6) Reports referred to in subsection (5) of this section must be completed according to:

(a) Medicare's cost reporting requirements;

(b) The provisions of this chapter; and

(c) Instructions issued by MAA.

(7) The department requires hospitals to follow generally accepted accounting principles unless federally or state regulated.

(8) Participating hospitals must permit the department to conduct periodic audits of their financial and statistical records.

(9) The department reimburses hospitals for claims involving clients with third-party liability insurance:

(a) At the lesser of either the DRG:

(i) Billed amount minus the third-party payment amount;

or  
(ii) Allowed amount minus the third-party payment amount; or

(b) The RCC allowed payment minus the third-party payment amount.

(10) Beginning in state fiscal year 2006 and in accordance with legislative directive, the department implemented separate base community psychiatric hospitalization payment rates for Medicaid clients and non-Medicaid clients.

(a) An eligible client's length of stay (LOS) is determined by counting the number of days from the date of inpatient psychiatric admission through date of discharge, and subtracting one day.

(b) A hospital described in this section that submits an initial and/or interim billing for inpatient psychiatric services

provided to an eligible client is reimbursed only for a single LOS, subject to other applicable rules.

(c) The Medicaid base community psychiatric hospitalization payment rate applies only to a Medicaid client:

(i) Admitted to a free-standing psychiatric hospital located in Washington state; and

(ii) Assigned to a department of health (DOH)-certified psychiatric hospital bed.

(d) The non-Medicaid base community psychiatric hospitalization payment rate applies only to a non-Medicaid client:

(i) Admitted to a hospital that is certified by the department to accept patients under the Involuntary Treatment Act (ITA); and

(ii) Assigned to a DOH-certified psychiatric hospital bed.

(e) A client's hospital admission must have a root cause that is psychiatric in nature. The department:

(i) Defines "root cause" as the reason the client was admitted based on the principle diagnosis and the department's review of the client's medical record; and

(ii) Does not consider detoxification to be psychiatric in nature.

(f) For inpatient psychiatric services provided on and after August 1, 2005, the department reimburses:

(i) An Involuntary Treatment Act (ITA)-certified acute care hospital's DOH-certified distinct psychiatric unit as follows:

(A) For Medicaid clients, inpatient psychiatric services are paid using the ratio of costs-to-charges (RCC) payment method.

(B) For non-Medicaid clients, inpatient psychiatric services are paid using for the allowable, the greater of:

(I) The state-only diagnostic-related group (DRG) allowable (including the high cost outlier allowable, if applicable); or

(II) The non-Medicaid base community psychiatric hospitalization payment rate multiplied by the LOS.

(ii) An ITA-certified acute care hospital without a DOH-certified distinct psychiatric unit as follows:

(A) For Medicaid clients, inpatient psychiatric services are paid using:

(I) The DRG payment method; or

(II) The RCC payment method if no relative weight exists for the DRG in the department's payment system.

(B) For non-Medicaid clients, inpatient psychiatric services are paid using for the allowable, the greater of:

(I) The state-only DRG allowable (including the high cost outlier allowable, if applicable); or

(II) The non-Medicaid base community psychiatric hospitalization payment rate multiplied by the LOS.

(iii) A free-standing psychiatric hospital as follows:

(A) For Medicaid clients, inpatient psychiatric services are paid using for the allowable, the greater of:

(I) The RCC allowable; or

(II) The Medicaid base community psychiatric hospitalization payment rate multiplied by the LOS.

(B) For non-Medicaid clients, inpatient psychiatric services are paid the same as for Medicaid clients, except the

base community psychiatric hospitalization payment rate is the non-Medicaid rate.

(iv) An ITA-certified hospital that is participating in the certified public expenditure (CPE) payment program as follows:

(A) For Medicaid clients, inpatient psychiatric services are paid using the methods identified in WAC 388-550-4650.

(B) For non-Medicaid clients, inpatient psychiatric services are paid using the methods identified in WAC 388-550-4650, except that the allowable to which the federal funds participation percentage is applied is the greater of:

(I) The RCC allowable; or

(II) The non-Medicaid base community psychiatric hospitalization payment rate multiplied by the LOS.

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.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

### WSR 05-14-081

#### EMERGENCY RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed June 30, 2005, 1:59 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: The purpose of this amendment is to reflect the changes governing the allocation of funds to regional support networks for provision of community mental health services based on funding directives from the Center for Medicare and Medicaid Services and the 2006-2007 biennial budget passed by the Washington state legislature and signed by the governor on May 17, 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 388-865-0201.

Statutory Authority for Adoption: RCW 71.05.560, 71.24.035 (5)(m), (13), 71.34.800.

Other Authority: Freedom of Choice Waiver under section 1915(c) of the Social Security Act, 42 C.F.R. 438, ESSB 6090 (section 204, chapter 518, Laws of 2005) DSHS Mental Health Division Program Budget.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These rules are necessary to implement the mandates required by the Center for Medicare and Medicaid Services (CMS) Freedom of Choice Waiver under section 1915(c) of the Social Security Act. These are regulations implementing section 1903 (m)(2)(A)(iii) of the Social Security Act requiring payments in risk contracts to be made on an actuarially sound basis. ESSB 6090 Section 204 (1)(b) also directs new methodology for distributing non-Medicaid ("state only") funds to regional support networks.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 24, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-12-047, filed 5/31/01, effective 7/1/01)

**WAC 388-865-0201 Allocation of funds to RSN/PIHPs.** This section describes how Medicaid and community mental health funds are allocated to the RSN/PIHPs.

(1) Funding allocations are projected at the beginning of each fiscal year, using forecasted Medicaid enrollees for that fiscal year.

(2) Payments are made on the number of actual Medicaid enrollees disabled and nondisabled adults and disabled and nondisabled children each month, which may result in actual payments being higher or lower than projected payments, depending on whether actual Medicaid enrollees are more or less than forecasted enrollees.

(3) The mental health division (MHD) (~~uses two different methodologies to allocate funds;~~) allocates funds according to a formula.

(a) ~~(Historical method;~~

~~(b) Eligibles method.~~

(4) ~~For the period July 1, 2001 to June 30, 2005, the funds will be allocated using the methodologies as follows:~~

~~(a) For July 1, 2001 to June 30, 2002, seventy-five percent of funds will be allocated using the historical method and twenty-five percent of funds will be allocated using the prevalence method;~~

~~(b) For June 1, 2002 to June 30, 2003, fifty percent of funds will be allocated using the historical method and fifty percent of funds will be allocated using the prevalence method;~~

~~(c) For June 1, 2003 to June 30, 2004, twenty-five percent of funds will be allocated using the historical method and seventy-five percent of funds will be allocated using the prevalence method;~~

~~(d) For June 1, 2004 forward, one hundred percent of funds will be allocated using the prevalence method. These percentages will remain in effect unless the department is directed otherwise by the state Legislature.~~

~~(5)(a) Historical method means that federal Medicaid funds projected to be paid to the RSN/PIHPs are calculated using actuarially determined per member per month (PMPM) rates specific to each regional support network multiplied by the number of persons enrolled in the Medicaid program in~~

each regional support network for each month during the fiscal year.

~~(b) The actuarially determined rates were determined at the beginning of the managed care program (1992 for outpatient services and 1997 for inpatient services) and have been increased periodically by the Legislature.)) Medicaid funds are allocated based on the product of rates and enrollees by category disabled and nondisabled adults and disabled and nondisabled children.~~

~~(i) ((Rates differ by RSN and by category of enrollee (disabled and nondisabled adults and disabled and nondisabled children))) Rate ranges for each category of Medicaid enrollee disabled and nondisabled adults and disabled and nondisabled children are set by an independent actuary. Actual rates paid are set by the MHD within these rate ranges to ensure both the rates are actuarially sound and within the budget authority. The rate study is conducted every five years or as directed by the Centers for Medicare and Medicaid Services (CMS).~~

~~(ii) ((These)) Rates are tracked by MHD.~~

~~(iii) The number of Medicaid enrollees is tracked by the medical assistance administration.~~

~~((c) The product of rates and enrollees is the projected amount of Medicaid funding each RSN/PHP will receive during the year.~~

~~(i) This amount is divided into two portions—federal funds and state match funds.~~

~~(ii) The two portions of Medicaid funds are determined by a percentage known as the Federal Medicaid Assistance Percentage (FMAP). This percentage is set by the federal Health Care Financing Authority and changes each year.~~

~~(d) In the inpatient program, each RSN/PHP is allocated the amount of federal and state funds projected in the calculations explained above.~~

~~(e) State funds in the outpatient program (also called "consolidated") to be paid to the RSN/PHPs are set by the Legislature. These funds are allocated to the RSN/PHPs according to the RSN/PHP's calculated percentage of the total funds. The RSN/PHP's percentage is based primarily on historical fee for service data.~~

~~(i) The RSN/PHP percentages are tracked by MHD and are carried forward each year.~~

~~(ii) The percentage of consolidated funds paid to each RSN/PHP is adjusted each year by the Legislature through budget proviso direction, generally requiring that new funds in the program be allocated according to Medicaid enrollees in each RSN. Therefore, the amount of consolidated funds in the outpatient program at the beginning of the fiscal year (also called "base funds") are allocated according to the percentage tracked by MHD (put in place by the Legislature in the previous year).~~

~~(iii) New consolidated funds are allocated as directed by the Legislature, generally according to the number of Medicaid enrollees residing in each RSN.~~

~~(f) The base allocation and new consolidated allocations are combined into one percentage that serves as the RSN/PHP's percentage allocation for the next year's base funds.~~

~~(g) The sum of federal Medicaid funds, state match funds in the inpatient program, and consolidated funds equals the amount of funding provided to each RSN/PHP.~~

~~(6) Eligibles method.~~

~~(a) Medicaid and non-Medicaid funds are allocated based on a formula that reflects prevalence of mental disorders in each county. The formula takes into consideration each RSN's:~~

~~(i) Concentrations of priority populations;~~

~~(ii) Commitments to state hospitals under chapters 71.05 and 71.34 RCW;~~

~~(iii) Population concentrations in urban areas;~~

~~(iv) Population concentrations at border crossings at state boundaries; and~~

~~(v) Other demographic and workload factors such as number of MI/GA-U clients, commitments to community hospitals under chapters 71.05 and 71.34 RCW, and number of homeless persons.~~

~~(b) The RSN/PHP historical method rates for 2001 have been used to calculate a weighted average statewide rate (WASR) for each category of Medicaid eligible (disabled and nondisabled adults and disabled and nondisabled children).~~

~~(c) The WASR for each category is determined by:~~

~~(i) Adding the RSN/PHP's inpatient and outpatient rates to create one combined rate;~~

~~(ii) Multiplying each RSN/PHP's rate by the number of Medicaid enrollees residing in that RSN/PHP;~~

~~(iii) Adding the results; and~~

~~(iv) Dividing the sum by the statewide number of Medicaid eligibles.~~

~~(d) WASR rates are tracked by MHD.~~

~~(e) The number of Medicaid enrollees is tracked by the medical assistance administration.~~

~~(f)) (b) To project the amount of Medicaid funding each RSN/PHP will receive during the year, MHD multiplies the RSN/PHP's ((WASR)) rates for each category by the projected number of Medicaid enrollees in each category.~~

~~(i) ((This amount is divided into two portions—federal funds and state match funds.~~

~~(ii)) Each RSN/PHP's projected allocation includes both portions of Medicaid funding (federal and state match funds).~~

~~((iii)) (ii) Payments to the RSN/PHP are made based on the actual number of Medicaid enrollees.~~

~~((g)) (4) The level of non-Medicaid funds appropriated to the community mental health services program is determined by the state Legislature.~~

~~((i) Eighty percent of the non-Medicaid funds appropriated are allocated to the RSN/PHPs according to the number persons enrolled in the state funded general assistance unemployed, medically indigent and state only "v" programs (persons in the state only "v" program are counted at thirteen percent of the total enrolled).~~

~~(A) The number of persons enrolled in these programs is tracked by the medical assistance administration.~~

~~(B) The projected number of persons in these programs residing in each RSN, divided by the total persons projected to be in these programs, is multiplied by eighty percent of the total funds appropriated to determine the amount of funding provided to each RSN/PHP.~~

~~(ii) Twenty percent of the non-Medicaid funds appropriated are allocated according to a summary z score factor that is calculated using four subfactors:~~

- ~~(A) The number of urban counties in each RSN;~~  
~~(B) The number of state and country border counties in each RSN;~~  
~~(C) The number of homeless persons in each RSN; and~~  
~~(D) The number of ITA commitments from each RSN.~~

~~These subfactors are weighted differently, with the urban factor weighted at 0.3, the border county factor weighted at 0.05, the homeless factor weighted at 1.0 and the ITA commitments factor weighted at 0.2. For each of these factors, information is tracked by MHD and the most recent complete year of data is used to calculate z score factors for each subfactor. These factors are combined into a summary z score factor for each RSN that is multiplied by the total funding available (twenty percent of non-Medicaid funds appropriated):~~ (a) A portion of the funds are allocated based on fiscal year 2003 non-Medicaid expenditures incurred by each RSN

(b) A portion of the funds are allocated based on population in each RSN.

(c) The remaining funds are allocated to ensure that each RSN projected total revenue (include PIHP revenue and state only revenue) remains at the same level as their projected FY 2005 total revenue.

((7)) (5) The mental health division does not pay providers on a fee-for-service basis for services that are the responsibility of the mental health RSN or PIHP, even if the RSN or PIHP has not paid for the service for any reason.

((8)) (6) To the extent authorized by the state legislature, regional support networks and mental health prepaid inpatient health plans may use local funds spent on health services to increase the collection of federal Medicaid funds. Local funds used for this purpose may not be used as match for any other federal funds or programs.

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

## WSR 05-14-088

### EMERGENCY RULES

#### DEPARTMENT OF REVENUE

[Filed June 30, 2005, 3:18 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: WAC 458-20-166, explains the tax-reporting responsibilities of persons providing lodging and related services to transients for a charge. The rule explains that charges for coin-operated and self-service laundry facilities are a retail sale and subject to the retailing business and occupation (B&O) tax and retail sales tax. Chapter 514, Laws of 2005, excludes such charges from the definition of a retail sale. Thus, effective July 1, 2005, charges for coin-operated and self-service laundry facilities will not be subject to retail tax and income derived from such charges will be subject to the service and other activities B&O tax.

The department is adopting revisions to Rule 166 on an emergency basis to reflect this legislative change. The

department plans to proceed with rule making for permanent revisions to this rule.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.

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

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An emergency adoption of Rule 166 is necessary because a permanent rule cannot be adopted before the July 1, 2005, effective date. This rule action will provide needed tax information to taxpayers and department staff about the law changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

AMENDATORY SECTION (Amending WSR 94-05-001, filed 2/2/94, effective 3/5/94)

**WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.** (1) **Introduction.** This section explains the taxation of persons operating establishments such as hotels, motels, and bed and breakfast facilities, which provide lodging and related services to transients for a charge. In addition to retail sales tax and B&O tax, this section explains the special hotel/motel tax, the convention and trade center tax, and the taxation of emergency housing furnished to the homeless.

(a) In addition to persons operating hotels or motels, this section applies to persons operating the following establishments:

(i) Trailer camps and recreational vehicle parks which charge for the rental of space to transients for locating or parking house trailers, campers, recreational vehicles, mobile homes, tents, etc.

(ii) Educational institutions which sell overnight lodging to persons other than students. See WAC 458-20-167.

(iii) Private lodging houses, dormitories, bunkhouses, etc., operated by or on behalf of business and industrial firms or schools solely for the accommodation of employees of such firms or students which are not held out to the public as a place where sleeping accommodations may be obtained. As will be discussed more fully below, in some circumstances these businesses may not be making retail sales of lodging.

(iv) Guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc. In some cases these businesses may not be making retail sales, as discussed below.

(b) This section does not apply to persons operating the following establishments:

(i) Hospitals, sanitariums, nursing homes, rest homes, and similar institutions. Persons operating these establishments should refer to WAC 458-20-168.

(ii) Establishments such as apartments or condominiums where the rental is for longer than one month. See WAC 458-20-118 for the distinction between a rental of real estate and the license to use real estate.

(2) **Transient defined.** The term "transient" as used in this section means any guest, resident, or other occupant to whom lodging and other services are furnished under a license to use real property for less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month. An occupant remaining in continuous occupancy for thirty days or more is considered a nontransient upon the thirtieth day. An occupant who contracts in advance and does remain in continuous occupancy for the initial thirty days will be considered a nontransient from the start of the occupancy.

(3) **Business and occupation tax (B&O).** Where lodging is sold to a nontransient, the transaction is a rental of real estate and exempt from B&O tax. (See RCW 82.04.390.) Sales of lodging and related services to transients are subject to B&O tax, including transactions which may have been identified or characterized as membership fees or dues. (See WAC 458-20-114.) The B&O tax applies as follows:

(a) **Retailing.** Amounts derived from the following charges to transients are retail sales and subject to the retailing B&O tax: Rental of rooms for lodging, rental of radio and television sets, coin operated laundries, rental of rooms, space and facilities not for lodging, such as ballrooms, display rooms, meeting rooms, etc., automobile parking or storage, and the sale or rental of tangible personal property at retail. See "retail sales tax" below for a more detailed explanation of the charges included in the retailing classification.

(b) **Service and other business activities.** Commissions, amounts derived from accommodations not available to the public, and certain unsegregated charges are taxable under this classification.

(i) Hotels, motels, and similar businesses may receive commissions from various sources which are generally taxable under the service and other business activities classification. The following are examples of such commissions:

(A) Commissions received from acting as a laundry agent for guests when someone other than the hotel provides the laundry service (see WAC 458-20-165).

(B) Commissions received from telephone companies for long distance telephone calls where the hotel or motel is merely acting as an agent (WAC 458-20-159) and commissions received from coin-operated telephones (WAC 458-20-245). Refer to the retail sales tax subsection below for a further discussion of telephone charges.

(C) Commissions or license fees for permitting a satellite antenna to be installed on the premises or as a commission for permitting a broadcaster or cable operator to make sales to the guest of the hotel or motel.

(D) Commissions from the rental of videos for use by guests of the hotel or motel when the hotel or motel operator is clearly making such sales as an agent for a seller.

(E) Commissions received from the operation of amusement devices. (WAC 458-20-187.)

(ii) Taxable under this classification are amounts derived from the rental of sleeping accommodations by private lodging houses, and by dormitories, bunkhouses, etc., operated by or on behalf of business and industrial firms and which are not held out to the public as a place where sleeping accommodations may be obtained.

(iii) Summer camps, guest ranches and similar establishments making an unsegregated charge for meals, lodging, instruction and the use of recreational facilities must report the gross income from such charges under the service and other business activities classification.

(iv) Deposits retained by the business as a penalty charged to a customer for failure to timely cancel a reservation is taxable under the service and other business activities classification.

(v) Effective July 1, 2005, the definition of a retail sale excludes charges made for the use of self-service or coin-operated laundry facilities. Chapter 514, Laws of 2005. Thus, gross income received from charges for the use of such facilities is subject to the service and other activities B&O tax. Charges for the use of these facilities are not subject to retail sales tax.

Between July 1, 1998 and June 30, 2005, charges for the use of coin-operated and self-service laundry facilities were included in the definition of a retail sale and taxable as explained below in subsection (4)(d).

(4) **Retail sales tax.** Persons providing lodging and other services generally must collect retail sales tax on their charges for lodging and other services as discussed below. They must pay retail sales or use tax on all of the items they purchase for use in providing their services.

(a) **Lodging.** All charges for lodging and related services to transients are retail sales. Included are charges for vehicle parking and storage and for space and other facilities, including charges for utility services, in a trailer camp.

(i) An occupant who does not contract in advance to stay at least thirty days does not become entitled to a refund of retail sales tax where the rental period extended beyond thirty days. For example, a tenant rents the same motel room on a weekly basis. The tenant is considered a transient for the first twenty-nine days of occupancy and must pay retail sales tax on the rental charges. The rental charges become exempt of



retail sales tax beginning on the thirtieth day. The tenant is not entitled to a refund of retail sales taxes paid on the rental charges for the first twenty-nine days.

(ii) A business providing transient lodging must complete the "transient rental income" information section of the combined excise tax return. The four digit location code must be listed along with the income received from transient lodging subject to retail sales tax for each facility located within a participating city or county.

(b) **Meals and entertainment.** All charges for food, beverages, and entertainment are retail sales.

(i) Charges for related services such as room service, banquet room services, and service charges and gratuities which are agreed to in advance by customers or added to their bills by the service provider are also retail sales.

(ii) In the case of meals sold under a "two meals for the price of one" promotion, the taxable selling price is the actual amount received as payment for the meals.

(iii) Meals sold to employees are also subject to retail sales tax. See WAC 458-20-119 for retail sales tax applicability on meals furnished to employees.

(iv) Sale of food and other items sold through vending machines are retail sales. See WAC 458-20-187 for reporting income from vending machine sales and WAC 458-20-244 for the distinction between taxable and nontaxable sales of food products.

(v) Except for guest ranches and summer camps, when a lump sum is charged for lodging to nontransients and for meals furnished, the retail sales tax must be collected upon the fair selling price of such meals. Unless accounts are kept showing the fair selling price, the tax will be computed upon double the cost of the meals served. The cost includes the price paid for food and drinks served, the cost of preparing and serving meals, and all other costs incidental thereto, including an appropriate portion of overhead expenses.

(vi) Cover charges for dancing and entertainment are retail sales.

(vii) Charges for providing extended television reception to guests are retail sales.

(c) **Laundry services.** Charges for laundry services provided by a hotel/motel in the hotel's name are retail sales. ~~Before July 1, 2005, (RCW 82.04.050, which defines retail sales, was amended by chapter 25, Laws of 1993 sp.s. to include) charges for the use of self-service or coin-operated laundry facilities ((located in hotels, motels, rooming houses, and trailer camps for the exclusive use of the tenants. This change became effective July 1, 1993. Prior to that date income from charges to tenants for coin-operated laundry facilities was subject to service B&O tax.) were included in the definition of a retail sale and subject to tax as provided in subsections (3)(a) and (4). Effective July 1, 2005, such charges are taxable as explained above in subsection (3)(b)(v).~~

(d) Telephone charges. Telephone charges to guests, except those subject to service B&O tax as discussed above and in WAC 458-20-245, are retail sales. "Message service" charges are also retail sales.

If the hotel/motel is acting as an agent for a telephone service provider who provides long distance telephone service to the guest, the actual telephone charges are not taxable

income to the hotel/motel. These amounts are advances and reimbursements (see WAC 458-20-111 and 458-20-159). Any additional handling or other charge which the hotel/motel may add to the actual long distance telephone charge is a retail sale.

(e) **Telephone lines.** If the hotel/motel leases telephone lines and then provides telephone services for a charge to its guests, these charges are taxable as retail sales. In this case the hotel/motel is in the telephone business. (See WAC 458-20-245.) The hotel/motel may give a resale certificate to the provider of the leased lines and is not subject to the payment of retail sales tax to the provider of the leased lines.

(f) **Rentals.** Rentals of tangible personal property such as movies and sports equipment are retail sales.

(g) **Purchases of tangible personal property for use in providing lodging and related services.** All purchases of tangible personal property for use in providing lodging and related services are retail sales. The charge for lodging and related services is for services rendered and not for the resale of any tangible property.

(i) Included are such items as beds and other furnishings, restaurant equipment, soap, towels, linens, and laundry supply services. Purchases, such as small toiletry items, are included even though they may be provided for guests to take home if not used.

(ii) The retail sales tax does not apply to sales of food products to persons operating guest ranches and summer camps for use in preparing meals served to guests. Sales of prepared meals or other items which require a food handler's permit to persons operating guest ranches and summer camps are subject to retail sales tax. See WAC 458-20-244 for sales of food products.

(h) **Sales to the United States government.** Sales made directly to the United States government are not subject to retail sales tax. Sales to employees of the federal government are fully taxable notwithstanding that the employee ultimately will be reimbursed for the cost of lodging. The department of revenue has identified the following methods of billing or payment which are presumed to be sales directly to the federal government:

(i) The lodging is paid by government voucher or government check payable directly to the hotel/motel.

(ii) Charges made through the use of a VISA I.M.P.A.C. card (International merchant purchase authorization card). The VISA I.M.P.A.C. cards include the embossed legend "U.S. Government Tax Exempt." The account number on each card begins with the prefix "4716."

(iii) For periods prior to November 30, 1993, charges made through Diner's Club Corporate Charge Card (the card contains the statement "for official use only"). There were two Diner's Club Corporate Charge Cards available to federal employees. Only one was sales tax exempt. The card providing the exemption was embossed with the name of the employee followed by the statement "for official use only." This card was used by federal agencies to pay for group lodging. The Diner's Club card program for federal employees ended November 29, 1993.

(iv) Beginning November 30, 1993, charges made through the use of certain American Express charge cards issued for the use of federal government travelers. Only those



cards directly charging a government travel account (central bill account) qualify for the exemption. These cards begin with an account number prefix of "3783-9."

(v) A cash purchase made on behalf of the federal government by a federal employee who gives the seller a federal standard form SF 1165. A cash purchase by a federal employee made on behalf of the federal government qualifies for a sales tax exemption provided that the federal employee presents a federal standard form SF 1165 to document the fact that the purchase is made on behalf of the federal agency out of petty cash funds. The vendor (hotel/motel) is required to sign form SF 1165 to signify receipt of cash for the purchase. The vendor must retain a photocopy of SF 1165, describing the item purchased, to document the sales tax exemption.

(5) **Special hotel/motel tax.** Beginning in October 1987, some locations in the state have been authorized to charge a special hotel/motel tax. (See chapters 67.28 and 36.100 RCW.) If a business is in one of these locations, an additional tax is charged and reported under the special hotel/motel portion of the tax return. The four digit location code, the amount received for the lodging, and the tax rate must be completed for each location in which the lodging is provided. The tax applies without regard to the number of lodging units except that the tax of chapter 36.100 RCW applies only if there are forty or more lodging units. The tax only applies to the charge for the rooms to be used for lodging by transients. Additional charges for telephone services, laundry, or other incidental charges are not subject to the special hotel/motel tax. Neither is the charge for use of meeting rooms, banquet rooms, or other special use rooms subject to this tax. However, the tax does apply to charges for use of camping and recreational vehicle sites.

(6) **Convention and trade center tax.** Businesses selling lodging to transients, having sixty or more units located in King County, must charge their customers the convention and trade center tax and report the tax under the "convention and trade center" portion of the tax return. See RCW 67.40.-090.

(a) A business having more than sixty units which are rented to transients and nontransients will be subject to the convention and trade center tax only if the business has at least sixty rooms which are available or being used for transient lodging. For example, a business with one hundred forty total rooms of which ninety-five are rented to nontransients is not subject to the convention and trade center tax.

(b) The tax only applies to the charge for the rooms to be used for lodging by transients. Additional charges for telephone services, laundry, or other incidental charges are not subject to the convention and trade center tax. Neither is the charge for use of meeting rooms, banquet rooms, or other special use rooms subject to the convention and trade center tax.

(c) The four digit location code, amount received for the lodging, and the tax rate must be completed for each location in which the lodging is provided. However, the tax does apply to charges for camping or recreational vehicle sites. Each camp site is considered a single unit.

(7) **Furnishing emergency lodging to homeless.** The charge made for the furnishing of emergency lodging to

homeless persons purchased via a shelter voucher program administered by cities, towns, and counties or private organizations that provide emergency food and shelter services is exempt from the retail sales tax, the convention and trade center tax, and the special hotel/motel tax. This exemption became effective July 1, 1988. This form of payment does not influence the required minimum of transient rooms available for use as transient lodging under the "convention and trade center tax" or under the "special hotel/motel tax."

**WSR 05-14-089**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**

[Filed June 30, 2005, 3:18 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Emergency rule findings are required; see below.

Purpose: Beginning July 1, 2005, sellers must collect a one dollar fee on every retail sale of each new replacement vehicle tire. Chapter 354, Laws of 2005 (SHB 2085). The tire fee is to be collected by the seller from the buyer, and the seller is personally liable for the fee if the seller fails to collect it from the buyer. This tire fee is effective until June 30, 2010.

WAC 458-20-272 Tire fee, is a new rule explaining the seller's responsibility for collecting the fee from the buyer, how the fee is reported, and what tires are subject to the fee. WAC 458-20-250 Refuse-solid waste collection business—Core deposits and credits, battery core charges, and tires, provides information about taxes imposed on solid waste collection and special provisions in law for core deposits and credits, battery core charges, and a tire fee that expired in 1994. Rule 250 is being revised to remove the two brief paragraphs referring to the expired tire fee to eliminate possible confusion.

The department has adopted the new Rule 272 and a revised Rule 250 on an emergency basis because the new tire fee is effective on July 1, 2005. The department plans to proceed with rule making for a permanent new Rule 272 and a more complete revision of a permanent Rule 250.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-250 Refuse-solid waste collection business—Core deposits and credits, and battery core charges(~~(, and tires)~~).

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(1).

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: An emergency adoption of a new Rule 272 and revised Rule 250 is necessary because permanent rules cannot be adopted before the July 1, 2005, effective date. This rule action will provide needed tax information to taxpayers and department staff about the seller's

obligation to collect and the buyer's obligation to pay the new tire fee.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: June 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

#### NEW SECTION

**WAC 458-20-272 Tire fee.** (1) **Introduction.** Beginning July 1, 2005, sellers must collect a one dollar fee on every retail sale of each new replacement vehicle tire. The tire fee is effective until June 30, 2010.

#### (2) **How do I report the tire fee?**

A seller must report on the excise tax return the number of new replacement vehicle tires sold. If new tires are leased, the fee must be collected once at the beginning of the lease. Tire sellers may retain ten percent of the fee and must remit the remainder to the department of revenue (department). As a result, the amount that must be reported and paid to the department is the number of new replacement vehicle tires sold during the tax reporting period multiplied by ninety cents.

#### (3) **What if the seller fails to collect the fee or does not pay the fee on time?**

The seller is personally liable for payment of the fee, whether or not the fee is collected from the buyer. Interest and penalties apply to late payments. Refer to WAC 458-20-228 (Returns, remittances, penalties, extensions, interest, stay of collection) for more information.

#### (4) **What happens if a buyer fails to pay the fee?**

The tire fee, until paid by the buyer to the seller or the department, is considered a debt from the buyer to the seller. Any buyer who refuses to pay the fee is guilty of a misdemeanor.

#### (5) **Is sales tax imposed on the tire fee?**

No. The measure of the sales tax does not include the tire fee.

#### (6) **Is the ten percent amount retained by the seller taxed?**

Yes. The seller must report the retained amount as gross income under the service and other activities tax classification on the excise tax return.

#### (7) **What tires are subject to the tire fee?**

All new replacement vehicle tires are subject to the tire fee. Refer to RCW 70.95.030 for the definition of "vehicle" for purposes of the tire fee.

(a) Examples of vehicles for which new replacement tires are subject to the fee include:

- (i) Automobiles;
- (ii) Trucks;
- (iii) Recreational vehicles;
- (iv) Trailers;
- (v) All-terrain vehicles (ATVs);
- (vi) Yard tractors
- (vii) Agricultural vehicles, such as tractors or combines;
- (viii) Industrial vehicles, such as forklifts;
- (ix) Construction vehicles, such as loaders or graders;

and

(x) Golf carts.

(b) Examples of devices for which new replacement tires are not subject to the fee include human-powered devices, such as bicycles, wheelbarrows, and hand trucks.

(c) The tire fee does not apply to the sale of re-treaded vehicle tires. Nor does it apply to tires provided free of charge under the terms of a recall or warranty.

#### (8) **May I refund the fee if a tire is returned?**

If a customer returns the purchased new tire and the entire selling price is refunded to the customer, the one dollar tire fee is likewise refundable. The refunded amount may be claimed on

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

#### AMENDATORY SECTION (Amending WSR 89-16-090, filed 8/2/89)

**WAC 458-20-250 Refuse-solid waste collection business—Core deposits and credits, and battery core charges(~~(, and tires)~~).** [(1)] **Introduction.** This section administers the taxes on solid waste collection and the special provisions for core deposits and credits, and battery core charges(~~(, and tires)~~).

(a) Chapter 282, Laws of 1986 established the special business activity of the "refuse collection business" and imposed a "refuse collection tax" similar in nature to retail sales tax. The burden of this tax is upon the ultimate consumer of the refuse collection service. The tax rate is three and six tenths percent (.036), and the tax measure is the total consideration charged to the consumer-customer for the services. Chapter 431, Laws of 1989 changes the name of this tax from a refuse collection tax to a solid waste collection tax.

(b) Chapter 431, Laws of 1989, imposes, effective July 1, 1989, an additional tax of 1 percent of the consideration charged for the service. Generally, the tax is imposed in addition to and is similar to the refuse collection tax enacted in 1986. However, unlike the refuse collection tax, the measure of the new 1 percent tax is limited to the charges for the actual solid waste collection services that are provided and a maximum tax measure is provided for residential collection service charges.

(c) For ease of administration and accounting, the 3.6 percent tax shall retain its former name and be called for pur-

poses of this section the "refuse collection tax," and, the tax imposed in 1989, the 1 percent tax, shall be called the "solid waste collection tax."

(2) Neither the 1986 law or the 1989 law expressly establishes a specific business tax classification for the gross receipts of persons engaged in the refuse-solid waste collection business. Thus, because of the provisions of RCW 82.04.290, such persons are subject to the service or other activities classification of business and occupation tax.

(3) For purposes of this section the following terms will apply.

(a) "Refuse collection business" - "solid waste collection business" means every person who receives waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(b) "Person" shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(c) "Waste"- "solid waste" means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(d) "Taxpayer" means that person upon whom the refuse-solid waste collection tax is imposed, that is, the private or commercial consumer-customer.

(e) "Department" means the department of revenue.

(f) "Consideration charged for the services" means the total amount billed to a taxpayer as compensation for refuse-solid waste collection services, without any deduction for any costs of doing business or any other expense whatsoever, paid or accrued, provided, that the term does not include any amount included in the charges for materials collected primarily for recycling, nor the refuse-solid waste collection tax itself whether separately itemized or not, nor any similar utility taxes or consumer taxes, imposed by the state or any political subdivision thereof or any municipal corporation, directly upon the consumer-taxpayer and separately itemized on the taxpayer's billing. Also, the term does not include late charges or penalties which may be imposed for nontimely payment by taxpayers.

(4) Refuse and solid waste collection tax measure.

(a) The refuse collection tax applies to the consideration paid for refuse-solid waste collection services. The rate of the tax is 3.6 percent of the amount charged for garbage collection and disposal services.

(b) For purposes of the solid waste collection tax, the following terms will apply.

(i) "Standby," "availability," or "base" charges mean those charges to a residential customer who receives no actual garbage pickup service.

(ii) "Residential collection service" has its ordinary meaning and is per can garbage collection service other than commercial or industrial service. For purposes of this section, a residential collection service is that service provided for each housing unit. In the case of multiple housing units in a single structure such as apartments, condominiums, or duplexes, or, an association of housing units such as a mobile home park or retirement village, the service is deemed commercial unless each occupier of a housing unit is individually

provided can service and is individually billed for such service.

(iii) "Can" or "can equivalent" has its ordinary meaning and shall include a receptacle for waste collection made of durable, corrosion-resistant material, watertight with a close fitting cover, with two handles, and does not exceed 32 gallons, 4 cubic feet or 65 lbs. (including contents), nor weigh more than 12 lbs. when empty. (This definition comports with the definition of "unit" by the utilities and transportation commission.) For purposes of this section, containers of 60 gallon or more capacity, commonly called "toters," are considered more than 2 cans.

(c) The solid waste collection tax applies to the consideration paid for actual solid waste collection services provided and utilized by the customer and does not apply to amounts charged by a solid waste collection business for "standby," "availability," or "base" charges where no actual garbage collection occurs. Additionally, the tax does not apply to amounts charged for materials primarily collected for recycling.

(d) For a residential customer, the tax measure is the consideration paid, but not more than \$8.00 of the monthly charge for garbage pickup service of less than 2 cans, or, not more than \$12.00 of the monthly charge for 2 cans or more.

(i) Example. City X provides residential garbage collection service to a customer and the customer has subscribed to less than two can service. The monthly charge is \$11.00 for the service which includes a charge of \$2.00 for special pickup of recyclables. After adjustment for the recycling charges of \$2.00, the refuse collection tax measure is \$9.00 and the solid waste collection tax measure is \$8.00. The tax measure for solid waste residential pickup is limited to not more than \$8.00 of monthly charge paid. The refuse collection tax is 32 cents ( $\$9.00 \times .036$ ), and, the solid waste collection tax is 8 cents ( $\$8.00 \times .01$ ), for a total refuse-solid waste collection tax of 40 cents.

(e) For computation of the maximum solid waste collection tax due for residential customers, extra solid waste collected effects the tax base only for a residential customer with less than 2 can service. The tax measure for a customer with 2 or more can service will never exceed \$12.00. The tax measure for a customer with less than 2 can service does not exceed \$8.00 unless the extras collected are an additional can equivalent sufficient to change the less than 2 can customer to a 2 can or more customer. A less than 2 can customer becomes a 2 can or more customer when, over a reasonable period of time, i.e., 6 months, charges for less than 2 can service plus extras equals or exceeds the customary charges for 2 can service.

(i) Example. Residential customer Z has less than 2 can service for which Z is charged \$9.00 per month and results in a refuse tax of 32 cents ( $\$9.00 \times .036$ ) and a solid waste tax of 8 cents ( $\$8.00 \times .01$ ) for a total tax of 40 cents. For 7 consecutive months Z has extra trash bags picked up each month. The monthly charge including extras is \$11.00 and the customary 2 can or more charge is \$12.00. The refuse tax for each month is 40 cents ( $\$11.00 \times .036$ ) and the solid waste tax is 8 cents ( $\$8.00 \times .01$ ) for a total tax of 48 cents. Z remains a less than 2 can customer during the period as the monthly charge, including the charge for extras, is less than the cus-

tomy 2 can or more rate. The solid waste tax measure is limited to the consideration paid up to \$8.00, while the refuse tax is not so limited.

(ii) Example. Residential customer X has 2 or more can service for which X is charged \$9.00 per month resulting in a refuse tax of 32 cents (\$9.00 x .036) and a solid waste tax of 9 cents (\$9.00 x .01) for a total tax of 41 cents. One month X has several trash bags picked up and the charge for this month is \$13.00. The refuse tax is 47 cents (\$13.00 x .036) and the solid waste tax is 12 cents (\$12.00 x .01) for a total tax of 59 cents. The solid waste tax measure for 2 can or more service is limited to the consideration paid up to \$12.00 while the refuse collection tax measure is not so limited.

(iii) Example. A city provides residential garbage collection for which the city charges a \$5.00 base fee and a total charge of \$9.00 for less than 2 can service and \$13.00 for 2 can or more service. A customer chooses to deliver his garbage by his own means to the local disposal site for which the customer is charged \$10.00 per month. The city charges the customer on his monthly utility bill the \$5.00 base fee. The refuse tax collected at the disposal site is 36 cents (\$10.00 x .036) and the solid waste tax collected at the disposal site is 10 cents (\$10.00 x .01) for a total collection at the disposal site of 46 cents. The refuse tax collected by the city is 18 cents (\$5.00 x .036) and no solid waste tax is collected by the city because no actual garbage collection services were provided the customer. As the per can limitations apply only to residential pick up service, any garbage delivered to disposal site by anyone other than another refuse-solid waste collection business will always incur a combined refuse-solid waste tax of 4.6 per cent of the consideration paid.

(5) The person who collects the charges for refuse-solid waste collection services from the taxpayer is responsible for collecting the refuse-solid waste collection tax and remitting it to the state.

(6) The law provides that if any person charged with collecting the tax fails to bill the taxpayer for it, or to notify the taxpayer in writing that the tax is due, then that person shall be personally liable for the tax. Thus, unlike the retail sales tax, the refuse-solid waste collection tax may be included within the gross refuse fee or charge billed to taxpayers and need not be separately itemized on such billings, but only if such taxpayers are notified in writing that the tax has been imposed and is being collected. Nothing prevents any refuse-solid waste collection business from separately itemizing the tax on customer billings, at its option.

(7) Furthermore, if any person collects that tax from the taxpayer and fails to pay it to the department in the manner provided in this section, for any reason whatever, that person shall be personally liable for the tax.

(8) The refuse-solid waste collection tax is due from the taxpayer within twenty-five days from the date the taxpayer is billed for the refuse-solid waste collection services. The refuse collection tax and the solid waste collection tax shall be separately reported upon lines provided on the combined excise tax return.

(9) The tax is due to be remitted to the department by the person collecting it at the end of the tax reporting period in which the tax is received by that person.

(10) If a taxpayer makes only a partial payment of the amount billed for the services and tax, the amount paid must first be used to remit the refuse-solid waste collection tax to the department. This tax has first priority over all other claims against the amount paid by the taxpayer.

(11) The federal government, its agencies and instrumentalities, and all refuse service contracts with such federal entities are not subject to the refuse-solid waste collection tax. There are no other taxpayers expressly exempted from paying the refuse-solid waste collection tax. Any other taxpayer claiming exemption of this tax for any reason whatsoever must provide the refuse-solid waste collection business with proof of its entitlement to exemption. The department will verify such claims upon request.

(12) To prevent pyramiding or multiple taxation of single transactions, the refuse-solid waste collection tax does not apply to any person other than the taxpayer. It is a tax upon the ultimate consumer-customer of the refuse-solid waste service.

(13) Persons who collect the refuse-solid waste collection tax and who, themselves, utilize the further services of others for the transfer, storage, or disposal of the waste collected are not required to again pay the tax to such other service providers. However, in order to be exempt of such tax payment a refuse-solid waste collection business must provide other refuse-solid waste service providers with a refuse-solid waste collector's exemption certificate in the following form:

(a) We hereby certify that we are engaged in the refuse-solid waste collection business and are registered with the state department of revenue to collect and report the refuse collection tax imposed under chapter 282, Laws of 1986 and chapter 431, Laws of 1989. We certify further that the refuse-solid waste collection tax due with respect to the refuse-solid waste collection business being performed under this certificate has been or will be collected and paid and that we are exempt [of] [for] further payment of such tax on charges for any refuse-solid waste collection services being procured by us.

Business Name . . . . . Authorized Signature . . . . .  
Business Address . . . . . Date . . . . .  
Revenue Registration No. . . . .  
U.T.C. Certificate of Public Necessity No. . . . .  
If not regulated by U.T.C., please check here . . . . .

(b) Blanket certificates may be provided in advance by refuse-solid waste collectors or other persons who collect the customer charges for refuse-solid waste collection and who are liable for collecting and remitting the refuse-solid waste collection tax.

(c) Refuse-solid waste collection businesses which provide services for the transfer, storage, or disposal of waste, and who accept completed certifications in good faith are not required to collect and remit the refuse-solid waste collection tax and will not be held personally liable for it.

(14) Persons engaged in the refuse-solid waste collection business by operating facilities for the transfer, storage, or disposal of waste, including public and private dumps, and who provide such services directly to taxpayers for a charge,

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are liable for the collection of the refuse collection tax on such charges.

(15) Examples of taxable and tax exempt transactions are:

(a) A private person or commercial customer hauls its own waste to a dump site for disposal and pays a fee - the fee is subject to the 3.6 percent refuse collection tax and the 1 percent solid waste collection tax.

(b) A refuse-solid waste collection company picks up and hauls residential or commercial waste to a dump for disposal - this company bills the customer for the tax and need not pay the tax upon any further charge made by the dump site operator, by providing a refuse-solid waste collector's certificate.

(c) A city provides refuse-solid waste collection services to its residents through an independent hauler under a negotiated contract, and uses a county operated land fill. The city bills the residents on their utility bills. The 3.6 percent and 1 percent taxes apply to the refuse-solid waste portion of the utility bill adjusted as provided in this section. These taxes do not apply to any charge paid by the city to the hauling company, nor to any charge made by the county to the city for dumping services. The city must provide the hauler and the county with a refuse-solid waste collector's certificate.

(16) The refuse-solid waste collection tax is imposed in much the same manner as retail sales tax; that is, it is payable by the refuse-solid waste consumer to the refuse-solid waste service provider who does the customer billing. Likewise, other refuse-solid waste service providers up the chain of transactions from the billing provider are treated in the same manner as wholesalers and need not collect the tax if the appropriate certificate is taken.

(17) Business and occupation tax. There is no exemption from business and occupation tax measured by gross income of any person engaged in the refuse-solid waste collection business. Such persons are subject to the service classification of business and occupation tax measured by their gross receipts. (See RCW 82.04.290.) Also, there is no general provision under the law for the nonpyramiding effect of the business and occupation tax. Thus, each refuse-solid waste collection business is separately liable for this tax on its total gross receipts without any deduction for any costs of doing business or any amounts paid over to other refuse-solid waste service providers. Also, all amounts designated as late charges or penalties are included within this business tax measure.

(18) The refuse-solid waste collection business is an "enterprise activity," as defined in WAC 458-20-189, when it is funded over fifty percent by user fees. Thus, the amounts derived from this activity are not exempt of business and occupation tax even though they may be charged by governmental entities. (See RCW 82.04.419.)

(19) The exemption of refuse-solid waste collection tax for the federal government, its agencies and instrumentalities, does not apply for business and occupation tax. Thus, refuse-solid waste collection businesses who charge such federal entities for services, under contract or otherwise, must pay the business and occupation tax upon such gross receipts.

(20) Persons engaged in the refuse-solid waste collection business may be entitled to certain express deductions or

exemptions from business and occupation tax for specific reasons unrelated to the nature of their refuse-solid waste business activity. (See RCW 82.04.419 and 82.04.4291.)

(21) Refuse-solid waste collection businesses which provide waste receptacles, containers, dumpsters, and the like to their customers for a charge, separate from any charge for collection of the waste, are engaged in the business of renting tangible personal property taxable separate and apart from the refuse-solid waste collection business. Charges for such rentals, however designated, are subject to retailing business and occupation tax when they are billed separately or are line itemized on customer billings. Such businesses are engaged in more than one taxable kind of business activity and are separately taxable on each. (See RCW 82.04.440.)

(22) Retail sales tax. Persons who separately charge and bill customers for waste receptacles, as explained earlier, must collect and remit the retail sales tax on the itemized rental price, fee, or other consideration, however designated, charged for the receptacles.

(23) Refuse-solid waste collection businesses are themselves the consumers of all tangible personal property purchased for their own use in conducting such business, other than items for resale or renting to customer[s], e.g., rented receptacles. Retail sales tax must be paid to materials suppliers and providers of such tangible consumables. (See RCW 82.04.050.)

(24) Use tax. The use tax is due upon all tangible personal property used as consumers by refuse-solid waste collection businesses, upon which the retail sales tax has not been paid. (See RCW 82.12.020.)

(25) Core deposits and credits - Battery core charges.

(a) For purposes of this section the following terms apply.

(i) "Core deposits or credits" means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for purposes of recycling or remanufacturing.

(ii) "Battery core charge" means that amount of the retail selling price of a vehicle battery, not less than \$5.00, which is retained by the seller when the purchaser has no used battery to exchange or trade-in.

(b) Retail sales tax.

(i) The retail sales tax does not apply to the consideration received as core deposits or credits in a retail or wholesale sale when a purchaser exchanges or trades-in a core to the seller. (RCW 82.08.010, WAC 458-20-247, and chapter 431, Laws of 1989). Therefore, when a purchaser of a vehicle battery, starter, etc., exchanges or trades-in a used battery, starter, etc., to the seller, retail sales tax does not apply to the value of the used property exchanged or traded-in.

(ii) Chapter 431, Laws of 1989, effective July 23, 1989, requires the retail selling price of a vehicle battery to include a core charge of not less than \$5.00. The core charge must be omitted from the sales price when the purchaser offers to the seller a used battery of equivalent size. The retail sales tax does apply to the core charge amount included in the sales price of a vehicle battery when the purchaser does not offer to the seller a used battery for exchange or trade-in. The exemption for "core deposits or credits" applies only when an article of tangible personal property is returned by the purchaser to

the seller for the purpose of recycling or remanufacturing. Upon the offer by the purchaser to the seller of a used battery of equivalent size for exchange or trade-in within 30 days after the purchase date of the battery, the seller shall refund to the purchaser the core charge amount and the retail sales tax paid on such core charge.

(c) Use tax. The use tax does not apply to the value of core deposits or credits in a retail or wholesale sale.

(d) Business and occupation tax. The core deposit and credit exemptions apply only to the amount of retail sales tax and use tax to be collected and paid. There is no core deposit or credit exclusion for B&O tax. It is important to note that the base for B&O tax and retail sales tax may be different amounts. Thus, the gross receipts under the appropriate classification of B&O tax, retailing, wholesaling, manufacturing, etc., continues to include the value of core deposits and credits. Battery core charges are included as gross receipts in the retailing classification of the B&O tax.

(e) Examples:

(i) A customer wishes to purchase from an auto parts store a new replacement battery and a reconditioned starter. He brings with him a battery core and a starter core. The purchase price of the new battery is \$60.00 less \$3.00 for the value of the core exchanged; and, the purchase price of the starter is \$50.00 less \$5.00 for the starter core. Retailing B&O tax is due upon the total value of cash plus core value, in this case \$110.00 (\$60.00 + 50.00). However, retail sales tax is due only on \$102 (\$57.00 + 45.00), which is the purchase price less the core deposits. The customer pays \$102.00 plus sales tax for the battery and the starter.

(ii) A customer wishes to purchase a new replacement battery which sells for \$62.00. The customer has no returnable battery core to exchange. Thus, a battery core charge of \$5.00 or more must be added to the sales price for a total of \$67.00 or more. Both retail sales tax and B&O tax apply to the actual price paid by the customer.

(iii) In example (ii) above, the customer returns to the store within 30 days with a proof of purchase and a used battery of equivalent size. The seller must refund the \$5.00 or more battery core charge plus the sales tax paid the \$5.00 or more. B&O tax is due upon the value of the battery, \$62.00.

~~((26) Tires. Chapter 431, Laws of 1989 amends RCW 70.95.510 and, effective October 1, 1989, levies a \$1 per tire fee on the retail sale of new replacement tires. The \$1 per tire fee levied replaces the .012 percent tax imposed in 1985. The fee imposed shall be paid by the buyer and collected by the seller. The fee collected from the buyer by the seller shall be paid to the department in accordance with RCW 82.32.045 less 10 percent retained by the seller.~~

~~(a) Retail sales tax — Use tax — Business and occupation tax. Chapter 431, Laws of 1989 exempts the fee from retail sales tax and use tax. Neither the fee nor the part of the fee retained by the seller is subject to business and occupation tax. The seller is only the state's collecting and reporting agent for the portion paid to the department. The 10 percent retained portion is expressly authorized for use by the seller to defray costs associated with the proper management of waste tires.))~~

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 05-14-091

### EMERGENCY RULES

#### DEPARTMENT OF REVENUE

[Filed June 30, 2005, 3:22 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Emergency rule findings are required; see below.

Purpose: **Background:** WAC 458-20-141, explains the B&O, retail sales, and use tax reporting responsibilities of persons who engage in duplicating activities or who provide mailing bureau services in Washington. WAC 458-20-144, explains the B&O and retail sales tax reporting responsibilities of persons engaged in printing activities. Both rules were revised in January 2005, each with an effective date of July 1, 2005.

One of the major changes in that revision was the removal of language stating that a deduction from the measure of tax for both B&O tax and the retail sales tax was available where a mailing bureau purchases postage for a customer and charges that customer for the postage. This revision explained that amounts received from a customer for postage costs incurred by the seller are, under the law, included in the measures of both taxes. The change to Rule 141 also identified circumstances under which postage charges are not included in the measure of tax because the charges qualify as advances or reimbursements.

WAC 458-20-17803 explains the use tax reporting responsibilities of persons who distribute or cause to be distributed tangible personal property promoting the sale of products or services are subject to use tax on the value of the property. While the January 2005 rule action had a July 1, 2005, effective date, the rule explains a use tax responsibility that resulted from provisions of chapter 367, Laws of 2002, that became effective June 1, 2002.

**Current Rule-making Action:** Chapter 514, Laws of 2005, provides a B&O tax deduction and retail sales/use tax exemption for delivery charges made for the delivery of direct mail, if the charges are separately stated. These provisions of chapter 514 became effective May 16, 2005, and supercede the instructions regarding charges for postage costs in these rules.

The department is adopting revisions to Rules 141, 144, and 17803 on an emergency basis to reflect this legislative change. The department plans to proceed with rule making for permanent revisions to these rules.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-141 Duplicating activities and mailing bureaus, 458-20-144 Printing industry, and 458-20-17803 Use tax on promotional material.

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

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An emergency adoption of revised Rules 141, 144, and 17803 is necessary because per-

manent rules cannot be adopted before the July 1, 2005, effective date. This rule action will provide needed tax information to taxpayers and department staff about the seller's and buyer's tax-reporting responsibilities relative to delivery costs for direct mail.

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 3, 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: June 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice 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 05-15 issue of the Register.

**WSR 05-14-103**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**

[Filed June 30, 2005, 4:33 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: WAC 458-20-165, explains the application of excise taxes to laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services. Rule 165 explains that charges for coin-operated and self-service laundry facilities are a retail sale and subject to the retailing business and occupation (B&O) tax and retail sales tax. Chapter 514, Laws of 2005, excludes such charges from the definition of a retail sale. Thus, effective July 1, 2005, charges for coin-operated and self-service laundry facilities will not be subject to retail sales tax and income derived from such charges will be subject to the service and other activities B&O tax.

The department is adopting revisions to Rule 165 on an emergency basis to reflect this legislative change. The department plans to proceed with rule making for permanent revisions to this rule.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-165 Laundry, dry cleaning, linen and uniform supply and self-service and coin-operated laundry services.

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

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An emergency adoption of Rule 165 is necessary because a permanent rule cannot be adopted before the July 1, 2005, effective date. This rule action will provide needed tax information to taxpayers and department staff about the law change.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 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 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

**AMENDATORY SECTION** (Amending WSR 02-23-034, filed 11/13/02, effective 12/14/02)

**WAC 458-20-165 Laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services.** (1) **Introduction.** This ~~((rule))~~ section discusses the application of the business and occupation (B&O), retail sales, and use taxes to laundries, dry cleaners, laundry pickup and delivery services, self-service laundries and dry cleaners, and linen and uniform supply services. It also discusses the tax treatment of laundry services provided to non-profit health care facilities and income received from coin-operated laundry facilities.

Chapter 514, Laws of 2005, changed the tax reporting responsibilities of persons operating self-service or coin-operated laundry facilities. Refer to subsection (6) of this section for further information.

(2) **What is a laundry or dry cleaning service?** A "laundry or dry cleaning service" is the activity of laundering, cleaning, dying, and pressing of articles such as clothing, linens, bedding, towels, curtains, drapes, and rugs. It also includes incidental mending or repairing. The term applies to services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning services. It also includes pickup and delivery laundry services performed by persons operating in their independent capacity and not as agent for another laundry or dry cleaning service.

(a) **Sales of laundry or dry cleaning services.** The gross proceeds of sale and selling price of laundry or dry cleaning services provided to consumers are subject to the



retailing B&O tax and retail sales tax, respectively. No deduction is available for commissions allowed or amounts paid to another for the performance of all or part of the laundry or dry cleaning service. RCW 82.04.070 and 82.08.010. The retailing B&O and retail sales taxes also apply to sales of soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property to consumers.

The wholesaling B&O tax applies to the gross proceeds of sale from laundry or dry cleaning services performed for persons reselling these services. The seller must obtain a resale certificate from the buyer to document the wholesale nature of any sale as provided in WAC 458-20-102 (Resale certificates).

(b) **Place of sale.** For the purposes of determining a seller's responsibility to remit B&O tax and/or to collect and remit retail sales tax, the place of sale for laundry and dry cleaning services is the place the laundering or dry cleaning is performed. RCW 82.14.020(4) and 82.04.050. For example, a laundry or dry cleaning service located in Washington must collect sales tax from an Oregon resident who brings clothing items to the business for laundering or dry cleaning. In addition, the gross proceeds are subject to the retailing B&O tax. Even though the customer resides in Oregon, both taxes apply because the laundering or dry cleaning occurs in Washington.

(i) **Seller hiring third-party to perform services.** A customer may purchase laundry or dry cleaning services from a seller who hires another person to perform the actual cleaning activity. In such cases, the customer will drop off and pick up the clothing or other articles to be cleaned at the seller's business location. The place of sale with respect to this sale is the seller's location where the customer drops off and picks up the articles.

(ii) **Seller using agent for pickup and delivery.** If a person providing laundry or dry cleaning services uses an agent such as a hotel or a driver for pickup and delivery of the articles to be cleaned, the place of sale is the seller's location where the cleaning is performed.

(c) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of the cleaned article is a purchase at wholesale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates).

The following are examples of items that may be purchased at wholesale:

(i) Dyes, fabric softeners, starches, sizing, and similar articles or substances that become ingredients of the articles cleaned; and

(ii) Soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property that are not used in performing a laundry or dry cleaning services but are resold as tangible personal property.

(d) **Purchases subject to retail sales or use tax.** A laundry or dry cleaning business that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a laundry or dry cleaning service that are subject to retail sales tax or use tax:

(i) Soaps, cleaning solvents, and other articles or substances that do not become ingredients of the articles cleaned;

(ii) Equipment such as washing machines, dryers, presses, irons, fixtures, and furniture;

(iii) Supplies such as hand tools, sewing notions, scissors, spotting brushes, and stationery; and

(iv) Items given to customers without charge.

(3) **What are linen and uniform supply services?** "Linen and uniform supply services" means the activity of providing customers with a supply of clean linen, towels, uniforms, gowns, protective apparel, clean room apparel, mats, rugs, and/or similar items whether ownership of the item is in the person operating the linen and uniform supply service or in the customer. RCW 82.08.0202. It also means the supply of diapers and bedding. "Linen and uniform supply services" includes supply services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning businesses.

A person providing linen and uniform supply services performs a number of different activities, often at multiple locations. Many of these activities are the same types of activities performed by a person providing laundry or dry cleaning services, such as: Laundering, dry cleaning, pressing, incidental mending, and/or pickup and delivery. Additional activities not generally performed by a person providing laundry or dry cleaning services may include: Providing linen and uniform items customized by application of the customer's business name, company logo, employee names, etc.; measuring and/or issuing uniforms to the customer's employees; repairing or replacing worn or damaged linen and uniform items; and/or performing various administrative functions for the customer, such as inventory control.

(a) **Sales of linen and uniform supply services.** The gross proceeds of sale and selling price from linen and uniform supply services provided to consumers are subject to the retailing B&O tax and retail sales tax, respectively. No deduction is available for commissions allowed or amounts paid to another for the performance of all or part of the laundry or dry cleaning service. RCW 82.04.070 and 82.08.010.

(b) **Place of sale.** Effective July 1, 2001, for the purposes of determining a seller of linen and uniform supply services' responsibility to remit B&O tax and to collect and remit retail sales tax, the place of sale is the place of delivery to the customer. For periods before July 1, 2001, the place of sale was the location at which the laundering activity was performed.

For assistance with determining appropriate local sales and use tax rates, the department's geographic information system (GIS) provides a mapping and address lookup system. The system is available on the department's internet site at: <http://dor.wa.gov>.

(c) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of the cleaned article is a wholesale sale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates).



The following are examples of items that may be purchased at wholesale:

(i) Linen, uniforms, towels, cabinets, hand soap, and similar property rented or supplied to customers as a part of the laundry and linen supply service; and

(ii) Dyes, fabric softeners, starches, sizing, and similar articles or substances that become ingredients of the articles being cleaned.

(d) **Purchases subject to retail sales or use tax.** A linen or uniform supply service that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a linen or uniform supply service that are subject to retail sales tax or use tax:

(i) Soaps, cleaning solvents, and other articles or substances that do not become ingredients of the articles cleaned;

(ii) Equipment such as washing machines, dryers, presses, irons, fixtures, and furniture; and

(iii) Supplies such as hand tools, sewing notions, scissors, spotting brushes, and stationery.

(4) **Customer's responsibility to remit use tax.** Effective July 1, 2002, chapter 367, Laws of 2002, imposes the use tax on certain retail services acquired by consumers without payment of the retail sales tax. Such services include installing, repairing, cleaning, altering, imprinting, or improving tangible personal property. Thus, a consumer must report and pay use tax directly to the department when a seller of laundry or dry cleaning services or linen and uniform supply services fails to collect the retail sales tax.

For example, a person with a restaurant location in Vancouver and another in Portland, Oregon, contracts with an Oregon business for linen and uniform supply services. Each week, the linen and uniform supply service delivers clean linens and uniforms and picks up soiled items for both locations at the person's Portland location. The person's Vancouver location turns in soiled uniforms and linens and receives its supply of clean items at the person's Portland location. The person is responsible for reporting and paying use tax on the value of the linen and uniform supply services used by its Vancouver location. For further discussion about use tax, refer to WAC 458-20-178.

(5) **Laundry agents collecting and distributing laundry.** Persons who collect and/or distribute laundered or dry cleaned items as an agent for a provider of laundry services, dry cleaning services, or linen and uniform supply services are liable for the service and other activities B&O tax on their gross commissions. See WAC 458-20-159 for the record-keeping requirements for showing agency status. The person providing the laundry service, dry cleaning services, or linen and uniform supply service must collect and remit to the department retail sales tax on the total charge made to the customer (see subsections (2) and (3) of this (rule) section).

(6) **Self-service and coin-operated laundry facilities.** Effective July 1, 2005, the definition of "retail sale" excludes charges made for the use of self-service or coin-operated laundry facilities. Chapter 514, Laws of 2005. Thus, gross

income received from charges for the use of ((self-service or coin-operated laundry)) such facilities ((are)) is subject to the ((retailing B&O and retail sales taxes, except as discussed below. Likewise sales of soap, bleach, fabric softener and other supplies to consumers are subject to the retailing B&O tax and retail sales tax. For most sales, the law requires a seller to separately state the retail sales tax from the selling price. However, the law allows a seller to deduct the tax from the total amount received in coin-operated machines to arrive at the net amount that becomes the measure of the tax. RCW 82.08.050 and 82.08.080)) service and other activities B&O tax. Retail sales tax does not apply to these charges.

(a) ((Coin-operated laundry facilities for the exclusive use of tenants. Effective)) Tax reporting responsibilities for periods before July 1, 2005. Between July 1, 1998, and July 1, 2005, the taxability of self-service and coin-operated laundry facilities was subject to various changes.

(i) Before July 1, 2005, the definition of "retail sale" included charges made for the use of self-service or coin-operated laundry facilities, except as explained below in (a)(ii) of this subsection. For reporting periods occurring before July 1, 2005, gross income derived from charges for the use of these facilities was subject to the retailing B&O tax. In addition, such charges were subject to the retail sales tax.

(ii) Between July 1, 1998, and June 30, 2005, the definition of ((a)) "retail sale" ((excludes)) excluded charges for the use of coin-operated laundry facilities in apartment houses, rooming houses, or mobile home parks when the facilities ((are)) were provided for the exclusive use of tenants. RCW 82.04.050 (2)(a). As a result, charges for the use of these facilities ((are)) were not subject to the retailing B&O tax or the retail sales tax. However, the gross proceeds of sale received from these facilities ((is)) were subject to the service and other activities B&O tax. Before July 1, 1998, these charges were retail sales and subject to the retailing B&O tax and retail sales tax.

Charges for the use of coin-operated laundry facilities in hotels, motels, trailer camps, and other locations providing lodging or camping facilities to transients ((remain)) remained subject to the retailing B&O and retail sales taxes. Persons providing transient lodging should refer to WAC 458-20-166 (Hotels, motels, boarding houses, rooming houses, resorts, trailer camps, etc.) in effect during that time.

(b) Sales of tangible personal property. Sales of soap, bleach, fabric softener and other supplies to consumers are subject to the retailing B&O tax and retail sales tax. For most sales, the law requires a seller to separately state the retail sales tax from the selling price. However, the law allows a seller making sales of tangible personal property to a consumer from a vending machine to deduct the tax from the total amount received to arrive at the net amount that becomes the measure of the tax. RCW 82.08.050 and 82.08.080.

(c) **Place of sale.** For the purposes of determining a seller's responsibility to remit B&O tax and/or to collect and remit retail sales tax, the place of sale ((with respect to charges for the use of a self-service or coin-operated laundry facility)) is the location of the facility.

**((e)) (d) Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property is a purchase at wholesale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates). Thus, purchases of soap, bleach, fabric softener and other supplies for resale to customers separate from charges for the use of the laundry facilities are wholesale purchases.

**((e)) (e) Purchases subject to retail sales or use tax.** A self-service or coin-operated laundry facility that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a self-service or coin-operated laundry facility that are subject to retail sales tax or use tax:

(i) Washing machines, dryers, fixtures, and furniture; and

(ii) Items given to customers without charge.

**(7) Laundry services performed for nonprofit health care facilities.** For the purpose of this ~~((rule))~~ section, "nonprofit health care facilities" means facilities operated by nonprofit organizations providing diagnostic, therapeutic, convalescent, or preventive inpatient or outpatient health care services. The term includes, but is not limited to, nonprofit hospitals, nursing homes, and hospices.

**(a) Sales of laundry services to nonprofit health care facilities.** Effective July 1, 1998, the definition of a retail sale specifically excludes sales of laundry services to nonprofit health care facilities. As a result, charges for laundry services provided to these facilities are not subject to retail sales tax or the retailing B&O tax. However, effective July 1, 1998, the gross proceeds of sale received for providing laundry services to nonprofit health care facilities is subject to the service and other activities B&O tax. For the period of July 1, 1993, through June 10, 1998, the service and other activities B&O tax applied only to sales of laundry services to members by nonprofit associations composed exclusively of nonprofit hospitals.

**(b) Purchases subject to retail sales or use tax.** Persons providing laundry services to nonprofit health care facilities are considered consumers of all items used in providing such services. RCW 82.04.190. As a result, purchases of items such as dyes, fabric softeners, linens, and uniforms are subject to the retail sales tax. The same is true for purchases of washing machines, dryers, fixtures, furniture, and other items of tangible personal property. The buyer must remit retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

## WSR 05-14-104

### EMERGENCY RULES

#### DEPARTMENT OF REVENUE

[Filed June 30, 2005, 4:34 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: WAC 458-20-257 explains the business and occupation (B&O), retail sales, and use tax reporting responsibilities of persons selling warranties or maintenance agreements. Chapter 514, Laws of 2005, changed the tax consequences for extended warranties by classifying the sale of an extended warranty as a retail sale. This change in law is effective July 1, 2005. The result is that on and after July 1, 2005, sellers are required to collect and remit retail sales tax when selling extended warranties to consumers.

The department is adopting revisions to Rule 257 on an emergency basis to recognize this legislative change. The department plans to proceed with rule making for permanent revisions to this rule.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-257 Warranties and maintenance agreements.

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

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An emergency adoption of Rule 257 is necessary because a permanent rule cannot be adopted before the July 1, 2005, effective date. This rule action will provide needed tax information to taxpayers and department staff about the law changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

**AMENDATORY SECTION** (Amending WSR 90-10-081, filed 5/2/90, effective 6/2/90)

**WAC 458-20-257 Warranties and maintenance agreements. (1) Introduction.** This section explains the

business and occupation (B&O), retail sales, and use tax reporting responsibilities of persons selling warranties or maintenance agreements. Chapter 514, Laws of 2005, sections 101 through 112, changed the tax consequences for extended warranties by classifying the sale of an extended warranty as a retail sale. This change in law is effective July 1, 2005 and did not affect the taxability of maintenance agreements and warranties included in the selling price (for example manufacturers' warranties).

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

(a) **Warranties.** Warranties, sometimes referred to as guarantees, are agreements which call for the replacement or repair of tangible personal property with no additional charge or a reduced charge for parts or labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based upon the happening of some unforeseen occurrence or specified events, e.g., the property needs repair within the warranty period.

(b) **Warrantor.** The warrantor is the person obligated, as specified in the warranty agreement, to perform labor and/or provide materials to the owner of the personal property to which the warranty agreement relates.

(c) **Extended warranty.** An extended warranty is a warranty for a specific duration for which a separate charge is made.

(d) **Maintenance agreements.** Maintenance agreements sometimes referred to as service contracts, are agreements which require the specific performance of repairing, cleaning, altering, or improving of tangible personal property on a regular or irregular basis to ensure its continued satisfactory operation.

~~((2))~~ **(3) B&O Tax.**

(a) ~~((Manufacturer's w))~~ Warranties included in the retail selling price of the article being sold.

(i) When a ~~((manufacturer's))~~ warranty is included in the retail selling price of the property sold and no additional charge is made, the value of the warranty is a part of the selling price. The value of the warranty is included in the "gross proceeds of sale" of the article sold and reported under the appropriate classification, e.g. retailing, wholesaling, etc.

(ii) When a repair is made by the ~~((manufacturer--))~~ warrantor under the warranty, the value of the labor and or parts provided are not subject to B&O tax.

(iii) When a person other than the ~~((manufacturer--))~~ warrantor makes a repair for the ~~((manufacturer--))~~ warrantor, the person making the repair is making a wholesale sale of the repair service to the ~~((manufacturer--))~~ warrantor. The person doing the repair is B&O taxable under the wholesaling classification on the value of the parts and labor provided.

(b) Extended warranties on or after July 1, 2005.

(i) When an extended warranty is sold for resale, the seller must receive a resale certificate from the buyer to document the wholesale nature of the transaction. The gross proceeds are reported under the wholesaling classification.

(ii) When an extended warranty is sold to a consumer, the sale is at retail and retailing B&O tax applies.

(iii) When the warrantor under an extended warranty makes a repair under an extended warranty, there is no B&O tax due except as provided in subsection 6 of this section.

(iv) When a person other than the warrantor makes a repair for the warrantor on or after July 1, 2005, the person making the repair is making a wholesale sale of the repair service to the warrantor. The person making the repair is B&O taxable under the wholesaling classification and must receive a resale certificate from the buyer to document the wholesale nature of the transaction.

(c) Extended warranties on or before June 30, 2005. Extended warranties were previously referred to as nonmanufacturer's ((Nonmanufacturer's)) warranties and manufacturer's warranties not included in the retail selling price of the article being sold.

(i) When an extended warranty is sold on or before June 30, 2005 for a charge separate from the charge of the product, e.g., a warranty extending the manufacturer's warranty, the charge is reported in the service and other activities classification of the B&O tax.

(ii) When a repair is made by the warrantor under a separately stated warranty, the value of the labor and or parts provided are not subject to B&O tax.

(iii) When a person other than the warrantor makes a repair on or before June 30, 2005 for the warrantor, the person making the repair is making a retail sale of the repair service to the warrantor. The person making the repair is B&O taxable under the retailing classification.

~~((e))~~ **(d) Maintenance agreements.**

(i) Maintenance agreements (service contracts) require the periodic specific performance of inspecting, cleaning, physical servicing, altering, and/or improving of tangible personal property. Charges for maintenance agreements are retail sales, subject to retailing B&O tax and retail sales tax under all circumstances.

~~((e))~~ **(e) Amounts received as a commission or other consideration for selling a warranty, extended warranty, or maintenance agreement of a third-party warrantor or provider are generally subject to B&O tax under the service and other activities classification. However, if the seller of the warranty or extended warranty is licensed under chapter 48.17 RCW with respect to this selling activity, the commission is subject to B&O tax under the insurance agent classification.**

~~((e))~~ **(f) In the event a warrantor purchases an insurance policy to cover the warranty, amounts received by the warrantor under the insurance policy are insurance claim reimbursements not subject to B&O tax.**

~~((3))~~ **(4) Retail sales tax.**

(a) ~~((Manufacturer's warranties))~~ Warranties included in the retail selling price of the article being sold.

(i) When a ~~((manufacturer's))~~ warranty is included in the retail selling price of the property sold and no additional or separate charge is made, the value of the warranty is a part of the selling price and retail sales tax applies to the entire selling price of the article being sold.

(ii) Except as provided in subsection 6 of this section, when ((When)) a repair is made by the ~~((manufacturer--))~~ warrantor under the warranty, the repair performed is not a retail sale and no retail sales tax is collected.

(iii) When a person other than the ~~((manufacturer--))~~ warrantor makes a repair for the ~~((manufacturer--))~~ warrantor, the person making the repair is making a wholesale sale of the

repair service to the (~~manufacturer~~) warrantor. No retail sales tax is collected from the (~~manufacturer~~) warrantor.

**(b) Extended warranties on or after July 1, 2005.**

**(i) Extended warranties sold to a consumer on or after July 1, 2005 are retail sales and retail sales tax must be collected. It is irrelevant if the sale of the tangible personal property that is covered by the extended warranty is exempt from retail sales tax. For example, retail sales tax applies to a sale of an extended warranty on equipment exempt from the retail sales tax per RCW 82.08.02565 (commonly referred to as the "M&E exemption).**

**(ii) For the purposes of determining the appropriate local retail sales tax rate and taxing jurisdiction:**

**(A) The sale of an extended warranty is deemed to occur at the business location of the seller if the extended warranty is received by the purchaser at that location.**

**(B) If the extended warranty is not received by the purchaser at the business location of the seller, the sale is deemed to occur at the location where receipt by the purchaser occurs.**

**(iii) Except as provided in subsection 6 of this rule, retail sales tax does not apply to parts or contracted services to fulfill an extended warranty after June 30, 2005 regardless of when the extended warranty was purchased.**

**(c) Extended warranties on or before June 30, 2005. Extended warranties were previously referred to as nonmanufacturer's (~~Nonmanufacturer's~~) warranties and manufacturer's warranties not included in the retail selling price of the article being sold.**

**(i) When an extended warranty is sold on or before June 30, 2005 for a charge separate from the charge of the product, e.g., a warranty extending the manufacturer's warranty, the sale is not a retail sale and no retail sales tax is collected on the amount charged.**

**(ii) Except as provided in subsection 6, below, when (~~When~~) a repair is made by the warrantor under its own separately stated warranty, the value of the labor and/or parts provided is not a retail sale and no retail sales tax is collected.**

**(iii) On or before June 30, 2005, when (~~When~~) a person other than the warrantor makes a repair for the warrantor, the person making the repair is making a retail sale of the repair service to the warrantor. Retail sales tax is collected from the warrantor measured by the labor and materials provided.**

**(~~(e)~~) (d) Maintenance agreements are sales at retail and subject to retail sales tax under all circumstances.**

**(i) Parties subcontracting to the party selling the maintenance agreement are making sales at wholesale, and are required to take from their customer (maintenance seller) a resale certificate as provided in WAC 458-20-102.**

**(~~(4)~~) (5) Use tax.**

**(a) (~~Manufacturer's warranties~~) Warranties included in the retail selling price of the article being sold.**

**(i) When a (~~Nonmanufacturer~~) warrantor makes repairs required under its warranty, the value of the parts used in making the repairs is not subject to use tax.**

**(ii) Where a third party makes repairs for a (~~manufacturer~~) warrantor, the transaction is a wholesale sale and the parts used in the repair are not subject to use tax.**

**(b) Extended warranties on or after July 1, 2005.**

**(i) When a repair is made by the warrantor under an extended warranty, the warrantor does not owe use tax on the**

**parts or labor provided. This applies when repair is made on or after July 1, 2005 regardless of when the extended warranty was sold.**

**(ii) When a person other than the warrantor makes a repair for the warrantor after June 30, 2005, the person is making a wholesale sale to the warrantor and use tax is not due.**

**(iii) The owner of the tangible personal property being repaired under an extended warranty on or after July 1, 2005 is subject to use tax on the charge for the parts and labor supplied. However, the measure of the use tax is limited to the amount of any additional charge or deductible as discussed in section 6 of this rule. Further, if the owner paid retail sales tax on the additional charge or deductible, then use tax will not be due.**

**(c) Extended warranties on or before June 30, 2005. Extended warranties were previously referred to as nonmanufacturer's (~~Nonmanufacturer's~~) warranties and manufacturer's warranties not included in the retail selling price of the article being sold.**

**(i) When a repair is made by the warrantor on or before June 30, 2005 under a separately stated warranty, the warrantor is the consumer of the parts and the parts are subject to use tax measured by the warrantor's cost.**

**(ii) When a person other than the warrantor makes a repair on or before June 30, 2005 for the warrantor, the person making the repair is making a retail sale to the warrantor. Retail sales tax, not use tax, is collected.**

**(~~(e)~~) (d) Maintenance agreements.**

**(i) Persons performing services under the requirements of maintenance agreements sold by them, are not subject to use tax or retail sales tax on materials which become a part of the required repairs or services.**

**(~~(5)~~) (6) Additional service - Deductible. In the event services are provided in addition to any warranty or maintenance agreement, such services are separately taxable as retail sales, subject to retail sales tax and retailing B&O tax, unless otherwise exempt from the retail sales tax. This includes so-called "deductible" amounts not covered by a warranty, an extended warranty, or maintenance agreement. For example, an additional charge for repairs of equipment that qualifies for the M&E exemption would not be subject to retail sales tax, but retailing B&O tax would apply.**

**(~~(6)~~) (7) MIXED AGREEMENTS. If an agreement contains warranty provisions but also requires the actual specific performance of inspection, cleaning, servicing, altering, or improving the property on a regular or irregular basis, without regard to the operating condition of the property, such agreements are fully taxable as maintenance agreements, not warranties.**

**(~~(7)~~) (8) Examples:**

**(a) An automobile dealer sells a vehicle to a customer for selling price of \$15,000 cash and the selling price includes a manufacturer's limited warranty for 5 years or 50,000 miles. The owner of the vehicle has \$600 (\$200 parts and \$400 labor) warranty work, paying no deductible, performed by the dealer who is not the manufacturer-warrantor. The tax liability of the dealer is as follows:**

**(i) Retail sales tax is collected on the \$15,000 selling price.**

(ii) The \$15,000 selling price is reported under the retailing B&O tax classification. The \$600 repair is reported under the wholesaling B&O tax classification.

(iii) The \$200 of parts used in the repair are not subject to use tax.

(b) The automobile dealer in example (a) also sells its own extended warranty to the customer for \$200. The dealer insures itself with an insurance carrier and under the policy, claims are paid on the retail value of the repairs. In addition to the repairs in example (a), the customer has the dealer complete \$500 of repairs under the dealer's extended warranty. The customer paid the \$100 deductible and the dealer received \$400 from his insurance carrier. In completing the repair, the dealer installed parts from its inventory which had a cost to the dealer of \$150 and subcontracted part of the repair to an electrical shop which charged the dealer \$200.

(i) If all of the above listed activities occurred on or before June 30, 2005, then the ((The)) tax liability to the dealer and the subcontractor are as follows:

((#)) A) The dealer reports the \$200 sale of the extended warranty under the service and other activities classification of B&O tax. No retail sales tax is collected on the sale of the extended warranty.

((#)) B) The \$100 deductible received by the dealer is a retail sale subject to retail sales tax and retailing B&O tax.

((#)) C) The \$400 received by the dealer from the insurance company is a nontaxable insurance claim reimbursement.

((#)) D) The dealer is the consumer of the parts removed from its inventory and used in the repair. The \$150 dealer cost of the parts taken from inventory is subject to use tax.

((#)) E) The subcontractor is making a retail sale to the dealer subject to retail sales tax and retailing B&O.

(ii) If the extended warranty was sold on or before June 30, 2005 and the repairs were performed on or after July 1, 2005, then the tax liability of the parties is as follows:

(A) The dealer reports the \$200 sale of the warranty under the service and other activities classification of B&O tax. No retail sales tax is collected on the sale of the extended warranty.

(B) The \$100 deductible received by the dealer is a retail sale subject to retailing B&O tax and the dealer should collect retail sales tax from the customer.

(C) The \$400 received by the dealer from the insurance company is a nontaxable insurance claim reimbursement.

(D) The dealer does not owe use tax on the parts removed from inventory.

(E) The subcontractor is making a wholesale sale to the dealer and should take a resale certificate documenting the wholesale nature of the transaction.

(iii) If the extended warranty was sold on or after July 1, 2005, then the tax consequences are the same as in (ii) above except that the cost of the extended warranty (\$200) is subject to retailing B&O tax and retail sales tax must be collected from the customer.

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.

### WSR 05-14-105

#### EMERGENCY RULES

#### DEPARTMENT OF REVENUE

[Filed June 30, 2005, 4:35 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Emergency rule findings are required; see below.

Purpose: WAC 458-20-210 explains the application of business and occupation (B&O), retail sales, and use taxes to the sale and/or use of feed, seed, fertilizer, spray materials, and other tangible personal property for farming. This rule also explains the application of B&O, retail sales, and litter taxes to the sale of agricultural products by farmers.

One of the issues discussed [in] Rule 210 is the tax incentives provided for reducing agricultural burning of cereal grain and grass fields. Chapter 420, Laws of 2005, made a number of changes to the tax incentives. These changes are effective July 1, 2005. The department has adopted a new WAC 458-20-271 so [to] explain the tax incentives to reduce agricultural burning. The information on the tax incentives for periods prior to the legislative change has been removed from Rule 210 and incorporated into Rule 271.

The department has adopted the new Rule 271 and a revised Rule 210 on an emergency basis to recognize the legislative change. The department plans to proceed with rule making for a permanent new Rule 271 and a more complete revision of a permanent Rule 210.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-210 Sales of agricultural products by farmers.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(1).

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: An emergency adoption of a new Rule 271 and revised Rule 210 is necessary because permanent rules cannot be adopted before the July 1, 2005, effective date. This rule action will provide needed tax information to taxpayers and department staff about the change in the retail sales and use tax exemption provided for reducing agricultural burning.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: June 30, 2005.

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice 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 05-15 issue of the Register.

**WSR 05-14-112**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 1, 2005, 11:27 a.m., effective July 1, 2005]

Effective Date of Rule: Immediately.

**Purpose:** WAC 296-30-090 What are the maximum allowable fees? WAC 296-30-090 is being amended to clarify that the Department of Labor and Industries will establish the reimbursement rates for the crime victims compensation program.

**Reasons Supporting Proposal:** RCW 7.68.015 requires the Department of Labor and Industries to operate the crime victims' compensation program within the appropriations and the conditions and limitations on the appropriations provided for this program. RCW 7.68.090(b) authorizes the director to set service levels and fees at a level no lower than those established by the Department of Social and Health Services. WAC 296-30-100 states that the Department of Labor and Industries will give providers thirty days written notice when the fee schedule is being established or amended.

**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:** WAC 296-30-090 is being amended to clarify that the Department of Labor and Industries will establish the reimbursement rates for the crime victims' compensation program. RCW 7.68.015 requires the Department of Labor and Industries to operate the crime victims' compensation program within the appropriations and the conditions and limitations on the appropriations provided for this program. RCW 7.68.090(b) authorizes the director to set service levels and fees at a level no lower than those established by the Department of Social and Health Services. WAC 296-30-100 states that the Department of Labor and

Industries will give providers thirty days written notice when the fee schedule is being established or amended.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: July 1, 2005.

Gary Weeks  
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 and mental health services are those fees (~~(published in the Medical Aid Rules and Fee Schedules)~~ established by the department of labor and industries for the crime victims compensation program, 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)~~ established by the department of labor and industries for the crime victims compensation program, 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))~~ (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 05-14-116**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-137—Filed July 1, 2005, 2:07 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900T; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Upper Skagit Tribe had originally scheduled a fishery from July 5 through the morning of July 6. Recreational fishing was scheduled to be closed during the tribal fisheries. They have rescheduled their fishery to all day on July 6, but they will not be fishing on July 5. This regulation opens recreational salmon fishing on July 5 and closes recreational salmon fishing on July 6 in order to accommodate the tribal fishing and ensure an orderly recreational fishery. 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: June 30, 2005.

J. P. Koenings  
Director  
by Larry Peck

## NEW SECTION

**WAC 232-28-61900I Exceptions to statewide rules—Baker, Bogachiel, Calawah, Dickey, Puyallup, Quillayute, Skagit, Skokomish, Skykomish, Snohomish and Sol Duc River.** Effective immediately, notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Baker River (Skagit County):** Mouth to Highway 20 Bridge: Salmon: Open only July 1 through July 31, except closed from 12:01 a.m. July 6 through 11:59 p.m. July 6, and from 12:01 a.m. July 11 through 2:00 p.m. July 12. Daily limit 2 sockeye only.

(2) **Bogachiel River (Clallam County), from mouth to Olympic National Park boundary:** Salmon: Open July 1 until further notice, from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult

salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

(3) **Calawah River (Clallam County), from mouth to forks:** Salmon: Open July 1 until further notice, from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

(4) **Dickey River (includes all forks) (Clallam County):** Salmon: Open July 1 until further notice, from mouth to East Fork Dickey, outside Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

(5) **Puyallup River (Pierce County):** Salmon: Open August 1 until further notice from mouth to Carbon River. Daily limit 6 fish of which no more than 4 may be adult salmon and of the adults no more than a total of 2 may be coho, chinook, and chum, except release wild adult chinook. Single point barbless hooks required August 1 until further notice.

(6) **Quillayute River (Clallam County):** Salmon: Open immediately until further notice. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

(7) **Skagit River (Skagit/Whatcom counties):**  
1) From the Highway 530 Bridge at Rockport to Cascade River - Salmon: Open immediately through July 8. Daily limit 2 hatchery chinook only.

2) From the Dalles Bridge at Concrete to a line projected across the river at a point 200' upstream of the east bank of the Baker River - Salmon: Open July 1 through July 31, except closed from 12:01 a.m. July 6 through 11:59 p.m. July 6, and from 12:01 a.m. July 11 through 2:00 p.m. July 12. Daily limit 2 sockeye only.

3) From the mouth to mouth of Gilligan Creek - Salmon: Open August 16 until further notice. Daily limit 2 fish, release chinook.

(8) **Skokomish River (Mason County), mouth to forks:** Open immediately until further notice from mouth to Highway 101. All species, single point barbless hooks required August 1 until further notice. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open August 1 until further notice from mouth to Highway 101 Bridge. Daily limit 1 fish, release chum.

(9) **Skykomish River (Snohomish County):**  
1) From Lewis Street Bridge in Monroe to Wallace River - Salmon: Open immediately through July 31. Daily limit 2 hatchery chinook only.

2) From mouth to Lewis Street Bridge in Monroe - Salmon: Open August 16 until further notice. Daily limit 4 fish of which no more than a total of 2 may be coho and chum, release chinook.

(10) **Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries:** Salmon: Open August 16



until further notice. Daily limit 4 fish of which no more than a total of 2 may be coho and chum, release chinook.

(11) **Sol Duc River (Clallam County):** Salmon: Open immediately until further notice from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and unmarked adult chinook. Unmarked chinook are those chinook with unclipped adipose and ventral fins.

### REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2005:

WAC 232-28-61900T Exceptions to statewide rules—2005 North of Falcon. (05-75)

**WSR 05-14-117**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-139—Filed July 1, 2005, 2:09 p.m., effective July 1, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100J and 220-32-05100K; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets initial treaty Indian summer season commercial fishery. Harvestable numbers of chinook and sockeye are available. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold during open tributary seasons. The fishery catches are expected to remain within the allocation and guidelines of the 2005-2007 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on June 30, 2005. 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 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: July 1, 2005.

J. P. Koenings  
Director  
by Larry Peck

### NEW SECTION

**WAC 220-32-05100K 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, steelhead, walleye, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the White Salmon River and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, walleye, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. July 5 to 6:00 p.m. July 7, 2005

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gillnets. No mesh restriction

2) Open Periods: 6:00 a.m. July 4 to 6:00 p.m. July 31, 2005

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Sale of hook and line and platform caught fish is allowed.

3) Open Periods: Effective July 4 through July 31, 2005 only during lawfully enacted Yakama Nation tribal tributary subsistence fisheries.

a) Open Areas: Klickitat River, White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Sale of hook and line and platform caught fish is allowed.

4) In all of the open periods and areas above (1-3), allowable sale includes: Chinook, sockeye, coho, steelhead, walleye, shad, and carp. 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.

5) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

7) 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.

8) 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.

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 220-32-05100J Columbia River salmon seasons above Bonneville Dam. (05-47)

The following section of the Washington Administrative Code is repealed effective August 1, 2005:

WAC 220-32-05100K Columbia River salmon seasons above Bonneville Dam.

**WSR 05-14-124  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)  
[Filed July 1, 2005, 4:31 p.m., effective July 7, 2005]

Effective Date of Rule: July 7, 2005.

Purpose: Amending WAC 388-544-0350 as adopted in WSR 05-13-078, to correct subsection (3)(b), changing the word "eight" to "three." This subsection will now read: "(b) A cylinder correction of plus or minus three diopters or greater."

This emergency rule supersedes only WAC 388-544-0350 as filed in WSR 05-13-078 on June 6, 2005. Other rule sections filed in WSR 05-08-78 [05-13-078] will remain as permanently adopted.

Citation of Existing Rules Affected by this Order: Amending WAC 388-544-0350.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.510, and 74.09.520.

Other Authority: 42 C.F.R. 440.120 and 440.225.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The language in WAC 388-544-0350 (3)(b) was adopted in error. If left unchanged, department clients may incorrectly be found ineligible for vision services covered in subsection (3), and could lose access to needed medical services. The department is initiating a permanent rule-making action to correct this rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

EMERGENCY

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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 29, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 05-13-038, filed 6/6/05, effective 7/7/05)

**WAC 388-544-0350 Vision care - covered plastic scratch-resistant eyeglass lenses and services.** (1) The medical assistance administration (MAA) covers the following plastic scratch-resistant eyeglass lenses:

- (a) Single vision lenses;
- (b) Round or flat top D-style bifocals;
- (c) Flat top trifocals; and
- (d) Slab-off and prism lenses (including Fresnel lenses).

(2) MAA allows bifocal lenses to be replaced with single vision or trifocal lenses or trifocal lenses to be replaced with bifocal or single vision lenses when all of the following apply:

(a) A client has attempted to adjust to the bifocals or trifocals for at least sixty days;

(b) The client is unable to make the adjustment; and

(c) The bifocal or trifocal lenses being replaced are returned to the provider.

(3) MAA covers high index lenses for clients who require one of the following in at least one eye:

(a) A spherical refractive correction of plus or minus eight diopters or greater; or

(b) A cylinder correction of plus or minus ((eight)) three diopters or greater.

To receive payment, providers must follow the expedited prior authorization process.

(4) MAA covers the tinting of plastic lenses through MAA's contracted lens supplier. The client's medical need must be diagnosed and documented as one or more of the following chronic (expected to last longer than three months) eye conditions causing photophobia:

- (a) Blindness;
- (b) Chronic corneal keratitis;
- (c) Chronic iritis, iridocyclitis;
- (d) Diabetic retinopathy;
- (e) Fixed pupil;
- (f) Glare from cataracts;
- (g) Macular degeneration;
- (h) Migraine disorder;
- (i) Ocular albinism;
- (j) Optic atrophy and/or optic neuritis;
- (k) Rare photo-induced epilepsy conditions; or
- (l) Retinitis pigmentosa.

(5) MAA covers plastic photochromatic lenses when the client's medical need is diagnosed as relating to ocular albinism or retinitis pigmentosa.

(6) MAA covers polycarbonate lenses as follows:

(a) For clients who are blind in one eye and need protection for the other eye, regardless of whether a vision correction is required;

(b) Infants and toddlers with motor ataxia;

(c) For clients twenty years of age or younger who are diagnosed with strabismus or amblyopia; or

(d) For clients with developmental disabilities.

(7) MAA covers requests for lenses only when the client owns frames not purchased by MAA, when:

(a) The eyeglass frames are serviceable (MAA and MAA's contractor do not accept responsibility for these frames); and

(b) The size and style of the required lenses meet MAA's contract requirements.

(8) MAA covers replacement lenses as follows:

(a) Due to lost or broken lenses according to WAC 388-544-0300(6); and

(b) Due to refractive changes, without regard to time limits, when caused by one of the following:

(i) Eye surgery, the effects of prescribed medication, or one or more diseases affecting vision. In this case, all of the following must be documented in the client's file:

(A) The client has a stable visual condition;

(B) The client's treatment is stabilized;

(C) The lens correction must have a 1.0 or greater diopter change between the sphere or cylinder correction in at least one eye; and

(D) The previous and new refraction.

(ii) Headaches, blurred vision, or difficulty with school or work. In this case, all of the following must be documented in the client's file:

(A) Copy of current prescription (less than eighteen months old);

(B) Date of last dispensing, if known;

(C) Absence of a medical condition that is known to cause temporary visual acuity changes (e.g., diabetes, pregnancy, etc.); and

(D) A refractive change of at least .75 diopter or greater between the sphere or cylinder correction in at least one eye.

(c) To receive payment for replacement lenses, providers must follow the expedited prior authorization process.

**WSR 05-14-147**

**EMERGENCY RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Order 05-138—Filed July 5, 2005, 4:44 p.m., effective July 7, 2005]

Effective Date of Rule: July 7, 2005.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To protect listed spring chinook and native char during spawning season. Canyon Creek provides essential holding and spawning habitat for both these species. Low water flows on the lower section of Canyon Creek impair fish passage upstream, leaving the fish vulnerable to disturbance. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 5, 2005.

J. P. Koenings  
Director  
by Larry Peck

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 2005 state/tribal Puget Sound shrimp harvest management plans require adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial beam trawl shrimp quotas are available in the catch areas opened in this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 5, 2005.

J. P. Koenings  
Director  
by Larry Peck

#### NEW SECTION

**WAC 232-28-61900J Exceptions to statewide rules—Canyon Creek.** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. July 7, through October 31, 2005 it is unlawful to fish in those waters from the mouth of Canyon Creek to Canyon Creek Road Bridge on USFS #31 (approximately river mile 5.5)

**WSR 05-14-148  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 05-140—Filed July 5, 2005, 4:45 p.m., effective July 6, 2005, 12:01 a.m.]

Effective Date of Rule: July 6, 2005, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100P; 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

#### NEW SECTION

**WAC 220-52-05100Q 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) All waters of Shrimp Management Areas 1A, 1C, Crustacean Management Regions 2, 3, 4 and 6 outside the shrimp districts are open to the harvest of all shrimp species immediately, until further notice, except as provided for in this section:

i) It is unlawful to harvest shrimp for commercial purposes in Marine Fish/Shellfish Management and Catch Reporting Areas 26D, 23AE and those waters described in this section as 23A-C.

ii) The Port Townsend Shrimp District is open to the harvest of shrimp species other than spot shrimp, except those waters 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 are closed.

(b) The shrimp trip limit accounting week is Monday through Sunday.

(c) 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 600

pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2, 4, 6 and 23A-W. 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. 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.

(d) 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.

(e) 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(e) above.

(f) 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 is 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 is 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 220-52-05100P Puget Sound shrimp pot and beam trawl fishery—Season (05-128)

**WSR 05-14-165**  
**EMERGENCY RULES**  
**SECRETARY OF STATE**  
(Elections Division)

[Filed July 6, 2005, 10:34 a.m., effective July 6, 2005]

Effective Date of Rule: Immediately.

Purpose: The 2005 legislature passed chapter 221, Laws of 2005, which allows candidates for the court of appeals, superior court, and legislature to file a declaration of candidacy with either the Secretary of State or the county auditor. This information must be exchanged daily between the Secretary of State and county auditors. After the last day for filing, this information must be exchanged immediately.

Citation of Existing Rules Affected by this Order: Amending WAC 434-215-080.

Statutory Authority for Adoption: RCW 29A.04.611.

Other Authority: RCW 29A.24.040 and 29A.24.070.

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: Candidate filing week will take place before permanent adoption of this rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 0, Repealed 0.

Date Adopted: July 6, 2005.

Steve Excell  
Assistant Secretary of State

**AMENDATORY SECTION** (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

**WAC 434-215-080** (~~(Jurisdictions eligible to accept electronically filed declarations of candidacy.)~~ **Electronic filing—Eligible jurisdictions.**) (1) The secretary of state and county auditors may accept electronically filed declarations of candidacy for any office for which they are authorized to accept filings (~~(provided by RCW 29.15.030)~~). Any system designed to accept electronically filed declarations of candidacy must comply with the requirements of WAC 434-215-070.

(2) Pursuant to RCW 29A.24.070(2), a candidate for the legislature, the court of appeals, or superior court in a jurisdiction that is within one county may file the declaration of candidacy with either the secretary of state or the county auditor. If the secretary of state or county auditor receives a declaration of candidacy from such a candidate, the candidacy information must be exchanged with the other filing officer as soon as possible, and within one business day at the latest. All candidacy information must be exchanged with the other filing officer immediately after the close of business on the last day for filings.

**WSR 05-14-170**  
**EMERGENCY RULES**  
**SECRETARY OF STATE**  
(Elections Division)

[Filed July 6, 2005, 11:10 a.m., effective July 6, 2005]

Effective Date of Rule: Immediately.

Purpose: To clarify and define the purpose by which the Secretary of State certifies voting systems and to add testing procedures for new electronic voting equipment required by new federal law.

Citation of Existing Rules Affected by this Order: Amending WAC 434-333-010 through 434-333-175; and new sections WAC 434-230-175, 434-230-177, 434-253-085, 434-261-045, 434-333-013, 434-333-080, 434-333-107, 434-333-115, 434-333-180, 434-333-185, 434-333-190, 434-333-195, 434-333-200, 434-333-205, 434-333-210, 434-333-215, 434-333-220, 434-333-225, 434-333-230, 434-333-235, 434-333-240, 434-333-245, 434-333-250, 434-333-255, 434-333-260, 434-333-265, 434-333-270, 434-333-275, 434-333-280, 434-333-285, 434-333-290, 434-333-295, and 434-333-300.

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: New federal law requires electronic voting equipment and as counties implement this, new

testing procedures are necessary to ensure the security and integrity of elections in the state.

Number of Sections Adopted in Order to Comply with Federal Statute: New 14, Amended 3, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, 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 17, Amended 21, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 33, Amended 27, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Steve Excell  
Assistant Secretary of State

**NEW SECTION**

**WAC 434-230-175 Direct recording electronic ballots.** The electronic record produced and counted by poll-site direct recording electronic voting devices is the official record of each vote for election purposes. The paper record produced as a requirement in WAC 434-333-020(6) must be stored and maintained for use only in the following specified circumstances:

(1) In the event of a mandatory hand recount of votes under RCW 29A.64.020;

(2) In the event of a requested recount under RCW 29A.64.010;

(3) By order of the county canvassing board; and

(4) By order of a court of competent jurisdiction.

**NEW SECTION**

**WAC 434-230-177 Preservation of paper records of poll-site based electronic voting devices.** The paper records produced by poll-site direct recording electronic voting devices are subject to all of the requirements of chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit to the counting center, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots.

**NEW SECTION**

**WAC 434-253-085 Voter leaving an electronic voting device during voting process.** A voter voting on a poll-site based electronic voting system may not leave the device during the voting process except to verify his or her ballot, or to request assistance from the precinct election officers, until the voting process is completed.

**NEW SECTION**

**WAC 434-261-045 Procedures before counting sessions begin.** Before the first ballot counting session in each

election, a report must be produced demonstrating that the system contains no vote data before commencement of counting ballots. At the completion of each ballot counting session, the ballot counting system must produce a report of the results compiled that includes date and time information. Before commencing any additional ballot counting session, a report of the results contained in the system must be produced that includes date and time information. This report must be compared with the report produced at the end of the previous ballot counting session to ensure that no changes have been made to the vote data in the interim period. This comparison must be performed in the presence of political party observers if representatives have been appointed by their respective political parties and are present at the time of comparison. This procedure must be employed for subsequent counting sessions. Nothing in this section precludes the county auditor from zeroing individual devices in subsequent counting sessions if a report is created after each session and before the next, with the results being merged into the total.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-010 Certification of vote tallying equipment.** All voting systems, voting devices, and vote tallying systems must be certified and approved by the secretary of state before they can be used (~~or sold~~) in Washington state. In order for a system to be certified in Washington state, it must meet the applicable federal (~~(Elections Commission)~~) standards, must comply with Washington state law, and must be certified and in use in at least one other state.

#### **NEW SECTION**

**WAC 434-333-013 Voting systems review board.** Certification reviews and recommendations may be made to the secretary by the voting systems review board. The voting systems review board will include independent expert(s) in computer science or information technology, recognized expert(s) in election administration, and representative(s) of the public at large. The members of the review board will be appointed to a two-year term by the secretary of state beginning in January 2005. Traveling expenses and any necessary lodging will be provided to the local election official by the secretary. The duties of the voting systems review board will include, but not be limited to: Conducting a review of initial system applications as outlined in WAC 434-333-035; reviewing and examining the equipment (ref. WAC 434-333-045 to 434-333-055); and chairing the public hearing (WAC 434-333-060).

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-015 Initial application for certification.** (~~(A vendor may apply to the secretary of state at any time during the year. However,)~~) Any person or corporation (applicant) owning or representing a voting system or a vote tabulating system, part of a system, equipment, materials or procedure may apply in writing to the secretary of state for certification between December 1st and May 30th each year.

Certification examinations and hearings will only be performed in the period between (~~(the end of the legislative session)~~) January 1st and (~~(August)~~) July 15th of each year. The application shall include at least the following information:

(1) Information about the vendor, (~~(location, customer lists, and product lists)~~) business address, customer references, and list of election products.

(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications (~~(, installed customer lists, etc)~~).

(3) (~~(The vendor shall include certification documents for all other states that have certified the equipment.~~

(4) ~~The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.~~

(5) ~~The vendor shall provide documentation proving that the product meets the Federal Elections Commission Voting Equipment guidelines.~~

(6) ~~The vendor shall identify what portion of the software remains proprietary.~~

(7) ~~A monetary deposit as described in WAC 434-34-025 [434-333-025].) Documentation of all other states that have tested, certified and used the equipment in a binding election. The information included should state how long the system has been used in the state and must include version numbers of the operating system, software, and firmware in use, date and jurisdiction of use in a binding election and must disclose any reports compiled by state or local government concerning the performance of the system.~~

(4) A monetary deposit as described in WAC 434-333-050.

(5) A copy of a letter from the applicant, to each independent testing authority (ITA), which:

(a) Directs the ITA to send a copy of the completed ITA qualification report to the secretary of state;

(b) Authorizes the ITA to discuss testing procedures and findings with the secretary of state; and

(c) Authorizes the ITA to allow the secretary of state to review all records of any qualification testing conducted on the voting system or its components.

(6) A technical data package (TDP) conforming to the 2002 FEC Federal Voting Systems Standards (FVSS), Vol. II, Sec. 2 standards that includes:

(a) Identification of all COTS hardware and software products and communications services used in the operation of the voting system (ref. FVSS, 2.2.1.e).

(b) System functionality description (ref. FVSS, 2.3).

(c) System security specification (ref. FVSS, 2.6).

(d) System operations procedures (ref. FVSS, 2.8).

(e) System maintenance procedures (ref. FVSS, 2.9).

(f) Personnel deployment and training requirements (ref. FVSS, 2.10).

(g) Configuration management plan (ref. FVSS, 2.11).

(h) System change notes (if applicable, ref. FVSS, 2.13).

(i) System change list, if any, of modifications currently in development.

(j) System usability testing report.

(7) The source code of an electronic voting system must be placed in escrow in the state of Washington and be accessible by the secretary of state under prescribed conditions allowing source code review for system verification.

(8) Identification of all documents, or portions of documents, containing proprietary information not approved for public release. The secretary of state shall agree to use proprietary information solely for the purpose of analyzing and testing the system, and shall agree to refrain from otherwise using the proprietary information or disclosing it to any other person or agency without the prior written consent of the vendor, to the extent permitted by law unless disclosure is legally compelled.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-020 ((Additional information and equipment required.)) **Voting system requirements.** ((The vendor shall provide a working model of the equipment that is being reviewed to the secretary of state for the duration of the review. The secretary of state may, at the expense of the vendor, contract with independent testing authorities or laboratories, experts in mechanical engineering, electrical engineering, or data processing while examining the equipment.)) No voting device or its component software may be certified by the secretary of state unless it:

- (1) Secures to the voter secrecy in the act of voting;
- (2) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
- (3) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;
- (4) Correctly registers all votes cast for any and all persons and for or against any and all measures;
- (5) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice-president of the United States;
- (6) Beginning on January 1, 2006, a poll site-based electronic voting system, at the time of voting, produces a machine countable paper record for each vote that may be reviewed by any voter before finalizing his or her vote, as a part of the voting process;

(7) The paper record of each electronic vote may not be removed by the voter, but may be accepted or rejected. If the device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by each voter;

(8) Except for functions or capabilities unique to this state, has been tested and approved by the appropriate independent testing authority approved by the federal election assistance commission or its statutory successor;

(9) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(10) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(11) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each

office, and total votes for and against each issue of the ballot in that precinct;

(12) Produces precinct and cumulative totals in printed form;

(13) Ballot counting systems must be secured physically and electronically against unauthorized access;

(14) Ballot counting systems must not be connected to, or operated on, any electronic network including, but not limited to, internal office networks, the internet, or the world wide web;

(15) A network may be used as an internal, integral part of the ballot counting system but that network must not be connected to any other network, the internet, or the world wide web;

(16) Wireless communications may not be used in any way in a ballot counting system;

(17) All elements of the ballot counting systems must be capable of being secured with lock and seal when not in use;

(18) Transfer of information from the ballot counting system may be made by telephonic transmission only after the creation of disk, tape, or other physical means of communication;

(19) All electronic voting systems must meet Washington state disability access standards;

(20) All electronic voting systems software in escrow must be the exact same as that tested and certified by the federal independent testing authority and may be verified by matching the system's digital software signature, when available.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-025 ((Vendor deposit for examination expenses.)) **Closing an incomplete application.** ((The vendor shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation or any other unrecoverable costs associated with the examination of a voting system or component.)) Upon receipt of an application, the secretary of state shall examine the application for completeness. If the application is not complete, the secretary of state shall notify the applicant in writing within thirty days of the information required to complete the application. The secretary of state will deem the application to be closed, if thirty days after notifying the vendor in writing of an incomplete application, the secretary of state has not received all information requested from the vendor. Closure of an application shall not prevent the applicant from submitting a new application to the secretary of state.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-035 ((Public hearing.)) **Elements to be considered in the review of an application.** ((Only after the secretary of state is satisfied that the equipment being examined meets all of the guidelines for certification shall a public hearing be scheduled. The public hearing will be scheduled at the convenience of the secretary of state. At the hearing the vendor will be expected to demonstrate the equipment and explain its function. The vendor will be expected to answer



questions from the secretary of state staff as well as any other persons in attendance. The vendor may be asked to submit answers in writing if the secretary of state is not satisfied with the completeness of answers given at the hearing.) Upon receipt of a completed application, the voting systems review board shall evaluate the application. This evaluation shall include, but is not limited to:

(1) A review of Revised Code of Washington sections which address the application (chapter 29A.40 RCW);

(2) A review of applicable federal standards which address the application;

(3) A copy of the approved qualification test results released directly to the secretary of state by the federally approved independent testing authority (ITA);

(4) A review, if applicable, of reports or other materials from prior hearings on the proposed system, procedure, or modification either in whole or in part;

(5) A review, if applicable, of any procedures manuals, guidelines or other materials adopted for use with the system addressed by the application;

(6) A review of any effect the application will have on the security of the voting system;

(7) A review of any effect the application will have on the accuracy of the voting system;

(8) A review of any effect the application will have on the ease and convenience with which voters use the system;

(9) A review of any effect the application will have on the timeliness of vote reporting; and

(10) A review of any effect the application will have on the overall efficiency of the voting system.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-045** (~~Modification of certified equipment, guidelines for reexamination.~~) **Additional information and equipment required.** (~~Any modification, change, or improvement to a voting system or component that impairs its accuracy, efficiency, or capacity or extends its function may require examination or certification before it may be used or sold in Washington state.~~) The vendor shall provide a working model of the equipment that is being reviewed to the voting systems review board for the duration of the review. The board may, at the expense of the vendor, contract with independent testing authorities or laboratories, experts in mechanical engineering, electrical engineering, or data processing while examining the equipment.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-050** (~~Application for certification or examination of modified voting systems or devices.~~) **Vendor deposit for examination expenses.** (~~A vendor may apply to the secretary of state for the review of a modification of an existing certified system at any time during the year. Evaluation of the need for recertification or examination will occur at the convenience of the secretary of state. If possible the secretary of state will focus review and examination on the modified component of the equipment or system. If the system, or its component, is found to be sufficiently modified~~

that it requires examination or recertification, the process for original certification shall be followed. Certification examinations and hearings will only be performed in the period between the end of the legislative session and August 15th of each year. The application for examination of a modification shall include at least the following information:

(1) Information about the vendor, location, customer lists, and product lists;

(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications, installed customer lists, etc.

(3) The vendor shall include certification documents for all other states that have certified the equipment.

(4) The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.

(5) The vendor shall provide documentation proving that the product meets the Federal Elections Commission voting equipment guidelines.

(6) A document prepared by the vendor that describes in complete operational and technical detail all differences between the originally certified equipment or system and the modified equipment or system.

(7) The vendor shall identify what portion of the software remains proprietary.

(8) A monetary deposit as described in WAC 434-34-025 (434-333-025.) The vendor shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation or any other unrecoverable costs associated with the examination of a voting system or component.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-055** (~~Acceptance testing of voting systems and~~) **Examination of equipment.** (~~Whenever a county acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must be operating correctly, pass all tests and must be substantially the same as the equipment certified by the secretary of state. The minimum testing standards are described as follows:~~

(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product that has been certified by the secretary of state.

(2) The county must receive all manuals, and training necessary for the proper operation of the system.

(3) The county shall perform a series of functional and programming tests that will test all functions of the ballot counting system. This must include processing a substantial number of test ballots of various prepunch or ballot codes, including split precincts, rotated races, multiple candidates, precinct committee officer local races, cumulative reports, precinct reports, canvass reports, and any other tests the



~~county elections authority finds necessary.))~~ The examination consists of a series of functional application tests designed to insure that the system or equipment meets all guidelines and laws. The examination may include an additional independent testing authority test if the voting systems review board is not satisfied with the documentation made available by the vendor. The examination shall include the set-up and conduct of two mock elections. The vendor shall provide ballot materials and programming to create these elections.

(1) The first election shall replicate an even-year primary, using consolidated ballots for the major political parties and including PCO contests.

(2) The second election shall replicate an odd-year general election, to test the use of split precincts.

All test elections shall feature at least ten precincts with at least ten ballots in each precinct. The tests must include ballots of various ballot codes, including multiple candidates, cumulative reports, precinct reports, and canvass reports, as detailed in the test plan provided by the secretary of state.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-060 ((Inclusion of the federal election commission standards for voting equipment.))~~ Public hearing. ~~((The Federal Election Commission standards concerning voting systems and software escrow are hereby included by reference except where otherwise modified by these rules and the Revised Code of Washington.))~~ The public hearing will be scheduled at the convenience of the secretary of state. At the hearing the vendor will be expected to demonstrate the equipment and explain its function. The vendor will be available to answer questions from the voting systems review board as well as any other persons in attendance. The vendor may be asked to submit answers in writing if the voting systems review board is not satisfied with the completeness of answers given at the hearing.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-065 ((Logic and accuracy test conduct.))~~ Issuance of certification. ~~((The county shall provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated during the test by the same persons who will be responsible for the ballot count on election day. If any error in programming or mechanical function is detected, the cause shall be determined and corrected, and an errorless test completed before the primary or election.))~~ After the secretary of state is satisfied that the system meets all requirements, a report or certification will be issued. Notification of certification will be sent by the secretary of state to all counties within thirty days of the issuance of certification. If the system fails to meet any of the requirements, the vendor will be notified and given thirty days to submit an improved version of the system. The improved version will be tested as if it had not been seen by the office of the secretary of state.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-070 ((Logic and accuracy test observers.))~~ Certification may be conditioned. ~~((The official logic and accuracy test shall be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The party observers shall be instructed as election observers, by the county auditor. The official logic and accuracy test shall be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the county auditor or representative may remove that observer from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers shall not delay or stop the test from being conducted.))~~ Any certification may contain additional requirements of one or more actions or procedures, as determined by the review of the application and equipment.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-075 ((Logic and accuracy testing of voting systems and equipment—State primary and general election.))~~ Modification of certified equipment, guidelines for administrative approval. ~~((At least three days before each state primary or general election the office of the secretary of state shall provide for a test of the programming for the vote tallying system to be used at that primary or election. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall also verify that the machine(s) is/are functioning to specifications.))~~ The secretary of state may approve an application for modification of certified equipment administratively where he or she determines that the application does not:

(1) Materially affect the lawful conduct, accuracy, efficiency, capacity or security of elections;

(2) Materially affect the convenience to the voter of the elections process; or

(3) Otherwise result in significant modification to existing procedures in extending the equipment's functionality.

An application approved administratively will not require examination by the voting systems review board.

#### NEW SECTION

**WAC 434-333-080 Application for administrative approval of modified voting systems or devices.** The application for review of a modification of an existing certified system shall include at least the following information:

(1) Information about the vendor.

(2) Information about the product that is being reviewed, version numbers, and release numbers. The application must also highlight all changes to the operating and maintenance manuals, training materials, and technical and operational specifications required by the modifications being reviewed to completely update them to the current version.

(3) The vendor shall include certification documents for all other states that have certified the equipment with the modifications.

(4) The vendor shall provide reports for all tests conducted, on the product modification(s) being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the election assistance commission for such agents.

(5) The vendor shall provide documentation proving that the product with the modification(s) meets the applicable federal voting equipment guidelines.

(6) A document prepared by the vendor that describes in complete operational and technical detail all differences between the originally certified equipment or system and the modified equipment or system.

(7) A monetary deposit as described in WAC 434-333-050.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-085** (~~Logic and accuracy test scheduling and preparation—State primary and general election.~~) **Recertification of modified voting systems or devices.** ((Prior to each state primary and general election the office of the secretary of state will prepare a schedule of logic and accuracy tests. The office of the secretary of state will notify each county of the date and time of their test at least thirty days before the primary or election. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be fully programmed, cleaned, maintained, tested and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.) If the system, or its component, is found to be sufficiently modified under the guidelines of WAC 434-333-075 that it requires an examination of the equipment by the voting systems review board and a public hearing, the secretary of state will notify the applicant in writing that the applicant must initiate the certification process outlined in WAC 434-333-015 through 434-333-065.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-333-090** (~~Logic and accuracy test certification—State primary and general election.~~) **Restriction period.** ((The county auditor or deputy, and, if present, the office of the secretary of state representative and any political party observers shall certify that the test has been conducted in accordance with RCW 29A.12.130. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-333-082.) No modification, change,

or other alteration to a voting or vote tabulating material, equipment, or component shall receive administrative approval or certification from July 15th until November 30th.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-095** (~~Logic and accuracy testing of voting systems and equipment—Special elections.~~) **Emergency approval.** ((At least three days before each special election the programming for the vote tallying system to be used at that election shall be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a pre-audited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.) Emergency approval for modifications of an existing voting or vote tabulating system, or equipment may be obtained from the secretary of state during the restricted period if failure to modify the system will materially affect the lawful conduct, efficiency, accuracy, or security of the upcoming election.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-100** (~~Logic and accuracy test deck preparation—Special elections.~~) **Application information for emergency approval.** ((When a new test deck is required under WAC 434-334-095 [434-333-095], the test deck or decks used for the official logic and accuracy test will be prepared by the county elections office.) During the restricted period, an applicant may apply in writing to the secretary of state for emergency approval of a modification of an existing certified system. The application must include a complete description of all modifications to the system that are required. The application must also include a description of how failure to modify the system will materially affect the lawful conduct, efficiency, accuracy, or security of the upcoming election. If the secretary of state determines that an emergency situation exists after a review of the application, the examination, and testing of proposed modifications will be expedited by the secretary of state to meet the needs of the upcoming election. The emergency approval will waive the requirement that the modifications be certified by the national ITA pending final approval.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-105** (~~Logic and accuracy test scheduling and preparation—Special election.~~) **Final approval.** ((The county is responsible for preparing the counting system and testing it before the official logic and accuracy test. The ballot counting system shall be fully programmed, cleaned and maintained, tested, and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the

~~date and time of the official logic and accuracy test.)) The applicant must submit an application that incorporates a permanent fix to the problem covered by the emergency approval in time to be approved under the normal application guidelines (ref. WAC 434-333-075) the following year. This application will be reviewed under the application guidelines.~~

#### NEW SECTION

**WAC 434-333-107 Provisional approval of modifications required for the 2004 Washington partisan primary.** The secretary of state has been informed by the counties and the vendors that some or all of the voting systems currently certified and in use must be modified prior to use in the upcoming partisan primary in order to use those voting systems to meet the requirements of the partisan primary passed in the 2004 legislative session. In order to insure the lawful conduct, efficiency, accuracy, and security of the upcoming partisan primary and general election, the secretary of state will adopt the following procedures:

(1) The requirement that the modifications be certified by national ITA will be waived (ref. WAC 434-333-020(8)).

(2) The state shall perform a series of functional and programming tests on the modified software that will test all functions of the ballot counting system. Tests will simulate both the partisan primary and general election. The tests will include all possible combinations of choices that a voter may make to select a party choice on the consolidated ballot. The tests will include processing a substantial number of test ballots of various ballot codes covering all precincts, including split precincts, multiple candidates, precinct committee officer local races, cumulative reports, precinct reports, and canvass reports.

(3) Counties using provisionally certified software will conduct a post-election logic and accuracy test of their system.

(4) Where a county is using DRE equipment as a component of the voting system, they must follow the provisions of WAC 434-333-250 through 434-333-280.

(5) The approval for use of the modified system will be valid only for the 2004 primary and general election.

(6) If applicable, the vendor will incorporate the modifications into the next release of their system to be certified by the national ITA and reviewed under the initial application guidelines (ref. WAC 434-333-015) as early as possible in 2005 but no later than July 15, 2005.

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

~~WAC 434-333-110 ((Logic and accuracy test certification—Special election.)) **Judicial review of agency action.** ((The county auditor or deputy and any political party observers, if present, shall certify that the test has been conducted in accordance with RCW 29A.12.130. Copies of this certification shall be retained by the county auditor. All programming materials, official test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.~~

~~If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy~~

~~test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-333-082.)) **Any of the following decisions entered pursuant to this chapter are final decisions of the secretary as to which no further review by the agency is available, subject to judicial review pursuant to chapter 34.05 RCW:**~~

~~(1) The issuance or denial of certification pursuant to WAC 434-333-065;~~

~~(2) The issuance or denial of administrative approval of a modification pursuant to WAC 434-333-075;~~

~~(3) The issuance or denial of recertification of a modified system or component pursuant to WAC 434-333-085; and~~

~~(4) A final order entered pursuant to WAC 434-333-105.~~

#### NEW SECTION

**WAC 434-333-115 Acceptance testing of voting systems and equipment.** Whenever a county acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must be operating correctly, pass all tests and must be the same as the equipment certified by the secretary of state. The minimum testing standards are described as follows:

(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product that has been certified by the secretary of state.

(2) The county must receive all manuals, and training necessary for the proper operation of the system.

(3) The county shall perform a series of functional and programming tests that will test all functions of the ballot counting system. This must include processing a substantial number of test ballots of various ballot codes, including split precincts, multiple candidates, precinct committee officer local races, cumulative reports, precinct reports, canvass reports, and any other tests the county elections authority finds necessary.

(4) The county auditor shall certify the results of acceptance testing to the secretary of state, including version numbers of hardware, software, and firmware installed and tested.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-120 ((Logic and accuracy test preparation—State primary and general election—Punchcard systems.)) **Inclusion of the federal standards for voting equipment.** ((The test deck or decks used for the official logic and accuracy test are maintained by the county auditor. Information describing the candidates, offices, ballot formats, ballot positions, pages applicable or planning matrix, accurate list of prepunches, list of the number of appearances of each office and each rotation, and all other information required to select the test precincts and predict the results must be available to the office of the secretary of state at the very latest by the 30th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 30th day prior to the primary~~

~~or election-))~~ The 2002 election assistance commission standards concerning voting systems and software escrow are hereby included by reference except where otherwise modified by these rules and the Revised Code of Washington. After January 1, 2005, in order to get administrative approval of modifications to systems currently certified under 1990 standards, the entire voting system must be tested and approved under the 2002 standards.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-125 ((Punchcard test deck maintenance and storage.))~~ Decertification of voting systems and vote tabulating systems. ((Each county employing a punchcard balloting system shall maintain a permanent deck of logic and accuracy test ballots. The test ballots shall contain a distinct pattern of votes. The deck may be used for all official logic and accuracy tests and for programming tests conducted in preparation for official logic and accuracy tests. The permanent test deck shall be maintained in secure storage except when being used for actual testing.)) (1) The secretary of state may decertify a voting system or vote tabulating system or any component thereof and withdraw authority for its future use or sale in Washington if, at any time after certification:

(a) He or she determines that the system or component fails to meet the standards set forth in state or federal law, including, but not limited to, this chapter; or

(b) He or she determines that the system or component was materially misrepresented in the certification application; or

(c) He or she determines that the vendor has installed unauthorized modifications to the certified software or hardware.

(2) The secretary shall provide notice of the decertification in writing to the original applicant for certification of the system or component or successor (if known), and to all county auditors, and shall also post it to the secretary's website. The notice shall specify the reasons why the certification of the system is being rescinded and the date on which the decertification is to become effective. The effective date shall not be less than five days after issuance of the notice, but may be delayed to any date the secretary finds reasonable.

(3) The original applicant or its successor or any county auditor may request in writing that the secretary reconsider the decision to decertify within thirty days after the issuance of the notice or at least ninety days prior to the effective date of the decertification, whichever is later.

(4) Reconsideration of the decision to decertify shall proceed as an adjudicative proceeding pursuant to chapter 34.05 RCW.

(a) The secretary adopts the model rules of procedure as set forth in chapter 10-08 WAC, except as they may be inconsistent with this chapter. The proceeding may be conducted as an emergency adjudicative proceeding pursuant to RCW 34.05.479 if the secretary finds that immediate action is required to preserve the integrity of the electoral process.

(b) The secretary shall designate the presiding officer.

(c) The decertification is suspended pending resolution of the administrative proceeding, unless the secretary finds, following notice and opportunity for written or oral input (which may be expedited), that the public interest requires that the decertification not be suspended.

(d) The argument in favor of decertification may be presented by an employee of the secretary or by an assistant attorney general. Other parties may be represented by a certified election administrator or by any person permitted to appear by WAC 434-180-560.

(e) An order issued by the presiding officer shall be regarded as an initial order unless the secretary, assistant secretary, deputy secretary, or director of elections presides, in which case the decision of the presiding officer shall be final and no further review is available within the agency.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-130 ((Punchcard test precinct selection—State primary and general elections.))~~ Definition of official logic and accuracy test. ((Prior to the official logic and accuracy test the office of the secretary of state shall review the election materials provided by the county and select a representative sample of precincts and ballot styles sufficient to cover all offices and issues contained in the election. The representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.)) As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW 29.33.350 (29A.12.130).

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-135 ((Punchcard testing requirements prior to official logic and accuracy test.))~~ Logic and accuracy test conduct. ((Prior to the official logic and accuracy test, each county employing a punchcard balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, test the ballot style logic to insure that all offices are included in the intended precincts and combinations, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.)) The county shall provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated during the test by the same persons who will be responsible for the ballot count on election day. If any error in programming or mechanical function is detected, the cause shall be determined and corrected, and an errorless test completed before the primary or election.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-140 ((Definitions.))~~ Logic and accuracy test observers. ((For optical scan voting systems:

(1) ~~"Voting response area" means the area defined by ballot instructions which the voter places their mark to indicate their vote.~~

(2) ~~"Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.~~

(3) ~~"Ballot marking code" means the coded patterns printed on ballots intended to identify ballot styles to the ballot counting system.)~~ The official logic and accuracy test shall be observed by at least one representative of each major political party if representatives have been appointed by the parties and are present at the test. The party observers shall be instructed as election observers, by the county auditor. The official logic and accuracy test shall be open to candidates, the media, and the public. If any observer hinders or disturbs the logic and accuracy test process, the county auditor or representative may remove that observer from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers shall not delay or stop the test from being conducted.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-145 ((Logic and accuracy test deck preparation—State primary and general election—Optical scan systems.)) Logic and accuracy testing of voting systems and equipment—State primary and general election. ((The test deck or decks used for the official logic and accuracy test for optical scan systems may, at the discretion of the secretary of state, be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, ballot styles, list of the number of appearances of each office and each rotation, and all other information required to create the test decks must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.)) At least three days before each state primary or general election the office of the secretary of state shall provide for a test of the programming for the vote tallying system to be used at that primary or election. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall also verify that the machine(s) is/are functioning to specifications.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-150 ((Optical scan test ballot selection—State primary and general elections.)) Procedure for conduct of delayed primary or general election emergency logic and accuracy test. ((Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This

representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant. If the office of the secretary of state is preparing the test deck, the county auditor shall send blank ballots of the selected ballot styles to the office of the secretary of state as soon as the ballots are available.)) If the official logic and accuracy test cannot be completed at the scheduled time and place, an emergency test shall be scheduled by the county auditor. The emergency test must be conducted and properly completed prior to the processing of any official ballots through the tabulating system. If no representative of the office of the secretary of state is able to attend the emergency test, the county auditor and another member of the county canvassing board or their designated representative shall observe the test and certify the results. Observers and notification shall be provided for pursuant to WAC 434-333-140 and 434-333-155.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-155 ((Optical scan read head adjustment standards and tests.)) Logic and accuracy test scheduling and preparation—State primary and general election. ((Prior to all state primaries, read heads of optical scan central counting systems shall be cleaned and tested to insure that the reader is functioning within system standards.)) Prior to each state primary and general election, the office of the secretary of state will prepare a schedule of logic and accuracy tests. The office of the secretary of state will notify each county of the date and time of their test at least thirty days before the primary or election. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be fully programmed, cleaned, maintained, tested, and functional before the official logic and accuracy test. The county shall notify the parties and media of the date and time of the test.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-160 ((Optical scan read head and ballot scan area alignment tests.)) Logic and accuracy test certification—State primary and general election. ((Prior to all official logic and accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter. This test should also confirm that all ballot marking codes are being properly interpreted by the ballot counter.)) The county auditor or deputy, and, if present, the office of the secretary of state representative and any political party observers shall certify that the test has been conducted in accordance with RCW 29.33.350. This certification shall include verification of the version number of all software, firmware, and hardware of the voting system used. Copies of this certification shall be retained by the secretary of state and the county auditor and may be posted by electronic media. Programming materials, test results, and test ballots shall be

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securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-333-150.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-165 ((~~Optical scan ballot marking code program test~~)) **Logic and accuracy testing of voting systems and equipment—Special elections.** ((Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.)) At least three days before each special election, the programming for the vote tallying system to be used at that election shall be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-170 ((~~Precinct based optical scan ballot counter preparation and testing~~)) **Logic and accuracy test deck preparation—Special elections.** ((All logic and accuracy testing of precinct based systems shall be performed by the county during the preparation of the precinct ballot counters prior to system distribution. As each ballot counter is programmed and set up for distribution a test of the ballot counter and ballot styles shall be performed. It shall be established by these tests that the ballot counter(s) are functioning within system standards. All ballot styles programmed for each machine shall be processed by each machine in order to insure that the machine is correctly counting and accumulating every office. The tests shall also establish that the printed ballot voter response areas are correctly aligned with the scanning area. After all tests are performed and the machine is ready for distribution, the machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site ballot counters.)) When a new test deck is required under WAC 434-333-165, the test deck or decks used for the official logic and accuracy test will be prepared by the county elections office.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-175 ((~~Poll site based optical scan ballot counter test notices, observers, and log of process~~)) **Logic and accuracy test scheduling and preparation—Special election.** ((A log shall be created during the testing of the poll site based ballot counters. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each ballot counter and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-334-170 [434-333-170] shall be open to observation and subject to all notices and observers pursuant to WAC 434-334-070 [434-333-070] and 434-334-085 [434-333-085].)) The county is responsible for preparing the counting system and testing it before the official logic and accuracy test. The ballot counting system shall be fully programmed, cleaned and maintained, tested, and functional before the official logic and accuracy test. The county shall notify the parties and media of the date and time of the official logic and accuracy test.

#### NEW SECTION

WAC 434-333-180 **Logic and accuracy test certification—Special election.** The county auditor or deputy and any political party observers, if present, shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the county auditor. This certification shall include verification of the version number of all software, firmware, and hardware of the voting system used and may be published on electronic media. All programming materials, official test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-333-150.

#### **PUNCHCARD SYSTEMS**

#### NEW SECTION

WAC 434-333-185 **Logic and accuracy test preparation—State primary and general election—Punchcard systems.** The test deck or decks used for the official logic and accuracy test are maintained by the county auditor. Information describing the candidates, offices, ballot formats, ballot positions, pages applicable or planning matrix, accurate list of prepunches, list of the number of appearances of each office, and all other information required to select the test precincts and predict the results must be available to the office of the secretary of state at the very latest by the 30th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 30th day prior to the primary or election.



NEW SECTION

**WAC 434-333-190 Punchcard test deck maintenance and storage.** Each county employing a punchcard balloting system shall maintain a permanent deck of logic and accuracy test ballots. The test ballots shall contain a distinct pattern of votes. The deck may be used for all official logic and accuracy tests and for programming tests conducted in preparation for official logic and accuracy tests. The permanent test deck shall be maintained in secure storage except when being used for actual testing.

NEW SECTION

**WAC 434-333-195 Punchcard adjustment standards and tests.** Prior to all official logic and accuracy tests, a test must be conducted by each county employing a punchcard balloting system to confirm the ballot stock to be used in the election meets system specifications for card weight, thickness and length. The test should also confirm that the prepunches and voting response areas are being read properly by the ballot counter.

NEW SECTION

**WAC 434-333-200 Punchcard test precinct selection—State primary and general elections.** Prior to the official logic and accuracy test the office of the secretary of state shall review the election materials provided by the county and select a representative sample of precincts and ballot styles sufficient to cover all offices and issues contained in the election. The representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.

NEW SECTION

**WAC 434-333-205 Punchcard testing requirements prior to official logic and accuracy test.** Prior to the official logic and accuracy test, each county employing a punchcard balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, test the ballot style logic to insure that all offices are included in the intended precincts and combinations, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

**OPTICAL SCAN SYSTEMS**NEW SECTION

**WAC 434-333-210 Definitions.** For optical scan voting systems:

(1) "Voting response area" means the area defined by ballot instructions on which the voter places their mark to indicate their vote.

(2) "Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.

(3) "Ballot marking code" means the coded patterns printed on ballots intended to identify ballot styles to the ballot counting system.

NEW SECTION

**WAC 434-333-215 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems.** The test deck or decks used for the official logic and accuracy test for optical scan systems may, at the discretion of the secretary of state, be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, ballot styles, list of the number of appearances of each office, and all other information required to create the test decks must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.

NEW SECTION

**WAC 434-333-220 Optical scan test ballot selection—State primary and general election.** Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant. If the office of the secretary of state is preparing the test deck, the county auditor shall send blank ballots of the selected ballot styles to the office of the secretary of state as soon as the ballots are available.

NEW SECTION

**WAC 434-333-225 Optical scan read head adjustment standards and tests.** Prior to all state primaries, read heads of optical scan central counting systems shall be cleaned and tested to insure that the reader is functioning within system standards.

NEW SECTION

**WAC 434-333-230 Optical scan read head and ballot scan area alignment tests.** Prior to all official logic and accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter. This test should also confirm that all ballot marking codes are being properly interpreted by the ballot counter.

NEW SECTION

**WAC 434-333-235 Optical scan ballot marking code program test.** Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

**POLL SITE-BASED OPTICAL SCAN DEVICES**NEW SECTION

**WAC 434-333-240 Poll site-based optical scan ballot counter preparation and testing.** All logic and accuracy testing of poll site-based systems shall be performed by the county during the preparation of the precinct ballot counters prior to system distribution. As each ballot counter is programmed and set up for distribution a test of the ballot counter and ballot styles shall be performed. It shall be established by these tests that the ballot counter(s) are functioning within system standards. All ballot styles programmed for each machine shall be processed by each machine in order to insure that the machine is correctly counting and accumulating every office. The tests shall also establish that the printed ballot voter response areas are correctly aligned with the scanning area. After all tests are performed and the machine is ready for distribution, the machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site ballot counters.

NEW SECTION

**WAC 434-333-245 Poll site-based optical scan ballot counter test notices, observers, and log of process.** A log shall be created during the testing of the poll site-based ballot counters. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each ballot counter and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-333-240 shall be open to observation and subject to all notices and observers pursuant to WAC 434-333-140 and 434-333-155.

**DIRECT RECORDING ELECTRONIC VOTING SYSTEMS**NEW SECTION

**WAC 434-333-250 Definitions.** For direct recording electronic voting systems:

"Access device" is the device that is used by the voter to access the ballot at a direct recording electronic voting device. It may be a card or other media.

"Calibration" is the touch screen setting on direct recording electronic voting systems that controls the voter response area.

"Controller" is a component of a direct recording electronic voting system that allows the poll worker to add information to an access device so that a voter can access the correct ballot style.

"Parallel monitoring" is a process designed to detect potential presence of malicious code in the software of a voting machine. It requires a specific number of voting machines to be removed from random poll sites before voting begins. These machines are then test-voted throughout election day.

"Response area" is the area on the ballot face that records the voter's choice.

"Touch screen" is a type of computer interface on a voting device that allows the voter to touch the screen to make a choice.

"Voter verified paper record" is a paper record of a voter's choices to be verified before vote is cast.

NEW SECTION

**WAC 434-333-255 Logic and accuracy test plan preparation—State primary and general election—Direct recording electronic systems.** The test plan used for the official preelection logic and accuracy test for direct recording electronic systems may be prepared by either the office of the secretary of state or the county. Information describing the candidates, offices, ballot formats, ballot styles, list of the number of appearances of each office, and all other information required to create the test plan must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.

NEW SECTION

**WAC 434-333-260 Direct recording electronic test ballot selection—State primary and general election.** Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official preelection logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.

NEW SECTION

**WAC 434-333-265 Direct recording electronic calibration adjustment standards and tests.** Prior to all state primaries and elections, calibration settings of all direct recording electronic devices using touch screen technology shall be tested to insure that the response areas are functioning within system standards.



NEW SECTION

**WAC 434-333-270 Direct recording electronic voting response area tests.** Prior to all official logic and accuracy tests, and prior to programming the poll-site direct recording electronic devices, a test shall be conducted by each county employing a direct recording electronic balloting system to confirm that the voting response areas indicated on all ballot faces are programmed correctly. The county shall test all ballot styles on at least one device to insure that the programming is correctly counting and accumulating every office and candidate.

NEW SECTION

**WAC 434-333-275 Direct recording electronic ballot marking code program test.** Prior to all official logic and accuracy tests each county employing a direct recording electronic balloting system shall thoroughly test all programming and system components. The test must verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

NEW SECTION

**WAC 434-333-280 Direct recording electronic system logic and accuracy test notices, and observers.** At the discretion of the secretary of state, a county may conduct its official preelection logic and accuracy test of the county's direct recording electronic system at a date and time prior to the logic and accuracy test of the county's optical scan system. The official preelection logic and accuracy test of the county's direct recording electronic system shall be open to observation and subject to all notices and observers pursuant to WAC 434-333-140 and 434-333-155. The results of the test shall be included in the official logic and accuracy test materials and combined with the results of all other voting systems used by the county to confirm an adequate integration of the systems.

**POLL SITE-BASED DIRECT  
RECORDING ELECTRONIC DEVICES**

NEW SECTION

**WAC 434-333-285 Poll site-based direct recording electronic voting device preparation and testing.** All logic and accuracy testing of poll site-based direct recording electronic systems shall be performed by the county prior to system distribution. A representative from the secretary of state's office may attend these tests in whole or in part. As each voting device is programmed and set up for distribution a test of the response area, the ballot styles, and ballot counter shall be performed. It shall be established by these tests that the device and the tabulation software is functioning within system standards. A minimum of one ballot of each ballot style cast at a poll site shall be tested on the machines

deployed at that poll site. The tests shall also establish that the voter response areas of each touch screen, if used, are correctly calibrated. This test shall also confirm that all ballot styles appropriate to the poll site to which the device will be deployed are properly issued by the controller. After all functionality tests are performed and the machine is ready for distribution, each machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site direct recording electronic devices.

NEW SECTION

**WAC 434-333-290 Poll site-based direct recording electronic device test notices, observers, and log of process.** A log shall be created during the testing of the poll site-based direct recording electronic machines. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each voting device and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-333-170 shall be open to observation and subject to all notices and observers pursuant to WAC 434-333-140 and 434-333-155.

NEW SECTION

**WAC 434-333-295 Parallel monitoring test.** On election day, in each county using direct recording electronic voting devices without a voter verified paper record at the poll sites, parallel monitoring will be conducted in the following manner: One machine shall be removed from one percent (rounded up) of poll sites, chosen by lot, before voting begins. These machines will be attended by secretary of state personnel throughout the day and test votes will be cast by individuals selected by the county auditor, in a predetermined manner for results comparison at the end of the day. A record of votes cast may be kept by videotape for verification. All results of this test will be made public.

NEW SECTION

**WAC 434-333-300 Post election test.** Following election day, in each county using direct recording electronic voting devices at the poll sites, a post election logic and accuracy test will be conducted on the devices selected for the parallel monitoring test (ref. WAC 434-333-295). This test will be substantially the same as the preelection logic and accuracy test, pursuant to WAC 434-333-285 through 434-333-290.



WSR 05-13-023
RULES OF COURT
STATE SUPREME COURT
[June 2, 2005]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO CR 1, CRLJ ) NO. 25700-A-823
1, CR 5, CRLJ 5, CR 11, CRLJ 11, CR 15, )
CRLJ 15, CR 27, CR 28, CR 30, CR 50, )
CRLJ 50, CR 52, CR 59, CRLJ 59, CR 62, )
CrR 4.7 AND CrRLJ 4.7 )

The Washington State Bar Association having recommended the adoption of the proposed amendments to CR 1, CRLJ 1, CR 5, CRLJ 5, CR 11, CRLJ 11, CR 15, CRLJ 15, CR 27, CR 28, CR 30, CR 50, CRLJ 50, CR 52, CR 59, CRLJ 59, CR 62, CrR 4.7 and CrRLJ 4.7, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and become effective September 1, 2005.

DATED at Olympia, Washington this 2nd day of June 2005.

Alexander, C.J.

C. Johnson, J. Chambers, J.

Madsen, J. Owens, J.

Sanders, J. Fairhurst, J.

Bridge, J. J. M. Johnson, J.

CIVIL RULE 1
SCOPE OF RULES

These rules govern the procedure in the superior court in all suits of a civil nature whether cognizable as cases at law or in equity with the exceptions stated in rule 81. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.

COURT OF LIMITED JURISDICTION CIVIL RULE 1
SCOPE OF RULES

These rules govern the procedure in all trial courts of limited jurisdiction in all suits of a civil nature, with the exceptions stated in rule 81. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.

CIVIL RULE 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

CR 5

(a) Unchanged.

(b) Service - How Made.

(1) - (6) Unchanged.

(7) Service by Other Means. Service under this rule may be made by delivering a copy by any other means, including facsimile or electronic means, consented to in writing by the person served. Service by facsimile or electronic means is complete on transmission when made prior to 5:00 p.m. on a judicial day. Service made on a Saturday, Sunday, holiday or after 5:00 p.m. on any other day shall be deemed complete at 9:00 a.m. on the first judicial day thereafter. Service by other consented means is complete when the person making service delivers the copy to the agency designated to make delivery. Service under this subsection is not effective if the party making service learns that the attempted service did not reach the person to be served.

(c) - (g) Unchanged.

(h) Service of Papers by Telegraph. Any writ or order in any civil suit or proceeding and all the papers requiring service may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted may be served or executed by the office or person to whom it is sent for that purpose and returned by him, if any return be requisite, in the same manner, and with the same force and effect in all respects as the original thereof might be, if delivered to him, and the officer or person serving or executing the same shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ or order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or certified copy may be used by the operator for that purpose. [Rescinded.]

(i) - (j) Unchanged.

COURT OF LIMITED JURISDICTION CIVIL RULE 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) Unchanged.

(b) Service - How Made.

(1) - (6) Unchanged.

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(h) Service of Papers by Telegraph. Any writ or order in any civil suit or proceeding and all the papers requiring service may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted may be served or executed by the office or person to whom it is sent for that purpose and returned by him, if

~~any return be requisite, in the same manner, and with the same force and effect in all respects as the original thereof might be, if delivered to him, and the officer or person serving or executing the same shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ or order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or certified copy may be used by the operator for that purpose. [Rescinded.]~~

(i) Unchanged.

#### CIVIL RULE 11

##### SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Petitions for dissolution of marriage, separation, declarations concerning the validity of a marriage, custody, and modification of decrees issued as a result of any of the foregoing petitions shall be verified. Other pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum, and that to the best of the party's or attorney's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is well grounded in fact and; (2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; ~~and that~~ (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

#### CIVIL RULE 11

##### SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(b) In helping to draft a pleading, motion or document filed by the otherwise self-represented person, the attorney certifies that the attorney has read the pleading, motion, or ~~paper~~ legal memorandum, and that to the best of the attorney's knowledge, information, and belief, formed after an reasonable inquiry reasonable under the circumstances: (1) it is well grounded in fact, (2) and it is warranted by existing

ney's knowledge, information, and belief, formed after an reasonable inquiry reasonable under the circumstances: (1) it is well grounded in fact, (2) and it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law, and that (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

#### COURT OF LIMITED JURISDICTION CIVIL RULE 11 SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(a) Every pleading, motion, and legal memorandum of a party represented by an attorney shall be dated and signed by at least one attorney of record in the attorney's individual name, whose address and Washington State Bar Association membership number shall be stated. A party who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. Pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum, and that to the best of the party's or attorney's knowledge, information, and belief, formed after an inquiry reasonable inquiry under the circumstances: (1) it is well grounded in fact and; (2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; ~~and that~~ (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. If a pleading, motion, or legal memorandum is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.

(b) In helping to draft a pleading, motion or document filed by the otherwise self-represented person, the attorney certifies that the attorney has read the pleading, motion, or ~~paper~~ legal memorandum, and that to the best of the attorney's knowledge, information, and belief, formed after an reasonable inquiry reasonable under the circumstances: (1) it is well grounded in fact, (2) and it is warranted by existing

law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law, and that (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

**CIVIL RULE 15  
AMENDED AND SUPPLEMENTAL PLEADINGS**

**(a) Amendments.** A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served, or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. If a party moves to amend a pleading, a copy of the proposed amended pleading, denominated "proposed" and unsigned, shall be attached to the motion. If a motion to amend is granted, the moving party shall thereafter file the amended pleading and, pursuant to rule 5, serve a copy thereof on all other parties. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

**(b) - (e) Unchanged.**

**COURT OF LIMITED JURISDICTION CIVIL RULE 15  
AMENDED AND SUPPLEMENTAL PLEADINGS**

**(a) Amendments.** A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served, or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise, a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. If a party moves to amend a pleading, a copy of the proposed amended pleading, denominated "proposed" and unsigned, shall be attached to the motion. If a motion to amend is granted, the moving party shall thereafter file the amended pleading and, pursuant to rule 5, serve a copy thereof on all other parties. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service or notice of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

**(b) - (e) Unchanged.**

**CIVIL RULE 27  
PERPETUATION OF TESTIMONY**

**(a) Perpetuation Before Action.**

**(1) - (3) Unchanged.**

**(4) Use of Deposition.** If a deposition to perpetuate testimony is taken under these rules or if, although not so taken, it would be admissible in evidence in the courts of the state in which it is taken, it may be used in any action involving the same subject matter subsequently brought in a superior court of this state, in accordance with the provisions of rule 32(a).

**(b) - (c) Unchanged**

**CIVIL RULE 28  
PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN**

**(-) Within the State.** Unchanged.

**(a) Within the United States.** Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths and take testimony. The term "officer" as used in rules 30, 31, and 32 includes a person appointed by the court or designated by the parties under rule 29.

**(b) - (d) Unchanged.**

**CIVIL RULE 30  
DEPOSITIONS UPON ORAL EXAMINATION**

**(a) Unchanged.**

**(b) Notice of Examination: General Requirements; Special Notice; Nonstenographic Recording; Production of Documents and Things; Deposition of Organization; Video Tape Recording.**

**(1) - (4) Unchanged.**

**(5) The notice to a party deponent may be accompanied by a request made in compliance with rule 34 for the production of documents and tangible things at the taking of the deposition. The procedure of rule 34 shall apply to the request, including the time established by rule 34(b) for the party to respond to the request.**

**(c) - (h) Unchanged.**

**CIVIL RULE 50  
MOTION FOR JUDGMENT AS A MATTER OF LAW IN ACTIONS TRIED BY JURY  
JUDGMENT AS A MATTER OF LAW IN JURY TRIALS; ALTERNATIVE MOTION FOR NEW TRIAL; CONDITIONAL RULINGS**

**(a) Judgment as a Matter of Law.**

**(1) Nature and Effect of Motion.** If, during a trial by jury, a party has been fully heard with respect to an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find or have found for that party with respect to that issue, the court may grant a motion for judgment as a matter of law against the party on any claim, counterclaim, cross claim, or third party claim that cannot under the controlling law be maintained without a favorable finding on that issue. Such a motion shall specify the judgment sought and the law and the facts on which the moving party is entitled to the judgment.

MISC.

A motion for judgment as a matter of law which is not granted is not a waiver of trial by jury even though all parties to the action have moved for judgment as a matter of law. ~~A motion for judgment as a matter of law shall state the specific ground therefor.~~

(2) *When Made.* A motion for judgment as a matter of law may be made at any time before submission of the case to the jury, ~~or in accordance with section (b) of this rule.~~

**(b) Renewing Motion for Judgment After Trial; Alternative Motion for New Trial.** ~~Not later than 10 days after the entry of judgment or after the jury is discharged if no verdict is returned, whether or not the party has moved previously for judgment as a matter of law and whether or not a verdict was returned, a party may move for judgment as a matter of law. A motion for a new trial under rule 59 may be joined with a motion for judgment as a matter of law under this section, or a new trial may be requested in the alternative. If a verdict was returned, the court may, in disposing of the motion for judgment as a matter of law, allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as a matter of law. If no verdict was returned, the court may, in disposing of the motion, direct the entry of judgment as a matter of law or may order a new trial. If, for any reason, the court does not grant a motion for judgment as a matter of law made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment—and may alternatively request a new trial or join a motion for a new trial under rule 59. In ruling on a renewed motion, the court may:~~

- (1) if a verdict was returned:
  - (A) allow the judgment to stand,
  - (B) order a new trial, or
  - (C) direct entry of judgment as a matter of law; or
- (2) if no verdict was returned:
  - (A) order a new trial, or
  - (B) direct entry of judgment as a matter of law.
- (c) Unchanged.

**(d) Same: Denial of Motion for Judgment as a Matter of Law.** ~~If the motion for judgment as a matter of law is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling the party to a new trial in the event the appellate court concludes that the trial court erred in denying the motion for judgment. If the appellate court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.~~

**COURT OF LIMITED JURISDICTION CIVIL RULE 50  
MOTION FOR JUDGMENT AS A MATTER OF LAW IN ACTIONS  
TRIED BY JURY  
JUDGMENT AS A MATTER OF LAW IN JURY TRIALS; ALTERNATIVE  
MOTION FOR NEW TRIAL; CONDITIONAL RULINGS**

**(a) Judgment as a Matter of Law.**

(1) *Nature and Effect of Motion.* If, during a trial by jury, a party has been fully heard with respect to an issue and there is no legally sufficient evidentiary basis for a reasonable jury

to find or have found for that party with respect to that issue, the court may grant a motion for judgment as a matter of law against that party on any claim, counterclaim, cross claim, or third party claim that cannot under the controlling law be maintained without a favorable finding on that issue. Such a motion shall specify the judgment sought and the law and the facts on which the moving party is entitled to judgment. A motion for judgment as a matter of law which is not granted is not a waiver of trial by jury even though all parties to the action have moved for judgment as a matter of law. ~~A motion for judgment as a matter of law shall state the specific ground therefor.~~

(2) *When Made.* A motion for judgment as a matter of law may be made at any time before submission of the case to the jury, ~~or in accordance with section (b) of this rule.~~

**(b) Renewing Motion for Judgment After Trial; Alternative Motion for New Trial.** ~~Not later than 10 days after the entry of judgment or after the jury is discharged if no verdict is returned, whether or not the party has moved previously for judgment as a matter of law and whether or not a verdict was returned, a party may move for judgment as a matter of law. A motion for a new trial under rule 59 may be joined with a motion for judgment as a matter of law under this section, or a new trial may be requested in the alternative. If a verdict was returned, the court may, in disposing of the motion for judgment as a matter of law, allow the judgment to stand or may reopen the judgment and either order a new trial or direct the entry of judgment as a matter of law. If no verdict was returned, the court may, in disposing of the motion, direct the entry of judgment as a matter of law or may order a new trial. If, for any reason, the court does not grant a motion for judgment as a matter of law made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment—and may alternatively request a new trial or join a motion for a new trial under rule 59. In ruling on a renewed motion, the court may:~~

- (1) if a verdict was returned:
  - (A) allow the judgment to stand,
  - (B) order a new trial, or
  - (C) direct entry of judgment as a matter of law; or
- (2) if no verdict was returned:
  - (A) order a new trial, or
  - (B) direct entry of judgment as a matter of law.
- (c) Unchanged.

**(d) Same: Denial of Motion for Judgment as a Matter of Law.** ~~If the motion for judgment as a matter of law is denied, the party who prevailed on that motion may, as appellee, assert grounds entitling the party to a new trial in the event the superior court concludes that the trial court erred in denying the motion for judgment. If the superior court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.~~

**CIVIL RULE 52**  
**DECISIONS, FINDINGS AND CONCLUSIONS**

(a) Unchanged.

(b) **Amendment of Findings.** Upon motion of a party ~~made filed~~ not later than 5 10 days after entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to rule 59. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the court an objection to such findings or has made a motion to amend them or a motion for judgment.

(c) - (e) Unchanged.

**CIVIL RULE 59**  
**NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS**

(a) **Grounds for New Trial or Reconsideration.** On the motion of the party aggrieved, The a verdict or other decision may be vacated and a new trial granted to all or any of the parties, and on all or part of the issues, or on some of the issues when such issues are clearly and fairly separable and distinct, on the motion of the party aggrieved or any other decision or order may be vacated and reconsideration granted. Such motion may be granted for any one of the following causes materially affecting the substantial rights of such parties:

(1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial;

(2) Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from his own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors;

(3) Accident or surprise which ordinary prudence could not have guarded against;

(4) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial;

(5) Damages so excessive or inadequate as unmistakably to indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) That there is no evidence or reasonable inference from the evidence to justify the verdict or the decision, or that it is contrary to law;

(8) Error in law occurring at the trial and objected to at the time by the party making the application; or

(9) That substantial justice has not been done.

(b) **Time for Motion; Contents of Motion.** A motion for a new trial or for reconsideration shall be ~~made~~ filed not later than 10 days after the entry of the judgment, order,

or other decision. The motion shall be noted at the time it is filed, to be heard or otherwise considered within 30 days after the entry of the judgment, order, or other decision, unless the court directs otherwise.

A motion for a new trial or for reconsideration shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) **Time for Serving Affidavits.** When a motion for new trial is based ~~upon~~ on affidavits, they shall be ~~made~~ filed with the motion. The opposing party has 10 days after ~~such service within which to serve to file~~ such service within which to file opposing affidavits, ~~which but that period may be extended for an additional period not exceeding up to 20 days,~~ either by the court for good cause ~~shown~~ or by the parties' by written stipulation. The court may permit reply affidavits.

(d) **On Initiative of Court.** Not later than 10 days after entry of judgment, the court ~~of~~ on its own initiative may order a hearing on its proposed order for a new trial for any reason for which it might have granted a new trial on motion of a party, ~~and in the order shall specify the grounds thereof.~~ After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in a motion, the court shall specify the grounds in its order.

(e) **Hearing on Motion.** When a motion for reconsideration or for a new trial is ~~made~~ filed, the judge by whom it is to be heard may on ~~his~~ the judge's own motion or on application determine:

(1) *Time of Hearing.* Whether the motion shall be heard before the entry of judgment;

(2) *Consolidation of Hearings.* Whether the motion shall be heard before or at the same time as the presentation of the findings and conclusions and/or judgment, and the hearing on any other pending motion; and/or

(3) *Nature of Hearing.* Whether the motion or motions and presentation shall be heard on oral argument or submitted on briefs, and if on briefs, shall fix the time within which the briefs shall be served and filed.

(f) **Statement of Reasons.** In all cases where the trial court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record ~~which that~~ cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

(g) **Reopening Judgment.** On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.

(h) **Motion to Alter or Amend Judgment.** A motion to alter or amend the judgment shall be ~~made~~ filed not later than 10 days after entry of the judgment.

(i) **Alternative Motions, etc.** Alternative motions for judgment ~~notwithstanding the verdict as a matter of law~~ and for a new trial may be made in accordance with rule 50(c).

**(j) Limit on Motions.** If a motion for reconsideration, or for a new trial, or for judgment ~~notwithstanding the verdict as a matter of law~~, is made and heard before the entry of the judgment, no further motion may be made, without leave of the court first obtained for good cause shown: (1) for a new trial, (2) nor pursuant to sections (g), (h), and (i) of this rule, nor or (3) under rule 52(b), without leave of court first obtained for good cause shown.

COURT OF LIMITED JURISDICTION CIVIL RULE 59  
NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF  
JUDGMENTS

**(a) Grounds for New Trial or Reconsideration.** On the motion of the party aggrieved, The a verdict or other decision may be vacated and a new trial granted to all or any of the parties, and on all or part of the issues, or on some of the issues when such issues are clearly and fairly separable and distinct, on the motion of the party aggrieved or any other decision or order may be vacated and reconsideration granted. Such motion may be granted for any one of the following causes materially affecting the substantial rights of such parties:

(1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial;

(2) Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from his own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors;

(3) Accident or surprise which ordinary prudence could not have guarded against;

(4) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial;

(5) Damages so excessive or inadequate as unmistakably to indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) That there is no evidence or reasonable inference from the evidence to justify the verdict or the decision, or that it is contrary to law;

(8) Error in law occurring at the trial and objected to at the time by the party making the application; or

(9) That substantial justice has not been done.

**(b) Time for Motion; Contents of Motion.** A motion for a new trial or for reconsideration shall be ~~served and~~ filed not later than 10 days after the entry of the judgment, order, or other decision. The motion shall be noted at the time it is filed, to be heard or otherwise considered within 30 days after entry of the judgment, order, or other decision, unless the court directs otherwise.

A motion for a new trial or for reconsideration shall identify the specific reasons in fact and law as to each ground on which the motion is based.

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**(d) On Initiative of Court.** Not later than 10 days after entry of judgment, the court ~~of on~~ its own initiative may order a hearing on its proposed order for a new trial for any reason for which it might have granted a new trial on motion of a party, ~~and in the order shall specify the grounds thereof.~~ After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. When granting a new trial on its own initiative or for a reason not stated in the motion, the court shall specify the grounds in its order.

**(e) Hearing on Motion.** When a motion for reconsideration or for a new trial is served ~~and~~ filed, the judge by whom it is to be heard may on his the judge's own motion or on application determine:

(1) *Time of Hearing.* Whether the motion shall be heard before the entry of judgment;

(2) *Consolidation of Hearings.* Whether the motion shall be heard before or at the same time as the presentation of the findings and conclusions and/or judgment, and the hearing on any other pending motion; and

(3) *Nature of Hearing.* Whether the motion or motions and presentation shall be heard on oral argument or submitted on briefs, and if on briefs, shall fix the time within which the briefs shall be served and filed.

**(f) Statement of Reasons.** In all cases where the trial court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record ~~which that~~ cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

**(g) Reopening Judgment.** On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law, and direct the entry of a new judgment.

**(h) Motion to Alter or Amend Judgment.** A motion to alter or amend the judgment shall be served filed not later than 10 days after entry of the judgment.

**(i) Alternative Motions, etc.** Alternative motions for judgment ~~notwithstanding the verdict as a matter of law~~ and for a new trial may be made in accordance with rule 50(c).

**(j) Limit on Motions.** If a motion for reconsideration, or for a new trial, or for judgment ~~notwithstanding the verdict as a matter of law~~, is made and heard before the entry of the judgment, no further motion may be made, without leave of the court first obtained for good cause shown: (1) for a new trial, or (2) nor pursuant to sections (g), (h), and (i) of this rule, nor under CR 52(b), without leave of court first obtained for good cause shown.



**CIVIL RULE 62**  
**STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT**

(a) **Automatic Stays.** Except as to a judgment of a district court filed with the superior court pursuant to RCW 4.56.200, no execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of 5 10 days after its entry. Upon the filing of a notice of appeal, enforcement of judgment is stayed until the expiration of 14 days after entry of judgment. Unless otherwise ordered by the trial court or appellate court, an interlocutory or final judgment in an action for an injunction or in a receivership action, shall not be stayed during the period after its entry and until appellate review is accepted or during the pendency of appellate review.

(b) - (h) Unchanged.

**CrR 4.7 DISCOVERY**

(a) - (g) Unchanged.

(h) **Regulation of Discovery.**

(1) - (2) Unchanged.

(3) **Custody of Materials.** Any materials furnished to a lawyer pursuant to these rules shall remain in the exclusive custody of the attorney and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense attorney shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court.

(4) - (7) Unchanged.

**CrRLJ 4.7 DISCOVERY**

(a) - (f) Unchanged.

(g) **Regulation of Discovery.**

(1) - (2) Unchanged.

(3) **Custody of Materials.** Any materials furnished to a lawyer pursuant to these rules shall remain in the exclusive custody of the lawyer and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense lawyer shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting authority or order of the court.

(4) - (7) Unchanged.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 05-14-002**  
**PUBLIC RECORDS OFFICER**  
**OFFICE OF**  
**ADMINISTRATIVE HEARINGS**

[Filed June 22, 2005, 3:32 p.m.]

Public Records Officer Designation: Barbara Cleveland, Executive Assistant, Public Records Officer, Office of Administrative Hearings, P.O. Box 42488, 2420 Bristol Court S.W., Olympia, WA 98504-2488, (360) 664-8717, fax (360) 664-8721.

**WSR 05-14-003**  
**PUBLIC RECORDS OFFICER**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**

[Filed June 22, 2005, 3:32 p.m.]

The public records officer for the Workforce Training and Education Coordinating Board is 'cita Waller, 128 10th Avenue S.W., 6th Floor, P.O. Box 43105, Olympia, WA 98504-3105, (360) 753-5673, fax (360) 586-5862, cwaller@wtb.wa.gov.

**WSR 05-14-004**  
**PUBLIC RECORDS OFFICER**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed June 22, 2005, 3:33 p.m.]

Suemary Trobaugh, Administrative Officer, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 753-1111, toll free 1-877-601-2828, fax (360) 753-1112, e-mail strobaugh@pdc.wa.gov, has been designated as the public records officer for the Public Disclosure Commission.

Vicki Rippie  
 Executive Director

**WSR 05-14-005**  
**RULES COORDINATOR**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed June 22, 2005, 3:33 p.m.]

Suemary Trobaugh, Administrative Officer, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 753-1111, toll free 1-877-601-2828, fax (360) 753-1112, e-mail strobaugh@pdc.wa.gov, has been designated as the rules coordinator for the Public Disclosure Commission.

Vicki Rippie  
 Executive Director

**WSR 05-14-006**  
**PUBLIC RECORDS OFFICER**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
[Filed June 22, 2005, 3:34 p.m.]

Don Alexander, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, dona@hecb.wa.gov, phone (360) 753-7816, fax (360) 704-6216, has been designated as the public records officer for the Higher Education Coordinating Board.

If you have any questions, please call or e-mail Renae Watts at (360) 753-7800 or renaew@hecb.wa.gov.

Renae Watts  
Secretary Senior

**WSR 05-14-007**  
**RULES COORDINATOR**  
**PUGET SOUND**  
**ACTION TEAM**  
[Filed June 22, 2005, 3:35 p.m.]

The Puget Sound Action Team's rules coordinator designation is Stephanie Lidren, Director of Administrative Services, Puget Sound Action Team, P.O. Box 40900, Olympia, WA 98504-0900, Mailstop 40900, phone (360) 725-5441, fax (360) 725-5446, e-mail slidren@psat.wa.gov.

**WSR 05-14-008**  
**PUBLIC RECORDS OFFICER**  
**PUGET SOUND**  
**ACTION TEAM**  
[Filed June 22, 2005, 3:35 p.m.]

The Puget Sound Action Team's public records officer designation is Stephanie Lidren, Director of Administrative Services, Puget Sound Action Team, P.O. Box 40900, Olympia, WA 98504-0900, mailstop 40900, phone (360) 725-5441, fax (360) 725-5446, e-mail slidren@psat.wa.gov.

**WSR 05-14-009**  
**PUBLIC RECORDS OFFICER**  
**JAIL INDUSTRIES BOARD**  
[Filed June 22, 2005, 3:36 p.m.]

The designee for the public records officer on behalf of the Jail Industries Board is Jill Will, Executive Director, 3060 Willamette Drive N.E., Lacey, WA 98516, e-mail jwill@cjtc.state.wa.us, phone (360) 486-2432, fax (360) 486-2381, cell (360) 791-9358.

If you have any further questions or require additional information please contact Jamie Yoder at (360) 486-2380.

Jamie Yoder  
Executive Assistant

**WSR 05-14-010**  
**PUBLIC RECORDS OFFICER**  
**HORSE RACING COMMISSION**  
[Filed June 22, 2005, 3:36 p.m.]

The public records officer for the Washington Horse Racing Commission is Robert J. Lopez, P.O. Box 40906, Olympia, WA 98516-5578, mailstop 40906, (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

R. M. Leichner  
Executive Secretary

**WSR 05-14-012**  
**PUBLIC RECORDS OFFICER**  
**POLLUTION LIABILITY**  
**INSURANCE AGENCY**  
[Filed June 22, 2005, 3:38 p.m.]

Xyzlinda Marshall, P.O. Box 40930, Olympia, WA 98504-0930, phone (360) 586-1060, fax (360) 586-7187, xmarshall@plia.wa.gov, is this agency's public records officer.

Roger Dovel  
Director

**WSR 05-14-014**  
**PUBLIC RECORDS OFFICER**  
**PENINSULA COLLEGE**  
[Filed June 23, 2005, 3:42 p.m.]

The public records officer for Peninsula College is Barbara Martin, Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, phone (360) 417-6202, fax (360) 417-6218, e-mail barbaram@pcadmin.ctc.edu.

Dr. Thomas A. Keegan  
President

**WSR 05-14-015**  
**NOTICE OF PUBLIC MEETINGS**  
**PENINSULA COLLEGE**  
[Memorandum—June 20, 2005]

The board of trustees of Peninsula College has approved their annual calendar for 2006. Meeting dates and times are:

January 10	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
February 14	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
March	no meeting		
April 11	2:00 p.m.	Forks Extension Site 71 Forks Avenue	Forks
May 9	2:00 p.m.	Port Townsend Extension Site Ft. Worden State Park 298 Battery Way	Port Townsend

MISC.

June 13	2:00 p.m.	Board Room Peninsula College	Port Angeles
July/August/September		no meeting	
October 10	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
November 14	2:00 p.m.	Board Room Peninsula College Campus	Port Angeles
December		no meeting	

If you need any additional information regarding this designation, please feel free to contact Simon Kihia, Assistant Division Manager, at (360) 902-1424.

Bonnie Bunning  
Executive Director of  
Policy and Administration

**WSR 05-14-016**  
**PUBLIC RECORDS OFFICER**  
**WASHINGTON STATE**  
**HISTORICAL SOCIETY**  
[Filed June 23, 2005, 3:44 p.m.]

The contact information for the public records officer for the Washington State Historical Society is Marie DeLong, Administrative Officer, Washington State Historical Society, 1911 Pacific Avenue, Tacoma, WA 98402-3109, phone (253) 798-5901, fax (253) 272-9518, e-mail mdelong@wshs.wa.gov.

David L. Nicandri

**WSR 05-14-017**  
**PUBLIC RECORDS OFFICER**  
**UNIVERSITY OF WASHINGTON**  
[Filed June 23, 2005, 3:44 p.m.]

I have been the designated public records officer for the University of Washington for seven years as outlined in WAC 478-276-060. The following information is required under the new law: Public records officer is Eliza A. Saunders, Director, Public Records and Open Public Meeting, 4014 University Way N.E., Seattle, WA 98105-6203, internal mail box 355502, phone (206) 543-9180, e-mail pub-rec@u.washington.edu.

Eliza A. Saunders

**WSR 05-14-018**  
**PUBLIC RECORDS OFFICER**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Filed June 23, 2005, 3:45 p.m.]

Pursuant to section 3, chapter 483, Laws of 2005, Peggy Murphy, Department of Natural Resources, Asset Management and Protection Division, 1111 Washington Street S.E., P.O. Box 47014, Olympia, WA 98504-7014, phone (360) 902-1393, fax (360) 902-1789, e-mail peggy.murphy@wadnr.gov, is designated as the public records officer for the Department of Natural Resources.

**WSR 05-14-020**  
**PUBLIC RECORDS OFFICER**  
**PERSONNEL APPEALS BOARD**  
[Filed June 24, 2005, 9:01 a.m.]

Public records officer designation is Don Bennett, Executive Secretary, 2828 Capitol Boulevard, P.O. Box 40911, Olympia, WA 98504-0911, (360) 664-0373, fax (360) 753-0139, dbennett@pab.wa.us.

**WSR 05-14-021**  
**PUBLIC RECORDS OFFICER**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**  
[Filed June 24, 2005, 9:02 a.m.]

Public records officer designation is Barrie Althoff, 210 11th Avenue S.W., #400, Olympia, WA 98504, mailstop 40928, phone (360) 753-4585, fax (360) 586-2918, e-mail balthoff@cj.c.state.wa.us.

Barrie Althoff  
Executive Director

**WSR 05-14-022**  
**RULES COORDINATOR**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**  
[Filed June 24, 2005, 9:02 a.m.]

Rules coordinator designation is Kathy Sullivan, 210 11th Avenue S.W., #400, Olympia, WA 98504, mailstop 40928, phone (360) 753-4585, fax (360) 586-2918, e-mail ksullivan@cj.c.state.wa.us.

Barrie Althoff  
Executive Director

**WSR 05-14-023**  
**NOTICE OF PUBLIC MEETINGS**  
**MARINE EMPLOYEES' COMMISSION**  
[Memorandum—June 22, 2005]

Changes in July and August 2005 Public Meetings

There will be a change in the previously adopted schedule for the 2005 meeting schedule of the Marine Employees' Commission. The July 29, 2005, meeting and the August 26,

2005, meeting will be changed from Seattle to the Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, and will begin at 10:00 a.m.

For further information, please call (360) 586-6354 or send an e-mail to mec@olywa.net.

**WSR 05-14-024**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
 [Memorandum—June 24, 2005]

The board of trustees of Bellingham Technical College will meet in special session on Thursday, June 30, 2005, 9:00 a.m. to 4:00 p.m., at 2825 Roeder Avenue, Bellingham, WA, to discuss educational access, campus master plan, foundation feasibility study, monitoring processes, and board goals. No action will be taken as a result of discussions. Call 752-8334 for information.

**WSR 05-14-025**  
**PUBLIC RECORDS OFFICER**  
**WESTERN WASHINGTON UNIVERSITY**  
 [Filed June 24, 2005, 9:03 a.m.]

Following is the contact information for Western Washington University's public records officer: Bela Foltin, University Librarian, Western Washington University, Haggard Hall 231, mailstop 9103, 516 High Street, Bellingham, WA 98225, phone (360) 650-3051, fax (360) 650-3044, e-mail Bela.Foltin@wwu.edu.

Suzanne Baker  
 Rules Coordinator

**WSR 05-14-026**  
**PUBLIC RECORDS OFFICER**  
**THE EVERGREEN STATE COLLEGE**  
 [Filed June 24, 2005, 9:04 a.m.]

Public records officer designee is D. Lee Hoemann, Executive Associate to the President, The Evergreen State College, 2700 Evergreen Parkway N.W., Olympia, WA 98505, phone (360) 867-6116, fax (360) 867-6577, e-mail hoemannl@evergreen.edu.

**WSR 05-14-028**  
**AGENDA**  
**FOREST PRACTICES BOARD**  
 [Filed June 24, 2005, 9:06 a.m.]

**Rule Development Agenda**  
**July - December 2005**

The Forest Practices Board's mandate is to adopt rules to protect the state's public resources while maintaining a viable

forest products industry. The following rule proposals are under development or are anticipated during this time period.

**1. Road Maintenance and Abandonment Plans:** The board will consider rule making on August 10, 2005. The board will conduct public hearings during September and October to receive public testimony prior to adopting permanent rule language in spring 2006. The rules implement changes to the small forest landowner road maintenance and abandonment planning requirements contained in 2SHB 1095 passed by the 2003 legislature.

**2. Other Legislative Mandated Changes:** Legislation passed during the 2001 session that will require rule making includes SB 5497 relating to forestland definition. The board will consider rule making on August 10, 2005.

**3. Upland Wildlife:** The board, with the Department of Fish and Wildlife, is conducting a comprehensive review of the forest practices rules and science for upland wildlife protection and development of cooperative management planning processes. This review and planning process, along with new species listing and the designation of critical habitat may result in a rule proposal.

**4. Aquatic Resources:** Forests and Fish Policy will review results from scientific research for possible rule modifications.

**5. Rule Clarification:** The current permanent rules are being reviewed for clarification changes. This may result in a rule proposal.

**Contact Person:** Patricia Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail patricia.anderson@wadnr.gov.

**WSR 05-14-030**  
**NOTICE OF PUBLIC MEETINGS**  
**GAMBLING COMMISSION**  
 [Memorandum—June 23, 2005]

When the 2005 Gambling Commission meeting schedule was published, a location for the October meeting had not yet been determined. This filing includes the location for the October meeting. For your convenience, also included are dates for the public meetings remaining for 2005.

August 11 and 12	The Heathman Lodge 7801 N.E. Greenwood Drive Vancouver, WA 98662 (360) 254-3100
September 8 and 9	Red Lion Hotel Pasco 2525 North 20th Avenue Pasco, WA 99301 (509) 544-3910
October 13 and 14	Clarion Hotel & Conference Center 1507 North 1st Street Yakima, WA 98901 (509) 248-7850

MISC.

November 17 and 18

DoubleTree Guest Suites  
16500 Southcenter Parkway  
Seattle, WA 98188  
(206) 575-8220

December

No Meeting

**WSR 05-14-031**

**PUBLIC RECORDS OFFICER  
GAMBLING COMMISSION**

[Filed June 24, 2005, 3:40 p.m.]

In July, a new law (section 3, chapter 483, Laws of 2005) will be going into effect requiring all state agencies to designate a public records officer. This letter is to comply with the new law by designating Jessica Quiles, P.O. Box 42400, Olympia, WA 98504-2400, phone (360) 486-3529, toll free in-state only (800) 345-2529 ext. 3529, fax (360) 486-3629, e-mail [jessicaq@wsgc.wa.gov](mailto:jessicaq@wsgc.wa.gov), as public records officer for the Washington State Gambling Commission.

If you have any questions, please let Susan Arland know. She can be reached at 486-3466 or [susana@wsgc.wa.gov](mailto:susana@wsgc.wa.gov).

Susan Arland  
Rules Coordinator  
and Public Information Officer  
Communications and Legal Division

**WSR 05-14-032**

**NOTICE OF PUBLIC MEETINGS  
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—June 20, 2005]

The board of trustees of Eastern Washington University will hold their annual retreat from 7:30 a.m. to 5 p.m. on June 22 and 23, 2005, at Mukogawa Fort Wright Institute located at 4000 Randolph Road, Building 11, in the Regents Room, in Spokane. The board will convene into executive session in accordance with RCW 42.30.110 from 8-11 a.m. on June 22. The board will convene into executive session in accordance with RCW 42.30.110 from 7:30 a.m. to 8:30 a.m. June 23 and from 11 a.m. to 1 p.m. on June 23.

The Business and Finance Committee will meet at 7 a.m. in PUB 261 on Friday, June 24, on the Cheney campus. No final action will be taken at this meeting.

The board of trustees will hold their regular meeting on Friday, June 24, at 9 a.m. in Tawanka 215 at Eastern Washington University, Cheney, Washington. The board will convene into executive session from noon to 1 p.m. in accordance with RCW 42.30.110. An open session will immediately follow to take action on any resulting personnel matters.

**WSR 05-14-034**

**NOTICE OF PUBLIC MEETINGS  
OFFICE OF THE  
INTERAGENCY COMMITTEE  
(Interagency Committee for Outdoor Recreation)  
[Memorandum—June 22, 2005]**

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, July 7, and Friday, July 8, 2005, beginning on Thursday, July 7, 9:30 a.m. at the Cedar River Watershed Education Center in North Bend, Washington.

The draft agenda for this meeting includes updates on legislative and budget issues and preliminary discussions on matching requirements, a trail plan, and a name change for IAC. The board will continue work on its strategic plan during a workshop session on Friday, July 8. There may be an executive session concerning legal issues related to the Thurston County ORV Park closure.

If you plan to participate or have materials for committee review, please submit information to IAC no later than June 30, 2005. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by June 30, at (360) 902-2637 or TDD (360) 902-1996.

Cedar River Watershed Education Center is about thirty - forty-five minutes east of downtown Seattle.

- Take I-90 east to exit 32 (436th Street).
- Go south (right) on 436th.
- The CRWEC is about four miles from the exit, past the Rattlesnake Lake Recreation Area.

**WSR 05-14-037**

**RULES COORDINATOR  
BIG BEND  
COMMUNITY COLLEGE**

[Filed June 27, 2005, 10:16 a.m.]

Ken Turner, VP Administrative Services, Big Bend Community College, 7662 Chanute Street, Moses Lake, WA 98837, office (509) 793-2002, fax (509) 762-6329, is the designated rules coordinator for Big Bend Community College. The only change from what is posted on the Code Reviser's Office web page is the telephone number.

William C. Bonaudi, Ed.D  
President

**WSR 05-14-038**

**PUBLIC RECORDS OFFICER  
BIG BEND  
COMMUNITY COLLEGE**

[Filed June 27, 2005, 10:17 a.m.]

Ken Turner, VP Administrative Services, Big Bend Community College, 7662 Chanute Street, Moses Lake, WA 98837, office (509) 793-2002, fax (509) 762-6329, is the des-

Designated public records officer for Big Bend Community College.

William C. Bonaudi, Ed.D  
President

**WSR 05-14-039**

**PUBLIC RECORDS OFFICER  
WASHINGTON SCHOOL  
FOR THE DEAF**

[Filed June 27, 2005, 10:17 a.m.]

The public records officer for the Washington School for the Deaf is Judy Smith, Washington School for the Deaf, 611 Grand Boulevard, S-26, Vancouver, WA 98661, (360) 696-6525 ext. 0401, fax (360) 696-6291, judy.smith@wsd.wa.gov.

Todd S. Reeves  
Superintendent

**WSR 05-14-040**

**RULES COORDINATOR  
WASHINGTON SCHOOL  
FOR THE DEAF**

[Filed June 27, 2005, 10:17 a.m.]

In accordance with WAC 148-100-200, the rules coordinator is the superintendent. Contact information is Todd Reeves, Washington School for the Deaf, 611 Grand Boulevard, S-26, Vancouver, WA 98661, (360) 696-6525 ext. 0400, fax (360) 696-6291, todd.reeves@wsd.wa.gov.

Todd S. Reeves  
Superintendent

**WSR 05-14-041**

**RULES COORDINATOR  
LOWER COLUMBIA COLLEGE**

[Filed June 27, 2005, 10:18 a.m.]

Per RCW 34.05.312, I am listing below the name, office location, mailing address, and telephone number of the rules coordinator for Lower Columbia College (Community College District 13), so that this information may be published in the first issue of the Washington State Register. Please note the change in phone number.

Rules coordinator: Linda Peck, President's Office, Lower Columbia College, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632-0310, phone (360) 442-2100.

James L. McLaughlin  
President

**WSR 05-14-042**

**PUBLIC RECORDS OFFICER  
LOWER COLUMBIA COLLEGE**

[Filed June 27, 2005, 10:18 a.m.]

Per section 3, chapter 483, Laws of 2005, Lower Columbia College is designating the following individual as its public records officer.

Public records officer: Nolan Wheeler, Manager, Human Resources Office, Lower Columbia College, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632-0310, phone (360) 442-2121.

James L. McLaughlin  
President

**WSR 05-14-043**

**PUBLIC RECORDS OFFICER  
SOUTHWEST  
CLEAN AIR AGENCY**

[Filed June 27, 2005, 10:20 a.m.]

The Southwest Clean Air Agency would like to designate Randy Peltier, Operations Manager, Southwest Clean Air Agency, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, (360) 574-3058, fax (360) 576-0925, randy@swcleanair.org, as public records coordinator.

Robert D. Elliott  
Executive Director

**WSR 05-14-044**

**RULES COORDINATOR  
SOUTHWEST  
CLEAN AIR AGENCY**

[Filed June 27, 2005, 10:20 a.m.]

The Southwest Clean Air Agency would like to designate Paul Mairose, Chief Engineer, Southwest Clean Air Agency, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, (360) 574-3058, fax (360) 576-0925, paul@swcleanair.org, as rules coordinator.

Robert D. Elliott  
Executive Director

**WSR 05-14-045**

**PUBLIC RECORDS OFFICER  
DEPARTMENT OF  
GENERAL ADMINISTRATION**

[Filed June 27, 2005, 3:21 p.m.]

I am the public records officer for the Department of General Administration: Steve Valandra, 210 11th Avenue S.W., P.O. Box 41000, Mailstop 41000, Olympia, WA 98504-1000, phone (360) 902-7215, fax (360) 586-5898, e-mail svaland@ga.wa.gov.

**WSR 05-14-046**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**

[Memorandum—June 22, 2005]

Following is a revised regular meeting schedule submitted by the University of Washington-Tacoma Building Facility Use Committee. Please note that the schedule is only revised from June 29, 2005, until the end of the year, and that they have named a new interim chair for the committee.

**Regular Meeting Schedule**  
**January 2005 through December 2005**

UW Tacoma  
 Building and Facility Use Committee  
 Ann Gagner (temporary)  
 (253) 692-4426  
 Fred King (interim)  
 (253) 692-4754

Meeting Date	Location (Bldg and Rm #)	Time
January 10 (Monday)	Library LIB240	12:45-1:45
January 24 (Monday)	Library LIB240	12:45-1:45
February 14 (Monday)	Library LIB240	12:45-1:45
February 28 (Monday)	Library LIB240	12:45-1:45
March 14 (Monday)	Library LIB240	12:45-1:45
March 28 (Monday)	Library LIB240	12:45-1:45
April 11 (Monday)	Library LIB240	12:45-1:45
April 25 (Monday)	Library LIB240	12:45-1:45
May 9 (Monday)	Library LIB240	12:45-1:45
May 23 (Monday)	Library LIB240	12:45-1:45
June 13 (Monday)	Library LIB222A	12:45-1:45
June 29 (Wednesday)	MAT 354	12:45-1:45
July 13 (Wednesday)	MAT 354	12:45-1:45
July 27 (Wednesday)	MAT 354	12:45-1:45
August 10 (Wednesday)	MAT 354	12:45-1:45
August 24 (Wednesday)	MAT 354	12:45-1:45
September 14 (Wednesday)	MAT 354	12:45-1:45
September 28 (Wednesday)	MAT 354	12:45-1:45
October 12 (Wednesday)	MAT 354	12:45-1:45
October 26 (Wednesday)	MAT 354	12:45-1:45
November 9 (Wednesday)	MAT 354	12:45-1:45
November 23 (Wednesday)	MAT 354	12:45-1:45
December 14 (Wednesday)	MAT 354	12:45-1:45

**WSR 05-14-047**  
**RULES COORDINATOR**  
**TACOMA COMMUNITY COLLEGE**

[Filed June 28, 2005, 8:55 a.m.]

Cathie Bitz is the designated rules coordinator for Tacoma Community College, and may be reached at Tacoma Community College, 6501 South 19th Street, Tacoma, WA

98466, phone (253) 566-5101, fax (253) 566-5376, e-mail cbitz@tacomacc.edu.

Cathie Bitz  
 Executive Assistant

**WSR 05-14-048**  
**PUBLIC RECORDS OFFICER**  
**MILITARY DEPARTMENT**

[Filed June 28, 2005, 8:56 a.m.]

As the director of the Washington Military Department, I hereby designate Ms. Amy F. Cook, Washington Military Department, 1 Militia Drive, Mailstop TA-20, Camp Murray, WA 98430-5000, office direct (253) 512-8108, facsimile (253) 512-8497, e-mail Amy.Cook@mil.wa.gov, as the public records officer for the Washington Military Department.

Timothy J. Lowenberg, Major General  
 The Adjutant General/Director

**WSR 05-14-050**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**

[Filed June 28, 2005, 11:24 a.m.]

**ISSUANCE OF INTERPRETIVE STATEMENT**

This announcement of the issuance of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has issued a revision to the following Excise Tax Advisory: **ETA 2022.08.257 Distinguishing Warranties and Maintenance Agreements.**

This excise tax bulletin (ETA) clarifies the distinction between warranties and maintenance agreements as stated in WAC 458-20-257 (Rule 257). The department has added language to explain that the ETA applies only to periods on or before June 30, 2005. Effective July 1, 2005, the sale of an extended warranty is subject to retailing B&O and retail sales taxes, chapter 514, Laws of 2005. Prior to this date, the sale of an extended warranty is subject to the service and other activities B&O tax.

A copy of this document is available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn  
 Rules Coordinator

**WSR 05-14-052**

**RULES COORDINATOR**

**WASHINGTON CITIZENS' COMMISSION  
ON SALARIES FOR ELECTED OFFICIALS**

[Filed June 29, 2005, 9:05 a.m.]

Rules Coordinator: Carol Sayer, phone (360) 725-5669, fax (360) 586-7544, e-mail carols@salaries.wa.gov, 210 11th Avenue S.W., 301-A General Administration Building, P.O. Box 43120, Olympia, WA 98504-3120.

Carol Sayer  
Director

**WSR 05-14-053**

**PUBLIC RECORDS OFFICER**

**WASHINGTON CITIZENS' COMMISSION  
ON SALARIES FOR ELECTED OFFICIALS**

[Filed June 29, 2005, 9:05 a.m.]

Records Coordinator: Carol Sayer, phone (360) 725-5669, fax (360) 586-7544, e-mail carols@salaries.wa.gov, 210 11th Avenue S.W., 301-A General Administration Building, P.O. Box 43120, Olympia, WA 98504-3120.

Carol Sayer  
Director

**WSR 05-14-054**

**PUBLIC RECORDS OFFICER**

**SOUTH PUGET SOUND  
COMMUNITY COLLEGE**

[Filed June 29, 2005, 9:24 a.m.]

In accordance with the new law (section 3, chapter 483, Laws of 2005) South Puget Sound Community College has designated a public records officer for our agency.

The public records officer for South Puget Sound Community College is Patricia Hutcherson, 2011 Mottman Road S.W., Olympia, WA 98512, phone (360) 754-7711 ext. 5360, e-mail phutcherson@spscc.ctc.edu.

Kenneth J. Minnaert  
President

**WSR 05-14-055**

**PUBLIC RECORDS OFFICER**

**CASCADIA COMMUNITY COLLEGE**

[Filed June 29, 2005, Filed 9:25 a.m., ]

The public records officer for Cascadia Community College is Dede Gonzales, Executive Assistant to the President, Cascadia Community College, 18345 Campus Way N.E., Bothell, WA 98011, (425) 352-8252, fax (425) 352-8313, dgonzales@cascadia.ctc.edu.

Brinton Sprague  
Interim President

**WSR 05-14-056**

**RULES COORDINATOR**

**WHATCOM COMMUNITY COLLEGE**

[Filed June 29, 2005, 9:25 a.m.]

The rules coordinator for Whatcom Community College is Bets Nelson, Administrative Assistant, Educational Services, 237 West Kellogg Road, Bellingham, WA 98226, (360) 676-2170 ext. 3275, fax (360) 676-2171, e-mail bnelson@whatcom.ctc.edu.

Trish Onion  
Vice President for  
Educational Services

**WSR 05-14-057**

**PUBLIC RECORDS OFFICER**

**DEPARTMENT OF  
INFORMATION SERVICES**

[Filed June 29, 2005, 9:26 a.m.]

The Washington State Department of Information Services (DIS) designates Brian Jensen, DIS Public Disclosure Officer, Washington State Department of Information Services, 1110 Jefferson Street S.E., P.O. Box 42445, Olympia, WA 98504-2445, phone (360) 902-2299, fax (360) 586-5885, e-mail PublicDisclosure@dis.wa.gov, as DIS' appointed public records officer. This officer serves as a point of contact for members of the public in requesting disclosure of public records and oversees DIS' compliance with the public records disclosure requirements of the Public Records Act (RCW 42.17.250 *et seq.*).

**WSR 05-14-064**

**NOTICE OF PUBLIC MEETINGS**

**SELECT COMMITTEE  
ON PENSION POLICY**

[Memorandum—June 28, 2005]

**Full Committee Meetings**

July 19, 2005	House Hearing Room A	10:00 a.m. - 1:30 p.m.
August 23, 2005	House Hearing Room A	10:00 a.m. - 1:30 p.m.
September 27, 2005	House Hearing Room A	10:00 a.m. - 1:30 p.m.
October 18, 2005	House Hearing Room A	10:00 a.m. - 1:30 p.m.
November 15, 2005	House Hearing Room A	10:00 a.m. - 1:30 p.m.
December 13, 2005	House Hearing Room A	10:00 a.m. - 1:30 p.m.

**Executive Committee Meetings**

July 19, 2005	House Hearing Room A	1:30 p.m. - 3:30 p.m.
August 23, 2005	House Hearing Room A	1:30 p.m. - 3:30 p.m.
September 27, 2005	House Hearing Room A	1:30 p.m. - 3:30 p.m.
October 18, 2005	House Hearing Room A	1:30 p.m. - 3:30 p.m.
November 15, 2005	House Hearing Room A	1:30 p.m. - 3:30 p.m.
December 13, 2005	House Hearing Room A	1:30 p.m. - 3:30 p.m.

MISC.



**WSR 05-14-065****PUBLIC RECORDS OFFICER****MARINE EMPLOYEES' COMMISSION**

[Filed June 30, 2005, 9:07 a.m.]

Ms. Elizabeth Ford, Commissioner for the Marine Employees' Commission, will serve as the agency's public records officer. She can be contacted at the Marine Employees' Commission, 711 Capitol Way South, Suite 104, P.O. Box 40902, Olympia, WA 98504-0902, phone (360) 586-6354, fax (360) 586-0820, e-mail mec@olywa.net.

John R. Swanson  
Chairman

902-1413, fax (360) 902-1428 is designated as the public records officer for the Forest Practices Board.

Pat McElroy  
Chair

**WSR 05-14-066****PUBLIC RECORDS OFFICER****WALLA WALLA  
COMMUNITY COLLEGE**

[Filed June 30, 2005, 9:31 a.m.]

Pursuant to recent legislation, please accept this letter as notification that Jerri Ramsey, Office of the President, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA 99362-9267, phone (509) 527-4274, fax (509) 527-4249, e-mail jerri.ramsey@wwcc.edu, has been designated as the public records officer for Walla Walla Community College.

Steven L. VanAusdle  
President

**WSR 05-14-067****PUBLIC RECORDS OFFICER****TACOMA COMMUNITY COLLEGE**

[Filed June 30, 2005, 9:31 a.m.]

The following information is provided pursuant to section 3, chapter 483, Laws of 2005, regarding formal designation of a public records officer: Kathryn Longfellow, Vice President, Tacoma Community College, 6501 South 19th Street, Building 27, Tacoma, WA 98466, phone (253) 566-5050, fax (253) 566-5376, e-mail klongfellow@tcc.ctc.edu.

Pamela Brooks  
Executive Assistant

**WSR 05-14-068****PUBLIC RECORDS OFFICER****FOREST PRACTICES BOARD**

[Filed June 30, 2005, 9:32 a.m.]

Patricia Anderson, Forest Practices Board, Department of Natural Resources, P.O. Box 47012, Olympia, WA 98504-7012, e-mail patricia.anderson@wadnr.gov, phone (360)

**WSR 05-14-071****NOTICE OF PUBLIC MEETINGS****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Adult Family Home Advisory Committee)**

[Memorandum—June 30, 2005]

**NOTICE OF CHANGE IN PUBLIC MEETING**

The Adult Family Home Advisory Committee meeting scheduled for August 11, 2005, in the Blake Office Park East Building, 4500 10th Avenue S.E., Lacey, is scheduled from 9:00 a.m. to 4:00 p.m.

This meeting will be in the Rose Room.

If you have any questions, please contact Mr. Roger A. Woodside at (360) 725-3204 or e-mail woods@dsht.wa.gov.

**WSR 05-14-083****ATTORNEY GENERAL'S OFFICE**

[Filed June 30, 2005, 2:50 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 July 26, 2005. 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).

**05-06-07 Request by Richard Curtis  
State Representative, 18th District**

1. Is WAC 242-02-720 consistent with state law in respect to the procedure for dismissal of cases or does the rule go beyond statutory authority? 2. Does a growth management hearings board have the authority to remand a case back to the county or city after an action has been initiated before the board in instances where the county or city wants to amend its comprehensive plan and development regulations after its initial adoption?

**WSR 05-14-084**

**ATTORNEY GENERAL'S OFFICE**

[Filed June 30, 2005, 2:51 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 July 27, 2005. 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).

**05-06-08 Request by Mary Margaret Haugen  
State Senator, 10th District**

1. In light of the 1967 incorporation by reference of the "Federal Aviation Act of 1958, Public Law 85-726, as amended," found in RCW 82.42.030 (1)(a), and the subsequent amendments to that Act, is the existing commercial aircraft fuel tax exemption provided in that statute legally valid?

2. If so, to what extent is the exemption legally valid? (For example, is it only valid as to commercial aircraft operating under a certificate of public convenience and necessity issued pursuant to the relevant federal law as it existed in 1967, i.e., only if issued by the (now-defunct) Civil Aeronautics Board?)

**WSR 05-14-085**

**INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed June 30, 2005, 3:14 p.m.]

**ISSUANCE OF INTERPRETIVE STATEMENT**

This announcement of the issuance and/or cancellation of these interpretive statements is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue (department) has issued the following excise tax advisories (ETAs):

**ETA 2025.08.229 Refunds of Over Collected Retail Sales Tax.**

This advisory explains the procedures used by the department for making refunds or credits to retail sellers of retail sales tax collected in error. This information replaces the information previously provided in Interim Audit Guideline (IAG) 02.01.

**ETA 2026.04.08 Taxability of Credit Bureau Services.**

This advisory provides information on the taxability of credit bureau services and on the proper tax treatment of buyers of credit bureau services where the service provider has not collected retail sales tax.

**ETA 2027.08.18801 Taxability of Reagents and other Diagnostic Substances.**

This advisory provides guidance regarding the taxability of reagents, controls, calibrators, and other diagnostic substances. This information replaces the information previously provided in IAG 05.03.

The department has cancelled the following interim audit guidelines because the information has been incorporated into the above ETAs. As a result of this action, there are no longer any effective statements in the interim audit guideline series.

**IAG 02.01 Refunds of retail sales tax collected in error.**

**IAG 03.01 Taxability of Credit Bureau Services.**

**IAG 05.03 Taxability of Reagents, Controls, and Calibrators.**

Copies of these documents are available via the department's web page at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn  
Rules Coordinator

**WSR 05-14-094**

**PUBLIC RECORDS OFFICER  
OFFICE OF**

**FINANCIAL MANAGEMENT**

[Filed June 30, 2005, 4:17 p.m.]

The Office of Financial Management designates Hal Spencer, Public Information Officer, Office of Financial

MISC.

Management, 300 Insurance Building, 3rd Floor, P.O. Box 43113, Olympia, WA 98504-3113, phone (360) 902-0525, fax (360) 664-2832, e-mail hal.spencer@ofm.wa.gov, to serve as the agency's public records officer.

V. A. Moore  
Director

**WSR 05-14-095**  
**AGENDA**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**

[Filed June 30, 2005, 4:18 p.m.]

In accordance with RCW 34.05.314, the following is a copy of the Office of Financial Management's semiannual agenda for rules under development.

**Semiannual Agenda for Rules Under Development**  
**(Per RCW 34.05.314)**  
**July 2005 - December 2005**

Chapter 82-20 WAC, Electronic deposit of salaries and state funded benefits, was last updated in February 1982. The Office of Financial Management will be reviewing this chapter beginning July 2005 to determine if changes need to be made, including rule additions, repeals or amendments, to accommodate changes in statute or practice. It is anticipated that stakeholder work will begin later this summer with rule making to commence later this year.

For more information concerning the above rules, contact Roselyn Marcus, Director of Legal Affairs, Rules Coordinator, Office of Financial Management, 300 Insurance Building, P.O. Box 43113, Olympia, WA 98504-3113, e-mail roselyn.marcus@ofm.wa.gov, or phone (360) 902-0568.

Roselyn Marcus  
Director of Legal Affairs  
Rules Coordinator

**WSR 05-14-096**  
**PUBLIC RECORDS OFFICER**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**

[Filed June 30, 2005, 4:19 p.m.]

The public records officer designee for the Department of Services for the Blind is Ellen Drumheller, Washington State Department of Services for the Blind, Mailstop 40933, Olympia, WA 98504-0933, phone (360) 586-7022, fax (360) 586-7627, e-mail elldrumheller@dsb.wa.gov.

Ellen Drumheller  
Executive Assistant

**WSR 05-14-097**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed June 30, 2005, 4:21 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: DCS Handbook Chapter 17 Revision.  
Subject: Case records.  
Effective Date: June 21, 2005.

Document Description: Chapter 17, Case records, is revised.

To receive a copy of the interpretive or policy statement, contact Susan Reams, Division of Child Support, Mailstop 45860, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 664-5055, e-mail sreams@dshs.wa.gov.

June 21, 2005  
Susan Reams

**WSR 05-14-108**  
**PUBLIC RECORDS OFFICER**  
**DEPARTMENT OF TRANSPORTATION**

[Filed July 1, 2005, 8:53 a.m.]

The public records officer for the Washington State Department of Transportation is Marilyn S. Bowman, Chief, Administrative Services, WSDOT Records and Information Services Office, 410 Maple Park, mailstop 47410, phone (360) 705-7761, fax (360) 705-6808.

Douglas B. MacDonald  
Secretary of Transportation

**WSR 05-14-109**  
**NOTICE OF PUBLIC MEETINGS**  
**SHORELINE COMMUNITY COLLEGE**

[Memorandum—June 24, 2005]

The board of trustees of Shoreline Community College will hold several special meetings throughout summer 2005. The following is a list of special meeting dates and times:

Tuesday, July 12	5:00 to 7:00 p.m.	Central Conference Room
Thursday, July 21	5:00 to 7:00 p.m.	Central Conference Room
Tuesday, July 26	5:00 to 7:00 p.m.	Central Conference Room
Thursday, August 4	5:00 to 7:00 p.m.	Central Conference Room
Thursday, August 11	5:00 to 7:00 p.m.	Central Conference Room
Thursday, August 25	5:00 to 7:00 p.m.	Central Conference Room

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@shoreline.edu if you need further information.

MISC.

**WSR 05-14-111**  
**AGENDA**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed July 1, 2005, 11:26 a.m.]

Following, in accordance with RCW 34.05.314, is the Department of Labor and Industries' Semi-annual Rules Development Agenda for July 1, 2005 - December 31, 2005.

Please contact Carmen Moore at (360) 902-4206 or e-mail moog235@lni.wa.gov, if you have any questions.

**Semi-annual Rules Development Agenda**  
**(July 1, 2005 - December 31, 2005)**

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
<b>DIVISION: WASHINGTON INDUSTRIAL SAFETY &amp; HEALTH DIVISION (WISHA)</b>						
Chapter 296-24 WAC, General safety and health standards	Anhydrous ammonia	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	1/18/05	9/20/05	1/06	The anhydrous ammonia rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Cranes	Cindy Ireland (360) 902-5008 Kimberly Johnson (360) 902-5008	7/20/04	10/05	12/05	The crane rules are being rewritten and organized for clarity and ease of use. These rules will also be updated to reflect current American National Standards Institute (ANSI) requirements. The project will include bridge style, mobile, tower/portal, personnel lifting, hoists, and derricks.
Chapter 296-24 WAC, General safety and health standards	Elevated platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	To be determined	To be determined	To be determined	The powered platform rules are being rewritten and organized for clarity and ease of use, and split into two separate rules: Elevated platforms and powered platforms.
Chapter 296-24 WAC, General safety and health standards	Fire brigades	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	5/31/05	9/20/05	12/20/05	The fire brigade rules are being rewritten and organized for clarity and ease of use, and split into two separate rules: Fire brigades and fire protection.
Chapter 296-24 WAC, General safety and health standards	Fire protection	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	5/3/05	9/20/05	12/20/05	The fire protection rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Ladders	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	4/5/05	5/24/05	9/20/05	The ladder rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Motor vehicle	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	5/18/04	4/6/05	8/2/05	The motor vehicle rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Protecting employees from falls	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	3/23/04	3/06	6/06	The walking/working surface rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Powered platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	To be determined	To be determined	To be determined	The powered platform rules are being rewritten and organized for clarity and ease of use, and split into two separate rules: Powered platforms and elevated platforms.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
Chapter 296-24 WAC, General safety and health standards and chapter 296-155 WAC, Safety standards for construction	Rigging	Kimberly Johnson (360) 902-5008	2/17/04	1/06	5/06	The rigging rules are being rewritten and organized for clarity and ease of use. Requirements from both general industry and construction are being combined into one rule and updated to the current American National Standards Institute (ANSI).
Chapter 296-62 WAC, General occupational health standards and chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation	Asbestos	Kimberly Johnson (360) 902-5008	2/17/04	To be determined	To be determined	The asbestos rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Hazardous chemicals in labs	Kimberly Johnson (360) 902-5008	5/24/05	8/23/05	12/20/05	The carcinogens and lab rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Ethylene oxide	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	1/18/05	5/3/05	8/23/05	The ethylene oxide rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Formaldehyde	Carol Stevenson (360) 902-4568 Kimberly Johnson (360) 902-4778	4/19/05	11/22/05	4/4/06	The formaldehyde rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Lead	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	12/21/04	11/01/05	3/06	The lead rules are being rewritten and organized for clarity and ease of use.
Chapter 296-304 WAC, Safety standards for shipbuilding, ship repairing and shipbreaking	Shipbuilding	Kimberly Johnson (360) 902-5008	NA	CR-105 6/21/05	9/20/05	The shipbuilding rules are being updated in order to make the rules at-least-as-effective-as the federal rule.
Chapter 296-350 WAC, WISHA administrative rules and chapter 296-800 WAC, Safety and health core rules	Administrative rules	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	5/3/05	To be determined	To be determined	The administrative rules are being updated in order to make the rules at-least-as-effective-as the federal rule.
Chapter 296-800 WAC, Safety and health core rules	Exit routes	Kimberly Johnson (360) 902-5008	11/4/03	To be determined	To be determined	The exit route rules are being updated in order to make the rules at-least-as-effective-as the federal rule.
<b>DIVISION: ADMINISTRATIVE SERVICES DIVISION</b>						
WAC 296-06-090	Public records officer	Joseph Molenda (360) 902-6462	N/A	CR-105 7/20/05	8/24/05	This expedited rule making will name a public records officer, as required by chapter 483, Laws of 2005 (2SHB 1758).
<b>DIVISION: SPECIALTY COMPLIANCE SERVICES DIVISION</b>						
Chapter 296-46B WAC	Electrical	Sally Elliott (360) 902-6411	6/21/05	12/6/05	2/7/06	The department plans to review the electrical rule for additions or revisions. The department developed an advisory committee to review suggested changes from the electrical industry and will propose rules as a result.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
Chapter 296-96 WAC	Elevators	Sally Elliott (360) 902-6411	11/23/04	To be determined	To be determined	As a result of the new licensing requirements for elevator contractor and elevator mechanics, the department is working with stakeholders to identify areas where the rule needs substantive, housekeeping, and clarify-ing changes.
Chapter 296-104 WAC	Board of Boiler Rules	Sally Elliott (360) 902-6411	2/15/05	8/2/05	11/1/05	The purpose of this rule making is to clarify the rule and to make technical changes. The project will also update the rule as a result of section 3, chapter 183, Laws of 1999 (HB 1312), which passed the 2005 legislature.
Chapter 296-125 WAC	Nonagricultural employment of minors	Sally Elliott (360) 902-6411	9/19/01	To be determined	To be determined	The purpose of this rule making is to review these rules for possible changes to ensure conformity with federal laws pertaining to employment of minors where those laws are more restrictive.
Chapter 296-126 WAC	Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW	Sally Elliott (360) 902-6411	9/30/03	6/21/05	8/23/05	The purpose of this rule making is to clarify when an employer can deduct an employee's wages for final paychecks, on-going employment, or over payments.
Chapter 296-127 WAC	Prevailing wage	Sally Elliott (360) 902-6411	7/19/00	To be determined	To be determined	The purpose of this rule making is to make substantive changes to the scope of work description rules that were adopted July 19, 2000 (WSR 00-15-077) with the assistance of an advisory committee.
Chapter 296-130 WAC	Family care	Sally Elliott (360) 902-6411	6/21/05	8/23/05	10/26/05	As a result of section 2, chapter 243, Laws of 2002 [2005] (SSB 5850), which passed the 2005 legislature; the department is updating the definition of sick leave to be consistent with the statute.
Chapter 296-150M WAC	Manufactured homes	Sally Elliott (360) 902-6411	6/21/05	9/6/05	11/22/05	As a result of chapter 79, Laws of 2004 (SHB 1393), which passed the 2005 legislature; the department is working with stakeholders to develop language to be consistent with the statute.
<b>DIVISION: INSURANCE SERVICES DIVISION</b>						
Chapter 296-14 WAC	Industrial insurance—Mortality assumptions	Valerie Grimm Policy and Quality Coordination (360) 902-5005	6/20/01	To be determined	To be determined	This rule making will provide updates to mortality assumptions used to determine pension reserves and actuarial benefit reductions.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
Chapter 296-14 WAC	Industrial insurance— Worker employment patterns	Valerie Grimm Policy and Quality Coordination (360) 902-5005	8/21/02	To be determined	To be determined	This rule making will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage. This rule will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial insurance— Transitional/light duty job	Valerie Grimm Policy and Quality Coordination (360) 902-5005	10/05	To be determined	To be determined	This rule making will provide clarification on: <ul style="list-style-type: none"> <li>• The required elements of a valid transitional/light duty job offered from the employer of record.</li> <li>• What is expected of the employer and worker?</li> <li>• How to determine a worker's entitlement to time-loss compensation and loss of earning power benefits when a transitional/light duty job is offered.</li> </ul>
Chapter 296-14 WAC	Industrial insurance— Confidentiality of worker's compensation claim files	Valerie Grimm Policy and Quality Coordination (360) 902-5005	11/6/04	8/05	12/05	This rule making will define the responsibility of employers, workers, and other parties who have access to worker's compensation claim files for confidentiality and release of claim information.
Chapter 296-14 WAC	Industrial insurance— Definitions	Valerie Grimm Policy and Quality Coordination (360) 902-5005	5/3/05	To be determined	To be determined	This rule making will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rule making will amend the definition of temporary partial disability. This rule making will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial insurance— Residence modification	Valerie Grimm Policy and Quality Coordination (360) 902-5005	5/3/05	10/18/05	2/27/06	This rule making will implement the provisions of chapter 411, Laws of 2005 (EHB 2185), by establishing guidelines and processes for providing residence modification benefits to workers who have sustained catastrophic injury.
Chapter 296-16 WAC	Industrial insurance— Employer—Worker reemployment incentives	Valerie Grimm Policy and Quality Coordination (360) 902-5005	N/A	5/17/05 CR-105 Expedited rule making	8/9/05	The proposed rules were developed based on comments received during the public hearings for rules previously promulgated and codified, WSR 05-01-105. These rules will: <ul style="list-style-type: none"> <li>• Define the employer of record,</li> <li>• Clarify who the employer of record is in occupational disease claims, and</li> </ul>
						<ul style="list-style-type: none"> <li>• Define the employer of record,</li> <li>• Clarify who the employer of record is in occupational disease claims, and</li> </ul>

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
						<ul style="list-style-type: none"> <li>Clarify how the department will handle certification for preferred workers with multiple claims.</li> </ul>
Chapter 296-19A WAC	Vocational rehabilitation	Valerie Grimm Policy and Quality Coordination (360) 902-5005	9/20/05	To be determined	To be determined	This rule making may include amendments pertaining to forensic services and other issues as appropriate.
Chapter 296-17 WAC	Retrospective rating program rules	Frank Romero Retrospective Rating (360) 902-4835	10/2005	4/06	8/06	L&I may engage in rule making to clarify existing retro rules such as reenrollment of businesses grandfathered in a specific group, enrollment requirement of all like businesses, change in due dates, and revision of applications and agreement forms.
Chapter 296-17 WAC	2006 Worker's compensation premium rates	Tammy Turner Employer Services (360) 902-4777	6/21/05	9/20/05	11/22/05	This rule making will adjust will adjust L&I's worker's compensation premium rates to reflect appropriate risk costs.
Chapter 296-17 WAC	Classification descriptions	Bill Moomau Employer Services (360) 902-4774	7/19/05	9/05	12/05	This rule making will make risk classification description updates to reflect current industry operations.
Chapter 296-17 WAC	Disaster recovery risk classification	Tammy Turner (360) 902-4777 Bill Moomau (360) 902-4774 Employer Services	7/19/05	9/05	12/05	As a result of chapter 422, Laws of 2005 (HB 6014), a risk classification will be created to identify employees working with disaster recovery in the first forty-eight hours of a disaster.
WAC 296-20-1103	Travel expense	Bob Mayer Health Services Analysis (360)902-5021	10/05	TBD	TBD	This rule making will change the current rule where: Upon <i>prior authorization</i> for treatment a worker must travel more than ten miles one-way from the worker's home to the nearest point of adequate treatment to be reimbursed for travel <u>to</u> upon <i>prior authorization</i> for treatment a worker must travel more than twenty-five miles one-way from the worker's home to the nearest point of adequate treatment to be reimbursed for travel.
Chapter 296-20 WAC	Medical aid rules— Proper and necessary	Jami Lifka Office of the Medical Director (360) 902-4941	9/21/05	11/23/05	1/24/06	Pursuant to chapter 276, Laws of 2003 (ESHB 1299), the department will coordinate with other state agencies to amend the definition of "proper and necessary" and where possible, make it consistent with other agencies' definitions of "medical necessity."
Chapter 296-20 WAC	Medical aid rules—Clinical quality improvement committee	Jami Lifka Office of the Medical Director (360) 902-4941	9/21/05	11/23/05	1/24/06	This rule making will establish a clinical quality improvement committee. This committee shall advise the department on matters related to the provision of safe and effective treatment for injured workers, including

MISC.



WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
						but not limited to the development of practice guidelines, conduct of peer review, review of coverage decisions and technology assessments, review of medical programs, and review of rules pertaining to health care issues.
Chapter 296-20 WAC	Medical aid rules—Attendant services	Jami Lifka Office of the Medical Director (360) 902-4941	N/A	8/24/05 CR-105 Expedited rule making	12/15/05	This expedited rule making will make housekeeping changes, primarily references to WAC numbers.
WAC 296-30-090	What are the maximum allowable fees? (Reimbursement for provider services for victims of crime)	Janice Deal Crime Victims' Compensation Program (360) 902-5369	N/A	5/31/05 CR-105 Expedited rule making	7/19/05	The purpose of this rule making is to clarify that L&I will establish the reimbursement rates for the crime victims' compensation program.
WAC 296-20-1102	Medical aid rules	John Eishaw Health Services Analysis (360) 902-5131	7/19/05	9/6/05	11/22/05	This rule making will update this chapter to reflect oxygen equipment may be rented as an exception to rental fees will not be paid, "once the new purchase price of the item has been reached." This change allows for individuals who are on lifetime oxygen therapy to receive the necessary equipment, accessories, and maintenance at one monthly rental rate in accordance with the industry norms.
WAC 296-20-124	Rejected and closed claims	Joanne McDaniel Health Services Analysis (360) 902-6817	8/2/05	9/20/05	12/13/05	This rule making will modify the rules governing payment to health care providers when claims are rejected. The intent is to reduce recoupment of money from physicians when they treat workers for an allowed claim that later is disallowed due to additional information.
Chapter 296-23A WAC	Hospital payment policy	Dee Hahn Health Services Analysis (360) 902-6828	10/05	To be determined	To be determined	L&I pays hospital inpatient and outpatient claims by grouping hospitals into "peer groups," which are defined in the Department of Health's (DOH) Washington Administrative Codes. Effective July 1, 2005, DOH will no longer use peer groups. This rule making will amend L&I's rules which refer to these peer groups.
WAC 296-20-135	Dental conversion factors	Dee Hahn Health Services Analysis (360) 902-6828	To be determined	To be determined	To be determined	This rule making will establish a fee schedule for dental claims.

MISC.

Carmen Moore  
Rules Coordinator

**WSR 05-14-118**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 (Public Employees Benefits Board)  
 [Memorandum—June 30, 2005]

Following is the revised 2005 Public Employees Benefits Board (PEBB) meeting information.

Please contact Lynn Kennedy at (360) 923-2829, if you have any questions regarding the meeting schedule or need further information.

**2005 PEBB Board Meeting Schedule**

1.	<b>March 8, 2005</b> 1:30-4:30 p.m. Location: Lacey Community Center 6729 Pacific Avenue Southeast Lacey, WA	
2.	<b>April 12, 2005 TELEPHONE</b> 1:30-2:30 p.m. Location: Health Care Authority 676 Woodland Square Loop Southeast Lacey, WA	<b>CHANGE</b>
3.	<b>May 17, 2005</b> 2:00-4:30 p.m. Location: Prime Hotel 18118 International Boulevard SeaTac, WA	
4.	<b>June 28, 2005</b> 1:30-4:30 p.m.	<b>CANCELLED</b>
5.	<b>July 12, 2005</b> 1:30-4:30 p.m. Location: DIS Board Room (2nd floor) 605 East 11th Olympia, WA	
6.	<b>July 26, 2005 (tentative)</b> 1:30-4:30 p.m. Location: DIS Classroom (1st floor) 605 East 11th Olympia, WA	<b>CANCELLED</b>
7.	<b>August 2, 2005 (tentative)</b> 1:30-4:30 p.m. Location: tbd	<b>CANCELLED</b>
8.	<b>August 16, 2005 (via telephone)</b> 1:00-2:00 p.m. Location: Health Care Authority Center Conference Room 676 Woodland Square Loop Southeast Lacey, WA	
9.	<b>October 18, 2005 (Planning Session Retreat)</b> 8:30 a.m.-4:00 p.m. Location: tbd	
10.	<b>November 22, 2005 (via telephone)</b> 1:30-4:30 p.m.	

**WSR 05-14-134**  
**PUBLIC RECORDS OFFICER**  
**CENTRAL WASHINGTON UNIVERSITY**  
 [Filed July 5, 2005, 8:44 a.m.]

The purpose of this letter is to notify you that Bruce Porter, Central Washington University, 400 East University Way, Ellensburg, WA 98926-7474, phone (509) 963-2324, fax (509) 963-1623, e-mail porterb@cwu.edu, has been designated as the public records officer for Central Washington University.

Jerilyn S. McIntyre  
 President

**WSR 05-14-135**  
**PUBLIC RECORDS OFFICER**  
**BELLEVUE COMMUNITY COLLEGE**  
 [Filed July 5, 2005, 8:45 a.m.]

As required by the new law going into effect in July (section 3, chapter 483, Laws of 2005), the designated public records office for Bellevue Community College, Community College District VIII, will be Kathi Hutchins, Administrative Assistant to the Vice President of Administrative Services, Bellevue Community College, 3000 Landerholm Circle S.E., Mailstop B202, Bellevue, WA 98007-6484, phone (425) 564-2451, fax (425) 564-4187, e-mail khutchin@bcc.ctc.edu.

B. Jean Floten  
 President

**WSR 05-14-136**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**  
 [Memorandum—June 30, 2005]

The board of directors of the Washington State Convention and Trade Center has set the following schedule for board meetings for fiscal year 2005-2006. These dates were approved at the June 11, 2005, board meeting.

- July 19, 2005
- September 27, 2005
- November 15, 2005
- January 17, 2005 [2006]
- March 21, 2005 [2006]
- May 16, 2005 [2006]

All dates are on a Tuesday, and the meetings are scheduled to begin at 2:00 p.m. Meeting rooms are not noted because the location may be changed on short notice, as event needs dictate.

MISC.

**WSR 05-14-137**  
**PUBLIC RECORDS OFFICER**  
**OFFICE OF THE**  
**INTERAGENCY COMMITTEE**  
 (Interagency Committee for Outdoor Recreation)  
 [Filed July 5, 2005, 8:46 a.m.]

Per section 3, chapter 483, Laws of 2005, this letter is to designate Tammy Owings as the public records and disclosure officer for the Interagency Committee for Outdoor Recreation (agency number 0467). Tammy's contact information is IAC/SRFB, P.O. Box 40917, Olympia, WA 98504-0917, phone (360) 902-2637, fax (360) 902-3026, e-mail TammyO@iac.wa.gov.

Laura Johnson  
 Director

**WSR 05-14-138**  
**RULES COORDINATOR**  
**WASHINGTON STATE PATROL**  
 [Filed July 5, 2005, 8:47 a.m.]

Effective immediately, Ms. Kristina A. Penson, Washington State Patrol, Strategic Planning and Performance Section, General Administration Building, P.O. Box 42600, Olympia, WA 98504-2600, mailstop 42600, (360) 753-0658, fax (360) 753-0770, Kristina.penson@wsp.wa.gov, is now the rules coordinator for the Washington State Patrol (WSP).

If you need any further information, please contact Ms. Penson at the above phone number or e-mail address.

Director Diane C. Perry  
 Management Services Bureau

**WSR 05-14-143**  
**AGENDA**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed July 5, 2005, 2:48 p.m.]

**SEMI-ANNUAL RULE-MAKING AGENDA**  
**JULY 1 - DECEMBER 31, 2005**

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 05-15 issue of the Register.

**WSR 05-14-144**  
**AGENDA**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Filed July 5, 2005, 3:30 p.m.]

Following is the Department of Natural Resources' semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please call Jenifer Gitchell at (360) 902-1634, or e-mail jenifer.gitchell@wadnr.gov, if you have questions.

**RULES DEVELOPMENT AGENDA**  
 January 2005 to June 2005

WAC Chapter or Section	Purpose of rule being developed or amended
332-130-020, 332-130-060, and 332-130-070	Allow land surveyors to utilize current datum adjustments.
332-130-090	To clarify when it is required to record a survey.
332-120	Revise the process allowing DNR to create interagency agreements to ensure compliance.
332-52	Revise and update rules to reflect current recreation and public access policy.
332-24-710	Update boundary of forest protection zone in Kitsap County.
332-24-720	Update boundary of forest protection zone in Pierce County.
332-24-730	Update boundary of forest protection zone in King County.
332-24-___	Define boundary of forest protection zone in Snohomish County.
332-30-123	Revise section dealing with selection of upland parcel.
332-30-139	Minor change to existing WAC to clarify use of open water moorage and anchorage areas.
332-30-151	Clarify activities that are in conflict with reserve status.
332-30-106	Minor change to correct typographical error.

Jenifer Gitchell  
 Rules Coordinator

MISC.

## WSR 05-14-160

## AGENDA

## DEPARTMENT OF ECOLOGY

[Filed July 6, 2005, 10:27 a.m.]

Pursuant to RCW 34.05.314, following is the Department of Ecology's rule agenda for July 2005 through December 2005. If you have any questions please contact Jerry Thielen at (360) 407-7551 or e-mail [jthi461@ecy.wa.gov](mailto:jthi461@ecy.wa.gov).

<b>Rule-making Agenda July 2005</b>			
*The bolded dates indicate filings that have occurred.			
<b>WAC Chapter</b>	<b>Chapter Title</b>	<b>CR-102 Filing Date</b>	<b>CR-103 Filing Date</b>
173-503 AO 04-14 4/03	Instream resources protection program—Lower and upper Skagit water resources inventory area (WRIA 3 and 4).	<b>February 2005</b>	July 2005
173-505 AO 02-17 11/02	Instream resources protection and water resources program Stillaguamish River basin—WRIA 5.	<b>February 2005</b>	August 2005
173-546 AO 04-11 8/04	Entiat water resource management program.	<b>March 2005</b>	August 2005
173-333 AO 04-07 3/04	Persistent bioaccumulative toxins (PBT) rule.	<b>May 2005</b>	October 2005
173-167 AO 05-09 5/05	Emergency drought funding.	<b>May 2005</b>	Effective 120 days
173-415, 173-481 AO 05-07	Primary aluminum plants and ambient air quality and environmental standards for fluorides.	<b>June 2005</b>	August 2005
173-175 AO 05-11 6/05	Dam safety program.	<b>CR-105 in June 2005</b>	August 2005
173-218, 173-216, 173-226 AO 01-10 5/01	Underground injection control program.	July 2005	October 2005
173-517 AO 04-02 3/04	Quilcene-Snow instream resources protection and water management program.	August 2005	November 2005
173-503A AO 04-01 2/04	Instream flow rule for the Samish subbasin.	August 2005	December 2005
173-518 AO 04-03 3/04	Elwha Dungeness instream resources protection and watershed management program.	September 2005	December 2005
173-423 AO 05-10 6/05	Motor vehicle emission standards.	September 2005	November 2005
173-525 AO 05-03 3/2/05	Grays Elochoman instream resources protection and water management program WRIA 25.	September 2005	December 2005

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<b>Rule-making Agenda July 2005</b>			
*The bolded dates indicate filings that have occurred.			
<b>WAC Chapter</b>	<b>Chapter Title</b>	<b>CR-102 Filing Date</b>	<b>CR-103 Filing Date</b>
173-526 AO 05-04 3/2/05	Cowlitz instream resources protection and water management program WRIA 26.	September 2005	December 2005
173-527 AO 05-05 3/2/05	Lewis instream resources protection and water management program WRIA 27.	October 2005	January 2006
173-528 AO 05-06 3/2/05	Salmon-Washougal instream resources protection and water management program WRIA 28.	October 2005	January 2006
317-10 173-181 AO 00-03 7/99	Oil spill contingency plans and response contractor standards.	December 2005	June 2006
173-532 AO 04-08 4/04	Water resources program for the Walla Walla basin, WRIA 32.	November 2005	February 2006
173-430 AO 04-10 6/04	Agricultural burning.	March 2006	June 2006
173-98 AO 02-15 10/02	Uses and limitations of the water pollution control state revolving fund.	January 2007	January 2007
173-700 AO 04-13 7/04	Wetland mitigation banking—Pilot rule.	July 2007	January 2008

Jerry Thielen  
Rules Coordinator

**WSR 05-14-168**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 6, 2005, 10:36 a.m.]

**PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON**

**LEGAL NOTICE:** The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicides glyphosate (Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (Habitat®), surfactants (R-11™, Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2005, and October 31, 2005. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA Spartina Control Program at (360) 902-1923, or write WSDA Spartina Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington State Department of Ecology twenty-four hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

**WSR 05-14-169**  
**AGENDA**  
**DEPARTMENT OF REVENUE**

[Filed July 6, 2005, 10:42 a.m.]

The Department of Revenue's rule development agenda shows those rules for which we anticipate some formal rule-

making action, either a public meeting, hearing, or adoption, by January 31, 2006. Rules may be added or deleted from the work schedule as a result of resource allocation, legislative action, court decisions, or taxpayer request.

We have a web site that includes this list at <http://www.dor.wa.gov/content/laws/RuleMaking/default.aspx>.

If you would like to receive future copies of this list, please send a request to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453.

Any person currently on the excise tax rules maintenance list or property tax rules list will automatically receive a copy of the rules development agenda.

**RULES DEVELOPMENT AGENDA**  
Activity planned by January 31, 2006

Rule Number	Subject	Explanation	Assigned To	Status
458-14-001 458-14-015 458-14-025 458-14-046 458-14-056 458-14-066 458-14-076 458-14-105 458-14-116 458-14-127 458-14-170	Board of Equalization.	Update per rule review.	Jim Winterstein	CR-101 public meeting anticipated.
458-16-180	Cemeteries.	Update per rule review.	Kim Qally	CR-101 public meeting anticipated.
458-16-1000	Fee land owned by tribes.	Incorporate provisions of chapter 236, Laws of 2004.	Kim Qally/ Nathan Schreiner	Emergency rule issued. CR-102 public hearing scheduled July 12.
458-16A-100 458-16A-110 458-16A-115 458-16A-120 458-16A-130 458-16A-135 458-16A-150	Senior citizen/disabled person exemption.	Incorporate provisions of chapter 270, Laws of 2004, and recognize federal law changes.	Jim Winterstein	CR-101 public meeting anticipated.
458-18-020	Senior citizen/disabled person deferral.	Incorporate provisions of chapter 270, Laws of 2004.	Jim Winterstein	CR-101 public meeting anticipated.
458-18-220	Rate of interest.	Annual update.	Kim Qally	Must be completed by January 1.
458-19-070 458-19-075	Adjusting levy rates when aggregate limit is exceeded. Constitutional 1% limit calculation.	Incorporate provisions of chapter 129, Laws of 2004, and chapter 24, Laws of 2003 1st sp.s.	Kim Qally	CR-101 public meeting anticipated.
458-20-119	Sales of meals.	Update per rule review and recognize streamlined sales tax agreement definitions.	Gil Brewer	CR-101 public meeting anticipated.
458-20-124	Restaurants.	Update per rule review and recognize streamlined sales tax agreement definitions.	Gil Brewer	CR-101 public meeting anticipated.
458-20-131	Games of chance.	Incorporate chapter 369, Laws of 2005.	Gayle Carlson	CR-101 public meeting anticipated.

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Rule Number	Subject	Explanation	Assigned To	Status
458-20-141	Duplicating industry and mailing bureaus.	Incorporate chapter 514, Laws of 2005.	JoAnne Gordon	Emergency rule filed. CR-101 public meeting anticipated.
458-20-144	Printing industry.	Incorporate provisions of chapter 514, Laws of 2005. Update per rule review.	Nathan Schreiner	Emergency rule filed. CR-101 public meeting anticipated.
458-20-148	Barber and beauty shops.	Update per rule review.	Beulah Holman	CR-102 public hearing anticipated.
458-20-153	Funeral directors.	Update per rule review.	Scott Amrine	CR-101 public meeting possible.
458-20-154	Cemeteries.	Update per rule review.	Scott Amrine	CR-101 public meeting possible.
458-20-155	Computer services.	Update per rule review.	Allan Lau	CR-101 public meeting possible.
458-20-165	Laundry services.	Incorporate provisions of chapter 514, Laws of 2005.	JoAnne Gordon	Emergency rule filed. CR-101 public meeting anticipated.
458-20-166	Hotels/motels.	Incorporate provisions of chapter 514, Laws of 2005.	JoAnne Gordon	Emergency rule filed. Candidate for expedited adoption process.
458-20-173	Installing, cleaning, repairing tangible personal property.	Update per rule review.	Allan Lau	CR-101 public meeting scheduled 7/11.
458-20-175	Interstate commerce by air/rail/water carriers.	Update per rule review—Possible consolidation with Rule 181.	Gayle Carlson	CR-101 public meeting anticipated.
458-20-178	Use tax.	Incorporate provisions of "streamlined" legislation—Chapter 168, Laws of 2003 and chapter 153, Laws of 2004, update per rule review.	JoAnne Gordon	CR-102 public hearing anticipated.
458-20-17801	Use tax exemptions.	Incorporate and update exemption info from WAC 458-20-178.	JoAnne Gordon	CR-102 public hearing anticipated.
458-20-17803	Promotional materials.	Incorporate provisions of chapter 514, Laws of 2005.	JoAnne Gordon	Emergency rule filed. CR-101 public meeting anticipated.
458-20-179	Public utility tax.	Update per rule review.	Gayle Carlson	CR-101 public meeting anticipated.
458-20-17901	PUT—Energy conservation/cogeneration.	Update per rule review.	Gayle Carlson	CR-101 public meeting anticipated.
458-20-17902	Brokered natural gas—Use tax.	Update per rule review.	Pat Moses	CR-101 public meeting anticipated.
458-20-181	Operating vessels in Washington.	Update per rule review—Possible consolidation with Rule 175.	Gayle Carlson	CR-101 public meeting anticipated.
458-20-183	Amusement/recreation services.	Update per rule review.	Chris Coffman	CR-101 public meeting possible.

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Rule Number	Subject	Explanation	Assigned To	Status
458-20-185	Other tobacco products tax.	Incorporate provisions of chapter 180, Laws of 2005.	Margaret Partlow	CR-101 public meeting anticipated.
458-20-186	Cigarette tax.	Update per rule review.	Margaret Partlow	CR-101 public meeting anticipated.
458-20-18801	Prescription drugs, etc.	Incorporate provisions of "streamlined" legislation—Chapter 168, Laws of 2003 and chapter 153, Laws of 2004.	Pat Moses	CR-102 public hearing anticipated.
458-20-189	Sales to/by state and political subdivision.	Update per rule review.	Pat Moses	CR-101 public meeting anticipated.
458-20-193 458-20-193C	Inbound and out-bound interstate sales of tangible personal property. Imports and exports.	Update and consolidate per rule review.	Gil Brewer	CR-102 public hearing anticipated.
458-20-194	Doing business in/outside Washington.	Update per rule review.	Nathan Schreiner	CR-101 public meeting held April 7.
458-20-196	Bad debts.	Incorporate provisions of chapter 514, Laws of 2005 (remove "warranties" from examples).	Nathan Schreiner	Candidate for expedited adoption.
458-20-210 458-20-271	Sales to/by farmers. Agricultural burning exemption.	Incorporate provisions of chapter 420, Laws of 2005.	Gayle Carlson	Emergency rules filed. CR-101 public meeting anticipated.
458-20-211	Leases/rental of tangible personal property.	Incorporate provisions of "streamlined" legislation—Chapter 168, Laws of 2003, update per rule review.	JoAnne Gordon	CR-102 public hearing anticipated.
458-20-244	Food products.	Incorporate provisions of chapter 153, Laws of 2004.	JoAnne Gordon	CR-101 public meeting anticipated.
458-20-228	Returns, penalties, and interest.	Incorporate provisions of chapter 13, Laws of 2003 1st sp.s.	Pat Moses	CR-102 public hearing anticipated.
458-20-229	Refunds.	Incorporate provisions of chapter 73, Laws of 2003.	Gil Brewer	CR-101 public meeting scheduled July 11.
458-20-24001 458-20-24001A	Sales/use tax deferral—Distressed areas.	Incorporate provisions of chapter 25, Laws of 2004.	Allan Lau	CR-102 public hearing anticipated.
458-20-24003	Tax incentives for high technology.	Incorporate provisions of chapter 2, Laws of 2004.	Allan Lau	CR-102 public hearing anticipated.
458-20-243	Litter tax.	Incorporate provisions of chapter 289, Laws of 2005. Update per rule review.	Gayle Carlson	CR-102 public hearing anticipated.
458-20-244	Food.	Incorporate provisions of "streamlined" legislation—Chapter 153, Laws of 2004.	JoAnne Gordon	CR-101 public meeting anticipated.

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Rule Number	Subject	Explanation	Assigned To	Status
458-20-245	Telephone service.	Incorporate provisions of the "streamlined bill" (chapter 168, Laws of 2003), update per rule review.	Gil Brewer	CR-101 public meeting anticipated.
458-20-New	Mobile telephone service.	Incorporate provisions of chapter 67, Laws of 2002.	Gil Brewer	CR-101 public meeting anticipated.
458-20-250	Solid waste collection business.	Incorporate provisions of chapter 354, Laws of 2005.	Nate Schreiner	Emergency rules filed. CR-101 public meeting anticipated.
458-20-272	Tire fee.	Update per rule review.		
458-20-252	Hazardous substance tax/petroleum products tax.	Update per rule review. Possible incorporation of petroleum products tax into a new rule.	Steve Zagelow	CR-102 public hearing anticipated.
458-20-257	Warranties and maintenance agreements.	Incorporate provisions of chapter 514, Laws of 2005.	Chris Coffman	Emergency rule filed. CR-101 public meeting anticipated.
458-20-261	Ridesharing (commute trip reduction) exemptions/credits .	Incorporate provisions of chapter 297, Laws of 2005. Update per rule review.	Allan Lau	CR-102 public hearing anticipated.
458-20-267	Accountability reports (including aerospace).	Incorporate provisions of chapter 1, Laws of 2003 and recognize provisions of chapter.	Julie Sexton	CR-101 public meeting anticipated.
458-20-268	Accountability reports (including high technology).	Incorporate provisions of chapter 2, Laws of 2004 and recognize provisions of chapter.	Julie Sexton	CR-102 public hearing anticipated.
458-20-New	Aerospace incentives.	Incorporate provisions of chapter 1, Laws of 2003.	Julie Sexton	CR-101 public meeting anticipated.
458-20-New	Incentives to support renewable energy.	Incorporate provisions of chapter 300, Laws of 2005.	Gil Brewer	CR-101 public meeting anticipated.
Chapter 458-28 WAC	Taxation of financial institutions—Apportionment by cities or towns.	Update per rule review.	Nathan Schreiner	Considering input. Decision whether to proceed anticipated.
458-29A-400	Leasehold excise tax exemptions.	Incorporate provisions of chapters 170 and 514, Laws of 2005, and updating.	Margaret Partlow	CR-101 public meeting anticipated.
458-30-210 458-30-225 458-30-270 458-30-275 458-30-330 458-30-335 458-30-340 458-30-700	Current use.	Incorporate provisions of chapters 57, 303, and 310, Laws of 2005.	Kim Qually	CR-101 public meeting anticipated.
458-30-262	Farm and agricultural land values.	Annual update.	Kim Qually	Must be completed by January 1.
458-30-590	Rate of inflation.	Annual update.	Kim Qually	Must be completed by January 1.
458-40-540	Forest land values.	Annual update.	Gil Brewer	Must be completed by January 1.

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<b>Rule Number</b>	<b>Subject</b>	<b>Explanation</b>	<b>Assigned To</b>	<b>Status</b>
458-40-660	Timber/forest tax stumpage values.	Required semi-annually.	Gil Brewer	Must be completed before July 1 and January 1 each year.
458-50-040 458-50-070 458-50-100	Annual reports—Filing and extension annual assessment — Procedure apportionment of operating property.	Update per rule review.	Kim Qually	Candidate for expedited rule-making process.
Chapter 458-57 WAC	Estate tax.	Incorporate provisions of chapters 332, 514, and 516, Laws of 2005.	Steve Zagelow	CR-101 public meeting anticipated.
Chapter 458-61 WAC	Real estate excise tax.	Update per rule review	Margaret Partlow	CR-101 public meeting scheduled 7/13.

Alan R. Lynn  
Rules Coordinator

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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 #
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3-20-390	NEW-W	05-07-126	16-230-860	PREP-W	05-06-097	16-239-078	REP-P	05-07-120
3-20-390	NEW-P	05-07-127	16-237-195	AMD	05-07-080	16-239-078	REP	05-11-058
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**TABLE**

Table of WAC Sections Affected

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16-239-0902	REP-P	05-07-120	16-240-060	NEW	05-11-058	16-390-220	AMD-P	05-07-155
16-239-0902	REP	05-11-058	16-240-070	NEW-P	05-07-120	16-390-220	AMD	05-12-054
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67-25-110	REP	05-08-097	67-25-440	AMD	05-08-097	106-72-440	REP	05-05-057
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173-167-250	NEW-E	05-12-103	173-400-040	AMD	05-03-033	173-503-090	AMD-P	05-04-108
173-167-260	NEW-E	05-12-103	173-400-050	AMD	05-03-033	173-503-100	AMD-P	05-04-108
173-167-270	NEW-E	05-12-103	173-400-060	AMD	05-03-033	173-503-110	NEW-P	05-04-108
173-167-280	NEW-E	05-12-103	173-400-070	AMD	05-03-033	173-503-120	NEW-P	05-04-108
173-167-300	NEW-E	05-12-103	173-400-075	AMD	05-03-033	173-503-130	NEW-P	05-04-108
173-167-310	NEW-E	05-12-103	173-400-099	AMD	05-03-033	173-503-140	NEW-P	05-04-108
173-167-320	NEW-E	05-12-103	173-400-100	AMD	05-03-033	173-503-150	NEW-P	05-04-108
173-167-330	NEW-E	05-12-103	173-400-102	AMD	05-03-033	173-503A	PREP	05-05-076
173-167-340	NEW-E	05-12-103	173-400-104	AMD	05-03-033	173-505	AMD-C	05-09-124
173-167-350	NEW-E	05-12-103	173-400-105	AMD	05-03-033	173-505-010	NEW-P	05-05-094

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173-505-020	NEW-P	05-05-094	173-565-362	NEW-W	05-14-128	180-46-020	AMD-P	05-04-017
173-505-030	NEW-P	05-05-094	173-565-364	NEW-W	05-14-128	180-46-020	AMD	05-08-013
173-505-040	NEW-P	05-05-094	173-565-370	NEW-W	05-14-128	180-46-025	AMD-P	05-04-017
173-505-050	NEW-P	05-05-094	173-565-372	NEW-W	05-14-128	180-46-025	AMD	05-08-013
173-505-060	NEW-P	05-05-094	173-565-380	NEW-W	05-14-128	180-46-030	REP-P	05-04-017
173-505-070	NEW-P	05-05-094	173-565-400	NEW-W	05-14-128	180-46-030	REP	05-08-013
173-505-080	NEW-P	05-05-094	173-565-410	NEW-W	05-14-128	180-46-035	REP-P	05-04-017
173-505-090	NEW-P	05-05-094	173-565-420	NEW-W	05-14-128	180-46-035	REP	05-08-013
173-505-100	NEW-P	05-05-094	173-565-430	NEW-W	05-14-128	180-46-040	REP-P	05-04-017
173-505-110	NEW-P	05-05-094	173-565-440	NEW-W	05-14-128	180-46-040	REP	05-08-013
173-505-120	NEW-P	05-05-094	173-565-450	NEW-W	05-14-128	180-46-045	REP-P	05-04-017
173-505-130	NEW-P	05-05-094	173-565-500	NEW-W	05-14-128	180-46-045	REP	05-08-013
173-505-140	NEW-P	05-05-094	173-565-510	NEW-W	05-14-128	180-46-050	REP-P	05-04-017
173-505-150	NEW-P	05-05-094	173-565-520	NEW-W	05-14-128	180-46-050	REP	05-08-013
173-505-160	NEW-P	05-05-094	173-565-530	NEW-W	05-14-128	180-46-055	AMD-P	05-04-017
173-505-170	NEW-P	05-05-094	173-565-540	NEW-W	05-14-128	180-46-055	AMD	05-08-013
173-505-180	NEW-P	05-05-094	173-565-550	NEW-W	05-14-128	180-46-065	REP-P	05-04-017
173-525	PREP	05-06-113	173-565-552	NEW-W	05-14-128	180-46-065	REP	05-08-013
173-526	PREP	05-06-114	173-565-560	NEW-W	05-14-128	180-50	PREP	05-12-159
173-527	PREP	05-06-115	173-565-562	NEW-W	05-14-128	180-51	PREP	05-12-159
173-528	PREP	05-06-116	173-565-564	NEW-W	05-14-128	180-51-035	AMD-E	05-08-011
173-531A-060	AMD-W	05-14-128	173-565-570	NEW-W	05-14-128	180-51-035	AMD-P	05-08-012
173-546-010	NEW-P	05-06-117	173-565-600	NEW-W	05-14-128	180-51-035	AMD-C	05-10-011
173-546-020	NEW-P	05-06-117	173-565-800	NEW-W	05-14-128	180-52	PREP	05-12-159
173-546-030	NEW-P	05-06-117	180-08	PREP	05-12-145	180-55	PREP	05-12-159
173-546-040	NEW-P	05-06-117	180-16	PREP	05-12-146	180-55-005	AMD-P	05-04-075
173-546-050	NEW-P	05-06-117	180-16-241	RECOD	05-13-061	180-55-005	AMD	05-08-015
173-546-060	NEW-P	05-06-117	180-16-242	RECOD	05-13-061	180-55-015	AMD-P	05-04-075
173-546-070	NEW-P	05-06-117	180-16-243	RECOD	05-13-061	180-55-015	AMD	05-08-015
173-546-080	NEW-P	05-06-117	180-20	PREP	05-12-147	180-55-017	NEW-P	05-04-075
173-546-090	NEW-P	05-06-117	180-20-101	AMD-E	05-04-014	180-55-017	NEW	05-08-015
173-546-100	NEW-P	05-06-117	180-20-101	AMD-P	05-04-018	180-55-034	REP	05-04-016
173-546-110	NEW-P	05-06-117	180-20-101	AMD	05-08-014	180-56	PREP	05-12-159
173-546-120	NEW-P	05-06-117	180-22	PREP	05-12-148	180-57	PREP	05-12-159
173-546-130	NEW-P	05-06-117	180-24-400	DECOD	05-13-061	180-57-070	AMD-E	05-12-144
173-546-140	NEW-P	05-06-117	180-24-410	DECOD	05-13-061	180-72	PREP	05-12-160
173-546-150	NEW-P	05-06-117	180-24-415	DECOD	05-13-061	180-77	PREP	05-12-161
173-563-010	AMD-W	05-14-128	180-25	PREP	05-12-154	180-77A	PREP	05-12-161
173-563-020	AMD-W	05-14-128	180-26	PREP	05-12-154	180-78A	PREP	05-12-162
173-565-100	NEW-W	05-14-128	180-27	PREP	05-12-154	180-78A-100	AMD	05-04-056
173-565-110	NEW-W	05-14-128	180-29	PREP	05-12-154	180-78A-100	AMD-P	05-08-037
173-565-120	NEW-W	05-14-128	180-31	PREP	05-12-154	180-78A-100	AMD-E	05-08-049
173-565-140	NEW-W	05-14-128	180-32	PREP	05-12-154	180-78A-100	AMD-C	05-10-012
173-565-150	NEW-W	05-14-128	180-33	PREP	05-12-154	180-78A-319	AMD-P	05-08-038
173-565-160	NEW-W	05-14-128	180-34	PREP	05-12-154	180-78A-319	AMD-P	05-10-019
173-565-170	NEW-W	05-14-128	180-36	PREP	05-12-154	180-78A-505	AMD-P	05-08-039
173-565-200	NEW-W	05-14-128	180-37	PREP	05-12-155	180-78A-505	AMD-C	05-10-020
173-565-210	NEW-W	05-14-128	180-38	PREP	05-12-155	180-78A-535	AMD-P	05-08-040
173-565-215	NEW-W	05-14-128	180-39	PREP	05-12-155	180-78A-535	AMD-E	05-08-048
173-565-220	NEW-W	05-14-128	180-40	PREP	05-12-155	180-78A-535	AMD-C	05-10-013
173-565-230	NEW-W	05-14-128	180-41	PREP	05-12-155	180-79A	PREP	05-12-162
173-565-300	NEW-W	05-14-128	180-43	PREP	05-12-156	180-79A-011	AMD-P	05-08-043
173-565-310	NEW-W	05-14-128	180-44	PREP	05-12-157	180-79A-011	AMD-C	05-10-018
173-565-320	NEW-W	05-14-128	180-46	PREP	05-12-158	180-79A-030	AMD	05-04-055
173-565-330	NEW-W	05-14-128	180-46-005	AMD-P	05-04-017	180-79A-123	AMD-P	05-08-042
173-565-340	NEW-W	05-14-128	180-46-005	AMD	05-08-013	180-79A-123	AMD-E	05-08-051
173-565-342	NEW-W	05-14-128	180-46-009	NEW-P	05-04-017	180-79A-123	AMD-C	05-10-014
173-565-344	NEW-W	05-14-128	180-46-009	NEW	05-08-013	180-79A-130	AMD-P	05-08-035
173-565-350	NEW-W	05-14-128	180-46-010	REP-P	05-04-017	180-79A-130	AMD-E	05-08-052
173-565-352	NEW-W	05-14-128	180-46-010	REP	05-08-013	180-79A-130	AMD-C	05-10-015
173-565-354	NEW-W	05-14-128	180-46-015	REP-P	05-04-017	180-79A-145	AMD-P	05-08-041
173-565-360	NEW-W	05-14-128	180-46-015	REP	05-08-013	180-79A-145	AMD-E	05-08-050

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180- 79A-145	AMD-C	05-10-016	182- 25-010	AMD-P	05-13-105	192-320-005	NEW-E	05-03-011
180- 79A-250	AMD-P	05-08-036	182- 25-010	AMD-E	05-13-106	192-320-005	NEW-E	05-11-017
180- 79A-250	AMD-E	05-08-053	182- 25-040	AMD-P	05-13-105	192-320-005	NEW-P	05-13-157
180- 79A-250	AMD-C	05-10-017	182- 25-040	AMD-E	05-13-106	192-320-010	NEW-E	05-03-011
180- 79A-257	AMD	05-04-054	192- 32-010	REP-X	05-07-143	192-320-010	NEW-E	05-11-017
180- 81	PREP	05-12-162	192- 32-010	REP	05-13-155	192-320-010	NEW-P	05-13-157
180- 82	PREP	05-12-162	192- 32-035	REP-X	05-07-143	192-320-020	NEW-E	05-03-011
180- 82-105	AMD-P	05-04-015	192- 32-035	REP	05-13-155	192-320-020	NEW-E	05-11-017
180- 82-105	AMD-W	05-08-069	192- 32-050	REP-X	05-07-143	192-320-020	NEW-P	05-13-157
180- 82A	PREP	05-12-162	192- 32-050	REP	05-13-155	192-320-050	AMD-E	05-11-017
180- 83	PREP	05-12-163	192- 32-085	REP-X	05-07-143	192-320-050	AMD-P	05-13-157
180- 85	PREP	05-12-149	192- 32-085	REP	05-13-155	192-320-051	NEW-E	05-11-017
180- 85-025	AMD-P	05-08-047	192- 32-095	REP-X	05-07-143	192-320-051	NEW-P	05-13-157
180- 85-025	AMD-C	05-10-023	192- 32-095	REP	05-13-155	192-320-060	REP-E	05-11-017
180- 85-033	AMD-P	05-08-046	192- 32-100	REP-X	05-07-143	192-320-060	REP-P	05-13-157
180- 85-033	AMD-C	05-10-022	192- 32-100	REP	05-13-155	196- 25-002	AMD-P	05-07-142
180- 85-034	NEW-P	05-08-044	192- 32-115	REP-X	05-07-143	196- 25-040	AMD-P	05-07-142
180- 85-034	NEW-C	05-10-021	192- 32-115	REP	05-13-155	199- 08-300	NEW	05-07-045
180- 85-075	AMD-P	05-08-045	192- 32-130	REP-X	05-07-143	199- 08-305	NEW	05-07-045
180- 85-075	AMD-C	05-10-010	192- 32-130	REP	05-13-155	199- 08-310	NEW	05-07-045
180- 86	PREP	05-12-149	192- 32-135	REP-X	05-07-143	199- 08-315	NEW	05-07-045
180- 87	PREP	05-12-149	192- 32-135	REP	05-13-155	199- 08-320	NEW	05-07-045
180- 88	PREP	05-12-149	192- 35-010	NEW	05-02-094	199- 08-325	NEW	05-07-045
180- 90	PREP	05-12-150	192- 35-020	NEW	05-02-094	199- 08-330	NEW	05-07-045
180- 95	PREP	05-12-151	192- 35-030	NEW	05-02-094	199- 08-335	NEW	05-07-045
180- 96	PREP	05-12-152	192- 35-040	NEW	05-02-094	199- 08-340	NEW	05-07-045
180- 97	PREP	05-12-153	192- 35-050	NEW	05-02-094	199- 08-345	NEW	05-07-045
181- 01	PREP	05-12-115	192- 35-060	NEW	05-02-094	199- 08-350	NEW	05-07-045
181- 01-004	NEW	05-04-024	192- 35-070	NEW	05-02-094	199- 08-355	NEW	05-07-045
182- 08-120	AMD-W	05-02-060	192- 35-080	NEW	05-02-094	199- 08-360	NEW	05-07-045
182- 08-196	AMD-P	05-12-050	192- 35-090	NEW	05-02-094	199- 08-365	NEW	05-07-045
182- 08-196	AMD-C	05-13-093	192- 35-100	NEW	05-02-094	199- 08-370	NEW	05-07-045
182- 08-197	NEW-P	05-12-050	192- 35-110	NEW	05-02-094	199- 08-375	NEW	05-07-045
182- 08-197	NEW-C	05-13-093	192- 35-120	NEW	05-02-094	199- 08-380	NEW	05-07-045
182- 08-198	NEW-P	05-12-050	192-110-015	AMD-E	05-03-011	199- 08-385	NEW	05-07-045
182- 08-198	NEW-C	05-13-093	192-110-015	AMD-E	05-11-017	199- 08-390	NEW	05-07-045
182- 12-115	AMD-E	05-10-083	192-110-015	AMD-P	05-13-158	199- 08-395	NEW	05-07-045
182- 12-115	AMD-P	05-14-151	192-110-017	NEW-E	05-03-011	199- 08-400	NEW	05-07-045
182- 12-116	NEW-P	05-12-050	192-110-017	NEW-E	05-11-017	199- 08-405	NEW-W	05-07-079
182- 12-116	NEW-C	05-13-093	192-110-017	NEW-P	05-13-158	199- 08-410	NEW-W	05-07-079
182- 12-148	AMD-P	05-12-050	192-150-112	NEW-P	05-07-144	199- 08-415	NEW-W	05-07-079
182- 12-148	AMD-C	05-13-093	192-150-112	NEW	05-13-156	199- 08-420	NEW-W	05-07-079
182- 12-171	AMD-P	05-12-050	192-150-113	NEW-P	05-07-144	199- 08-425	NEW	05-07-045
182- 12-171	AMD-C	05-13-093	192-150-113	NEW	05-13-156	199- 08-426	NEW-W	05-07-079
182- 12-175	NEW-P	05-12-050	192-170-060	NEW-E	05-03-011	199- 08-427	NEW-W	05-07-079
182- 12-175	NEW-C	05-13-093	192-170-060	NEW-P	05-07-144	199- 08-428	NEW-W	05-07-079
182- 12-205	AMD-P	05-12-050	192-170-060	NEW-E	05-11-017	199- 08-429	NEW-W	05-07-079
182- 12-205	AMD-C	05-13-093	192-170-060	NEW	05-13-156	199- 08-430	NEW	05-07-045
182- 12-260	AMD-P	05-12-050	192-170-070	NEW-P	05-13-158	199- 08-435	NEW	05-07-045
182- 12-260	AMD-C	05-13-093	192-180-013	NEW-E	05-03-011	199- 08-440	NEW	05-07-045
182- 12-265	AMD-P	05-12-050	192-180-013	NEW-E	05-11-017	199- 08-445	NEW	05-07-045
182- 12-265	AMD-C	05-13-093	192-180-013	NEW-P	05-13-158	199- 08-450	NEW	05-07-045
182- 12-270	AMD-P	05-12-050	192-180-014	NEW-P	05-07-144	199- 08-455	NEW	05-07-045
182- 12-270	AMD-C	05-13-093	192-180-014	NEW	05-13-156	199- 08-460	NEW	05-07-045
182- 16-040	AMD-W	05-02-060	192-300-050	AMD-E	05-03-011	199- 08-465	NEW	05-07-045
182- 16-040	PREP	05-07-158	192-300-050	AMD-E	05-11-017	199- 08-470	NEW	05-07-045
182- 16-040	AMD-P	05-12-050	192-300-050	AMD-P	05-13-157	199- 08-475	NEW	05-07-045
182- 16-040	AMD-C	05-13-093	192-310-010	AMD-E	05-11-017	199- 08-480	NEW	05-07-045
182- 16-050	AMD-W	05-02-060	192-310-010	AMD-P	05-13-157	199- 08-485	NEW	05-07-045
182- 16-050	PREP	05-07-158	192-310-030	AMD-E	05-03-011	199- 08-490	NEW	05-07-045
182- 16-050	AMD-P	05-12-050	192-310-030	AMD-E	05-11-017	199- 08-495	NEW	05-07-045
182- 16-050	AMD-C	05-13-093	192-310-030	AMD-P	05-13-157	199- 08-500	NEW	05-07-045

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199-08-510	NEW	05-07-045	212-17-21509	AMD-P	05-07-102	212-17-380	NEW-P	05-07-102
199-08-515	NEW	05-07-045	212-17-21509	AMD	05-12-033	212-17-380	NEW	05-12-033
199-08-520	NEW	05-07-045	212-17-21511	AMD-P	05-07-102	212-17-385	NEW-P	05-07-102
199-08-525	NEW	05-07-045	212-17-21511	AMD	05-12-033	212-17-385	NEW	05-12-033
199-08-535	NEW-W	05-07-079	212-17-21513	AMD-P	05-07-102	212-17-390	NEW-P	05-07-102
199-08-540	NEW	05-07-045	212-17-21513	AMD	05-12-033	212-17-390	NEW	05-12-033
199-08-545	NEW	05-07-045	212-17-21515	AMD-P	05-07-102	212-17-395	NEW-P	05-07-102
199-08-550	NEW	05-07-045	212-17-21515	AMD	05-12-033	212-17-395	NEW	05-12-033
199-08-555	NEW	05-07-045	212-17-21517	AMD-P	05-07-102	212-17-400	NEW-P	05-07-102
199-08-565	NEW	05-07-045	212-17-21517	AMD	05-12-033	212-17-400	NEW	05-12-033
199-08-570	NEW	05-07-045	212-17-21519	AMD-P	05-07-102	212-17-405	NEW-P	05-07-102
199-08-580	NEW	05-07-045	212-17-21519	AMD	05-12-033	212-17-405	NEW	05-12-033
204-41	PREP	05-08-115	212-17-220	AMD-P	05-07-102	212-17-410	NEW-P	05-07-102
204-41-080	NEW-P	05-12-048	212-17-220	AMD	05-12-033	212-17-410	NEW	05-12-033
204-50	PREP	05-08-116	212-17-230	AMD-P	05-07-102	212-17-415	NEW-P	05-07-102
204-50-030	AMD-P	05-12-049	212-17-230	AMD	05-12-033	212-17-415	NEW	05-12-033
204-50-040	AMD-P	05-12-049	212-17-235	AMD-P	05-07-102	212-17-420	NEW-P	05-07-102
204-50-050	AMD-P	05-12-049	212-17-235	AMD	05-12-033	212-17-420	NEW	05-12-033
204-50-070	AMD-P	05-12-049	212-17-250	AMD-P	05-07-102	212-17-425	NEW-P	05-07-102
204-50-080	AMD-P	05-12-049	212-17-250	AMD	05-12-033	212-17-425	NEW	05-12-033
204-50-090	AMD-P	05-12-049	212-17-255	AMD-P	05-07-102	212-17-430	NEW-P	05-07-102
204-50-110	AMD-P	05-12-049	212-17-255	AMD	05-12-033	212-17-430	NEW	05-12-033
204-50-120	AMD-P	05-12-049	212-17-260	AMD-P	05-07-102	212-17-435	NEW-P	05-07-102
204-50-130	AMD-P	05-12-049	212-17-260	AMD	05-12-033	212-17-435	NEW	05-12-033
204-90-120	PREP	05-14-126	212-17-265	REP-P	05-07-102	212-17-440	NEW-P	05-07-102
208-680A-040	AMD	05-03-038	212-17-265	REP	05-12-033	212-17-440	NEW	05-12-033
208-680E-025	NEW	05-03-038	212-17-270	AMD-P	05-07-102	212-17-445	NEW-P	05-07-102
208-680F-020	AMD	05-03-038	212-17-270	AMD	05-12-033	212-17-445	NEW	05-12-033
208-680G-050	AMD	05-03-037	212-17-275	AMD-P	05-07-102	212-17-450	NEW-P	05-07-102
212-17-025	AMD-P	05-07-102	212-17-275	AMD	05-12-033	212-17-450	NEW	05-12-033
212-17-025	AMD	05-12-033	212-17-280	AMD-P	05-07-102	212-17-455	NEW-P	05-07-102
212-17-030	AMD-P	05-07-102	212-17-280	AMD	05-12-033	212-17-455	NEW	05-12-033
212-17-030	AMD	05-12-033	212-17-285	AMD-P	05-07-102	212-17-460	NEW-P	05-07-102
212-17-032	NEW-P	05-07-102	212-17-285	AMD	05-12-033	212-17-460	NEW	05-12-033
212-17-032	NEW	05-12-033	212-17-290	AMD-P	05-07-102	212-17-465	NEW-P	05-07-102
212-17-035	AMD-P	05-07-102	212-17-290	AMD	05-12-033	212-17-465	NEW	05-12-033
212-17-035	AMD	05-12-033	212-17-295	AMD-P	05-07-102	212-17-470	NEW-P	05-07-102
212-17-040	AMD-P	05-07-102	212-17-295	AMD	05-12-033	212-17-470	NEW	05-12-033
212-17-040	AMD	05-12-033	212-17-300	AMD-P	05-07-102	212-17-475	NEW-P	05-07-102
212-17-042	NEW-P	05-07-102	212-17-300	AMD	05-12-033	212-17-475	NEW	05-12-033
212-17-042	NEW	05-12-033	212-17-310	AMD-P	05-07-102	212-17-480	NEW-P	05-07-102
212-17-050	AMD-P	05-07-102	212-17-310	AMD	05-12-033	212-17-480	NEW	05-12-033
212-17-050	AMD	05-12-033	212-17-317	AMD-P	05-07-102	212-17-485	NEW-P	05-07-102
212-17-055	AMD-P	05-07-102	212-17-317	AMD	05-12-033	212-17-485	NEW	05-12-033
212-17-055	AMD	05-12-033	212-17-335	AMD-P	05-07-102	212-17-490	NEW-P	05-07-102
212-17-060	AMD-P	05-07-102	212-17-335	AMD	05-12-033	212-17-490	NEW	05-12-033
212-17-060	AMD	05-12-033	212-17-342	NEW-P	05-07-102	212-17-495	NEW-P	05-07-102
212-17-070	AMD-P	05-07-102	212-17-345	AMD-P	05-07-102	212-17-495	NEW	05-12-033
212-17-085	AMD-P	05-07-102	212-17-345	AMD	05-12-033	212-17-500	NEW-P	05-07-102
212-17-085	AMD	05-12-033	212-17-350	AMD-P	05-07-102	212-17-500	NEW	05-12-033
212-17-125	AMD-P	05-07-102	212-17-350	AMD	05-12-033	212-17-505	NEW-P	05-07-102
212-17-170	AMD-P	05-07-102	212-17-352	AMD-P	05-07-102	212-17-505	NEW	05-12-033
212-17-185	AMD-P	05-07-102	212-17-355	AMD-P	05-07-102	212-17-510	NEW-P	05-07-102
212-17-185	AMD	05-12-033	212-17-355	AMD	05-12-033	212-17-510	NEW	05-12-033
212-17-198	AMD-P	05-07-102	212-17-360	AMD-P	05-07-102	212-17-515	NEW-P	05-07-102
212-17-198	AMD	05-12-033	212-17-360	AMD	05-12-033	212-17-515	NEW	05-12-033
212-17-21503	AMD-P	05-07-102	212-17-365	NEW-P	05-07-102	212-17-900	AMD-P	05-07-102
212-17-21503	AMD	05-12-033	212-17-365	NEW	05-12-033	212-17-900	AMD	05-12-033
212-17-21505	AMD-P	05-07-102	212-17-370	NEW-P	05-07-102	212-80	PREP	05-07-101
212-17-21505	AMD	05-12-033	212-17-370	NEW	05-12-033	212-80-001	AMD	05-05-006
212-17-21507	AMD-P	05-07-102	212-17-375	NEW-P	05-07-102	212-80-005	AMD	05-05-006

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212- 80-015	AMD	05-05-006	212- 80-108	RECOD	05-05-006	220- 20-05100B	NEW-E	05-03-013
212- 80-015	AMD-P	05-11-107	212- 80-110	AMD	05-05-006	220- 20-05100B	REP-E	05-03-013
212- 80-018	NEW	05-05-006	212- 80-110	DECOD	05-05-006	220- 20-100	AMD	05-09-009
212- 80-018	AMD-P	05-11-107	212- 80-113	RECOD	05-05-006	220- 22-40000G	NEW-E	05-13-092
212- 80-020	AMD-P	05-11-107	212- 80-113	AMD-P	05-11-107	220- 24-04000U	NEW-E	05-10-051
212- 80-023	RECOD	05-05-006	212- 80-115	AMD	05-05-006	220- 24-04000U	REP-E	05-12-021
212- 80-025	AMD	05-05-006	212- 80-115	DECOD	05-05-006	220- 24-04000V	NEW-E	05-12-021
212- 80-025	DECOD	05-05-006	212- 80-118	RECOD	05-05-006	220- 24-04000V	REP-E	05-13-002
212- 80-028	RECOD	05-05-006	212- 80-120	AMD	05-05-006	220- 24-04000W	NEW-E	05-13-002
212- 80-028	AMD-P	05-11-107	212- 80-120	DECOD	05-05-006	220- 24-04000W	REP-E	05-13-068
212- 80-030	AMD	05-05-006	212- 80-120	RECOD	05-05-006	220- 24-04000X	NEW-E	05-13-068
212- 80-030	DECOD	05-05-006	212- 80-123	RECOD	05-05-006	220- 32-05100G	REP-E	05-04-068
212- 80-033	RECOD	05-05-006	212- 80-125	AMD	05-05-006	220- 32-05100H	NEW-E	05-03-061
212- 80-035	AMD	05-05-006	212- 80-125	DECOD	05-05-006	220- 32-05100H	REP-E	05-03-061
212- 80-035	DECOD	05-05-006	212- 80-128	RECOD	05-05-006	220- 32-05100H	REP-E	05-04-068
212- 80-038	RECOD	05-05-006	212- 80-130	AMD	05-05-006	220- 32-05100H	REP-E	05-04-068
212- 80-038	AMD-P	05-11-107	212- 80-130	DECOD	05-05-006	220- 32-05100I	NEW-E	05-04-068
212- 80-040	AMD	05-05-006	212- 80-133	NEW-P	05-11-107	220- 32-05100I	REP-E	05-04-068
212- 80-040	DECOD	05-05-006	212- 80-135	AMD	05-05-006	220- 32-05100I	REP-E	05-07-084
212- 80-043	RECOD	05-05-006	212- 80-135	DECOD	05-05-006	220- 32-05100J	NEW-E	05-07-084
212- 80-043	AMD-P	05-11-107	212- 80-138	NEW-P	05-11-107	220- 32-05100J	REP-E	05-14-117
212- 80-045	AMD	05-05-006	212- 80-140	NEW-P	05-11-107	220- 32-05100K	NEW-E	05-14-117
212- 80-045	DECOD	05-05-006	212- 80-145	NEW-P	05-11-107	220- 32-05100K	REP-E	05-14-117
212- 80-048	NEW	05-05-006	212- 80-150	NEW-P	05-11-107	220- 33-01000A	NEW-E	05-08-073
212- 80-050	AMD	05-05-006	212- 80-155	NEW-P	05-11-107	220- 33-01000A	REP-E	05-09-098
212- 80-050	DECOD	05-05-006	212- 80-160	NEW-P	05-11-107	220- 33-01000B	NEW-E	05-11-005
212- 80-053	RECOD	05-05-006	212- 80-165	NEW-P	05-11-107	220- 33-01000B	REP-E	05-11-005
212- 80-053	AMD-P	05-11-107	212- 80-170	NEW-P	05-11-107	220- 33-01000C	NEW-E	05-11-032
212- 80-055	AMD	05-05-006	212- 80-175	NEW-P	05-11-107	220- 33-01000C	REP-E	05-11-032
212- 80-055	DECOD	05-05-006	212- 80-180	NEW-P	05-11-107	220- 33-01000D	NEW-E	05-13-194
212- 80-058	RECOD	05-05-006	212- 80-185	NEW-P	05-11-107	220- 33-01000D	REP-E	05-13-194
212- 80-060	AMD	05-05-006	212- 80-188	NEW-P	05-11-107	220- 33-01000S	NEW-E	05-05-091
212- 80-060	DECOD	05-05-006	212- 80-190	NEW-P	05-11-107	220- 33-01000S	REP-E	05-06-010
212- 80-063	RECOD	05-05-006	212- 80-195	NEW-P	05-11-107	220- 33-01000T	NEW-E	05-06-010
212- 80-065	AMD	05-05-006	212- 80-200	RECOD	05-05-006	220- 33-01000T	REP-E	05-06-072
212- 80-065	DECOD	05-05-006	212- 80-200	AMD-P	05-11-107	220- 33-01000U	NEW-E	05-06-072
212- 80-068	RECOD	05-05-006	212- 80-205	RECOD	05-05-006	220- 33-01000U	REP-E	05-07-005
212- 80-070	AMD	05-05-006	212- 80-205	AMD-P	05-11-107	220- 33-01000U	REP-E	05-07-005
212- 80-070	DECOD	05-05-006	212- 80-210	NEW	05-05-006	220- 33-01000V	NEW-E	05-07-005
212- 80-073	RECOD	05-05-006	212- 80-215	NEW	05-05-006	220- 33-01000V	REP-E	05-07-026
212- 80-075	AMD	05-05-006	212- 80-220	NEW	05-05-006	220- 33-01000W	NEW-E	05-07-026
212- 80-075	DECOD	05-05-006	212- 80-225	NEW	05-05-006	220- 33-01000W	REP-E	05-07-043
212- 80-078	RECOD	05-05-006	212- 80-230	NEW	05-05-006	220- 33-01000X	NEW-E	05-07-043
212- 80-078	AMD-P	05-11-107	212- 80-235	NEW	05-05-006	220- 33-01000X	REP-E	05-07-082
212- 80-080	AMD	05-05-006	212- 80-240	NEW	05-05-006	220- 33-01000Y	NEW-E	05-07-082
212- 80-080	DECOD	05-05-006	212- 80-245	NEW	05-05-006	220- 33-01000Y	REP-E	05-08-021
212- 80-083	RECOD	05-05-006	212- 80-250	NEW	05-05-006	220- 33-01000Z	NEW-E	05-08-021
212- 80-083	AMD-P	05-11-107	212- 80-255	NEW	05-05-006	220- 33-01000Z	REP-E	05-08-073
212- 80-085	AMD	05-05-006	212- 80-260	NEW	05-05-006	220- 33-03000V	NEW-E	05-11-031
212- 80-085	DECOD	05-05-006	212- 80-265	NEW	05-05-006	220- 33-03000V	REP-E	05-11-031
212- 80-088	RECOD	05-05-006	212- 80-265	AMD-P	05-11-107	220- 33-03000V	REP-E	05-12-003
212- 80-090	AMD	05-05-006	220- 16-007	NEW-W	05-14-132	220- 33-03000W	NEW-E	05-12-003
212- 80-090	DECOD	05-05-006	220- 16-470	AMD-X	05-10-107	220- 33-03000W	REP-E	05-13-195
212- 80-093	RECOD	05-05-006	220- 16-47000C	NEW-E	05-10-042	220- 33-03000W	REP-E	05-13-195
212- 80-093	AMD-P	05-11-107	220- 16-820	NEW	05-09-009	220- 33-03000X	NEW-E	05-13-195
212- 80-095	AMD	05-05-006	220- 16-830	NEW	05-09-009	220- 33-03000X	REP-E	05-13-195
212- 80-095	DECOD	05-05-006	220- 16-840	NEW	05-09-009	220- 33-03000Y	NEW-E	05-14-059
212- 80-098	RECOD	05-05-006	220- 16-850	NEW	05-09-009	220- 33-03000Y	REP-E	05-14-059
212- 80-100	DECOD	05-05-006	220- 16-860	NEW	05-09-009	220- 33-04000W	REP-E	05-06-042
212- 80-103	RECOD	05-05-006	220- 16-870	NEW	05-09-009	220- 33-04000X	NEW-E	05-06-042
			220- 20-010	AMD-P	05-03-117	220- 33-04000X	REP-E	05-06-042
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220-44-035	AMD-X	05-11-089	220-52-07100N	REP-E	05-07-062	220-56-32500A	NEW-E	05-11-090
220-44-03500A	NEW-E	05-12-016	220-52-07100P	NEW-E	05-07-062	220-56-32500A	REP-E	05-12-008
220-44-05000D	REP-E	05-08-055	220-52-07100P	REP-E	05-07-083	220-56-32500B	NEW-E	05-12-008
220-44-05000E	NEW-E	05-08-055	220-52-07100Q	NEW-E	05-07-083	220-56-32500B	REP-E	05-12-039
220-44-05000E	REP-E	05-11-026	220-52-07100Q	REP-E	05-07-083	220-56-32500C	NEW-E	05-12-039
220-44-05000F	NEW-E	05-11-026	220-52-07300Q	REP-E	05-03-068	220-56-32500C	REP-E	05-12-104
220-47-001	AMD-X	05-12-143	220-52-07300R	NEW-E	05-03-068	220-56-32500D	NEW-E	05-12-104
220-47-302	AMD-X	05-12-143	220-52-07300R	REP-E	05-05-039	220-56-32500D	REP-E	05-12-120
220-47-311	AMD-X	05-12-143	220-52-07300S	NEW-E	05-05-039	220-56-32500E	NEW-E	05-12-120
220-47-325	AMD-X	05-12-143	220-52-07300S	REP-E	05-07-009	220-56-32500E	REP-E	05-14-036
220-47-401	AMD-X	05-12-143	220-52-07300T	NEW-E	05-07-009	220-56-32500F	NEW-E	05-14-036
220-47-411	AMD-X	05-12-143	220-52-07300T	REP-E	05-07-103	220-56-32500W	NEW-E	05-09-027
220-47-428	AMD-X	05-12-143	220-56-100	AMD-X	05-10-107	220-56-32500W	REP-E	05-10-078
220-48-00500I	NEW-E	05-11-027	220-56-10000D	NEW-E	05-10-042	220-56-32500X	NEW-E	05-10-078
220-48-01500V	NEW-E	05-05-090	220-56-115	AMD	05-05-035	220-56-32500X	REP-E	05-11-025
220-48-01500V	REP-E	05-11-027	220-56-118	AMD	05-05-035	220-56-32500Y	NEW-E	05-11-025
220-48-01500W	NEW-E	05-11-027	220-56-118	AMD-X	05-10-107	220-56-32500Y	REP-E	05-11-044
220-48-03200F	NEW-E	05-13-086	220-56-123	AMD-X	05-10-107	220-56-32500Z	NEW-E	05-11-044
220-52-018	AMD-P	05-12-142	220-56-128	AMD	05-05-035	220-56-32500Z	REP-E	05-11-090
220-52-018	AMD-W	05-14-133	220-56-12800I	NEW-E	05-14-063	220-56-326	AMD	05-05-035
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220-52-020	AMD-W	05-14-133	220-56-130	AMD	05-05-035	220-56-330	AMD-P	05-07-042
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220-52-04000H	NEW-E	05-03-039	220-56-18000D	NEW-E	05-10-042	220-56-33000R	NEW-E	05-07-008
220-52-04000H	REP-E	05-06-034	220-56-195	AMD-X	05-10-107	220-56-33000R	REP-E	05-07-149
220-52-04000I	NEW-E	05-04-065	220-56-19500N	NEW-E	05-10-042	220-56-33000S	NEW-E	05-07-149
220-52-04000I	REP-E	05-04-065	220-56-25000H	NEW-E	05-06-008	220-56-33000S	REP-E	05-12-004
220-52-04000J	NEW-E	05-06-034	220-56-255	AMD-X	05-09-033	220-56-33000T	NEW-E	05-12-004
220-52-04000J	REP-E	05-07-060	220-56-255	AMD	05-14-035	220-56-33000T	REP-E	05-12-004
220-52-04000K	NEW-E	05-07-060	220-56-25500S	NEW-E	05-09-025	220-56-350	AMD	05-05-035
220-52-04000K	REP-E	05-13-092	220-56-25500S	REP-E	05-11-102	220-56-35000U	REP-E	05-06-007
220-52-04000L	NEW-E	05-13-092	220-56-25500T	NEW-E	05-11-102	220-56-35000V	NEW-E	05-06-007
220-52-04600A	NEW-E	05-06-034	220-56-25500T	REP-E	05-12-038	220-56-35000W	NEW-E	05-09-026
220-52-04600A	REP-E	05-07-060	220-56-25500U	NEW-E	05-12-038	220-56-35000W	REP-E	05-09-026
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220-52-04600Y	NEW-E	05-04-065	220-56-28200G	REP-E	05-08-071	220-56-36000I	NEW-E	05-08-119
220-52-04600Z	NEW-E	05-05-041	220-56-28200H	NEW-E	05-06-006	220-56-36000I	REP-E	05-08-119
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220-52-05100L	REP-E	05-11-091	220-56-310	AMD	05-05-035	220-56-380	AMD	05-05-035
220-52-05100M	NEW-E	05-11-091	220-56-310	AMD-P	05-07-042	220-56-38000H	REP-E	05-09-026
220-52-05100M	REP-E	05-13-052	220-56-310	AMD	05-12-007	220-56-38000I	NEW-E	05-09-026
220-52-05100N	NEW-E	05-13-052	220-56-31000W	NEW-E	05-12-004	220-69-236	AMD	05-05-035
220-52-05100N	REP-E	05-13-196	220-56-31000W	REP-E	05-12-004	220-69-240	AMD-W	05-14-132
220-52-05100P	NEW-E	05-13-196	220-56-312	AMD-P	05-07-042	220-69-241	AMD-W	05-14-132
220-52-05100P	REP-E	05-14-148	220-56-315	AMD	05-05-035	220-69-26401	AMD	05-05-026
220-52-05100Q	NEW-E	05-14-148	220-56-315	AMD-P	05-07-042	220-69-280	AMD-W	05-14-132
220-52-07100L	NEW-E	05-05-040	220-56-315	AMD	05-12-007	220-69-310	NEW-W	05-14-132
220-52-07100L	REP-E	05-06-009	220-56-31500D	NEW-E	05-12-004	220-76-015	AMD-P	05-09-023
220-52-07100M	NEW-E	05-06-009	220-56-31500D	REP-E	05-12-004	220-76-015	AMD-W	05-09-041
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220- 88C-030	AMD	05-08-056	222- 20-040	AMD-P	05-06-096	230- 04-142	AMD	05-11-084
220- 88C-040	AMD-P	05-03-117	222- 20-040	AMD	05-12-119	230- 04-208	REP-P	05-14-163
220- 88C-040	AMD	05-08-056	222- 20-050	AMD-P	05-06-096	230- 04-255	AMD-P	05-07-115
220- 88C-050	AMD-P	05-03-117	222- 20-050	AMD	05-12-119	230- 04-255	AMD	05-11-086
220- 88C-050	AMD	05-08-056	222- 20-060	AMD-P	05-06-096	230- 04-270	AMD-P	05-07-117
220- 88D-010	NEW-P	05-12-142	222- 20-060	AMD	05-12-119	230- 04-270	AMD	05-11-085
220- 88D-010	NEW-W	05-14-133	222- 20-075	NEW-P	05-06-096	230- 08	PREP	05-13-042
220- 88D-01000A	NEW-E	05-10-005	222- 20-075	NEW	05-12-119	230- 08-130	AMD-P	05-07-119
220- 88D-01000A	REP-E	05-12-060	222- 21-030	AMD-P	05-06-096	230- 08-130	AMD	05-11-088
220- 88D-01000B	NEW-E	05-12-060	222- 21-030	AMD	05-12-119	230- 08-140	AMD-P	05-07-119
220- 88D-020	NEW-P	05-12-142	222- 22-010	AMD-P	05-06-096	230- 08-140	AMD	05-11-088
220- 88D-020	NEW-W	05-14-133	222- 22-010	AMD-S	05-08-085	230- 08-150	AMD-P	05-07-119
220- 88D-02000A	NEW-E	05-12-060	222- 22-010	AMD	05-12-119	230- 08-150	AMD	05-11-088
220- 88D-030	NEW-P	05-12-142	222- 22-020	AMD-S	05-08-085	230- 08-160	AMD-P	05-07-119
220- 88D-030	NEW-W	05-14-133	222- 22-020	AMD	05-12-119	230- 08-160	AMD	05-11-088
220- 88D-03000A	NEW-E	05-12-060	222- 22-045	NEW-S	05-08-085	230- 08-165	AMD-P	05-07-119
220- 88D-040	NEW-P	05-12-142	222- 22-045	NEW	05-12-119	230- 08-165	AMD	05-11-088
220- 88D-040	NEW-W	05-14-133	222- 22-050	AMD-S	05-08-085	230- 12	PREP	05-13-042
220- 88D-04000A	NEW-E	05-12-060	222- 22-050	AMD	05-12-119	230- 12-305	AMD-P	05-07-119
220- 88D-050	NEW-P	05-12-142	222- 22-060	AMD-S	05-08-085	230- 12-305	AMD	05-11-088
220- 88D-050	NEW-W	05-14-133	222- 22-060	AMD	05-12-119	230- 12-310	AMD-P	05-07-119
220- 95-110	AMD-P	05-09-011	222- 22-070	AMD-P	05-06-096	230- 12-310	AMD	05-11-088
220-110-170	AMD-X	05-09-040	222- 22-070	AMD-S	05-08-085	230- 12-320	REP-P	05-13-116
220-110-170	AMD	05-14-001	222- 22-070	AMD	05-12-119	230- 12-330	REP-P	05-13-116
222	AMD-S	05-04-007	222- 22-080	AMD-S	05-08-085	230- 12-340	AMD-P	05-13-116
222- 08-160	AMD-S	05-08-085	222- 22-080	AMD	05-12-119	230- 12-345	REP-P	05-13-116
222- 08-160	AMD	05-12-119	222- 22-090	AMD-P	05-06-096	230- 12-350	AMD-P	05-13-116
222- 10-030	AMD-P	05-06-096	222- 22-090	AMD-S	05-08-085	230- 20-115	AMD-P	05-03-115
222- 10-030	AMD	05-12-119	222- 22-090	AMD	05-12-119	230- 20-115	AMD	05-07-106
222- 10-040	AMD-P	05-06-096	222- 23-020	AMD-P	05-06-096	230- 20-325	AMD-P	05-13-115
222- 10-040	AMD	05-12-119	222- 23-020	AMD	05-12-119	230- 20-335	AMD-P	05-03-114
222- 12-010	AMD-S	05-08-085	222- 23-025	AMD-P	05-06-096	230- 20-335	AMD	05-07-107
222- 12-010	AMD	05-12-119	222- 23-025	AMD	05-12-119	230- 20-335	AMD-P	05-13-115
222- 12-040	AMD-P	05-06-096	222- 24-010	AMD-P	05-06-096	230- 30-033	AMD-W	05-08-105
222- 12-040	AMD	05-12-119	222- 24-010	AMD	05-12-119	232- 12-021	AMD	05-02-046
222- 12-045	AMD-P	05-06-096	222- 24-051	AMD-P	05-06-096	232- 12-068	AMD-P	05-13-198
222- 12-045	AMD	05-12-119	222- 24-051	AMD	05-12-119	232- 12-129	AMD	05-05-008
222- 12-046	AMD-P	05-06-096	222- 30-020	AMD-P	05-06-096	232- 12-421	NEW-P	05-13-193
222- 12-046	AMD-S	05-08-085	222- 30-020	AMD	05-12-119	232- 12-422	NEW-P	05-13-193
222- 12-046	AMD	05-12-119	222- 30-021	AMD-P	05-06-096	232- 12-423	NEW-P	05-13-193
222- 12-080	AMD-P	05-06-096	222- 30-021	AMD	05-12-119	232- 12-619	AMD	05-05-035
222- 12-080	AMD	05-12-119	222- 30-022	AMD-P	05-06-096	232- 12-619	AMD-X	05-10-107
222- 12-090	AMD-P	05-06-096	222- 30-022	AMD	05-12-119	232- 12-61900W	NEW-E	05-10-042
222- 12-090	AMD-S	05-08-085	222- 30-023	AMD-P	05-06-096	232- 16-050	AMD-P	05-13-198
222- 12-090	AMD	05-12-119	222- 30-023	AMD	05-12-119	232- 16-740	AMD-P	05-13-198
222- 16-010	AMD-P	05-06-096	222- 30-025	AMD-P	05-06-096	232- 28-248	AMD	05-02-046
222- 16-010	AMD-S	05-08-085	222- 30-025	AMD	05-12-119	232- 28-248	AMD-P	05-06-108
222- 16-010	AMD	05-12-119	222- 30-050	AMD-P	05-06-096	232- 28-248	AMD	05-11-022
222- 16-030	AMD-P	05-06-096	222- 30-050	AMD	05-12-119	232- 28-266	AMD-P	05-06-108
222- 16-030	AMD	05-12-119	222- 30-110	AMD-P	05-06-096	232- 28-266	AMD	05-11-021
222- 16-031	AMD-P	05-06-096	222- 30-110	AMD	05-12-119	232- 28-271	AMD	05-02-046
222- 16-031	AMD	05-12-119	222- 34-010	AMD-P	05-06-096	232- 28-273	AMD-P	05-06-108
222- 16-050	AMD-P	05-06-096	222- 34-010	AMD	05-12-119	232- 28-273	AMD	05-11-022
222- 16-050	AMD	05-12-119	222- 34-020	AMD-P	05-06-096	232- 28-282	AMD-P	05-06-108
222- 16-070	AMD-P	05-06-096	222- 34-020	AMD	05-12-119	232- 28-282	AMD	05-11-022
222- 16-070	AMD	05-12-119	230- 02	PREP	05-13-042	232- 28-284	NEW	05-02-046
222- 16-080	AMD-P	05-06-096	230- 02-205	AMD-W	05-09-052	232- 28-285	AMD-P	05-13-192
222- 16-080	AMD	05-12-119	230- 02-505	AMD-P	05-09-065	232- 28-291	AMD	05-02-046
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232-28-335	AMD	05-11-022	232-28-61900R	NEW-E	05-09-097	246-100-072	AMD-P	05-06-123
232-28-337	AMD-P	05-06-108	232-28-61900R	REP-E	05-11-006	246-100-072	AMD	05-11-110
232-28-337	AMD	05-11-023	232-28-61900S	NEW-E	05-10-007	246-100-166	PREP	05-03-054
232-28-341	AMD-P	05-06-108	232-28-61900S	REP-E	05-10-007	246-100-166	AMD-P	05-04-113
232-28-341	AMD	05-11-022	232-28-61900T	NEW-E	05-10-042	246-100-166	AMD	05-08-094
232-28-351	AMD-P	05-06-106	232-28-61900T	REP-E	05-14-116	246-100-166	AMD-P	05-12-139
232-28-351	AMD	05-11-022	232-28-61900U	NEW-E	05-10-050	246-100-202	NEW-P	05-06-123
232-28-35100C	NEW-E	05-13-087	232-28-61900U	REP-E	05-13-010	246-100-202	NEW	05-11-110
232-28-352	AMD-P	05-06-107	232-28-61900V	NEW-E	05-11-051	246-100-203	NEW-P	05-06-123
232-28-352	AMD	05-11-024	232-28-61900V	REP-E	05-11-051	246-100-203	NEW	05-11-110
232-28-428	REP-P	05-13-197	232-28-61900W	NEW-E	05-11-042	246-100-204	NEW-P	05-06-123
232-28-429	NEW-P	05-13-197	232-28-61900W	REP-E	05-11-092	246-100-204	NEW	05-11-110
232-28-619	AMD	05-03-005	232-28-61900X	NEW-E	05-11-043	246-100-205	NEW-P	05-06-123
232-28-619	AMD	05-05-035	232-28-61900X	REP-E	05-11-043	246-100-205	NEW	05-11-110
232-28-619	AMD-X	05-10-107	232-28-61900Y	REP-E	05-03-062	246-100-206	AMD-P	05-06-123
232-28-61900A	NEW-E	05-13-031	232-28-61900Y	NEW-E	05-12-027	246-100-206	AMD	05-11-110
232-28-61900A	REP-E	05-13-031	232-28-61900Y	REP-E	05-12-027	246-100-207	AMD-P	05-06-123
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232-28-61900B	NEW-E	05-13-009	232-28-620	AMD-X	05-10-107	246-100-208	AMD	05-11-110
232-28-61900B	REP-E	05-13-009	232-28-62000X	NEW-E	05-10-042	246-100-209	AMD-P	05-06-123
232-28-61900C	NEW-E	05-04-003	232-28-621	AMD-X	05-10-107	246-100-209	AMD	05-11-110
232-28-61900C	NEW-E	05-13-010	232-28-62100R	NEW-E	05-10-042	246-101-015	AMD	05-03-055
232-28-61900C	REP-E	05-14-061	236-22-010	AMD	05-04-072	246-101-101	AMD	05-03-055
232-28-61900D	NEW-E	05-05-002	236-22-010	DECOD	05-04-072	246-101-201	AMD	05-03-055
232-28-61900D	REP-E	05-05-002	236-22-020	AMD	05-04-072	246-101-301	AMD	05-03-055
232-28-61900D	REP-E	05-08-072	236-22-020	DECOD	05-04-072	246-101-505	AMD-P	05-06-123
232-28-61900D	NEW-E	05-13-035	236-22-030	AMD	05-04-072	246-101-505	AMD	05-11-110
232-28-61900D	REP-E	05-13-199	236-22-030	DECOD	05-04-072	246-101-520	AMD-P	05-06-123
232-28-61900E	NEW-E	05-05-089	236-22-031	AMD	05-04-072	246-101-520	AMD	05-11-110
232-28-61900E	REP-E	05-05-089	236-22-031	DECOD	05-04-072	246-130	PREP	05-06-119
232-28-61900E	NEW-E	05-13-053	236-22-032	DECOD	05-04-072	246-140-001	NEW	05-04-112
232-28-61900E	REP-E	05-13-053	236-22-033	DECOD	05-04-072	246-140-010	NEW	05-04-112
232-28-61900F	NEW-E	05-07-077	236-22-034	AMD	05-04-072	246-140-020	NEW	05-04-112
232-28-61900F	REP-E	05-07-077	236-22-034	DECOD	05-04-072	246-203-120	PREP	05-10-096
232-28-61900F	REP-E	05-09-097	236-22-035	DECOD	05-04-072	246-247	PREP	05-12-140
232-28-61900F	NEW-E	05-13-199	236-22-036	AMD	05-04-072	246-247-035	NEW-P	05-08-019
232-28-61900F	REP-E	05-14-062	236-22-036	DECOD	05-04-072	246-247-035	NEW	05-12-059
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232-28-61900G	NEW-E	05-14-061	236-22-037	DECOD	05-04-072	246-260-031	AMD	05-09-004
232-28-61900H	NEW-E	05-07-078	236-22-038	AMD	05-04-072	246-260-041	AMD-X	05-03-057
232-28-61900H	REP-E	05-07-078	236-22-038	DECOD	05-04-072	246-260-041	AMD	05-09-004
232-28-61900H	NEW-E	05-14-062	236-22-040	DECOD	05-04-072	246-260-061	AMD-X	05-03-057
232-28-61900I	NEW-E	05-07-148	236-22-050	AMD	05-04-072	246-260-061	AMD	05-09-004
232-28-61900I	REP-E	05-07-148	236-22-050	DECOD	05-04-072	246-260-091	AMD-X	05-03-057
232-28-61900I	NEW-E	05-14-116	236-22-060	AMD	05-04-072	246-260-091	AMD	05-09-004
232-28-61900J	NEW-E	05-08-071	236-22-060	DECOD	05-04-072	246-260-131	AMD-X	05-03-057
232-28-61900J	REP-E	05-08-071	236-22-070	AMD	05-04-072	246-260-131	AMD	05-09-004
232-28-61900J	REP-E	05-13-035	236-22-070	DECOD	05-04-072	246-260-171	AMD-X	05-03-057
232-28-61900J	NEW-E	05-14-147	236-22-080	AMD	05-04-072	246-260-171	AMD	05-09-004
232-28-61900K	NEW-E	05-08-072	236-22-080	DECOD	05-04-072	246-272-00101	REP-P	05-02-082
232-28-61900K	REP-E	05-08-072	236-22-100	AMD	05-04-072	246-272-00501	REP-P	05-02-082
232-28-61900L	NEW-E	05-08-074	236-22-100	DECOD	05-04-072	246-272-01001	REP-P	05-02-082
232-28-61900L	REP-E	05-08-074	236-22-200	AMD	05-04-072	246-272-02001	REP-P	05-02-082
232-28-61900M	NEW-E	05-09-016	236-22-200	DECOD	05-04-072	246-272-03001	REP-P	05-02-082
232-28-61900M	REP-E	05-09-016	236-22-210	AMD	05-04-072	246-272-04001	REP-P	05-02-082
232-28-61900N	NEW-E	05-09-037	236-22-210	DECOD	05-04-072	246-272-05001	REP-P	05-02-082
232-28-61900N	REP-E	05-09-037	246-08-400	AMD-P	05-06-121	246-272-07001	REP-P	05-02-082
232-28-61900P	NEW-E	05-09-024	246-08-400	AMD	05-12-013	246-272-08001	REP-P	05-02-082
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246-272-11001	REP-P	05-02-082	246-272A-0232	NEW-S	05-11-109	246-323-050	REP-P	05-10-063
246-272-12501	REP-P	05-02-082	246-272A-0234	NEW-P	05-02-082	246-323-060	REP-P	05-10-063
246-272-13501	REP-P	05-02-082	246-272A-0234	NEW-S	05-11-109	246-323-070	REP-P	05-10-063
246-272-14501	REP-P	05-02-082	246-272A-0238	NEW-P	05-02-082	246-323-080	REP-P	05-10-063
246-272-15501	REP-P	05-02-082	246-272A-0238	NEW-S	05-11-109	246-323-090	REP-P	05-10-063
246-272-16501	REP-P	05-02-082	246-272A-0240	NEW-P	05-02-082	246-323-990	REP-P	05-10-063
246-272-17501	REP-P	05-02-082	246-272A-0240	NEW-S	05-11-109	246-324-990	AMD-P	05-14-156
246-272-18501	REP-P	05-02-082	246-272A-0250	NEW-P	05-02-082	246-325-010	REP-P	05-10-063
246-272-19501	REP-P	05-02-082	246-272A-0250	NEW-S	05-11-109	246-325-012	REP-P	05-10-063
246-272-20501	REP-P	05-02-082	246-272A-0260	NEW-P	05-02-082	246-325-015	REP-P	05-10-063
246-272-21501	REP-P	05-02-082	246-272A-0260	NEW-S	05-11-109	246-325-020	REP-P	05-10-063
246-272-22501	REP-P	05-02-082	246-272A-0265	NEW-P	05-02-082	246-325-022	REP-P	05-10-063
246-272-23501	REP-P	05-02-082	246-272A-0265	NEW-S	05-11-109	246-325-025	REP-P	05-10-063
246-272-24001	REP-P	05-02-082	246-272A-0270	NEW-P	05-02-082	246-325-030	REP-P	05-10-063
246-272-25001	REP-P	05-02-082	246-272A-0270	NEW-S	05-11-109	246-325-035	REP-P	05-10-063
246-272-26001	REP-P	05-02-082	246-272A-0275	NEW-P	05-02-082	246-325-040	REP-P	05-10-063
246-272-27001	REP-P	05-02-082	246-272A-0275	NEW-S	05-11-109	246-325-045	REP-P	05-10-063
246-272-28001	REP-P	05-02-082	246-272A-0280	NEW-P	05-02-082	246-325-050	REP-P	05-10-063
246-272A	AMD-C	05-09-002	246-272A-0280	NEW-S	05-11-109	246-325-060	REP-P	05-10-063
246-272A-0001	NEW-P	05-02-082	246-272A-0290	NEW-P	05-02-082	246-325-070	REP-P	05-10-063
246-272A-0001	NEW-S	05-11-109	246-272A-0290	NEW-S	05-11-109	246-325-100	REP-P	05-10-063
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246-272A-0005	NEW-S	05-11-109	246-272A-0300	NEW-S	05-11-109	246-325-990	REP-P	05-10-063
246-272A-0010	NEW-P	05-02-082	246-272A-0310	NEW-P	05-02-082	246-326-010	REP-P	05-10-063
246-272A-0010	NEW-S	05-11-109	246-272A-0310	NEW-S	05-11-109	246-326-020	REP-P	05-10-063
246-272A-0015	NEW-P	05-02-082	246-272A-0320	NEW-P	05-02-082	246-326-030	REP-P	05-10-063
246-272A-0015	NEW-S	05-11-109	246-272A-0320	NEW-S	05-11-109	246-326-035	REP-P	05-10-063
246-272A-0020	NEW-P	05-02-082	246-272A-0340	NEW-P	05-02-082	246-326-040	REP-P	05-10-063
246-272A-0020	NEW-S	05-11-109	246-272A-0340	NEW-S	05-11-109	246-326-050	REP-P	05-10-063
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246-272A-0025	NEW-S	05-11-109	246-272A-0400	NEW-S	05-11-109	246-326-070	REP-P	05-10-063
246-272A-0100	NEW-P	05-02-082	246-272A-0410	NEW-P	05-02-082	246-326-080	REP-P	05-10-063
246-272A-0100	NEW-S	05-11-109	246-272A-0410	NEW-S	05-11-109	246-326-090	REP-P	05-10-063
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246-272A-0110	NEW-S	05-11-109	246-272A-0420	NEW-S	05-11-109	246-326-990	REP-P	05-10-063
246-272A-0120	NEW-P	05-02-082	246-272A-0425	NEW-P	05-02-082	246-329-990	AMD-P	05-10-064
246-272A-0120	NEW-S	05-11-109	246-272A-0425	NEW-S	05-11-109	246-329-990	AMD	05-13-189
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246-272A-0125	NEW-S	05-11-109	246-272A-0430	NEW-S	05-11-109	246-337-005	NEW-P	05-10-063
246-272A-0130	NEW-P	05-02-082	246-272A-0440	NEW-P	05-02-082	246-337-010	NEW-P	05-10-063
246-272A-0130	NEW-S	05-11-109	246-272A-0440	NEW-S	05-11-109	246-337-015	NEW-P	05-10-063
246-272A-0135	NEW-P	05-02-082	246-272A-0450	NEW-P	05-02-082	246-337-020	NEW-P	05-10-063
246-272A-0135	NEW-S	05-11-109	246-272A-0450	NEW-S	05-11-109	246-337-025	NEW-P	05-10-063
246-272A-0140	NEW-P	05-02-082	246-272A-990	NEW-P	05-02-082	246-337-030	NEW-P	05-10-063
246-272A-0140	NEW-S	05-11-109	246-272A-990	NEW-S	05-11-109	246-337-035	NEW-P	05-10-063
246-272A-0145	NEW-P	05-02-082	246-282-990	AMD-P	05-14-158	246-337-040	NEW-P	05-10-063
246-272A-0145	NEW-S	05-11-109	246-292-010	AMD	05-06-122	246-337-045	NEW-P	05-10-063
246-272A-0150	NEW-P	05-02-082	246-292-031	NEW	05-06-122	246-337-050	NEW-P	05-10-063
246-272A-0150	NEW-S	05-11-109	246-292-085	AMD	05-06-122	246-337-055	NEW-P	05-10-063
246-272A-0170	NEW-P	05-02-082	246-292-090	AMD	05-06-122	246-337-060	NEW-P	05-10-063
246-272A-0170	NEW-S	05-11-109	246-292-100	AMD	05-06-122	246-337-065	NEW-P	05-10-063
246-272A-0175	NEW-P	05-02-082	246-310-132	REP-W	05-13-085	246-337-070	NEW-P	05-10-063
246-272A-0175	NEW-S	05-11-109	246-310-261	AMD-W	05-13-051	246-337-075	NEW-P	05-10-063
246-272A-0200	NEW-P	05-02-082	246-310-262	AMD-W	05-13-051	246-337-080	NEW-P	05-10-063
246-272A-0200	NEW-S	05-11-109	246-310-990	AMD-W	05-13-085	246-337-085	NEW-P	05-10-063
246-272A-0210	NEW-P	05-02-082	246-320-990	AMD-P	05-14-156	246-337-090	NEW-P	05-10-063
246-272A-0210	NEW-S	05-11-109	246-322-990	AMD-P	05-14-156	246-337-095	NEW-P	05-10-063
246-272A-0220	NEW-P	05-02-082	246-323-010	REP-P	05-10-063	246-337-100	NEW-P	05-10-063
246-272A-0220	NEW-S	05-11-109	246-323-020	REP-P	05-10-063	246-337-105	NEW-P	05-10-063
246-272A-0230	NEW-P	05-02-082	246-323-022	REP-P	05-10-063	246-337-110	NEW-P	05-10-063
246-272A-0230	NEW-S	05-11-109	246-323-030	REP-P	05-10-063	246-337-115	NEW-P	05-10-063

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246-337-125	NEW-P	05-10-063	246-822-990	AMD-P	05-07-109	246-850-990	AMD	05-12-012
246-337-130	NEW-P	05-10-063	246-822-990	AMD	05-12-012	246-851-990	AMD-P	05-07-109
246-337-135	NEW-P	05-10-063	246-824-075	PREP	05-13-185	246-851-990	AMD	05-12-012
246-337-140	NEW-P	05-10-063	246-824-990	AMD-P	05-07-109	246-853-990	AMD-P	05-07-109
246-337-145	NEW-P	05-10-063	246-824-990	AMD	05-12-012	246-853-990	AMD	05-12-012
246-337-150	NEW-P	05-10-063	246-824-995	REP-P	05-07-109	246-869-095	REP	05-07-108
246-337-155	NEW-P	05-10-063	246-824-995	REP	05-12-012	246-887-220	NEW-P	05-14-157
246-337-990	NEW-P	05-10-063	246-826-990	AMD-P	05-07-109	246-887-230	NEW-P	05-14-157
246-338-010	AMD	05-04-040	246-826-990	AMD	05-12-012	246-887-240	NEW-P	05-14-157
246-338-028	AMD	05-04-040	246-828-025	PREP	05-13-184	246-887-250	NEW-P	05-14-157
246-338-040	AMD	05-04-040	246-828-045	PREP	05-13-184	246-887-260	NEW-P	05-14-157
246-338-050	AMD	05-04-040	246-828-075	PREP	05-13-184	246-887-270	NEW-P	05-14-157
246-338-060	AMD	05-04-040	246-828-990	AMD-P	05-07-109	246-887-280	NEW-P	05-14-157
246-338-070	AMD	05-04-040	246-828-990	AMD	05-12-012	246-887-290	NEW-P	05-14-157
246-338-080	AMD	05-04-040	246-830-990	AMD-P	05-07-109	246-907-030	AMD-P	05-07-109
246-338-090	AMD	05-04-040	246-830-990	AMD	05-12-012	246-907-030	AMD	05-12-012
246-360-990	AMD	05-05-072	246-834-250	AMD	05-06-118	246-907-995	REP-P	05-07-109
246-360-990	AMD-P	05-10-064	246-834-990	AMD-P	05-07-109	246-907-995	REP	05-12-012
246-360-990	AMD	05-13-189	246-834-990	PREP-W	05-10-095	246-915-040	AMD	05-06-022
246-380-990	AMD-P	05-10-064	246-834-990	AMD	05-12-012	246-915-050	AMD	05-03-009
246-380-990	AMD	05-13-189	246-836	PREP	05-14-152	246-915-100	AMD	05-06-020
246-562	PREP	05-03-010	246-836	PREP	05-14-155	246-915-105	NEW	05-06-021
246-564-001	NEW-P	05-03-007	246-836-210	PREP	05-14-153	246-915-150	REP	05-09-046
246-564-001	NEW	05-10-094	246-836-990	AMD-P	05-07-109	246-915-170	REP	05-09-046
246-564-010	NEW-P	05-03-007	246-836-990	AMD	05-12-012	246-915-180	AMD	05-06-023
246-564-010	NEW	05-10-094	246-840-505	AMD	05-12-058	246-915-350	NEW-P	05-03-008
246-650	PREP	05-06-030	246-840-510	AMD	05-12-058	246-915-350	NEW	05-09-003
246-790	PREP	05-03-056	246-840-515	NEW	05-12-058	246-915-990	AMD-P	05-03-008
246-802-060	AMD-P	05-06-120	246-840-520	AMD	05-12-058	246-915-990	AMD-P	05-07-109
246-802-060	AMD	05-13-188	246-840-525	AMD	05-12-058	246-915-990	AMD	05-09-003
246-802-130	AMD-P	05-06-120	246-840-530	AMD	05-12-058	246-915-990	AMD	05-12-012
246-802-130	AMD	05-13-188	246-840-535	AMD	05-12-058	246-918-990	AMD-P	05-07-109
246-802-990	AMD-P	05-07-109	246-840-545	AMD	05-12-058	246-918-990	AMD	05-12-012
246-802-990	AMD	05-12-012	246-840-548	NEW	05-12-058	246-919-330	AMD	05-07-024
246-808-135	AMD-P	05-13-186	246-840-550	AMD	05-12-058	246-919-600	REP	05-10-065
246-808-510	PREP	05-10-062	246-840-555	AMD	05-12-058	246-919-990	AMD-P	05-07-109
246-808-990	AMD-P	05-07-109	246-840-560	AMD	05-12-058	246-919-990	AMD	05-12-012
246-808-990	AMD	05-12-012	246-840-565	AMD	05-12-058	246-922-990	AMD-P	05-07-109
246-809	PREP-W	05-10-095	246-840-570	AMD	05-12-058	246-922-990	AMD	05-12-012
246-809-990	AMD-P	05-07-109	246-840-575	AMD	05-12-058	246-922-995	REP-P	05-07-109
246-809-990	AMD	05-12-012	246-840-840	PREP-W	05-10-095	246-922-995	REP	05-12-012
246-810-990	AMD-P	05-07-109	246-840-850	PREP-W	05-10-095	246-924-354	AMD-P	05-13-187
246-810-990	AMD	05-12-012	246-840-860	PREP-W	05-10-095	246-924-990	AMD-P	05-07-109
246-811-990	AMD-P	05-07-109	246-840-870	PREP-W	05-10-095	246-924-990	AMD	05-12-012
246-811-990	AMD	05-12-012	246-840-880	PREP-W	05-10-095	246-926-990	AMD-P	05-07-109
246-812-990	AMD-P	05-07-109	246-840-890	PREP-W	05-10-095	246-926-990	AMD	05-12-012
246-812-990	AMD	05-12-012	246-840-990	AMD-P	05-07-109	246-927-990	AMD-P	05-07-109
246-812-995	REP-P	05-07-109	246-840-990	PREP-W	05-10-095	246-927-990	AMD	05-12-012
246-812-995	REP	05-12-012	246-840-990	AMD	05-12-012	246-928-990	AMD-P	05-07-109
246-815-990	AMD-P	05-07-109	246-841-990	AMD-P	05-07-109	246-928-990	AMD	05-12-012
246-815-990	AMD	05-12-012	246-841-990	AMD	05-12-012	246-930-020	AMD	05-12-014
246-817-701	PREP	05-09-001	246-843-990	AMD-P	05-07-109	246-930-200	AMD	05-12-014
246-817-710	PREP	05-09-001	246-843-990	AMD	05-12-012	246-930-220	AMD	05-12-014
246-817-720	PREP	05-09-001	246-845-990	AMD-P	05-07-109	246-930-301	AMD	05-12-014
246-817-730	PREP	05-09-001	246-845-990	AMD	05-12-012	246-930-431	AMD	05-12-014
246-817-740	PREP	05-09-001	246-847-990	AMD-P	05-07-109	246-930-490	AMD	05-12-014
246-817-750	PREP	05-09-001	246-847-990	AMD	05-12-012	246-930-990	AMD-P	05-07-109
246-817-760	PREP	05-09-001	246-849-990	AMD-P	05-07-109	246-930-990	AMD	05-12-012
246-817-770	PREP	05-09-001	246-849-990	AMD	05-12-012	246-930-990	AMD	05-12-014
246-817-780	PREP	05-09-001	246-849-995	REP-P	05-07-109	246-930-995	REP-P	05-07-109
246-817-990	AMD-P	05-07-109	246-849-995	REP	05-12-012	246-930-995	REP	05-12-014

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246-933-590	AMD-P	05-07-109	251-01-035	REP	05-12-067	251-01-172	REP	05-12-067
246-933-590	AMD	05-12-012	251-01-040	REP-P	05-09-099	251-01-175	REP-P	05-09-099
246-933-990	AMD-P	05-07-109	251-01-040	REP	05-12-067	251-01-175	REP	05-12-067
246-933-990	AMD	05-12-012	251-01-045	REP-P	05-09-099	251-01-185	REP-P	05-09-099
246-935-990	AMD-P	05-07-109	251-01-045	REP	05-12-067	251-01-185	REP	05-12-067
246-935-990	AMD	05-12-012	251-01-050	REP-P	05-09-099	251-01-190	REP-P	05-09-099
246-937-990	AMD-P	05-07-109	251-01-050	REP	05-12-067	251-01-190	REP	05-12-067
246-937-990	AMD	05-12-012	251-01-055	REP-P	05-09-099	251-01-195	REP-P	05-09-099
246-939-990	AMD-P	05-07-109	251-01-055	REP	05-12-067	251-01-195	REP	05-12-067
246-939-990	AMD	05-12-012	251-01-056	REP-P	05-09-099	251-01-200	REP-P	05-09-099
246-976-010	PREP	05-14-154	251-01-056	REP	05-12-067	251-01-200	REP	05-12-067
246-976-021	PREP	05-14-154	251-01-057	REP-P	05-09-099	251-01-201	REP-P	05-09-099
246-976-031	PREP	05-14-154	251-01-057	REP	05-12-067	251-01-201	REP	05-12-067
246-976-041	PREP	05-14-154	251-01-060	REP-P	05-09-099	251-01-210	REP-P	05-09-099
246-976-141	PREP	05-14-154	251-01-060	REP	05-12-067	251-01-210	REP	05-12-067
246-976-151	PREP	05-14-154	251-01-065	REP-P	05-09-099	251-01-215	REP-P	05-09-099
246-976-161	PREP	05-14-154	251-01-065	REP	05-12-067	251-01-215	REP	05-12-067
246-976-171	PREP	05-14-154	251-01-070	REP-P	05-09-099	251-01-220	REP-P	05-09-099
246-976-182	PREP	05-14-154	251-01-070	REP	05-12-067	251-01-220	REP	05-12-067
246-976-191	PREP	05-14-154	251-01-072	REP-P	05-09-099	251-01-225	REP-P	05-09-099
246-976-260	PREP	05-14-154	251-01-072	REP	05-12-067	251-01-225	REP	05-12-067
246-976-270	PREP	05-14-154	251-01-075	REP-P	05-09-099	251-01-230	REP-P	05-09-099
246-976-290	PREP	05-14-154	251-01-075	REP	05-12-067	251-01-230	REP	05-12-067
246-976-300	PREP	05-14-154	251-01-077	REP-P	05-09-099	251-01-235	REP-P	05-09-099
246-976-310	PREP	05-14-154	251-01-077	REP	05-12-067	251-01-235	REP	05-12-067
246-976-320	PREP	05-14-154	251-01-080	REP-P	05-09-099	251-01-240	REP-P	05-09-099
246-976-330	PREP	05-14-154	251-01-080	REP	05-12-067	251-01-240	REP	05-12-067
246-976-340	PREP	05-14-154	251-01-085	REP-P	05-09-099	251-01-245	REP-P	05-09-099
246-976-390	PREP	05-14-154	251-01-085	REP	05-12-067	251-01-245	REP	05-12-067
246-976-400	PREP	05-14-154	251-01-100	REP-P	05-09-099	251-01-250	REP-P	05-09-099
246-976-830	PREP	05-12-015	251-01-100	REP	05-12-067	251-01-250	REP	05-12-067
246-976-840	PREP	05-12-015	251-01-105	REP-P	05-09-099	251-01-255	REP-P	05-09-099
246-976-850	PREP	05-12-015	251-01-105	REP	05-12-067	251-01-255	REP	05-12-067
246-976-860	PREP	05-12-015	251-01-110	REP-P	05-09-099	251-01-258	REP-P	05-09-099
246-976-881	PREP	05-12-015	251-01-110	REP	05-12-067	251-01-258	REP	05-12-067
246-976-920	PREP	05-14-154	251-01-115	REP-P	05-09-099	251-01-260	REP-P	05-09-099
247-02-050	AMD-X	05-06-045	251-01-115	REP	05-12-067	251-01-260	REP	05-12-067
247-02-050	AMD	05-11-048	251-01-120	REP-P	05-09-099	251-01-265	REP-P	05-09-099
250-83-010	NEW-P	05-05-073	251-01-120	REP	05-12-067	251-01-265	REP	05-12-067
250-83-020	NEW-P	05-05-073	251-01-125	REP-P	05-09-099	251-01-268	REP-P	05-09-099
250-83-030	NEW-P	05-05-073	251-01-125	REP	05-12-067	251-01-268	REP	05-12-067
250-83-040	NEW-P	05-05-073	251-01-129	REP-P	05-09-099	251-01-270	REP-P	05-09-099
250-83-050	NEW-P	05-05-073	251-01-129	REP	05-12-067	251-01-270	REP	05-12-067
250-83-060	NEW-P	05-05-073	251-01-130	REP-P	05-09-099	251-01-275	REP-P	05-09-099
250-83-070	NEW-P	05-05-073	251-01-130	REP	05-12-067	251-01-275	REP	05-12-067
251-01-005	REP-P	05-09-099	251-01-135	REP-P	05-09-099	251-01-280	REP-P	05-09-099
251-01-005	REP	05-12-067	251-01-135	REP	05-12-067	251-01-280	REP	05-12-067
251-01-014	REP-P	05-09-099	251-01-140	REP-P	05-09-099	251-01-285	REP-P	05-09-099
251-01-014	REP	05-12-067	251-01-140	REP	05-12-067	251-01-285	REP	05-12-067
251-01-015	REP-P	05-09-099	251-01-145	REP-P	05-09-099	251-01-290	REP-P	05-09-099
251-01-015	REP	05-12-067	251-01-145	REP	05-12-067	251-01-290	REP	05-12-067
251-01-018	REP-P	05-09-099	251-01-147	REP-P	05-09-099	251-01-295	REP-P	05-09-099
251-01-018	REP	05-12-067	251-01-147	REP	05-12-067	251-01-295	REP	05-12-067
251-01-020	REP-P	05-09-099	251-01-150	REP-P	05-09-099	251-01-300	REP-P	05-09-099
251-01-020	REP	05-12-067	251-01-150	REP	05-12-067	251-01-300	REP	05-12-067
251-01-025	REP-P	05-09-099	251-01-160	REP-P	05-09-099	251-01-305	REP-P	05-09-099
251-01-025	REP	05-12-067	251-01-160	REP	05-12-067	251-01-305	REP	05-12-067
251-01-028	REP-P	05-09-099	251-01-165	REP-P	05-09-099	251-01-310	REP-P	05-09-099
251-01-028	REP	05-12-067	251-01-165	REP	05-12-067	251-01-310	REP	05-12-067
251-01-030	REP-P	05-09-099	251-01-170	REP-P	05-09-099	251-01-315	REP-P	05-09-099
251-01-030	REP	05-12-067	251-01-170	REP	05-12-067	251-01-315	REP	05-12-067
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251-01-335	REP-P	05-09-099	251-04-070	REP-P	05-09-099	251-07-100	REP-P	05-09-099
251-01-335	REP	05-12-067	251-04-070	REP	05-12-067	251-07-100	REP	05-12-067
251-01-340	REP-P	05-09-099	251-04-100	REP-P	05-09-099	251-08-005	REP-P	05-09-099
251-01-340	REP	05-12-067	251-04-100	REP	05-12-067	251-08-005	REP	05-12-067
251-01-345	REP-P	05-09-099	251-04-105	REP-P	05-09-099	251-08-007	REP-P	05-09-099
251-01-345	REP	05-12-067	251-04-105	REP	05-12-067	251-08-007	REP	05-12-067
251-01-350	REP-P	05-09-099	251-04-110	REP-P	05-09-099	251-08-021	REP-P	05-09-099
251-01-350	REP	05-12-067	251-04-110	REP	05-12-067	251-08-021	REP	05-12-067
251-01-355	REP-P	05-09-099	251-04-160	REP-P	05-09-099	251-08-031	REP-P	05-09-099
251-01-355	REP	05-12-067	251-04-160	REP	05-12-067	251-08-031	REP	05-12-067
251-01-360	REP-P	05-09-099	251-04-170	REP-P	05-09-099	251-08-070	REP-P	05-09-099
251-01-360	REP	05-12-067	251-04-170	REP	05-12-067	251-08-070	REP	05-12-067
251-01-365	REP-P	05-09-099	251-05-010	REP-P	05-09-099	251-08-075	REP-P	05-09-099
251-01-365	REP	05-12-067	251-05-010	REP	05-12-067	251-08-075	REP	05-12-067
251-01-367	REP-P	05-09-099	251-05-030	REP-P	05-09-099	251-08-080	REP-P	05-09-099
251-01-367	REP	05-12-067	251-05-030	REP	05-12-067	251-08-080	REP	05-12-067
251-01-370	REP-P	05-09-099	251-05-040	REP-P	05-09-099	251-08-090	REP-P	05-09-099
251-01-370	REP	05-12-067	251-05-040	REP	05-12-067	251-08-090	REP	05-12-067
251-01-375	REP-P	05-09-099	251-05-050	REP-P	05-09-099	251-08-100	REP-P	05-09-099
251-01-375	REP	05-12-067	251-05-050	REP	05-12-067	251-08-100	REP	05-12-067
251-01-380	REP-P	05-09-099	251-05-060	REP-P	05-09-099	251-08-110	REP-P	05-09-099
251-01-380	REP	05-12-067	251-05-060	REP	05-12-067	251-08-110	REP	05-12-067
251-01-382	REP-P	05-09-099	251-05-070	REP-P	05-09-099	251-08-112	REP-P	05-09-099
251-01-382	REP	05-12-067	251-05-070	REP	05-12-067	251-08-112	REP	05-12-067
251-01-385	REP-P	05-09-099	251-05-080	REP-P	05-09-099	251-08-115	REP-P	05-09-099
251-01-385	REP	05-12-067	251-05-080	REP	05-12-067	251-08-115	REP	05-12-067
251-01-390	REP-P	05-09-099	251-06-010	REP-P	05-09-099	251-08-120	REP-P	05-09-099
251-01-390	REP	05-12-067	251-06-010	REP	05-12-067	251-08-120	REP	05-12-067
251-01-392	REP-P	05-09-099	251-06-020	REP-P	05-09-099	251-08-130	REP-P	05-09-099
251-01-392	REP	05-12-067	251-06-020	REP	05-12-067	251-08-130	REP	05-12-067
251-01-395	REP-P	05-09-099	251-06-030	REP-P	05-09-099	251-08-150	REP-P	05-09-099
251-01-395	REP	05-12-067	251-06-030	REP	05-12-067	251-08-150	REP	05-12-067
251-01-400	REP-P	05-09-099	251-06-050	REP-P	05-09-099	251-08-160	REP-P	05-09-099
251-01-400	REP	05-12-067	251-06-050	REP	05-12-067	251-08-160	REP	05-12-067
251-01-405	REP-P	05-09-099	251-06-060	REP-P	05-09-099	251-09-010	REP-P	05-09-099
251-01-405	REP	05-12-067	251-06-060	REP	05-12-067	251-09-010	REP	05-12-067
251-01-410	REP-P	05-09-099	251-06-065	REP-P	05-09-099	251-09-020	REP-P	05-09-099
251-01-410	REP	05-12-067	251-06-065	REP	05-12-067	251-09-020	REP	05-12-067
251-01-415	REP-P	05-09-099	251-06-070	AMD	05-04-042	251-09-025	REP-P	05-09-099
251-01-415	REP	05-12-067	251-06-070	REP-P	05-09-099	251-09-025	REP	05-12-067
251-01-425	REP-P	05-09-099	251-06-070	REP	05-12-067	251-09-030	REP-P	05-09-099
251-01-425	REP	05-12-067	251-06-072	NEW	05-04-042	251-09-030	REP	05-12-067
251-01-430	REP-P	05-09-099	251-06-072	REP-P	05-09-099	251-09-035	REP-P	05-09-099
251-01-430	REP	05-12-067	251-06-072	REP	05-12-067	251-09-035	REP	05-12-067
251-01-435	REP-P	05-09-099	251-06-080	REP-P	05-09-099	251-09-040	REP-P	05-09-099
251-01-435	REP	05-12-067	251-06-080	REP	05-12-067	251-09-040	REP	05-12-067
251-01-440	REP-P	05-09-099	251-06-090	REP-P	05-09-099	251-09-060	REP-P	05-09-099
251-01-440	REP	05-12-067	251-06-090	REP	05-12-067	251-09-060	REP	05-12-067
251-01-445	REP-P	05-09-099	251-06-091	REP-P	05-09-099	251-09-070	REP-P	05-09-099
251-01-445	REP	05-12-067	251-06-091	REP	05-12-067	251-09-070	REP	05-12-067
251-01-450	REP-P	05-09-099	251-07-010	REP-P	05-09-099	251-09-080	REP-P	05-09-099
251-01-450	REP	05-12-067	251-07-010	REP	05-12-067	251-09-080	REP	05-12-067
251-01-460	REP-P	05-09-099	251-07-020	REP-P	05-09-099	251-09-090	REP-P	05-09-099
251-01-460	REP	05-12-067	251-07-020	REP	05-12-067	251-09-090	REP	05-12-067
251-04-010	REP-P	05-09-099	251-07-030	REP-P	05-09-099	251-09-092	REP-P	05-09-099
251-04-010	REP	05-12-067	251-07-030	REP	05-12-067	251-09-092	REP	05-12-067
251-04-030	REP-P	05-09-099	251-07-040	REP-P	05-09-099	251-09-094	REP-P	05-09-099
251-04-030	REP	05-12-067	251-07-040	REP	05-12-067	251-09-094	REP	05-12-067
251-04-035	REP-P	05-09-099	251-07-050	REP-P	05-09-099	251-09-100	REP-P	05-09-099
251-04-035	REP	05-12-067	251-07-050	REP	05-12-067	251-09-100	REP	05-12-067
251-04-060	REP-P	05-09-099	251-07-060	REP-P	05-09-099	251-09-110	REP-P	05-09-099

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251-09-110	REP	05-12-067	251-12-080	REP	05-12-067	251-14-056	REP	05-12-067
251-10-020	REP-P	05-09-099	251-12-099	REP-P	05-09-099	251-14-057	REP-P	05-09-099
251-10-020	REP	05-12-067	251-12-099	REP	05-12-067	251-14-057	REP	05-12-067
251-10-025	REP-P	05-09-099	251-12-100	REP-P	05-09-099	251-14-058	REP-P	05-09-099
251-10-025	REP	05-12-067	251-12-100	REP	05-12-067	251-14-058	REP	05-12-067
251-10-030	REP-P	05-09-099	251-12-102	REP-P	05-09-099	251-14-060	REP-P	05-09-099
251-10-030	REP	05-12-067	251-12-102	REP	05-12-067	251-14-060	REP	05-12-067
251-10-034	REP-P	05-09-099	251-12-103	REP-P	05-09-099	251-14-100	REP-P	05-09-099
251-10-034	REP	05-12-067	251-12-103	REP	05-12-067	251-14-100	REP	05-12-067
251-10-035	REP-P	05-09-099	251-12-104	REP-P	05-09-099	251-14-110	REP-P	05-09-099
251-10-035	REP	05-12-067	251-12-104	REP	05-12-067	251-14-110	REP	05-12-067
251-10-045	REP-P	05-09-099	251-12-105	REP-P	05-09-099	251-14-120	REP-P	05-09-099
251-10-045	REP	05-12-067	251-12-105	REP	05-12-067	251-14-120	REP	05-12-067
251-10-055	REP-P	05-09-099	251-12-106	REP-P	05-09-099	251-14-130	REP-P	05-09-099
251-10-055	REP	05-12-067	251-12-106	REP	05-12-067	251-14-130	REP	05-12-067
251-10-060	REP-P	05-09-099	251-12-110	REP-P	05-09-099	251-17-010	REP-P	05-09-099
251-10-060	REP	05-12-067	251-12-110	REP	05-12-067	251-17-010	REP	05-12-067
251-10-061	REP-P	05-09-099	251-12-120	REP-P	05-09-099	251-17-020	REP-P	05-09-099
251-10-061	REP	05-12-067	251-12-120	REP	05-12-067	251-17-020	REP	05-12-067
251-10-070	REP-P	05-09-099	251-12-140	REP-P	05-09-099	251-17-030	REP-P	05-09-099
251-10-070	REP	05-12-067	251-12-140	REP	05-12-067	251-17-030	REP	05-12-067
251-10-080	REP-P	05-09-099	251-12-170	REP-P	05-09-099	251-17-040	REP-P	05-09-099
251-10-080	REP	05-12-067	251-12-170	REP	05-12-067	251-17-040	REP	05-12-067
251-10-090	REP-P	05-09-099	251-12-180	REP-P	05-09-099	251-17-050	REP-P	05-09-099
251-10-090	REP	05-12-067	251-12-180	REP	05-12-067	251-17-050	REP	05-12-067
251-10-112	REP-P	05-09-099	251-12-190	REP-P	05-09-099	251-17-060	REP-P	05-09-099
251-10-112	REP	05-12-067	251-12-190	REP	05-12-067	251-17-060	REP	05-12-067
251-11-010	REP-P	05-09-099	251-12-200	REP-P	05-09-099	251-17-070	REP-P	05-09-099
251-11-010	REP	05-12-067	251-12-200	REP	05-12-067	251-17-070	REP	05-12-067
251-11-020	REP-P	05-09-099	251-12-210	REP-P	05-09-099	251-17-080	REP-P	05-09-099
251-11-020	REP	05-12-067	251-12-210	REP	05-12-067	251-17-080	REP	05-12-067
251-11-030	REP-P	05-09-099	251-12-220	REP-P	05-09-099	251-17-090	REP-P	05-09-099
251-11-030	REP	05-12-067	251-12-220	REP	05-12-067	251-17-090	REP	05-12-067
251-11-040	REP-P	05-09-099	251-12-230	REP-P	05-09-099	251-17-100	REP-P	05-09-099
251-11-040	REP	05-12-067	251-12-230	REP	05-12-067	251-17-100	REP	05-12-067
251-11-050	REP-P	05-09-099	251-12-231	REP-P	05-09-099	251-17-110	REP-P	05-09-099
251-11-050	REP	05-12-067	251-12-231	REP	05-12-067	251-17-110	REP	05-12-067
251-11-060	REP-P	05-09-099	251-12-232	REP-P	05-09-099	251-17-120	REP-P	05-09-099
251-11-060	REP	05-12-067	251-12-232	REP	05-12-067	251-17-120	REP	05-12-067
251-11-070	REP-P	05-09-099	251-12-240	REP-P	05-09-099	251-17-130	REP-P	05-09-099
251-11-070	REP	05-12-067	251-12-240	REP	05-12-067	251-17-130	REP	05-12-067
251-11-080	REP-P	05-09-099	251-12-250	REP-P	05-09-099	251-17-150	REP-P	05-09-099
251-11-080	REP	05-12-067	251-12-250	REP	05-12-067	251-17-150	REP	05-12-067
251-11-090	REP-P	05-09-099	251-12-260	REP-P	05-09-099	251-17-160	REP-P	05-09-099
251-11-090	REP	05-12-067	251-12-260	REP	05-12-067	251-17-160	REP	05-12-067
251-11-100	REP-P	05-09-099	251-12-500	REP-P	05-09-099	251-17-165	REP-P	05-09-099
251-11-100	REP	05-12-067	251-12-500	REP	05-12-067	251-17-165	REP	05-12-067
251-11-110	REP-P	05-09-099	251-12-600	REP-P	05-09-099	251-17-170	REP-P	05-09-099
251-11-110	REP	05-12-067	251-12-600	REP	05-12-067	251-17-170	REP	05-12-067
251-11-120	REP-P	05-09-099	251-14-005	REP-P	05-09-099	251-17-180	REP-P	05-09-099
251-11-120	REP	05-12-067	251-14-005	REP	05-12-067	251-17-180	REP	05-12-067
251-11-130	REP-P	05-09-099	251-14-010	REP-P	05-09-099	251-17-190	REP-P	05-09-099
251-11-130	REP	05-12-067	251-14-010	REP	05-12-067	251-17-190	REP	05-12-067
251-12-071	REP-P	05-09-099	251-14-020	REP-P	05-09-099	251-17-200	REP-P	05-09-099
251-12-071	REP	05-12-067	251-14-020	REP	05-12-067	251-17-200	REP	05-12-067
251-12-072	REP-P	05-09-099	251-14-035	REP-P	05-09-099	251-18-180	REP-P	05-09-099
251-12-072	REP	05-12-067	251-14-035	REP	05-12-067	251-18-180	REP	05-12-067
251-12-075	REP-P	05-09-099	251-14-052	REP-P	05-09-099	251-18-190	REP-P	05-09-099
251-12-075	REP	05-12-067	251-14-052	REP	05-12-067	251-18-190	REP	05-12-067
251-12-076	REP-P	05-09-099	251-14-054	REP-P	05-09-099	251-18-200	REP-P	05-09-099
251-12-076	REP	05-12-067	251-14-054	REP	05-12-067	251-18-200	REP	05-12-067
251-12-080	REP-P	05-09-099	251-14-056	REP-P	05-09-099	251-18-240	REP-P	05-09-099

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251-18-240	REP	05-12-067	251-20-030	REP	05-12-067	251-22-210	REP	05-12-067
251-18-255	REP-P	05-09-099	251-20-040	REP-P	05-09-099	251-22-220	REP-P	05-09-099
251-18-255	REP	05-12-067	251-20-040	REP	05-12-067	251-22-220	REP	05-12-067
251-18-260	REP-P	05-09-099	251-20-050	REP-P	05-09-099	251-22-240	REP-P	05-09-099
251-18-260	REP	05-12-067	251-20-050	REP	05-12-067	251-22-240	REP	05-12-067
251-18-265	REP-P	05-09-099	251-20-060	REP-P	05-09-099	251-22-245	REP-P	05-09-099
251-18-265	REP	05-12-067	251-20-060	REP	05-12-067	251-22-245	REP	05-12-067
251-18-280	REP-P	05-09-099	251-22-040	REP-P	05-09-099	251-22-250	REP-P	05-09-099
251-18-280	REP	05-12-067	251-22-040	REP	05-12-067	251-22-250	REP	05-12-067
251-18-285	REP-P	05-09-099	251-22-045	REP-P	05-09-099	251-22-260	REP-P	05-09-099
251-18-285	REP	05-12-067	251-22-045	REP	05-12-067	251-22-260	REP	05-12-067
251-19-010	REP-P	05-09-099	251-22-048	REP-P	05-09-099	251-22-270	REP-P	05-09-099
251-19-010	REP	05-12-067	251-22-048	REP	05-12-067	251-22-270	REP	05-12-067
251-19-020	REP-P	05-09-099	251-22-050	REP-P	05-09-099	251-22-280	REP-P	05-09-099
251-19-020	REP	05-12-067	251-22-050	REP	05-12-067	251-22-280	REP	05-12-067
251-19-050	REP-P	05-09-099	251-22-053	REP-P	05-09-099	251-22-290	REP-P	05-09-099
251-19-050	REP	05-12-067	251-22-053	REP	05-12-067	251-22-290	REP	05-12-067
251-19-060	REP-P	05-09-099	251-22-056	REP-P	05-09-099	251-22-300	REP-P	05-09-099
251-19-060	REP	05-12-067	251-22-056	REP	05-12-067	251-22-300	REP	05-12-067
251-19-070	REP-P	05-09-099	251-22-059	REP-P	05-09-099	251-23-010	REP-P	05-09-099
251-19-070	REP	05-12-067	251-22-059	REP	05-12-067	251-23-010	REP	05-12-067
251-19-080	REP-P	05-09-099	251-22-060	REP-P	05-09-099	251-23-015	REP-P	05-09-099
251-19-080	REP	05-12-067	251-22-060	REP	05-12-067	251-23-015	REP	05-12-067
251-19-085	REP-P	05-09-099	251-22-070	REP-P	05-09-099	251-23-020	REP-P	05-09-099
251-19-085	REP	05-12-067	251-22-070	REP	05-12-067	251-23-020	REP	05-12-067
251-19-090	REP-P	05-09-099	251-22-080	REP-P	05-09-099	251-23-030	REP-P	05-09-099
251-19-090	REP	05-12-067	251-22-080	REP	05-12-067	251-23-030	REP	05-12-067
251-19-100	REP-P	05-09-099	251-22-090	REP-P	05-09-099	251-23-040	REP-P	05-09-099
251-19-100	REP	05-12-067	251-22-090	REP	05-12-067	251-23-040	REP	05-12-067
251-19-105	REP-P	05-09-099	251-22-100	REP-P	05-09-099	251-23-050	REP-P	05-09-099
251-19-105	REP	05-12-067	251-22-100	REP	05-12-067	251-23-050	REP	05-12-067
251-19-110	REP-P	05-09-099	251-22-110	REP-P	05-09-099	251-23-060	REP-P	05-09-099
251-19-110	REP	05-12-067	251-22-110	REP	05-12-067	251-23-060	REP	05-12-067
251-19-120	REP-P	05-09-099	251-22-111	REP-P	05-09-099	251-24-010	REP-P	05-09-099
251-19-120	REP	05-12-067	251-22-111	REP	05-12-067	251-24-010	REP	05-12-067
251-19-122	REP-P	05-09-099	251-22-112	REP-P	05-09-099	251-24-030	REP-P	05-09-099
251-19-122	REP	05-12-067	251-22-112	REP	05-12-067	251-24-030	REP	05-12-067
251-19-130	REP-P	05-09-099	251-22-116	REP-P	05-09-099	251-24-035	REP-P	05-09-099
251-19-130	REP	05-12-067	251-22-116	REP	05-12-067	251-24-035	REP	05-12-067
251-19-140	REP-P	05-09-099	251-22-117	REP-P	05-09-099	251-24-050	REP-P	05-09-099
251-19-140	REP	05-12-067	251-22-117	REP	05-12-067	251-24-050	REP	05-12-067
251-19-150	REP-P	05-09-099	251-22-124	REP-P	05-09-099	251-24-200	REP-P	05-09-099
251-19-150	REP	05-12-067	251-22-124	REP	05-12-067	251-24-200	REP	05-12-067
251-19-154	REP-P	05-09-099	251-22-125	REP-P	05-09-099	251-25-010	REP-P	05-09-099
251-19-154	REP	05-12-067	251-22-125	REP	05-12-067	251-25-010	REP	05-12-067
251-19-155	REP-P	05-09-099	251-22-127	REP-P	05-09-099	251-25-020	REP-P	05-09-099
251-19-155	REP	05-12-067	251-22-127	REP	05-12-067	251-25-020	REP	05-12-067
251-19-156	REP-P	05-09-099	251-22-165	REP-P	05-09-099	251-25-030	REP-P	05-09-099
251-19-156	REP	05-12-067	251-22-165	REP	05-12-067	251-25-030	REP	05-12-067
251-19-157	REP-P	05-09-099	251-22-167	REP-P	05-09-099	251-25-040	REP-P	05-09-099
251-19-157	REP	05-12-067	251-22-167	REP	05-12-067	251-25-040	REP	05-12-067
251-19-158	REP-P	05-09-099	251-22-170	REP-P	05-09-099	251-25-050	REP-P	05-09-099
251-19-158	REP	05-12-067	251-22-170	REP	05-12-067	251-25-050	REP	05-12-067
251-19-160	REP-P	05-09-099	251-22-180	REP-P	05-09-099	251-30-010	REP-P	05-09-099
251-19-160	REP	05-12-067	251-22-180	REP	05-12-067	251-30-010	REP	05-12-067
251-19-180	REP-P	05-09-099	251-22-190	REP-P	05-09-099	251-30-020	REP-P	05-09-099
251-19-180	REP	05-12-067	251-22-190	REP	05-12-067	251-30-020	REP	05-12-067
251-20-010	REP-P	05-09-099	251-22-195	REP-P	05-09-099	251-30-030	REP-P	05-09-099
251-20-010	REP	05-12-067	251-22-195	REP	05-12-067	251-30-030	REP	05-12-067
251-20-020	REP-P	05-09-099	251-22-200	REP-P	05-09-099	251-30-032	REP-P	05-09-099
251-20-020	REP	05-12-067	251-22-200	REP	05-12-067	251-30-032	REP	05-12-067
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251- 30-055	REP-P	05-09-099	260- 08-770	REP	05-05-049	260- 34-190	REP-P	05-04-085
251- 30-055	REP	05-12-067	260- 08-780	REP	05-05-049	260- 34-190	REP	05-07-066
251- 30-057	REP-P	05-09-099	260- 08-790	REP	05-05-049	260- 36	PREP	05-07-093
251- 30-057	REP	05-12-067	260- 08-800	REP	05-05-049	260- 36-085	AMD-W	05-02-052
257- 10-020	NEW-P	05-09-126	260- 08-810	REP	05-05-049	260- 36-085	PREP	05-05-011
257- 10-020	NEW	05-14-113	260- 08-820	REP	05-05-049	260- 36-120	AMD	05-05-047
257- 10-040	NEW-P	05-09-126	260- 08-830	REP	05-05-049	260- 36-180	AMD-P	05-02-078
257- 10-040	NEW	05-14-113	260- 12-160	REP	05-14-058	260- 36-180	AMD	05-05-043
257- 10-060	NEW-P	05-09-126	260- 12-250	PREP	05-07-094	260- 36-200	AMD-P	05-05-048
257- 10-060	NEW	05-14-113	260- 12-250	AMD-P	05-13-107	260- 36-200	AMD	05-09-045
257- 10-080	NEW-P	05-09-126	260- 20	PREP	05-14-069	260- 40	PREP	05-09-006
257- 10-080	NEW	05-14-113	260- 24-500	AMD-P	05-04-084	260- 49	PREP	05-11-113
257- 10-100	NEW-P	05-09-126	260- 24-500	AMD	05-07-065	260- 56-030	REP	05-05-044
257- 10-100	NEW	05-14-113	260- 24-510	AMD-P	05-04-084	260- 60-300	AMD-P	05-03-028
257- 10-120	NEW-P	05-09-126	260- 24-510	AMD	05-07-065	260- 60-300	AMD	05-07-063
257- 10-120	NEW	05-14-113	260- 28	PREP	05-09-008	260- 60-320	REP-P	05-03-028
257- 10-140	NEW-P	05-09-126	260- 28-290	NEW-P	05-13-108	260- 60-320	REP	05-07-063
257- 10-140	NEW	05-14-113	260- 32-160	PREP	05-09-007	260- 70	PREP	05-07-035
257- 10-160	NEW-P	05-09-126	260- 32-160	AMD-P	05-13-109	260- 70-520	AMD-P	05-04-086
257- 10-160	NEW	05-14-113	260- 34	AMD-P	05-04-085	260- 70-520	AMD	05-07-067
257- 10-180	NEW-P	05-09-126	260- 34	AMD	05-07-066	260- 70-520	AMD-E	05-07-068
257- 10-180	NEW	05-14-113	260- 34-010	AMD-P	05-04-085	260- 70-530	AMD-P	05-04-086
257- 10-200	NEW-P	05-09-126	260- 34-010	AMD	05-07-066	260- 70-530	AMD	05-07-067
257- 10-200	NEW	05-14-113	260- 34-020	AMD-P	05-04-085	260- 70-530	AMD-E	05-07-068
257- 10-220	NEW-P	05-09-126	260- 34-020	AMD	05-07-066	260- 70-540	AMD-P	05-04-086
257- 10-220	NEW	05-14-113	260- 34-030	AMD-P	05-04-085	260- 70-540	AMD	05-07-067
257- 10-240	NEW-P	05-09-126	260- 34-030	AMD	05-07-066	260- 70-540	AMD-E	05-07-068
257- 10-240	NEW	05-14-113	260- 34-035	NEW-P	05-04-085	260- 70-545	AMD-P	05-04-086
257- 10-260	NEW-P	05-09-126	260- 34-035	NEW	05-07-066	260- 70-545	AMD	05-07-067
257- 10-260	NEW	05-14-113	260- 34-040	REP-P	05-04-085	260- 70-545	AMD-E	05-07-068
257- 10-280	NEW-P	05-09-126	260- 34-040	REP	05-07-066	260- 70-550	AMD-P	05-04-086
257- 10-280	NEW	05-14-113	260- 34-045	NEW-P	05-04-085	260- 70-550	AMD	05-07-067
257- 10-300	NEW-P	05-09-126	260- 34-045	NEW	05-07-066	260- 70-550	AMD-E	05-07-068
257- 10-300	NEW	05-14-113	260- 34-050	REP-P	05-04-085	260- 70-560	AMD-P	05-04-086
257- 10-320	NEW-P	05-09-126	260- 34-050	REP	05-07-066	260- 70-560	AMD	05-07-067
257- 10-320	NEW	05-14-113	260- 34-060	AMD-P	05-04-085	260- 70-560	AMD-E	05-07-068
257- 10-340	NEW-P	05-09-126	260- 34-060	AMD	05-07-066	260- 70-570	AMD-P	05-04-086
257- 10-340	NEW	05-14-113	260- 34-070	AMD-P	05-04-085	260- 70-570	AMD	05-07-067
257- 10-360	NEW-P	05-09-126	260- 34-070	AMD	05-07-066	260- 70-570	AMD-E	05-07-068
257- 10-360	NEW	05-14-113	260- 34-080	AMD-P	05-04-085	260- 70-580	AMD-P	05-04-086
257- 10-380	NEW-P	05-09-126	260- 34-080	AMD	05-07-066	260- 70-580	AMD	05-07-067
257- 10-380	NEW	05-14-113	260- 34-090	AMD-P	05-04-085	260- 70-580	AMD-E	05-07-068
257- 10-400	NEW-P	05-09-126	260- 34-090	AMD	05-07-066	260- 70-600	AMD-P	05-04-086
257- 10-400	NEW	05-14-113	260- 34-090	PREP	05-14-011	260- 70-600	AMD	05-07-067
257- 10-420	NEW-P	05-09-126	260- 34-100	AMD-P	05-04-085	260- 70-600	AMD-E	05-07-068
257- 10-420	NEW	05-14-113	260- 34-100	AMD	05-07-066	260- 70-610	AMD-P	05-04-086
260	PREP	05-09-007	260- 34-110	REP-P	05-04-085	260- 70-610	AMD	05-07-067
260- 08-005	AMD	05-05-049	260- 34-110	REP	05-07-066	260- 70-610	AMD-E	05-07-068
260- 08-670	REP	05-05-049	260- 34-120	REP-P	05-04-085	260- 70-620	AMD-P	05-04-086
260- 08-671	NEW	05-05-049	260- 34-120	REP	05-07-066	260- 70-620	AMD	05-07-067
260- 08-673	NEW	05-05-049	260- 34-130	REP-P	05-04-085	260- 70-620	AMD-E	05-07-068
260- 08-675	NEW	05-05-049	260- 34-130	REP	05-07-066	260- 70-630	AMD-P	05-04-086
260- 08-677	NEW	05-05-049	260- 34-140	REP-P	05-04-085	260- 70-630	AMD	05-07-067
260- 08-680	REP	05-05-049	260- 34-140	REP	05-07-066	260- 70-630	AMD-E	05-07-068
260- 08-690	REP	05-05-049	260- 34-150	REP-P	05-04-085	260- 70-640	AMD-P	05-04-086
260- 08-700	REP	05-05-049	260- 34-150	REP	05-07-066	260- 70-640	AMD	05-07-067
260- 08-710	REP	05-05-049	260- 34-160	REP-P	05-04-085	260- 70-640	AMD-E	05-07-068
260- 08-720	REP	05-05-049	260- 34-160	REP	05-07-066	260- 70-645	NEW-P	05-04-086
260- 08-730	REP	05-05-049	260- 34-170	REP-P	05-04-085	260- 70-645	NEW	05-07-067
260- 08-740	REP	05-05-049	260- 34-170	REP	05-07-066	260- 70-645	NEW-E	05-07-068
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260- 70-660	AMD-P	05-04-086	284- 17-220	AMD	05-07-091	284- 17-282	NEW	05-07-091
260- 70-660	AMD	05-07-067	284- 17-222	NEW-P	05-03-110	284- 17-284	NEW-P	05-03-110
260- 70-660	AMD-E	05-07-068	284- 17-222	NEW	05-07-091	284- 17-284	NEW	05-07-091
260- 70-670	REP-P	05-04-086	284- 17-224	NEW-P	05-03-110	284- 17-286	NEW-P	05-03-110
260- 70-670	REP	05-07-067	284- 17-224	NEW	05-07-091	284- 17-286	NEW	05-07-091
260- 70-670	REP-E	05-07-068	284- 17-226	NEW-P	05-03-110	284- 17-288	NEW-P	05-03-110
260- 70-675	NEW-E	05-09-096	284- 17-226	NEW	05-07-091	284- 17-288	NEW	05-07-091
260- 70-675	NEW-P	05-14-139	284- 17-228	NEW-P	05-03-110	284- 17-290	AMD-P	05-03-110
260- 70-680	AMD-P	05-04-086	284- 17-228	NEW	05-07-091	284- 17-290	AMD	05-07-091
260- 70-680	AMD	05-07-067	284- 17-230	AMD-P	05-03-110	284- 17-292	NEW-P	05-03-110
260- 70-680	AMD-E	05-07-068	284- 17-230	AMD	05-07-091	284- 17-292	NEW	05-07-091
260- 70-690	REP-P	05-04-086	284- 17-232	NEW-P	05-03-110	284- 17-294	NEW-P	05-03-110
260- 70-690	REP	05-07-067	284- 17-232	NEW	05-07-091	284- 17-294	NEW	05-07-091
260- 70-690	REP-E	05-07-068	284- 17-234	NEW-P	05-03-110	284- 17-296	NEW-P	05-03-110
260- 70-700	REP-P	05-04-086	284- 17-234	NEW	05-07-091	284- 17-296	NEW	05-07-091
260- 70-700	REP	05-07-067	284- 17-235	REP-P	05-03-110	284- 17-298	NEW-P	05-03-110
260- 70-700	REP-E	05-07-068	284- 17-235	REP	05-07-091	284- 17-298	NEW	05-07-091
260- 70-720	AMD-P	05-04-086	284- 17-236	NEW-P	05-03-110	284- 17-301	NEW-P	05-03-110
260- 70-720	AMD	05-07-067	284- 17-236	NEW	05-07-091	284- 17-301	NEW	05-07-091
260- 70-720	AMD-E	05-07-068	284- 17-238	NEW-P	05-03-110	284- 17-302	NEW-P	05-03-110
260- 70-730	AMD-P	05-04-086	284- 17-238	NEW	05-07-091	284- 17-302	NEW	05-07-091
260- 70-730	AMD	05-07-067	284- 17-240	AMD-P	05-03-110	284- 17-304	NEW-P	05-03-110
260- 70-730	AMD-E	05-07-068	284- 17-240	AMD	05-07-091	284- 17-304	NEW	05-07-091
260- 72-050	NEW-P	05-02-077	284- 17-242	NEW-P	05-03-110	284- 17-306	NEW-P	05-03-110
260- 72-050	NEW	05-05-045	284- 17-242	NEW	05-07-091	284- 17-306	NEW	05-07-091
260- 75-030	AMD	05-05-042	284- 17-244	NEW-P	05-03-110	284- 17-308	NEW-P	05-03-110
260- 75-040	NEW	05-05-042	284- 17-244	NEW	05-07-091	284- 17-308	NEW	05-07-091
260- 84	AMD-P	05-04-083	284- 17-246	NEW-P	05-03-110	284- 17-310	AMD-P	05-03-110
260- 84	PREP	05-07-035	284- 17-246	NEW	05-07-091	284- 17-310	AMD	05-07-091
260- 84	AMD	05-07-064	284- 17-248	NEW-P	05-03-110	284- 17-312	NEW-P	05-03-110
260- 84	PREP	05-07-093	284- 17-248	NEW	05-07-091	284- 17-312	NEW	05-07-091
260- 84	PREP	05-07-094	284- 17-250	AMD-P	05-03-110	284- 17-320	AMD-P	05-03-110
260- 84-010	REP-P	05-04-083	284- 17-250	AMD	05-07-091	284- 17-320	AMD	05-07-091
260- 84-010	REP	05-07-064	284- 17-252	NEW-P	05-03-110	284- 24A-005	AMD-W	05-06-054
260- 84-020	REP-P	05-04-083	284- 17-252	NEW	05-07-091	284- 24A-010	AMD-W	05-06-054
260- 84-020	REP	05-07-064	284- 17-254	NEW-P	05-03-110	284- 24A-033	NEW-W	05-06-054
260- 84-030	REP-P	05-04-083	284- 17-254	NEW	05-07-091	284- 24A-045	AMD-W	05-06-054
260- 84-030	REP	05-07-064	284- 17-256	NEW-P	05-03-110	284- 24A-050	AMD-W	05-06-054
260- 84-050	AMD-P	05-04-083	284- 17-256	NEW	05-07-091	284- 24A-055	AMD-W	05-06-054
260- 84-050	AMD	05-07-064	284- 17-258	NEW-P	05-03-110	284- 24A-065	AMD-W	05-06-054
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260- 84-070	AMD-P	05-04-083	284- 17-262	NEW-P	05-03-110	284- 34-040	REP	05-02-076
260- 84-070	AMD	05-07-064	284- 17-262	NEW	05-07-091	284- 34-050	REP	05-02-076
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260- 84-090	NEW	05-07-064	284- 17-264	NEW	05-07-091	284- 34-070	REP	05-02-076
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260- 84-100	NEW	05-07-064	284- 17-270	AMD	05-07-091	284- 34-110	NEW	05-02-076
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260- 84-120	NEW	05-07-064	284- 17-274	NEW	05-07-091	284- 34-150	NEW	05-02-076
260- 84-130	NEW-P	05-04-083	284- 17-275	REP-P	05-03-110	284- 34-160	NEW	05-02-076
260- 84-130	NEW	05-07-064	284- 17-275	REP	05-07-091	284- 34-170	NEW	05-02-076
260- 88-010	REP	05-05-049	284- 17-276	NEW-P	05-03-110	284- 34-180	NEW	05-02-076
284- 13-580	AMD	05-02-075	284- 17-276	NEW	05-07-091	284- 34-190	NEW	05-02-076
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284- 34-260	NEW	05-02-076	284- 66-350	AMD-P	05-13-182	296- 17-526	AMD	05-12-031
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284- 43-910	AMD	05-07-006	286- 42-070	NEW-W	05-09-049	296- 17-538	AMD-P	05-07-121
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356-05-235	REP	05-12-066	356-05-395	REP	05-12-066	356-06-003	REP	05-12-066
356-05-237	REP-P	05-09-100	356-05-397	REP-P	05-09-100	356-06-030	REP-P	05-09-100
356-05-237	REP	05-12-066	356-05-397	REP	05-12-066	356-06-030	REP	05-12-066
356-05-238	REP-P	05-09-100	356-05-400	REP-P	05-09-100	356-06-040	REP-P	05-09-100
356-05-238	REP	05-12-066	356-05-400	REP	05-12-066	356-06-040	REP	05-12-066
356-05-240	REP-P	05-09-100	356-05-405	REP-P	05-09-100	356-06-045	REP-P	05-09-100
356-05-240	REP	05-12-066	356-05-405	REP	05-12-066	356-06-045	REP	05-12-066
356-05-245	REP-P	05-09-100	356-05-410	REP-P	05-09-100	356-06-050	REP-P	05-09-100
356-05-245	REP	05-12-066	356-05-410	REP	05-12-066	356-06-050	REP	05-12-066
356-05-250	REP-P	05-09-100	356-05-415	REP-P	05-09-100	356-06-055	REP-P	05-09-100
356-05-250	REP	05-12-066	356-05-415	REP	05-12-066	356-06-055	REP	05-12-066
356-05-260	REP-P	05-09-100	356-05-420	REP-P	05-09-100	356-06-065	REP-P	05-09-100
356-05-260	REP	05-12-066	356-05-420	REP	05-12-066	356-06-065	REP	05-12-066
356-05-300	REP-P	05-09-100	356-05-425	REP-P	05-09-100	356-06-100	REP-P	05-09-100
356-05-300	REP	05-12-066	356-05-425	REP	05-12-066	356-06-100	REP	05-12-066
356-05-305	REP-P	05-09-100	356-05-430	REP-P	05-09-100	356-06-110	REP-P	05-09-100
356-05-305	REP	05-12-066	356-05-430	REP	05-12-066	356-06-110	REP	05-12-066
356-05-310	REP-P	05-09-100	356-05-435	REP-P	05-09-100	356-06-120	REP-P	05-09-100
356-05-310	REP	05-12-066	356-05-435	REP	05-12-066	356-06-120	REP	05-12-066
356-05-315	REP-P	05-09-100	356-05-440	REP-P	05-09-100	356-07-010	REP-P	05-09-100
356-05-315	REP	05-12-066	356-05-440	REP	05-12-066	356-07-010	REP	05-12-066
356-05-320	REP-P	05-09-100	356-05-445	REP-P	05-09-100	356-07-020	REP-P	05-09-100
356-05-320	REP	05-12-066	356-05-445	REP	05-12-066	356-07-020	REP	05-12-066
356-05-325	REP-P	05-09-100	356-05-447	REP-P	05-09-100	356-07-030	REP-P	05-09-100
356-05-325	REP	05-12-066	356-05-447	REP	05-12-066	356-07-030	REP	05-12-066
356-05-332	REP-P	05-09-100	356-05-450	REP-P	05-09-100	356-07-040	REP-P	05-09-100
356-05-332	REP	05-12-066	356-05-450	REP	05-12-066	356-07-040	REP	05-12-066
356-05-333	REP-P	05-09-100	356-05-456	REP-P	05-09-100	356-07-050	REP-P	05-09-100
356-05-333	REP	05-12-066	356-05-456	REP	05-12-066	356-07-050	REP	05-12-066
356-05-335	REP-P	05-09-100	356-05-460	REP-P	05-09-100	356-07-055	REP-P	05-09-100
356-05-335	REP	05-12-066	356-05-460	REP	05-12-066	356-07-055	REP	05-12-066
356-05-340	REP-P	05-09-100	356-05-461	REP-P	05-09-100	356-07-060	REP-P	05-09-100
356-05-340	REP	05-12-066	356-05-461	REP	05-12-066	356-07-060	REP	05-12-066
356-05-345	REP-P	05-09-100	356-05-465	REP-P	05-09-100	356-07-070	REP-P	05-09-100
356-05-345	REP	05-12-066	356-05-465	REP	05-12-066	356-07-070	REP	05-12-066
356-05-350	REP-P	05-09-100	356-05-470	REP-P	05-09-100	356-09-010	REP-P	05-09-100
356-05-350	REP	05-12-066	356-05-470	REP	05-12-066	356-09-010	REP	05-12-066
356-05-353	REP-P	05-09-100	356-05-475	REP-P	05-09-100	356-09-020	REP-P	05-09-100
356-05-353	REP	05-12-066	356-05-475	REP	05-12-066	356-09-020	REP	05-12-066
356-05-355	REP-P	05-09-100	356-05-477	REP-P	05-09-100	356-09-030	REP-P	05-09-100
356-05-355	REP	05-12-066	356-05-477	REP	05-12-066	356-09-030	REP	05-12-066
356-05-358	REP-P	05-09-100	356-05-479	REP-P	05-09-100	356-09-040	REP-P	05-09-100
356-05-358	REP	05-12-066	356-05-479	REP	05-12-066	356-09-040	REP	05-12-066
356-05-360	REP-P	05-09-100	356-05-480	REP-P	05-09-100	356-09-050	REP-P	05-09-100
356-05-360	REP	05-12-066	356-05-480	REP	05-12-066	356-09-050	REP	05-12-066
356-05-365	REP-P	05-09-100	356-05-485	REP-P	05-09-100	356-10-010	REP-P	05-09-100
356-05-365	REP	05-12-066	356-05-485	REP	05-12-066	356-10-010	REP	05-12-066
356-05-370	REP-P	05-09-100	356-05-490	REP-P	05-09-100	356-10-020	REP-P	05-09-100
356-05-370	REP	05-12-066	356-05-490	REP	05-12-066	356-10-020	REP	05-12-066
356-05-375	REP-P	05-09-100	356-05-493	REP-P	05-09-100	356-10-030	REP-P	05-09-100
356-05-375	REP	05-12-066	356-05-493	REP	05-12-066	356-10-030	REP	05-12-066
356-05-380	REP-P	05-09-100	356-05-495	REP-P	05-09-100	356-10-040	REP-P	05-09-100
356-05-380	REP	05-12-066	356-05-495	REP	05-12-066	356-10-040	REP	05-12-066
356-05-385	REP-P	05-09-100	356-05-500	REP-P	05-09-100	356-10-045	REP-P	05-09-100
356-05-385	REP	05-12-066	356-05-500	REP	05-12-066	356-10-045	REP	05-12-066
356-05-387	REP-P	05-09-100	356-05-505	REP-P	05-09-100	356-10-050	REP-P	05-09-100
356-05-387	REP	05-12-066	356-05-505	REP	05-12-066	356-10-050	REP	05-12-066
356-05-389	REP-P	05-09-100	356-06-001	REP-P	05-09-100	356-10-060	AMD	05-04-043
356-05-389	REP	05-12-066	356-06-001	REP	05-12-066	356-10-060	REP-P	05-09-100
356-05-390	REP-P	05-09-100	356-06-002	REP-P	05-09-100	356-10-060	REP	05-12-066
356-05-390	REP	05-12-066	356-06-002	REP	05-12-066	356-10-065	NEW	05-04-043
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356-60-010	REP-P	05-09-100	357-19-115	AMD	05-12-077	357-31-001	REP	05-12-093
356-60-010	REP	05-12-066	357-19-125	NEW-P	05-09-116	357-31-005	NEW	05-08-136
356-60-020	REP-P	05-09-100	357-19-125	NEW	05-12-089	357-31-010	NEW	05-08-136
356-60-020	REP	05-12-066	357-19-181	NEW-P	05-09-111	357-31-015	NEW	05-08-136
356-60-030	REP-P	05-09-100	357-19-181	NEW	05-12-085	357-31-020	NEW	05-08-136
356-60-030	REP	05-12-066	357-19-183	NEW-P	05-08-126	357-31-025	NEW	05-08-136
356-60-032	REP-P	05-09-100	357-19-183	NEW-C	05-09-107	357-31-030	NEW	05-08-136
356-60-032	REP	05-12-066	357-19-183	NEW	05-12-097	357-31-035	NEW	05-08-136
356-60-034	REP-P	05-09-100	357-19-184	NEW-P	05-08-126	357-31-040	NEW	05-08-136
356-60-034	REP	05-12-066	357-19-184	NEW-C	05-09-107	357-31-045	NEW	05-08-136
356-60-055	REP-P	05-09-100	357-19-184	NEW	05-12-097	357-31-050	NEW	05-08-136
356-60-055	REP	05-12-066	357-19-185	NEW-P	05-08-126	357-31-055	NEW	05-08-136
356-60-057	REP-P	05-09-100	357-19-185	NEW-C	05-09-107	357-31-060	NEW	05-08-136
356-60-057	REP	05-12-066	357-19-185	NEW	05-12-097	357-31-065	NEW	05-08-136
357-01-022	NEW-P	05-09-120	357-19-186	NEW-P	05-08-126	357-31-070	NEW	05-08-136
357-01-022	NEW	05-12-093	357-19-186	NEW-C	05-09-107	357-31-075	NEW	05-08-136
357-01-023	NEW-P	05-09-120	357-19-186	NEW	05-12-097	357-31-080	NEW	05-08-136
357-01-023	NEW	05-12-093	357-19-187	NEW-P	05-08-126	357-31-090	NEW	05-08-136
357-01-072	NEW-P	05-09-120	357-19-187	NEW-C	05-09-107	357-31-095	NEW	05-08-136
357-01-072	NEW	05-12-093	357-19-187	NEW	05-12-097	357-31-095	AMD-P	05-12-128
357-01-138	NEW-P	05-09-120	357-19-188	NEW-P	05-08-126	357-31-100	NEW	05-08-136
357-01-138	NEW	05-12-093	357-19-188	NEW-C	05-09-107	357-31-105	NEW	05-08-136
357-01-172	NEW-P	05-09-120	357-19-188	NEW	05-12-097	357-31-110	NEW	05-08-136
357-01-172	NEW	05-12-093	357-19-189	NEW-P	05-08-126	357-31-115	NEW	05-08-136
357-01-173	NEW-P	05-08-128	357-19-189	NEW-C	05-09-107	357-31-120	NEW	05-08-136
357-01-173	NEW	05-12-074	357-19-189	NEW	05-12-097	357-31-125	NEW	05-08-136
357-01-174	NEW-P	05-09-120	357-19-190	REP-P	05-09-111	357-31-130	NEW	05-08-136
357-01-174	NEW	05-12-093	357-19-190	REP	05-12-085	357-31-135	NEW	05-08-136
357-01-182	NEW-P	05-09-120	357-19-191	NEW-P	05-08-126	357-31-140	NEW	05-08-136
357-01-182	NEW	05-12-093	357-19-191	NEW-C	05-09-107	357-31-145	NEW	05-08-136
357-01-202	NEW-P	05-09-120	357-19-191	NEW	05-12-097	357-31-150	NEW	05-08-136
357-01-202	NEW	05-12-093	357-19-300	NEW-P	05-08-130	357-31-155	NEW	05-08-136
357-01-227	NEW-P	05-09-120	357-19-300	NEW	05-12-076	357-31-160	NEW	05-08-136
357-01-227	NEW	05-12-093	357-19-301	NEW-P	05-08-130	357-31-165	NEW	05-08-137
357-01-228	NEW-P	05-09-120	357-19-301	NEW	05-12-076	357-31-165	AMD-P	05-09-104
357-01-228	NEW	05-12-093	357-19-302	NEW-P	05-08-130	357-31-165	AMD	05-12-080
357-01-229	NEW-P	05-09-120	357-19-302	NEW	05-12-076	357-31-170	NEW	05-08-137
357-01-229	NEW	05-12-093	357-19-303	NEW-P	05-08-130	357-31-175	NEW	05-08-137
357-01-255	NEW-W	05-02-061	357-19-303	NEW	05-12-076	357-31-180	NEW	05-08-137
357-01-301	NEW	05-08-134	357-19-350	NEW-P	05-09-114	357-31-185	NEW	05-08-137
357-01-301	AMD-P	05-09-119	357-19-350	NEW	05-12-094	357-31-190	NEW	05-08-137
357-01-301	AMD	05-12-092	357-19-353	NEW-P	05-09-114	357-31-195	NEW	05-08-137
357-01-348	NEW-P	05-09-120	357-19-353	NEW	05-12-094	357-31-200	NEW	05-08-137
357-01-348	NEW	05-12-093	357-19-375	AMD-P	05-08-130	357-31-205	NEW	05-08-137
357-01-360	NEW-P	05-09-118	357-19-375	AMD	05-12-076	357-31-210	NEW	05-08-137
357-01-360	NEW	05-12-091	357-19-388	AMD-P	05-08-131	357-31-215	NEW	05-08-137
357-01-365	NEW-P	05-09-118	357-19-388	AMD	05-12-077	357-31-220	NEW	05-08-137
357-01-365	NEW	05-12-091	357-19-395	AMD-P	05-09-115	357-31-225	NEW	05-08-137
357-04-105	AMD-P	05-09-103	357-19-395	AMD	05-12-095	357-31-230	NEW	05-08-137
357-04-105	AMD	05-12-079	357-19-475	AMD-P	05-08-131	357-31-235	NEW	05-08-137
357-13-090	AMD-P	05-09-105	357-19-475	AMD	05-12-077	357-31-240	NEW	05-08-137
357-13-090	AMD	05-12-088	357-28-035	AMD-P	05-12-125	357-31-245	NEW	05-08-137
357-16-110	AMD-P	05-08-131	357-28-070	AMD-P	05-08-131	357-31-250	NEW	05-08-137
357-16-110	AMD	05-12-077	357-28-070	AMD	05-12-077	357-31-255	NEW	05-08-137
357-16-130	AMD-P	05-09-109	357-28-165	AMD-P	05-08-131	357-31-260	NEW	05-08-137
357-16-130	AMD	05-12-083	357-28-165	AMD	05-12-077	357-31-265	NEW	05-08-137
357-16-135	AMD-P	05-12-127	357-28-200	AMD-P	05-09-110	357-31-270	NEW	05-08-137
357-19-025	AMD-P	05-08-131	357-28-200	AMD	05-12-084	357-31-275	NEW	05-08-137
357-19-025	AMD	05-12-077	357-28-300	AMD-P	05-08-131	357-31-280	NEW	05-08-137
357-19-080	AMD-P	05-08-131	357-28-300	AMD	05-12-077	357-31-285	NEW	05-08-137
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357-31-300	NEW	05-08-137	357-37-200	NEW	05-12-096	357-55-275	NEW	05-08-133
357-31-305	NEW	05-08-137	357-40-050	NEW-P	05-09-103	357-55-280	NEW	05-08-133
357-31-310	NEW	05-08-138	357-40-050	NEW	05-12-079	357-55-285	NEW	05-08-133
357-31-315	NEW	05-08-138	357-43-008	NEW-W	05-09-053	357-55-310	NEW	05-08-133
357-31-320	NEW	05-08-138	357-43-045	NEW-W	05-02-062	357-55-320	NEW	05-08-133
357-31-325	NEW	05-08-138	357-46-010	AMD-W	05-09-054	357-55-330	NEW	05-08-133
357-31-330	NEW	05-08-138	357-46-012	NEW-W	05-09-054	357-55-410	NEW	05-08-133
357-31-335	NEW	05-08-138	357-46-050	AMD-P	05-09-110	357-55-415	NEW	05-08-133
357-31-340	NEW	05-08-138	357-46-050	AMD	05-12-084	357-55-420	NEW	05-08-133
357-31-345	NEW	05-08-138	357-46-053	NEW-P	05-08-129	357-55-425	NEW	05-08-133
357-31-346	NEW-P	05-09-108	357-46-053	NEW	05-12-075	357-55-430	NEW	05-08-133
357-31-346	NEW	05-12-081	357-46-055	NEW	05-08-135	357-55-510	NEW	05-08-133
357-31-347	NEW-P	05-09-108	357-46-056	NEW	05-08-135	357-55-515	NEW	05-08-133
357-31-347	NEW	05-12-081	357-46-057	NEW-P	05-08-127	357-55-520	NEW	05-08-133
357-31-350	NEW	05-08-138	357-46-057	NEW	05-12-073	357-55-610	NEW	05-08-133
357-31-355	NEW	05-08-138	357-46-058	NEW-P	05-08-127	357-55-615	NEW	05-08-133
357-31-360	NEW	05-08-138	357-46-058	NEW	05-12-073	357-55-620	NEW	05-08-133
357-31-370	NEW	05-08-138	357-46-060	AMD-P	05-08-131	357-55-625	NEW	05-08-133
357-31-375	NEW	05-08-138	357-46-060	AMD	05-12-077	357-55-630	NEW	05-08-133
357-31-380	NEW	05-08-139	357-46-060	AMD	05-12-077	357-55-635	NEW	05-08-133
357-31-385	NEW-W	05-08-125	357-46-063	NEW-P	05-08-128	357-55-635	NEW	05-08-133
357-31-390	NEW	05-08-139	357-46-063	NEW	05-12-074	357-55-640	NEW	05-08-133
357-31-395	NEW	05-08-139	357-46-064	NEW-P	05-08-128	357-55-645	NEW	05-08-133
357-31-400	NEW	05-08-139	357-46-064	NEW	05-12-074	357-58-005	NEW-P	05-04-087
357-31-405	NEW	05-08-139	357-46-065	NEW-P	05-08-128	357-58-005	NEW	05-12-068
357-31-410	NEW	05-08-139	357-46-065	NEW	05-12-074	357-58-010	NEW-P	05-04-087
357-31-415	NEW	05-08-139	357-46-066	NEW-P	05-08-128	357-58-010	NEW	05-12-068
357-31-420	NEW	05-08-139	357-46-066	NEW	05-12-074	357-58-015	NEW-P	05-04-087
357-31-425	NEW	05-08-139	357-46-067	NEW-P	05-08-128	357-58-015	NEW	05-12-068
357-31-430	NEW	05-08-139	357-46-067	NEW	05-12-074	357-58-020	NEW-P	05-04-087
357-31-435	NEW	05-08-139	357-46-068	NEW-P	05-08-128	357-58-020	NEW	05-12-068
357-31-440	NEW	05-08-139	357-46-068	NEW	05-12-074	357-58-025	NEW-P	05-04-087
357-31-445	NEW	05-08-139	357-46-068	NEW	05-12-074	357-58-025	NEW	05-12-068
357-31-450	NEW	05-08-139	357-46-095	AMD-P	05-08-131	357-58-030	NEW-P	05-04-087
357-31-455	NEW	05-08-139	357-46-095	AMD	05-12-077	357-58-030	NEW	05-12-068
357-31-460	NEW	05-08-140	357-46-110	AMD-P	05-08-131	357-58-035	NEW-P	05-04-087
357-31-465	NEW	05-08-140	357-46-110	AMD	05-12-077	357-58-035	NEW	05-12-068
357-31-470	NEW	05-08-140	357-46-125	AMD-P	05-09-102	357-58-040	NEW-P	05-04-087
357-31-475	NEW	05-08-140	357-46-125	AMD	05-12-078	357-58-040	NEW	05-12-068
357-31-480	NEW	05-08-140	357-46-145	AMD-P	05-12-126	357-58-045	NEW-P	05-04-087
357-31-485	NEW	05-08-140	357-49-010	AMD-P	05-09-106	357-58-045	NEW	05-12-068
357-31-490	NEW	05-08-140	357-49-010	AMD	05-12-082	357-58-050	NEW-P	05-04-087
357-31-495	NEW	05-08-140	357-52-207	NEW-P	05-09-113	357-58-050	NEW	05-12-068
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357-31-510	NEW	05-08-140	357-52-208	NEW	05-12-087	357-58-060	NEW-P	05-04-087
357-31-515	NEW	05-08-140	357-55-010	NEW	05-08-132	357-58-060	NEW	05-12-068
357-31-520	NEW	05-08-140	357-55-020	NEW	05-08-132	357-58-065	NEW-P	05-04-087
357-31-525	NEW	05-08-140	357-55-030	NEW	05-08-132	357-58-065	NEW	05-12-068
357-31-525	AMD-P	05-09-112	357-55-040	NEW	05-08-132	357-58-070	NEW-P	05-04-087
357-31-525	AMD	05-12-086	357-55-110	NEW	05-08-132	357-58-070	NEW	05-12-068
357-31-530	NEW	05-08-140	357-55-210	NEW	05-08-132	357-58-075	NEW-P	05-04-087
357-31-530	AMD-P	05-09-117	357-55-220	NEW	05-08-132	357-58-075	NEW	05-12-068
357-31-530	AMD	05-12-090	357-55-225	NEW	05-08-132	357-58-080	NEW-P	05-04-087
357-31-535	NEW	05-08-140	357-55-230	NEW	05-08-132	357-58-080	NEW	05-12-068
357-31-540	NEW	05-08-140	357-55-235	NEW	05-08-132	357-58-085	NEW-P	05-04-087
357-31-545	NEW	05-08-140	357-55-240	NEW	05-08-132	357-58-085	NEW	05-12-068
357-31-550	NEW	05-08-140	357-55-245	NEW	05-08-132	357-58-090	NEW-P	05-04-087
357-31-555	NEW	05-08-140	357-55-250	NEW	05-08-132	357-58-090	NEW	05-12-068
357-31-560	NEW	05-08-140	357-55-255	NEW	05-08-132	357-58-095	NEW-P	05-04-087
357-31-565	NEW	05-08-140	357-55-260	NEW	05-08-132	357-58-095	NEW	05-12-068
			357-55-265	NEW	05-08-133	357-58-100	NEW-P	05-04-087

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357-58-100	NEW	05-12-068	357-58-255	NEW	05-12-070	357-58-405	NEW	05-12-071
357-58-105	NEW-P	05-04-087	357-58-260	NEW-P	05-04-089	357-58-410	NEW-P	05-04-091
357-58-105	NEW	05-12-068	357-58-260	NEW	05-12-070	357-58-410	NEW	05-12-071
357-58-110	NEW-P	05-04-087	357-58-265	NEW-P	05-04-089	357-58-415	NEW-P	05-04-091
357-58-110	NEW	05-12-068	357-58-265	NEW	05-12-070	357-58-415	NEW	05-12-071
357-58-115	NEW-P	05-04-087	357-58-270	NEW-P	05-04-089	357-58-420	NEW-P	05-04-091
357-58-115	NEW	05-12-068	357-58-270	NEW	05-12-070	357-58-420	NEW	05-12-071
357-58-120	NEW-P	05-04-088	357-58-275	NEW-P	05-04-089	357-58-425	NEW-P	05-04-091
357-58-120	NEW	05-12-069	357-58-275	NEW	05-12-070	357-58-425	NEW	05-12-071
357-58-125	NEW-P	05-04-088	357-58-280	NEW-P	05-04-089	357-58-430	NEW-P	05-04-091
357-58-125	NEW	05-12-069	357-58-280	NEW-P	05-09-114	357-58-430	NEW	05-12-071
357-58-130	NEW-P	05-04-088	357-58-280	NEW-W	05-12-065	357-58-435	NEW-P	05-04-091
357-58-130	NEW	05-12-069	357-58-280	NEW	05-12-094	357-58-435	NEW	05-12-071
357-58-135	NEW-P	05-04-088	357-58-285	NEW-P	05-04-089	357-58-440	NEW-P	05-04-091
357-58-135	NEW	05-12-069	357-58-285	NEW	05-12-070	357-58-440	NEW	05-12-071
357-58-140	NEW-P	05-04-088	357-58-290	NEW-P	05-04-089	357-58-445	NEW-P	05-04-091
357-58-140	NEW	05-12-069	357-58-290	NEW	05-12-070	357-58-445	NEW	05-12-071
357-58-145	NEW-P	05-04-088	357-58-295	NEW-P	05-04-089	357-58-450	NEW-P	05-04-091
357-58-145	NEW	05-12-069	357-58-295	NEW	05-12-070	357-58-450	NEW	05-12-071
357-58-150	NEW-P	05-04-088	357-58-300	NEW-P	05-04-089	357-58-455	NEW-P	05-04-091
357-58-150	NEW	05-12-069	357-58-300	NEW	05-12-070	357-58-455	NEW	05-12-071
357-58-155	NEW-P	05-04-088	357-58-305	NEW-P	05-04-089	357-58-460	NEW-P	05-04-091
357-58-155	NEW	05-12-069	357-58-305	NEW	05-12-070	357-58-460	NEW	05-12-071
357-58-160	NEW-P	05-04-088	357-58-310	NEW-P	05-04-089	357-58-465	NEW-P	05-04-091
357-58-160	NEW	05-12-069	357-58-310	NEW	05-12-070	357-58-465	NEW	05-12-071
357-58-165	NEW-P	05-04-088	357-58-315	NEW-P	05-04-089	357-58-470	NEW-P	05-04-091
357-58-165	NEW	05-12-069	357-58-315	NEW	05-12-070	357-58-470	NEW	05-12-071
357-58-170	NEW-P	05-04-088	357-58-320	NEW-P	05-04-089	357-58-475	NEW-P	05-04-091
357-58-170	NEW	05-12-069	357-58-320	NEW	05-12-070	357-58-475	NEW	05-12-071
357-58-175	NEW-P	05-04-088	357-58-325	NEW-P	05-04-089	357-58-480	NEW-P	05-04-091
357-58-175	NEW	05-12-069	357-58-325	NEW	05-12-070	357-58-480	NEW	05-12-071
357-58-180	NEW-P	05-04-088	357-58-330	NEW-P	05-04-089	357-58-485	NEW-P	05-04-091
357-58-180	NEW	05-12-069	357-58-330	NEW	05-12-070	357-58-485	NEW	05-12-071
357-58-185	NEW-P	05-04-088	357-58-335	NEW-P	05-04-089	357-58-490	NEW-P	05-04-091
357-58-185	NEW	05-12-069	357-58-335	NEW	05-12-070	357-58-490	NEW	05-12-071
357-58-190	NEW-P	05-04-088	357-58-340	NEW-P	05-04-089	357-58-495	NEW-P	05-04-091
357-58-190	NEW	05-12-069	357-58-340	NEW	05-12-070	357-58-495	NEW-W	05-12-098
357-58-195	NEW-P	05-04-088	357-58-345	NEW-P	05-04-089	357-58-500	NEW-P	05-04-090
357-58-195	NEW	05-12-069	357-58-345	NEW	05-12-070	357-58-500	NEW	05-12-072
357-58-200	NEW-P	05-04-088	357-58-350	NEW-P	05-04-089	357-58-505	NEW-P	05-04-090
357-58-200	NEW	05-12-069	357-58-350	NEW	05-12-070	357-58-505	NEW	05-12-072
357-58-205	NEW-P	05-04-088	357-58-355	NEW-P	05-04-089	357-58-510	NEW-P	05-04-090
357-58-205	NEW	05-12-069	357-58-355	NEW	05-12-070	357-58-510	NEW	05-12-072
357-58-210	NEW-P	05-04-088	357-58-360	NEW-P	05-04-089	357-58-515	NEW-P	05-04-090
357-58-210	NEW	05-12-069	357-58-360	NEW	05-12-070	357-58-515	NEW	05-12-072
357-58-215	NEW-P	05-04-088	357-58-365	NEW-P	05-04-089	357-58-520	NEW-P	05-04-090
357-58-215	NEW	05-12-069	357-58-365	NEW	05-12-070	357-58-520	NEW	05-12-072
357-58-220	NEW-P	05-04-088	357-58-370	NEW-P	05-04-089	357-58-525	NEW-P	05-04-090
357-58-220	NEW	05-12-069	357-58-370	NEW	05-12-070	357-58-525	NEW	05-12-072
357-58-225	NEW-P	05-04-088	357-58-375	NEW-P	05-04-089	357-58-530	NEW-P	05-04-090
357-58-225	NEW	05-12-069	357-58-375	NEW	05-12-070	357-58-530	NEW	05-12-072
357-58-230	NEW-P	05-04-088	357-58-380	NEW-P	05-04-089	357-58-535	NEW-P	05-04-090
357-58-230	NEW	05-12-069	357-58-380	NEW-W	05-12-065	357-58-535	NEW-W	05-12-099
357-58-235	NEW-P	05-04-088	357-58-385	NEW-P	05-04-089	357-58-540	NEW-P	05-04-090
357-58-235	NEW	05-12-069	357-58-385	NEW	05-12-070	357-58-540	NEW	05-12-072
357-58-240	NEW-P	05-04-089	357-58-390	NEW-P	05-04-089	357-58-545	NEW-P	05-04-090
357-58-240	NEW	05-12-070	357-58-390	NEW	05-12-070	357-58-545	NEW	05-12-072
357-58-245	NEW-P	05-04-089	357-58-395	NEW-P	05-04-089	363-116	PREP	05-04-094
357-58-245	NEW	05-12-070	357-58-395	NEW	05-12-070	363-116-065	NEW-P	05-14-110
357-58-250	NEW-P	05-04-089	357-58-400	NEW-P	05-04-089	363-116-075	AMD-P	05-14-110
357-58-250	NEW	05-12-070	357-58-400	NEW	05-12-070	363-116-0751	NEW-P	05-14-110
357-58-255	NEW-P	05-04-089	357-58-405	NEW-P	05-04-091	363-116-076	NEW-P	05-14-110

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363-116-078	NEW-P	05-14-110	388- 14A-5001	AMD	05-06-014	388- 25-1050	NEW-P	05-06-086
363-116-080	AMD-P	05-14-110	388- 14A-5005	AMD-P	05-02-063	388- 25-1050	NEW-E	05-06-094
363-116-082	AMD	05-04-028	388- 14A-5005	AMD	05-06-014	388- 25-1050	NEW	05-11-016
363-116-082	AMD-P	05-14-110	388- 14A-5008	AMD-P	05-02-063	388- 71-0194	REP-P	05-03-096
363-116-083	AMD-P	05-14-110	388- 14A-5008	AMD	05-06-014	388- 71-0194	REP	05-11-082
363-116-175	AMD-P	05-14-110	388- 14A-5009	NEW-P	05-02-063	388- 71-0202	REP-P	05-03-096
363-116-185	AMD-P	05-10-069	388- 14A-5009	NEW	05-06-014	388- 71-0202	REP	05-11-082
363-116-185	AMD	05-14-029	388- 14A-5010	NEW-P	05-02-063	388- 71-0203	REP-P	05-03-096
363-116-300	AMD-P	05-08-063	388- 14A-5010	NEW	05-06-014	388- 71-0203	REP	05-11-082
363-116-300	AMD	05-12-055	388- 14A-6300	AMD-P	05-11-079	388- 71-0205	REP-P	05-03-096
363-116-300	AMD-P	05-14-110	388- 14A-6300	AMD	05-14-102	388- 71-0205	REP	05-11-082
365-110-035	AMD-W	05-06-057	388- 14A-7100	AMD-P	05-03-095	388- 71-0210	NEW-P	05-03-096
371- 08-305	AMD-E	05-05-005	388- 14A-7100	AMD	05-07-059	388- 71-0210	NEW	05-11-082
371- 08-305	AMD-P	05-08-022	388- 14A-7110	NEW-E	05-03-095	388- 71-0215	NEW-P	05-03-096
371- 08-335	AMD-E	05-05-005	388- 14A-7110	NEW	05-07-059	388- 71-0215	NEW	05-11-082
371- 08-335	AMD-P	05-08-022	388- 14A-7115	NEW-E	05-03-095	388- 71-0220	NEW-P	05-03-096
371- 08-345	AMD-E	05-05-005	388- 14A-7115	NEW	05-07-059	388- 71-0220	NEW	05-11-082
371- 08-345	AMD-P	05-08-022	388- 14A-7117	NEW-E	05-03-095	388- 71-0225	NEW-P	05-03-096
371- 08-445	AMD-P	05-08-022	388- 14A-7117	NEW	05-07-059	388- 71-0225	NEW	05-11-082
371- 08-450	AMD-P	05-08-022	388- 14A-7120	NEW-E	05-03-095	388- 71-0230	NEW-P	05-03-096
374- 60	PREP	05-11-063	388- 14A-7120	NEW	05-07-059	388- 71-0230	NEW	05-11-082
388	PREP	05-08-090	388- 14A-8100	AMD-E	05-07-034	388- 71-0235	NEW-P	05-03-096
388- 01-180	PREP	05-13-128	388- 14A-8100	AMD-P	05-09-081	388- 71-0235	NEW	05-11-082
388- 01-190	PREP	05-13-128	388- 14A-8100	AMD	05-12-135	388- 71-0240	NEW-P	05-03-096
388- 02	PREP	05-13-128	388- 14A-8600	NEW-E	05-03-095	388- 71-0240	NEW	05-11-082
388- 02-0215	PREP	05-06-081	388- 14A-8600	NEW	05-07-059	388- 71-0245	NEW-P	05-03-096
388- 14A	PREP	05-08-087	388- 25-0225	AMD-P	05-03-082	388- 71-0245	NEW	05-11-082
388- 14A-1020	AMD-P	05-11-081	388- 25-0225	AMD	05-06-091	388- 71-0250	NEW-P	05-03-096
388- 14A-1020	AMD	05-14-101	388- 25-0225	AMD-E	05-06-093	388- 71-0250	NEW	05-11-082
388- 14A-2160	PREP	05-08-087	388- 25-0226	NEW-P	05-03-082	388- 71-0255	NEW-P	05-03-096
388- 14A-3102	PREP	05-05-078	388- 25-0226	NEW	05-06-091	388- 71-0255	NEW	05-11-082
388- 14A-3102	AMD-P	05-09-082	388- 25-0226	NEW-E	05-06-093	388- 71-0260	NEW-P	05-03-096
388- 14A-3102	AMD	05-12-136	388- 25-0227	NEW-P	05-03-082	388- 71-0260	NEW	05-11-082
388- 14A-3120	PREP	05-05-078	388- 25-0227	NEW	05-06-091	388- 71-0400	REP-P	05-03-096
388- 14A-3120	AMD-P	05-09-082	388- 25-0227	NEW-E	05-06-093	388- 71-0400	REP	05-11-082
388- 14A-3120	AMD	05-12-136	388- 25-0228	NEW-P	05-03-082	388- 71-0405	REP-P	05-03-096
388- 14A-3304	AMD-P	05-03-095	388- 25-0228	NEW	05-06-091	388- 71-0405	REP	05-11-082
388- 14A-3304	AMD	05-07-059	388- 25-0228	NEW-E	05-06-093	388- 71-0410	REP-P	05-03-096
388- 14A-3310	AMD-P	05-03-095	388- 25-0229	NEW-P	05-03-082	388- 71-0410	REP	05-11-082
388- 14A-3310	AMD	05-07-059	388- 25-0229	NEW	05-06-091	388- 71-0415	REP-P	05-03-096
388- 14A-3317	NEW-P	05-03-095	388- 25-0229	NEW-E	05-06-093	388- 71-0415	REP	05-11-082
388- 14A-3317	NEW	05-07-059	388- 25-0230	REP-P	05-03-082	388- 71-0420	REP-P	05-03-096
388- 14A-3320	AMD-P	05-03-095	388- 25-0230	REP	05-06-091	388- 71-0420	REP	05-11-082
388- 14A-3320	AMD	05-07-059	388- 25-0230	REP-E	05-06-093	388- 71-0425	REP-P	05-03-096
388- 14A-3321	NEW-E	05-03-095	388- 25-0231	NEW-P	05-03-082	388- 71-0425	REP	05-11-082
388- 14A-3321	NEW	05-07-059	388- 25-0231	NEW	05-06-091	388- 71-0430	REP-P	05-03-096
388- 14A-3350	AMD-P	05-11-080	388- 25-0231	NEW-E	05-06-093	388- 71-0430	REP	05-11-082
388- 14A-3350	AMD	05-14-099	388- 25-1000	NEW-P	05-06-086	388- 71-0435	REP-P	05-03-096
388- 14A-3600	AMD-P	05-11-079	388- 25-1000	NEW-E	05-06-094	388- 71-0435	REP	05-11-082
388- 14A-3600	AMD	05-14-102	388- 25-1000	NEW	05-11-016	388- 71-0440	REP-P	05-03-096
388- 14A-3810	AMD-P	05-11-081	388- 25-1010	NEW-P	05-06-086	388- 71-0440	REP	05-11-082
388- 14A-3810	AMD	05-14-101	388- 25-1010	NEW-E	05-06-094	388- 71-0442	REP-P	05-03-096
388- 14A-4119	NEW-E	05-03-094	388- 25-1010	NEW	05-11-016	388- 71-0442	REP	05-11-082
388- 14A-4119	NEW-P	05-05-082	388- 25-1020	NEW-P	05-06-086	388- 71-0445	REP-P	05-03-096
388- 14A-4119	NEW	05-08-060	388- 25-1020	NEW-E	05-06-094	388- 71-0445	REP	05-11-082
388- 14A-4180	NEW-E	05-03-094	388- 25-1020	NEW	05-11-016	388- 71-0450	REP-P	05-03-096
388- 14A-4180	NEW-P	05-05-082	388- 25-1030	NEW-P	05-06-086	388- 71-0450	REP	05-11-082
388- 14A-4180	NEW	05-08-060	388- 25-1030	NEW-E	05-06-094	388- 71-0455	REP-P	05-03-096
388- 14A-4304	AMD	05-07-087	388- 25-1030	NEW	05-11-016	388- 71-0455	REP	05-11-082
388- 14A-5000	AMD-P	05-02-063	388- 25-1040	NEW-P	05-06-086	388- 71-0460	REP-P	05-03-096
388- 14A-5000	AMD	05-06-014	388- 25-1040	NEW-E	05-06-094	388- 71-0460	REP	05-11-082

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388-71-0465	REP	05-11-082	388-71-0900	REP-P	05-03-096	388-71-1075	REP-P	05-03-096
388-71-0470	REP-P	05-03-096	388-71-0900	REP-W	05-11-071	388-71-1075	REP	05-11-082
388-71-0470	REP	05-11-082	388-71-0900	PREP	05-14-073	388-71-1080	REP-P	05-03-096
388-71-0480	REP-P	05-03-096	388-71-0905	REP-P	05-03-096	388-71-1080	REP	05-11-082
388-71-0480	REP	05-11-082	388-71-0905	REP-W	05-11-071	388-71-1085	REP-P	05-03-096
388-71-0500	AMD-P	05-03-096	388-71-0905	PREP	05-14-073	388-71-1085	REP	05-11-082
388-71-0500	AMD	05-11-082	388-71-0910	REP-P	05-03-096	388-71-1090	REP-P	05-03-096
388-71-0515	AMD-P	05-03-096	388-71-0910	REP-W	05-11-071	388-71-1090	REP	05-11-082
388-71-0515	AMD	05-11-082	388-71-0910	PREP	05-14-073	388-71-1095	REP-P	05-03-096
388-71-0520	AMD-P	05-03-096	388-71-0915	REP-P	05-03-096	388-71-1095	REP	05-11-082
388-71-0520	AMD	05-11-082	388-71-0915	REP-W	05-11-071	388-71-1100	REP-P	05-03-096
388-71-0540	AMD-P	05-03-096	388-71-0915	PREP	05-14-073	388-71-1100	REP	05-11-082
388-71-0540	AMD	05-11-082	388-71-0920	REP-P	05-03-096	388-71-1105	REP-P	05-03-096
388-71-05832	NEW-P	05-03-096	388-71-0920	REP-W	05-11-071	388-71-1105	REP	05-11-082
388-71-05832	NEW	05-11-082	388-71-0920	PREP	05-14-073	388-71-1110	REP-P	05-03-096
388-71-0600	REP-P	05-03-096	388-71-0925	REP-P	05-03-096	388-71-1110	REP	05-11-082
388-71-0600	REP	05-11-082	388-71-0925	REP-W	05-11-071	388-72A-0005	REP-P	05-03-096
388-71-0605	REP-P	05-03-096	388-71-0925	PREP	05-14-073	388-72A-0005	REP	05-11-082
388-71-0605	REP	05-11-082	388-71-0930	REP-P	05-03-096	388-72A-0010	REP-P	05-03-096
388-71-0610	REP-P	05-03-096	388-71-0930	REP-W	05-11-071	388-72A-0010	REP	05-11-082
388-71-0610	REP	05-11-082	388-71-0930	PREP	05-14-073	388-72A-0015	REP-P	05-03-096
388-71-0613	REP-P	05-03-096	388-71-0935	REP-P	05-03-096	388-72A-0015	REP	05-11-082
388-71-0613	REP	05-11-082	388-71-0935	REP-W	05-11-071	388-72A-0020	REP-P	05-03-096
388-71-0615	REP-P	05-03-096	388-71-0935	PREP	05-14-073	388-72A-0020	REP	05-11-082
388-71-0615	REP	05-11-082	388-71-0940	REP-P	05-03-096	388-72A-0025	REP-P	05-03-096
388-71-0620	REP-P	05-03-096	388-71-0940	REP-W	05-11-071	388-72A-0025	REP	05-11-082
388-71-0620	REP	05-11-082	388-71-0940	PREP	05-14-073	388-72A-0030	REP-P	05-03-096
388-71-0700	REP-P	05-03-096	388-71-0945	REP-P	05-03-096	388-72A-0030	REP	05-11-082
388-71-0700	REP	05-11-082	388-71-0945	REP-W	05-11-071	388-72A-0035	REP-P	05-03-096
388-71-0704	AMD-P	05-03-096	388-71-0945	PREP	05-14-073	388-72A-0035	REP	05-11-082
388-71-0704	AMD	05-11-082	388-71-0950	REP-P	05-03-096	388-72A-0036	REP-P	05-03-096
388-71-0706	AMD-P	05-03-096	388-71-0950	REP-W	05-11-071	388-72A-0036	REP	05-11-082
388-71-0706	AMD	05-11-082	388-71-0950	PREP	05-14-073	388-72A-0037	REP-P	05-03-096
388-71-0708	AMD-P	05-03-096	388-71-0955	REP-P	05-03-096	388-72A-0037	REP	05-11-082
388-71-0708	AMD	05-11-082	388-71-0955	REP-W	05-11-071	388-72A-0038	REP-P	05-03-096
388-71-0710	AMD-P	05-03-096	388-71-0955	PREP	05-14-073	388-72A-0038	REP	05-11-082
388-71-0710	AMD	05-11-082	388-71-0960	REP-P	05-03-096	388-72A-0039	REP-P	05-03-096
388-71-0716	AMD-P	05-03-096	388-71-0960	REP-W	05-11-071	388-72A-0039	REP	05-11-082
388-71-0716	AMD	05-11-082	388-71-0960	PREP	05-14-073	388-72A-0041	REP-P	05-03-096
388-71-0720	AMD-P	05-03-096	388-71-0965	REP-P	05-03-096	388-72A-0041	REP	05-11-082
388-71-0720	AMD	05-11-082	388-71-0965	REP-W	05-11-071	388-72A-0042	REP-P	05-03-096
388-71-0734	AMD	05-02-064	388-71-0965	PREP	05-14-073	388-72A-0042	REP	05-11-082
388-71-0800	REP-P	05-03-096	388-71-1000	REP-P	05-03-096	388-72A-0043	REP-P	05-03-096
388-71-0800	REP	05-11-082	388-71-1000	REP	05-11-082	388-72A-0043	REP	05-11-082
388-71-0805	REP-P	05-03-096	388-71-1005	REP-P	05-03-096	388-72A-0045	REP-P	05-03-096
388-71-0805	REP	05-11-082	388-71-1005	REP	05-11-082	388-72A-0045	REP	05-11-082
388-71-0810	REP-P	05-03-096	388-71-1010	REP-P	05-03-096	388-72A-0050	REP-P	05-03-096
388-71-0810	REP	05-11-082	388-71-1010	REP	05-11-082	388-72A-0050	REP	05-11-082
388-71-0815	REP-P	05-03-096	388-71-1015	REP-P	05-03-096	388-72A-0053	REP-P	05-03-096
388-71-0815	REP	05-11-082	388-71-1015	REP	05-11-082	388-72A-0053	REP	05-11-082
388-71-0820	REP-P	05-03-096	388-71-1020	REP-P	05-03-096	388-72A-0055	REP-P	05-03-096
388-71-0820	REP	05-11-082	388-71-1020	REP	05-11-082	388-72A-0055	REP	05-11-082
388-71-0825	REP-P	05-03-096	388-71-1025	REP-P	05-03-096	388-72A-0057	REP-P	05-03-096
388-71-0825	REP	05-11-082	388-71-1025	REP	05-11-082	388-72A-0057	REP	05-11-082
388-71-0830	REP-P	05-03-096	388-71-1030	REP-P	05-03-096	388-72A-0058	REP-P	05-03-096
388-71-0830	REP	05-11-082	388-71-1030	REP	05-11-082	388-72A-0058	REP	05-11-082
388-71-0835	REP-P	05-03-096	388-71-1035	REP-P	05-03-096	388-72A-0060	REP-P	05-03-096
388-71-0835	REP	05-11-082	388-71-1035	REP	05-11-082	388-72A-0060	REP	05-11-082
388-71-0840	REP-P	05-03-096	388-71-1065	REP-P	05-03-096	388-72A-0065	REP-P	05-03-096
388-71-0840	REP	05-11-082	388-71-1065	REP	05-11-082	388-72A-0065	REP	05-11-082
388-71-0845	REP-P	05-03-096	388-71-1070	REP-P	05-03-096	388-72A-0069	REP-P	05-03-096

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 72A-0069	REP	05-11-082	388- 78A-2480	PREP	05-10-085	388-101-1680	RECOD	05-05-077
388- 72A-0070	REP-P	05-03-096	388- 78A-2490	PREP	05-10-085	388-101-1690	RECOD	05-05-077
388- 72A-0070	REP	05-11-082	388- 78A-2500	PREP	05-10-085	388-101-1700	RECOD	05-05-077
388- 72A-0080	REP-P	05-03-096	388- 78A-2510	PREP	05-10-085	388-101-1710	RECOD	05-05-077
388- 72A-0080	REP	05-11-082	388- 78A-2520	PREP	05-10-085	388-101-1720	RECOD	05-05-077
388- 72A-0081	REP-P	05-03-096	388- 78A-2700	PREP	05-10-085	388-101-1730	RECOD	05-05-077
388- 72A-0081	REP	05-11-082	388- 78A-2840	PREP	05-10-085	388-101-1740	RECOD	05-05-077
388- 72A-0082	REP-P	05-03-096	388- 78A-2910	PREP	05-10-085	388-101-1750	RECOD	05-05-077
388- 72A-0082	REP	05-11-082	388- 78A-2930	PREP	05-10-085	388-101-1750	AMD-P	05-07-136
388- 72A-0083	REP-P	05-03-096	388- 78A-2940	PREP	05-10-085	388-101-1750	AMD	05-10-086
388- 72A-0083	REP	05-11-082	388- 78A-2960	PREP	05-10-085	388-101-1760	RECOD	05-05-077
388- 72A-0084	REP-P	05-03-096	388-101	PREP	05-07-132	388-101-1770	RECOD	05-05-077
388- 72A-0084	REP	05-11-082	388-101-1010	RECOD	05-05-077	388-101-1780	RECOD	05-05-077
388- 72A-0085	REP-P	05-03-096	388-101-1020	RECOD	05-05-077	388-101-1790	RECOD	05-05-077
388- 72A-0085	REP	05-11-082	388-101-1020	AMD-P	05-07-136	388-101-1800	RECOD	05-05-077
388- 72A-0086	REP-P	05-03-096	388-101-1020	AMD	05-10-086	388-101-1810	RECOD	05-05-077
388- 72A-0086	REP	05-11-082	388-101-1100	RECOD	05-05-077	388-101-1820	RECOD	05-05-077
388- 72A-0087	REP-P	05-03-096	388-101-1180	RECOD	05-05-077	388-101-1830	RECOD	05-05-077
388- 72A-0087	REP	05-11-082	388-101-1190	RECOD	05-05-077	388-101-1840	RECOD	05-05-077
388- 72A-0090	REP-P	05-03-096	388-101-1200	RECOD	05-05-077	388-101-1850	RECOD	05-05-077
388- 72A-0090	REP	05-11-082	388-101-1205	RECOD	05-07-138	388-101-1860	RECOD	05-05-077
388- 72A-0092	REP-P	05-03-096	388-101-1210	RECOD	05-05-077	388-101-1870	RECOD	05-05-077
388- 72A-0092	REP	05-11-082	388-101-1220	RECOD	05-05-077	388-101-1880	RECOD	05-05-077
388- 72A-0095	REP-P	05-03-096	388-101-1220	AMD-P	05-07-136	388-101-1890	RECOD	05-05-077
388- 72A-0095	REP	05-11-082	388-101-1220	AMD	05-10-086	388-101-1900	RECOD	05-05-077
388- 72A-0100	REP-P	05-03-096	388-101-1230	RECOD	05-05-077	388-101-2000	RECOD	05-05-077
388- 72A-0100	REP	05-11-082	388-101-1240	RECOD	05-05-077	388-101-2010	RECOD	05-05-077
388- 72A-0105	REP-P	05-03-096	388-101-1250	RECOD	05-05-077	388-101-2020	RECOD	05-05-077
388- 72A-0105	REP	05-11-082	388-101-1260	RECOD	05-05-077	388-101-2030	RECOD	05-05-077
388- 72A-0110	REP-P	05-03-096	388-101-1260	AMD-P	05-07-136	388-101-2040	RECOD	05-05-077
388- 72A-0110	REP	05-11-082	388-101-1260	AMD	05-10-086	388-101-2050	RECOD	05-05-077
388- 72A-0115	REP-P	05-03-096	388-101-1400	RECOD	05-05-077	388-101-2060	RECOD	05-05-077
388- 72A-0115	REP	05-11-082	388-101-1400	AMD-P	05-07-136	388-101-2070	RECOD	05-05-077
388- 72A-0120	REP-P	05-03-096	388-101-1400	AMD	05-10-086	388-101-2080	RECOD	05-05-077
388- 72A-0120	REP	05-11-082	388-101-1410	RECOD	05-05-077	388-101-2090	RECOD	05-05-077
388- 76-540	AMD-P	05-13-126	388-101-1420	RECOD	05-05-077	388-101-2100	RECOD	05-05-077
388- 76-560	AMD-P	05-13-126	388-101-1420	AMD-P	05-07-136	388-101-2110	RECOD	05-05-077
388- 76-575	AMD-P	05-13-126	388-101-1420	AMD	05-10-086	388-101-2120	RECOD	05-05-077
388- 76-585	AMD-P	05-13-126	388-101-1430	RECOD	05-05-077	388-101-2130	RECOD	05-05-077
388- 76-59020	REP-P	05-13-126	388-101-1440	RECOD	05-05-077	388-101-2140	RECOD	05-05-077
388- 76-595	AMD-P	05-13-126	388-101-1460	RECOD	05-05-077	388-101-2150	RECOD	05-05-077
388- 76-64005	REP-P	05-13-126	388-101-1470	RECOD	05-05-077	388-101-2150	AMD-P	05-07-136
388- 76-655	AMD-P	05-13-126	388-101-1470	AMD-P	05-07-136	388-101-2150	AMD	05-10-086
388- 76-685	AMD-P	05-13-126	388-101-1470	AMD	05-10-086	388-101-2160	RECOD	05-05-077
388- 76-715	AMD-P	05-13-126	388-101-1480	RECOD	05-05-077	388-101-2300	RECOD	05-05-077
388- 76-76505	AMD-P	05-04-058	388-101-1490	RECOD	05-05-077	388-101-2310	RECOD	05-05-077
388- 76-76505	AMD	05-07-137	388-101-1500	RECOD	05-05-077	388-101-2310	AMD-P	05-07-136
388- 76-9970	REP-P	05-13-126	388-101-1510	RECOD	05-05-077	388-101-2310	DECOD	05-07-138
388- 76-9972	REP-P	05-13-126	388-101-1520	RECOD	05-05-077	388-101-2320	RECOD	05-05-077
388- 76-9974	REP-P	05-13-126	388-101-1530	RECOD	05-05-077	388-101-2320	DECOD	05-07-138
388- 76-9976	REP-P	05-13-126	388-101-1540	RECOD	05-05-077	388-101-2330	RECOD	05-05-077
388- 76-9978	REP-P	05-13-126	388-101-1550	RECOD	05-05-077	388-101-2340	RECOD	05-05-077
388- 76-9980	REP-P	05-13-126	388-101-1600	RECOD	05-05-077	388-101-2350	RECOD	05-05-077
388- 78A-2020	PREP	05-10-085	388-101-1610	RECOD	05-05-077	388-101-2360	RECOD	05-05-077
388- 78A-2050	PREP	05-10-085	388-101-1620	RECOD	05-05-077	388-101-2370	RECOD	05-05-077
388- 78A-2260	PREP	05-10-085	388-101-1630	RECOD	05-05-077	388-101-2380	RECOD	05-05-077
388- 78A-2270	PREP	05-10-085	388-101-1640	RECOD	05-05-077	388-101-2400	RECOD	05-07-138
388- 78A-2280	PREP	05-10-085	388-101-1650	RECOD	05-05-077	388-101-2410	RECOD	05-07-138
388- 78A-2300	PREP	05-10-085	388-101-1660	RECOD	05-05-077	388-101-2410	AMD	05-10-086
388- 78A-2340	PREP	05-10-085	388-101-1670	RECOD	05-05-077	388-101-2420	RECOD	05-07-138
388- 78A-2360	PREP	05-10-085	388-101-1670	AMD-P	05-07-136	388-101-2430	RECOD	05-07-138
388- 78A-2470	PREP	05-10-085	388-101-1670	AMD	05-10-086	388-101-2440	RECOD	05-07-138



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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-101-2450	RECOD	05-07-138	388-106-0120	NEW-P	05-03-096	388-106-0510	NEW-P	05-03-096
388-101-2460	RECOD	05-07-138	388-106-0120	NEW	05-11-082	388-106-0510	NEW	05-11-082
388-101-2470	RECOD	05-07-138	388-106-0125	NEW-P	05-03-096	388-106-0515	NEW-P	05-03-096
388-101-2480	RECOD	05-07-138	388-106-0125	NEW	05-11-082	388-106-0515	NEW	05-11-082
388-101-2490	RECOD	05-07-138	388-106-0130	NEW-P	05-03-096	388-106-0520	NEW-P	05-03-096
388-101-2500	RECOD	05-07-138	388-106-0130	NEW	05-11-082	388-106-0520	NEW	05-11-082
388-101-2510	RECOD	05-07-138	388-106-0135	NEW-P	05-03-096	388-106-0525	NEW-P	05-03-096
388-101-2520	RECOD	05-07-138	388-106-0135	NEW	05-11-082	388-106-0525	NEW	05-11-082
388-101-2530	RECOD	05-07-138	388-106-0140	NEW-P	05-03-096	388-106-0530	NEW-P	05-03-096
388-101-2540	RECOD	05-07-138	388-106-0140	NEW	05-11-082	388-106-0530	NEW	05-11-082
388-105	PREP	05-13-127	388-106-0200	NEW-P	05-03-096	388-106-0535	NEW-P	05-03-096
388-105-0035	AMD-E	05-14-078	388-106-0200	NEW	05-11-082	388-106-0535	NEW	05-11-082
388-106	PREP	05-05-080	388-106-0210	NEW-P	05-03-096	388-106-0600	NEW-P	05-03-096
388-106	PREP	05-06-082	388-106-0210	NEW	05-11-082	388-106-0600	NEW	05-11-082
388-106	PREP	05-06-083	388-106-0213	NEW-P	05-03-096	388-106-0610	NEW-P	05-03-096
388-106	PREP	05-14-073	388-106-0213	NEW	05-11-082	388-106-0610	NEW	05-11-082
388-106-0005	NEW-P	05-03-096	388-106-0220	NEW-P	05-03-096	388-106-0615	NEW-P	05-03-096
388-106-0005	NEW	05-11-082	388-106-0220	NEW	05-11-082	388-106-0615	NEW	05-11-082
388-106-0010	NEW-P	05-03-096	388-106-0225	NEW-P	05-03-096	388-106-0620	NEW-P	05-03-096
388-106-0010	NEW	05-11-082	388-106-0225	NEW	05-11-082	388-106-0620	NEW	05-11-082
388-106-0015	NEW-P	05-03-096	388-106-0230	NEW-P	05-03-096	388-106-0625	NEW-P	05-03-096
388-106-0015	NEW	05-11-082	388-106-0230	NEW	05-11-082	388-106-0625	NEW	05-11-082
388-106-0020	NEW-P	05-03-096	388-106-0235	NEW-P	05-03-096	388-106-0630	NEW-P	05-03-096
388-106-0020	NEW	05-11-082	388-106-0235	NEW	05-11-082	388-106-0630	NEW	05-11-082
388-106-0025	NEW-P	05-03-096	388-106-0300	NEW-P	05-03-096	388-106-0650	NEW-P	05-03-096
388-106-0025	NEW	05-11-082	388-106-0300	NEW	05-11-082	388-106-0650	NEW	05-11-082
388-106-0030	NEW-P	05-03-096	388-106-0305	NEW-P	05-03-096	388-106-0655	NEW-P	05-03-096
388-106-0030	NEW	05-11-082	388-106-0305	NEW	05-11-082	388-106-0655	NEW	05-11-082
388-106-0035	NEW-P	05-03-096	388-106-0310	NEW-P	05-03-096	388-106-0700	NEW-P	05-03-096
388-106-0035	NEW	05-11-082	388-106-0310	NEW	05-11-082	388-106-0700	NEW	05-11-082
388-106-0040	NEW-P	05-03-096	388-106-0315	NEW-P	05-03-096	388-106-0705	NEW-P	05-03-096
388-106-0040	NEW	05-11-082	388-106-0315	NEW	05-11-082	388-106-0705	NEW	05-11-082
388-106-0045	NEW-P	05-03-096	388-106-0320	NEW-P	05-03-096	388-106-0710	NEW-P	05-03-096
388-106-0045	NEW	05-11-082	388-106-0320	NEW	05-11-082	388-106-0710	NEW	05-11-082
388-106-0050	NEW-P	05-03-096	388-106-0325	NEW-P	05-03-096	388-106-0715	NEW-P	05-03-096
388-106-0050	NEW	05-11-082	388-106-0325	NEW	05-11-082	388-106-0715	NEW	05-11-082
388-106-0055	NEW-P	05-03-096	388-106-0330	NEW-P	05-03-096	388-106-0720	NEW-E	05-14-074
388-106-0055	NEW	05-11-082	388-106-0330	NEW	05-11-082	388-106-0720	NEW-E	05-14-074
388-106-0060	NEW-P	05-03-096	388-106-0335	NEW-P	05-03-096	388-106-0725	NEW-E	05-14-074
388-106-0060	NEW	05-11-082	388-106-0335	NEW	05-11-082	388-106-0730	NEW-E	05-14-074
388-106-0065	NEW-P	05-03-096	388-106-0350	NEW-P	05-03-096	388-106-0735	NEW-E	05-14-074
388-106-0065	NEW	05-11-082	388-106-0350	NEW	05-11-082	388-106-0740	NEW-E	05-14-074
388-106-0070	NEW-P	05-03-096	388-106-0355	NEW-P	05-03-096	388-106-0800	NEW-P	05-03-096
388-106-0070	NEW	05-11-082	388-106-0355	NEW	05-11-082	388-106-0800	NEW	05-11-082
388-106-0075	NEW-P	05-03-096	388-106-0360	NEW-P	05-03-096	388-106-0805	NEW-P	05-03-096
388-106-0075	NEW	05-11-082	388-106-0360	NEW	05-11-082	388-106-0805	NEW	05-11-082
388-106-0080	NEW-P	05-03-096	388-106-0400	NEW-P	05-03-096	388-106-0810	NEW-P	05-03-096
388-106-0080	NEW	05-11-082	388-106-0400	NEW	05-11-082	388-106-0810	NEW	05-11-082
388-106-0085	NEW-P	05-03-096	388-106-0410	NEW-P	05-03-096	388-106-0815	NEW-P	05-03-096
388-106-0085	NEW	05-11-082	388-106-0410	NEW	05-11-082	388-106-0815	NEW	05-11-082
388-106-0090	NEW-P	05-03-096	388-106-0415	NEW-P	05-03-096	388-106-0900	NEW-P	05-03-096
388-106-0090	NEW	05-11-082	388-106-0415	NEW	05-11-082	388-106-0900	NEW	05-11-082
388-106-0095	NEW-P	05-03-096	388-106-0420	NEW-P	05-03-096	388-106-0905	NEW-P	05-03-096
388-106-0095	NEW	05-11-082	388-106-0420	NEW	05-11-082	388-106-0905	NEW	05-11-082
388-106-0100	NEW-P	05-03-096	388-106-0425	NEW-P	05-03-096	388-106-0950	NEW-P	05-03-096
388-106-0100	NEW	05-11-082	388-106-0425	NEW	05-11-082	388-106-0950	NEW	05-11-082
388-106-0105	NEW-P	05-03-096	388-106-0430	NEW-P	05-03-096	388-106-0955	NEW-P	05-03-096
388-106-0105	NEW	05-11-082	388-106-0430	NEW	05-11-082	388-106-0955	NEW	05-11-082
388-106-0110	NEW-P	05-03-096	388-106-0435	NEW-P	05-03-096	388-106-1000	NEW-P	05-03-096
388-106-0110	NEW	05-11-082	388-106-0435	NEW	05-11-082	388-106-1000	NEW-W	05-11-071
388-106-0115	NEW-P	05-03-096	388-106-0500	NEW-P	05-03-096	388-106-1005	NEW-P	05-03-096
388-106-0115	NEW	05-11-082	388-106-0500	NEW	05-11-082	388-106-1005	NEW-W	05-11-071
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388-106-1015	NEW-W	05-11-071	388-290-0032	PREP	05-13-176	388-424-0006	AMD-P	05-12-134
388-106-1020	NEW-P	05-03-096	388-290-0075	PREP	05-06-078	388-424-0010	PREP	05-13-135
388-106-1020	NEW-W	05-11-071	388-290-0095	PREP	05-06-078	388-432	PREP	05-08-091
388-106-1025	NEW-P	05-03-096	388-290-0100	PREP	05-06-078	388-434	PREP	05-08-091
388-106-1025	NEW-W	05-11-071	388-290-0105	PREP	05-06-078	388-436	PREP	05-08-091
388-106-1030	NEW-P	05-03-096	388-290-0110	PREP	05-06-078	388-442-0010	PREP	05-13-136
388-106-1030	NEW-W	05-11-071	388-290-0120	PREP	05-06-078	388-446	PREP	05-08-091
388-106-1035	NEW-P	05-03-096	388-290-0180	PREP	05-13-175	388-448	PREP	05-08-091
388-106-1035	NEW-W	05-11-071	388-290-0190	PREP	05-13-175	388-450	PREP	05-08-091
388-106-1040	NEW-P	05-03-096	388-290-0200	AMD-E	05-05-024	388-450-0015	AMD	05-03-078
388-106-1040	NEW-W	05-11-071	388-290-0200	AMD-E	05-13-040	388-450-0020	PREP-W	05-02-068
388-106-1045	NEW-P	05-03-096	388-290-0200	PREP	05-13-175	388-450-0185	PREP	05-12-131
388-106-1045	NEW-W	05-11-071	388-290-0205	AMD-E	05-05-024	388-450-0190	PREP	05-12-131
388-106-1050	NEW-P	05-03-096	388-290-0205	AMD-E	05-13-040	388-450-0195	AMD-P	05-06-085
388-106-1050	NEW-W	05-11-071	388-290-0205	PREP	05-13-175	388-450-0195	AMD	05-09-087
388-106-1055	NEW-P	05-03-096	388-290-0240	PREP	05-13-176	388-450-0195	PREP	05-12-131
388-106-1055	NEW-W	05-11-071	388-290-0245	PREP	05-13-175	388-450-0200	AMD-E	05-03-079
388-106-1100	NEW-P	05-03-096	388-290-0247	PREP	05-13-175	388-450-0200	AMD	05-05-025
388-106-1100	NEW	05-11-082	388-290-0250	PREP	05-13-175	388-450-0210	PREP	05-13-135
388-106-1105	NEW-P	05-03-096	388-290-0255	PREP	05-13-176	388-450-0215	AMD-P	05-13-169
388-106-1105	NEW	05-11-082	388-290-0260	PREP	05-13-176	388-450A-0010	NEW-P	05-07-133
388-106-1110	NEW-P	05-03-096	388-290-0271	PREP	05-13-176	388-450A-0010	NEW	05-13-029
388-106-1110	NEW	05-11-082	388-290-0273	PREP	05-13-176	388-454	PREP	05-08-091
388-106-1115	NEW-P	05-03-096	388-295	PREP	05-08-059	388-455	PREP	05-08-091
388-106-1115	NEW	05-11-082	388-296	PREP	05-07-131	388-458	PREP	05-08-091
388-106-1120	NEW-P	05-03-096	388-296	PREP-W	05-08-058	388-462-0015	AMD-P	05-03-081
388-106-1120	NEW	05-11-082	388-310-0600	PREP	05-07-074	388-462-0015	AMD	05-07-032
388-106-1200	NEW-P	05-03-096	388-310-0600	AMD-P	05-13-125	388-464	PREP	05-08-091
388-106-1200	NEW	05-11-082	388-310-1400	AMD-P	05-08-121	388-468	PREP	05-08-091
388-106-1205	NEW-P	05-03-096	388-310-1400	AMD	05-13-030	388-470	PREP	05-08-091
388-106-1205	NEW	05-11-082	388-400	PREP	05-08-091	388-474-0012	AMD	05-07-031
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388-106-1210	NEW	05-11-082	388-400-0005	AMD	05-14-100	388-475-0550	AMD-E	05-13-074
388-106-1215	NEW-P	05-03-096	388-400-0010	PREP	05-13-136	388-475-0700	AMD-E	05-05-088
388-106-1215	NEW	05-11-082	388-406	PREP	05-08-091	388-475-0700	AMD-E	05-13-074
388-106-1220	NEW-P	05-03-096	388-408	PREP	05-08-091	388-475-0800	AMD-E	05-05-088
388-106-1220	NEW	05-11-082	388-410	PREP	05-08-091	388-475-0800	AMD-E	05-13-074
388-106-1225	NEW-P	05-03-096	388-410-0001	AMD-P	05-05-081	388-475-0820	AMD-E	05-05-088
388-106-1225	NEW	05-11-082	388-410-0001	AMD	05-08-124	388-475-0820	AMD-E	05-13-074
388-106-1230	NEW-P	05-03-096	388-412	PREP	05-08-091	388-475-0860	AMD-E	05-05-088
388-106-1230	NEW	05-11-082	388-412-0025	PREP	05-07-130	388-475-0860	AMD-E	05-13-074
388-106-1300	NEW-P	05-03-096	388-412-0025	AMD-P	05-13-171	388-478	PREP	05-08-091
388-106-1300	NEW	05-11-082	388-414	PREP	05-08-091	388-478-0055	PREP	05-13-173
388-106-1305	NEW-P	05-03-096	388-416-0005	AMD-P	05-05-081	388-478-0055	AMD-E	05-14-076
388-106-1305	NEW	05-11-082	388-416-0005	AMD	05-08-124	388-478-0060	PREP	05-12-131
388-106-1310	NEW-P	05-03-096	388-416-0015	PREP	05-05-079	388-478-0065	AMD-P	05-11-075
388-106-1310	NEW	05-11-082	388-416-0015	AMD-E	05-10-038	388-478-0070	AMD-P	05-02-091
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388-145-0230	AMD	05-11-008	388-418-0007	AMD-P	05-08-120	388-478-0075	PREP	05-13-135
388-160-0075	AMD-P	05-09-079	388-418-0007	AMD	05-11-074	388-478-0075	AMD-P	05-14-122
388-160-0075	AMD	05-14-013	388-418-0011	PREP	05-05-079	388-478-0080	AMD-P	05-02-091
388-160-0195	AMD-P	05-09-079	388-418-0011	AMD-P	05-06-088	388-478-0080	AMD	05-06-090
388-160-0195	AMD	05-14-013	388-418-0011	AMD	05-09-020	388-478-0085	PREP	05-07-095
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388-273-0035	PREP	05-06-077	388-418-0020	AMD-P	05-06-088	388-478-0085	AMD-P	05-14-122
388-273-0035	AMD-P	05-12-133	388-418-0020	AMD	05-09-020	388-482	PREP	05-08-091
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388-492-0070	AMD-P	05-05-086	388-531-0650	AMD-P	05-07-135	388-544-0250	AMD	05-13-038
388-492-0070	AMD	05-08-008	388-531-0650	AMD	05-12-022	388-544-0300	AMD-P	05-08-092
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388-492-0070	AMD-P	05-14-098	388-531-1600	AMD-P	05-07-135	388-544-0350	AMD-P	05-08-092
388-501-0135	PREP	05-06-079	388-531-1600	AMD	05-12-022	388-544-0350	AMD	05-13-038
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388-505-0210	AMD-E	05-14-077	388-532-100	AMD-P	05-14-123	388-544-0450	AMD-P	05-08-092
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388-513-1325	PREP-W	05-02-068	388-532-130	AMD-P	05-14-123	388-544-0475	NEW	05-13-038
388-513-1340	PREP-W	05-02-068	388-532-140	AMD-P	05-14-123	388-544-0500	AMD-P	05-08-092
388-513-1350	AMD-P	05-03-109	388-532-500	AMD-P	05-14-123	388-544-0500	AMD	05-13-038
388-513-1350	AMD	05-07-033	388-532-505	NEW-P	05-14-123	388-544-0550	AMD-P	05-08-092
388-513-1350	PREP	05-11-072	388-532-510	AMD-P	05-14-123	388-544-0550	AMD	05-13-038
388-513-1350	PREP	05-13-139	388-532-520	AMD-P	05-14-123	388-544-0600	AMD-P	05-08-092
388-513-1350	PREP-W	05-13-140	388-532-530	AMD-P	05-14-123	388-544-0600	AMD	05-13-038
388-513-1350	AMD-E	05-14-079	388-532-540	AMD-P	05-14-123	388-546	PREP-W	05-02-068
388-513-1360	PREP	05-13-131	388-532-550	AMD-P	05-14-123	388-550	PREP-W	05-08-086
388-513-1380	AMD-P	05-03-109	388-532-700	AMD-P	05-14-123	388-550	PREP	05-08-089
388-513-1380	AMD	05-07-033	388-532-710	AMD-P	05-14-123	388-550-1350	PREP	05-13-076
388-513-1380	AMD-E	05-10-053	388-532-720	AMD-P	05-14-123	388-550-2301	NEW-E	05-07-058
388-513-1380	PREP	05-11-073	388-532-730	AMD-P	05-14-123	388-550-2301	NEW-P	05-07-135
388-513-1380	AMD-E	05-13-062	388-532-740	AMD-P	05-14-123	388-550-2301	NEW	05-12-022
388-513-1380	PREP	05-13-063	388-532-750	AMD-P	05-14-123	388-550-2600	PREP	05-08-089
388-513-1380	PREP-W	05-13-065	388-532-760	AMD-P	05-14-123	388-550-2800	AMD-E	05-07-058
388-513-1380	PREP-W	05-13-137	388-532-780	AMD-P	05-14-123	388-550-2800	AMD-P	05-07-135
388-513-1380	PREP	05-13-138	388-532-790	AMD-P	05-14-123	388-550-2800	AMD	05-12-022
388-513-1380	AMD-E	05-14-075	388-533-0710	AMD-P	05-05-085	388-550-2800	AMD-E	05-14-080
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388-515-1505	PREP	05-06-084	388-533-0720	AMD-P	05-05-085	388-550-2800	PREP-W	05-14-146
388-515-1505	PREP	05-13-129	388-533-0720	AMD	05-08-061	388-550-2900	PREP-W	05-14-146
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388-515-1540	AMD-P	05-03-096	388-533-0730	AMD	05-08-061	388-550-3000	AMD	05-11-077
388-515-1540	AMD	05-11-082	388-535-1070	AMD-P	05-03-080	388-550-3300	PREP	05-06-080
388-515-1550	AMD-P	05-03-096	388-535-1070	AMD	05-06-092	388-550-3300	AMD-P	05-09-085
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388-517-0300	AMD	05-14-125	388-538-112	AMD-E	05-05-038	388-550-4300	PREP	05-06-080
388-517-0310	NEW-P	05-11-076	388-538-112	AMD-E	05-13-066	388-550-4300	AMD-P	05-09-085
388-517-0310	NEW	05-14-125	388-543	PREP	05-13-132	388-550-4300	AMD	05-12-132
388-517-0320	NEW-P	05-11-076	388-543-1000	PREP-W	05-13-133	388-550-4400	AMD-E	05-07-058
388-517-0320	NEW	05-14-125	388-543-1100	PREP-W	05-13-133	388-550-4400	AMD-P	05-07-135
388-519-0110	AMD-P	05-05-083	388-543-1150	PREP-W	05-13-133	388-550-4400	AMD	05-12-022
388-519-0110	AMD-E	05-07-057	388-543-1400	PREP-W	05-13-133	388-550-4600	PREP	05-06-080
388-519-0110	AMD	05-08-093	388-543-1500	PREP-W	05-13-133	388-550-4600	AMD-P	05-09-085
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388-523-0130	AMD-E	05-14-077	388-543-2500	PREP-W	05-13-133	388-550-4650	NEW-P	05-09-085
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388-530-1280	AMD	05-11-078	388-544-0010	NEW-P	05-08-092	388-550-4800	PREP	05-06-080
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388-550-5250	REP-P	05-09-086	388-820-360	DECOD	05-05-077	388-823-0020	NEW-P	05-04-057
388-550-5250	REP	05-12-132	388-820-370	DECOD	05-05-077	388-823-0020	NEW	05-12-130
388-550-5300	REP-P	05-09-086	388-820-380	DECOD	05-05-077	388-823-0030	NEW-P	05-04-057
388-550-5300	REP	05-12-132	388-820-390	DECOD	05-05-077	388-823-0030	NEW	05-12-130
388-550-5350	REP-P	05-09-086	388-820-400	DECOD	05-05-077	388-823-0040	NEW-P	05-04-057
388-550-5350	REP	05-12-132	388-820-405	DECOD	05-05-077	388-823-0040	NEW	05-12-130
388-550-5400	AMD-P	05-09-086	388-820-410	DECOD	05-05-077	388-823-0050	NEW-P	05-04-057
388-550-5400	AMD	05-12-132	388-820-420	DECOD	05-05-077	388-823-0050	NEW	05-12-130
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388-550-6800	AMD-P	05-09-086	388-820-440	DECOD	05-05-077	388-823-0060	NEW	05-12-130
388-550-6800	AMD	05-12-132	388-820-450	DECOD	05-05-077	388-823-0070	NEW-P	05-04-057
388-550-6900	REP-P	05-09-086	388-820-460	DECOD	05-05-077	388-823-0070	NEW	05-12-130
388-550-6900	REP	05-12-132	388-820-470	DECOD	05-05-077	388-823-0080	NEW-P	05-04-057
388-550-7000	PREP	05-13-076	388-820-480	DECOD	05-05-077	388-823-0080	NEW	05-12-130
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388-554-200	NEW	05-04-059	388-820-500	DECOD	05-05-077	388-823-0090	NEW	05-12-130
388-554-300	NEW	05-04-059	388-820-510	DECOD	05-05-077	388-823-0100	NEW-P	05-04-057
388-554-400	NEW	05-04-059	388-820-520	DECOD	05-05-077	388-823-0100	NEW	05-12-130
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388-554-600	NEW	05-04-059	388-820-540	DECOD	05-05-077	388-823-0105	NEW	05-12-130
388-554-700	NEW	05-04-059	388-820-550	DECOD	05-05-077	388-823-0110	NEW-P	05-04-057
388-554-800	NEW	05-04-059	388-820-555	DECOD	05-05-077	388-823-0110	NEW	05-12-130
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388-800	PREP	05-02-065	388-820-570	DECOD	05-05-077	388-823-0120	NEW	05-12-130
388-820-010	DECOD	05-05-077	388-820-580	DECOD	05-05-077	388-823-0130	NEW-P	05-04-057
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388-820-056	DECOD	05-07-138	388-820-630	DECOD	05-05-077	388-823-0150	NEW	05-12-130
388-820-060	DECOD	05-05-077	388-820-640	DECOD	05-05-077	388-823-0160	NEW-P	05-04-057
388-820-070	DECOD	05-05-077	388-820-650	DECOD	05-05-077	388-823-0160	NEW	05-12-130
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388-820-086	DECOD	05-05-077	388-820-680	DECOD	05-05-077	388-823-0200	NEW-P	05-04-057
388-820-090	DECOD	05-05-077	388-820-690	DECOD	05-05-077	388-823-0200	NEW	05-12-130
388-820-100	DECOD	05-05-077	388-820-700	DECOD	05-05-077	388-823-0210	NEW-P	05-04-057
388-820-110	DECOD	05-05-077	388-820-710	DECOD	05-05-077	388-823-0210	NEW	05-12-130
388-820-120	DECOD	05-05-077	388-820-720	DECOD	05-05-077	388-823-0215	NEW-P	05-04-057
388-820-130	DECOD	05-05-077	388-820-730	DECOD	05-07-138	388-823-0215	NEW	05-12-130
388-820-140	DECOD	05-05-077	388-820-740	DECOD	05-05-077	388-823-0220	NEW-P	05-04-057
388-820-150	DECOD	05-05-077	388-820-750	DECOD	05-05-077	388-823-0220	NEW	05-12-130
388-820-160	DECOD	05-05-077	388-820-760	DECOD	05-07-138	388-823-0230	NEW-P	05-04-057
388-820-170	DECOD	05-05-077	388-820-770	DECOD	05-07-138	388-823-0230	NEW	05-12-130
388-820-180	DECOD	05-05-077	388-820-780	DECOD	05-07-138	388-823-0300	NEW-P	05-04-057
388-820-190	DECOD	05-05-077	388-820-790	DECOD	05-07-138	388-823-0300	NEW	05-12-130
388-820-200	DECOD	05-05-077	388-820-800	DECOD	05-07-138	388-823-0310	NEW-P	05-04-057
388-820-210	DECOD	05-05-077	388-820-810	DECOD	05-07-138	388-823-0310	NEW	05-12-130
388-820-220	DECOD	05-05-077	388-820-820	DECOD	05-07-138	388-823-0320	NEW-P	05-04-057
388-820-230	DECOD	05-05-077	388-820-830	DECOD	05-07-138	388-823-0320	NEW	05-12-130
388-820-240	DECOD	05-05-077	388-820-840	DECOD	05-07-138	388-823-0330	NEW-P	05-04-057
388-820-250	DECOD	05-05-077	388-820-850	DECOD	05-07-138	388-823-0330	NEW	05-12-130
388-820-260	DECOD	05-05-077	388-820-860	DECOD	05-07-138	388-823-0400	NEW-P	05-04-057
388-820-270	DECOD	05-05-077	388-820-870	DECOD	05-07-138	388-823-0400	NEW	05-12-130
388-820-280	DECOD	05-05-077	388-820-880	DECOD	05-05-077	388-823-0410	NEW-P	05-04-057
388-820-290	DECOD	05-05-077	388-820-890	DECOD	05-05-077	388-823-0410	NEW	05-12-130
388-820-300	DECOD	05-05-077	388-820-900	DECOD	05-05-077	388-823-0420	NEW-P	05-04-057
388-820-310	DECOD	05-05-077	388-820-910	DECOD	05-05-077	388-823-0420	NEW	05-12-130
388-820-320	DECOD	05-05-077	388-820-920	DECOD	05-05-077	388-823-0500	NEW-P	05-04-057
388-820-330	DECOD	05-05-077	388-820-930	DECOD	05-05-077	388-823-0500	NEW	05-12-130

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-823-0510	NEW-P	05-04-057	388-823-1100	NEW-P	05-04-057	388-825-077	REP-P	05-05-084
388-823-0510	NEW	05-12-130	388-823-1100	NEW	05-12-130	388-825-077	REP-E	05-09-019
388-823-0515	NEW-P	05-04-057	388-824-0001	NEW-P	05-09-084	388-825-077	REP	05-11-015
388-823-0515	NEW	05-12-130	388-824-0010	NEW-P	05-09-084	388-825-078	REP-P	05-05-084
388-823-0600	NEW-P	05-04-057	388-824-0020	NEW-P	05-09-084	388-825-078	REP-E	05-09-019
388-823-0600	NEW	05-12-130	388-824-0030	NEW-P	05-09-084	388-825-078	REP	05-11-015
388-823-0610	NEW-P	05-04-057	388-824-0040	NEW-P	05-09-084	388-825-085	REP-P	05-05-084
388-823-0610	NEW	05-12-130	388-824-0050	NEW-P	05-09-084	388-825-085	REP-E	05-09-019
388-823-0615	NEW-P	05-04-057	388-824-0060	NEW-P	05-09-084	388-825-085	REP	05-11-015
388-823-0615	NEW	05-12-130	388-824-0070	NEW-P	05-09-084	388-825-086	REP-P	05-05-084
388-823-0700	NEW-P	05-04-057	388-824-0080	NEW-P	05-09-084	388-825-086	REP-E	05-09-019
388-823-0700	NEW	05-12-130	388-824-0090	NEW-P	05-09-084	388-825-086	REP	05-11-015
388-823-0710	NEW-P	05-04-057	388-824-0100	NEW-P	05-09-084	388-825-087	REP-P	05-05-084
388-823-0710	NEW	05-12-130	388-824-0110	NEW-P	05-09-084	388-825-087	REP-E	05-09-019
388-823-0800	NEW-P	05-04-057	388-824-0120	NEW-P	05-09-084	388-825-087	REP	05-11-015
388-823-0800	NEW	05-12-130	388-824-0130	NEW-P	05-09-084	388-825-090	REP-P	05-05-084
388-823-0810	NEW-P	05-04-057	388-824-0140	NEW-P	05-09-084	388-825-090	REP-E	05-09-019
388-823-0810	NEW	05-12-130	388-824-0150	NEW-P	05-09-084	388-825-090	REP	05-11-015
388-823-0820	NEW-P	05-04-057	388-824-0160	NEW-P	05-09-084	388-825-095	REP-P	05-05-084
388-823-0820	NEW	05-12-130	388-824-0170	NEW-P	05-09-084	388-825-095	REP-E	05-09-019
388-823-0830	NEW-P	05-04-057	388-824-0180	NEW-P	05-09-084	388-825-095	REP	05-11-015
388-823-0830	NEW	05-12-130	388-824-0190	NEW-P	05-09-084	388-825-103	AMD-P	05-05-084
388-823-0840	NEW-P	05-04-057	388-824-0200	NEW-P	05-09-084	388-825-103	AMD-E	05-09-019
388-823-0840	NEW	05-12-130	388-824-0210	NEW-P	05-09-084	388-825-103	AMD	05-11-015
388-823-0850	NEW-P	05-04-057	388-824-0220	NEW-P	05-09-084	388-825-120	AMD-E	05-07-075
388-823-0850	NEW	05-12-130	388-824-0230	NEW-P	05-09-084	388-825-120	AMD-P	05-13-041
388-823-0900	NEW-P	05-04-057	388-824-0240	NEW-P	05-09-084	388-825-125	NEW-E	05-07-075
388-823-0900	NEW	05-12-130	388-824-0250	NEW-P	05-09-084	388-825-125	NEW-P	05-13-041
388-823-0910	NEW-P	05-04-057	388-824-0260	NEW-P	05-09-084	388-825-130	NEW-E	05-07-075
388-823-0910	NEW	05-12-130	388-824-0270	NEW-P	05-09-084	388-825-130	NEW-P	05-13-041
388-823-0920	NEW-P	05-04-057	388-824-0280	NEW-P	05-09-084	388-825-135	NEW-E	05-07-075
388-823-0920	NEW	05-12-130	388-824-0290	NEW-P	05-09-084	388-825-135	NEW-P	05-13-041
388-823-0930	NEW-P	05-04-057	388-824-0300	NEW-P	05-09-084	388-825-140	NEW-E	05-07-075
388-823-0930	NEW	05-12-130	388-824-0310	NEW-P	05-09-084	388-825-140	NEW-P	05-13-041
388-823-0940	NEW-P	05-04-057	388-824-0320	NEW-P	05-09-084	388-825-145	NEW-E	05-07-075
388-823-0940	NEW	05-12-130	388-824-0330	NEW-P	05-09-084	388-825-145	NEW-P	05-13-041
388-823-1000	NEW-P	05-04-057	388-825	PREP	05-13-174	388-825-150	NEW-E	05-07-075
388-823-1000	NEW	05-12-130	388-825-030	REP-P	05-04-057	388-825-150	NEW-P	05-13-041
388-823-1005	NEW-P	05-04-057	388-825-030	AMD-E	05-07-081	388-825-155	NEW-E	05-07-075
388-823-1005	NEW	05-12-130	388-825-030	REP	05-12-130	388-825-155	NEW-P	05-13-041
388-823-1010	NEW-P	05-04-057	388-825-035	REP-P	05-04-057	388-825-160	NEW-E	05-07-075
388-823-1010	NEW	05-12-130	388-825-035	REP	05-12-130	388-825-160	NEW-P	05-13-041
388-823-1015	NEW-P	05-04-057	388-825-040	REP-P	05-04-057	388-825-165	NEW-E	05-07-075
388-823-1015	NEW	05-12-130	388-825-040	REP	05-12-130	388-825-165	NEW-P	05-13-041
388-823-1020	NEW-P	05-04-057	388-825-055	AMD-P	05-05-084	388-825-170	REP-E	05-07-075
388-823-1020	NEW	05-12-130	388-825-055	AMD-E	05-09-019	388-825-170	REP-P	05-13-041
388-823-1030	NEW-P	05-04-057	388-825-055	AMD	05-11-015	388-825-180	REP-E	05-07-075
388-823-1030	NEW	05-12-130	388-825-060	REP-P	05-05-084	388-825-180	REP-P	05-13-041
388-823-1040	NEW-P	05-04-057	388-825-060	REP-E	05-09-019	388-825-190	REP-E	05-07-075
388-823-1040	NEW	05-12-130	388-825-060	REP	05-11-015	388-825-190	REP-P	05-13-041
388-823-1050	NEW-P	05-04-057	388-825-064	REP-P	05-05-084	388-825-260	REP-E	05-07-075
388-823-1050	NEW	05-12-130	388-825-064	REP-E	05-09-019	388-825-260	REP-P	05-13-041
388-823-1060	NEW-P	05-04-057	388-825-064	REP	05-11-015	388-825-262	REP-E	05-07-075
388-823-1060	NEW	05-12-130	388-825-070	REP-P	05-05-084	388-825-262	REP-P	05-13-041
388-823-1070	NEW-P	05-04-057	388-825-070	REP-E	05-09-019	388-825-264	REP-E	05-07-075
388-823-1070	NEW	05-12-130	388-825-070	REP	05-11-015	388-825-264	REP-P	05-13-041
388-823-1080	NEW-P	05-04-057	388-825-075	REP-P	05-05-084	388-825-266	REP-E	05-07-075
388-823-1080	NEW	05-12-130	388-825-075	REP-E	05-09-019	388-825-266	REP-P	05-13-041
388-823-1090	NEW-P	05-04-057	388-825-075	REP	05-11-015	388-825-268	REP-E	05-07-075
388-823-1090	NEW	05-12-130	388-825-076	REP-P	05-05-084	388-825-268	REP-P	05-13-041
388-823-1095	NEW-P	05-04-057	388-825-076	REP-E	05-09-019	388-825-270	REP-E	05-07-075
388-823-1095	NEW	05-12-130	388-825-076	REP	05-11-015	388-825-270	REP-P	05-13-041

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-825-272	REP-E	05-07-075	388-827-0115	AMD	05-10-039	388-845-0205	NEW-E	05-04-020
388-825-272	REP-P	05-13-041	388-827-0145	AMD-E	05-05-023	388-845-0205	NEW-E	05-12-026
388-825-276	REP-E	05-07-075	388-827-0145	AMD-P	05-06-087	388-845-0210	NEW-E	05-04-020
388-825-276	REP-P	05-13-041	388-827-0145	AMD	05-10-039	388-845-0210	NEW-E	05-12-026
388-825-278	REP-E	05-07-075	388-845-0001	NEW-E	05-12-026	388-845-0215	NEW-E	05-04-020
388-825-278	REP-P	05-13-041	388-845-0005	NEW-E	05-04-020	388-845-0215	NEW-E	05-12-026
388-825-280	REP-E	05-07-075	388-845-0005	NEW-E	05-12-026	388-845-0220	NEW-E	05-04-020
388-825-280	REP-P	05-13-041	388-845-0010	NEW-E	05-04-020	388-845-0220	NEW-E	05-12-026
388-825-282	REP-E	05-07-075	388-845-0010	NEW-E	05-12-026	388-845-0300	NEW-E	05-04-020
388-825-282	REP-P	05-13-041	388-845-0015	NEW-E	05-04-020	388-845-0300	NEW-E	05-12-026
388-825-284	REP-E	05-07-075	388-845-0015	NEW-E	05-12-026	388-845-0305	NEW-E	05-04-020
388-825-284	REP-P	05-13-041	388-845-0020	NEW-E	05-04-020	388-845-0305	NEW-E	05-12-026
388-825-300	NEW-E	05-07-075	388-845-0020	NEW-E	05-12-026	388-845-0310	NEW-E	05-04-020
388-825-300	NEW-P	05-13-041	388-845-0025	NEW-E	05-04-020	388-845-0310	NEW-E	05-12-026
388-825-305	NEW-E	05-07-075	388-845-0025	NEW-E	05-12-026	388-845-0400	NEW-E	05-04-020
388-825-305	NEW-P	05-13-041	388-845-0030	NEW-E	05-04-020	388-845-0400	NEW-E	05-12-026
388-825-310	NEW-E	05-07-075	388-845-0030	NEW-E	05-12-026	388-845-0405	NEW-E	05-04-020
388-825-310	NEW-P	05-13-041	388-845-0035	NEW-E	05-04-020	388-845-0405	NEW-E	05-12-026
388-825-315	NEW-E	05-07-075	388-845-0035	NEW-E	05-12-026	388-845-0410	NEW-E	05-04-020
388-825-315	NEW-P	05-13-041	388-845-0040	NEW-E	05-04-020	388-845-0410	NEW-E	05-12-026
388-825-316	NEW-E	05-07-075	388-845-0040	NEW-E	05-12-026	388-845-0500	NEW-E	05-04-020
388-825-316	NEW-P	05-13-041	388-845-0041	NEW-E	05-04-020	388-845-0500	NEW-E	05-12-026
388-825-320	NEW-E	05-07-075	388-845-0041	NEW-E	05-12-026	388-845-0505	NEW-E	05-04-020
388-825-320	NEW-P	05-13-041	388-845-0045	NEW-E	05-04-020	388-845-0505	NEW-E	05-12-026
388-825-325	NEW-E	05-07-075	388-845-0045	NEW-E	05-12-026	388-845-0510	NEW-E	05-04-020
388-825-325	NEW-P	05-13-041	388-845-0050	NEW-E	05-04-020	388-845-0510	NEW-E	05-12-026
388-825-330	NEW-E	05-07-075	388-845-0050	NEW-E	05-12-026	388-845-0600	NEW-E	05-04-020
388-825-330	NEW-P	05-13-041	388-845-0051	NEW-E	05-04-020	388-845-0600	NEW-E	05-12-026
388-825-335	NEW-E	05-07-075	388-845-0051	NEW-E	05-12-026	388-845-0605	NEW-E	05-04-020
388-825-335	NEW-P	05-13-041	388-845-0055	NEW-E	05-04-020	388-845-0605	NEW-E	05-12-026
388-825-340	NEW-E	05-07-075	388-845-0055	NEW-E	05-12-026	388-845-0610	NEW-E	05-04-020
388-825-340	NEW-P	05-13-041	388-845-0056	NEW-E	05-04-020	388-845-0610	NEW-E	05-12-026
388-825-345	NEW-E	05-07-075	388-845-0060	NEW-E	05-04-020	388-845-0700	NEW-E	05-04-020
388-825-345	NEW-P	05-13-041	388-845-0060	NEW-E	05-12-026	388-845-0700	NEW-E	05-12-026
388-825-355	NEW-E	05-07-075	388-845-0065	NEW-E	05-04-020	388-845-0705	NEW-E	05-04-020
388-825-355	NEW-P	05-13-041	388-845-0065	NEW-E	05-12-026	388-845-0705	NEW-E	05-12-026
388-825-360	NEW-E	05-07-075	388-845-0070	NEW-E	05-04-020	388-845-0710	NEW-E	05-04-020
388-825-360	NEW-P	05-13-041	388-845-0070	NEW-E	05-12-026	388-845-0710	NEW-E	05-12-026
388-825-365	NEW-E	05-07-075	388-845-0075	NEW-E	05-04-020	388-845-0750	NEW-E	05-12-026
388-825-365	NEW-P	05-13-041	388-845-0075	NEW-E	05-12-026	388-845-0755	NEW-E	05-12-026
388-825-370	NEW-E	05-07-075	388-845-0080	NEW-E	05-04-020	388-845-0760	NEW-E	05-12-026
388-825-370	NEW-P	05-13-041	388-845-0080	NEW-E	05-12-026	388-845-0800	NEW-E	05-04-020
388-825-375	NEW-E	05-07-075	388-845-0085	NEW-E	05-04-020	388-845-0800	NEW-E	05-12-026
388-825-375	NEW-P	05-13-041	388-845-0085	NEW-E	05-12-026	388-845-0805	NEW-E	05-04-020
388-825-380	NEW-E	05-07-075	388-845-0090	NEW-E	05-04-020	388-845-0805	NEW-E	05-12-026
388-825-380	NEW-P	05-13-041	388-845-0090	NEW-E	05-12-026	388-845-0810	NEW-E	05-04-020
388-825-381	NEW-E	05-07-075	388-845-0095	NEW-E	05-04-020	388-845-0810	NEW-E	05-12-026
388-825-381	NEW-P	05-13-041	388-845-0095	NEW-E	05-12-026	388-845-0820	NEW-E	05-04-020
388-825-385	NEW-E	05-07-075	388-845-0096	NEW-E	05-04-020	388-845-0820	NEW-E	05-12-026
388-825-385	NEW-P	05-13-041	388-845-0096	NEW-E	05-12-026	388-845-0900	NEW-E	05-04-020
388-825-390	NEW-E	05-07-075	388-845-0100	NEW-E	05-04-020	388-845-0900	NEW-E	05-12-026
388-825-390	NEW-P	05-13-041	388-845-0100	NEW-E	05-12-026	388-845-0905	NEW-E	05-04-020
388-825-395	NEW-E	05-07-075	388-845-0105	NEW-E	05-04-020	388-845-0905	NEW-E	05-12-026
388-825-395	NEW-P	05-13-041	388-845-0105	NEW-E	05-12-026	388-845-0910	NEW-E	05-04-020
388-825-396	NEW-E	05-07-075	388-845-0110	NEW-E	05-04-020	388-845-0910	NEW-E	05-12-026
388-825-396	NEW-P	05-13-041	388-845-0110	NEW-E	05-12-026	388-845-1000	NEW-E	05-04-020
388-825-400	NEW-E	05-07-075	388-845-0115	NEW-E	05-04-020	388-845-1000	NEW-E	05-12-026
388-825-400	NEW-P	05-13-041	388-845-0115	NEW-E	05-12-026	388-845-1010	NEW-E	05-04-020
388-827	PREP-W	05-02-066	388-845-0120	NEW-E	05-04-020	388-845-1010	NEW-E	05-12-026
388-827	PREP	05-02-067	388-845-0120	NEW-E	05-12-026	388-845-1015	NEW-E	05-04-020
388-827-0115	AMD-E	05-05-023	388-845-0200	NEW-E	05-04-020	388-845-1015	NEW-E	05-12-026
388-827-0115	AMD-P	05-06-087	388-845-0200	NEW-E	05-12-026	388-845-1100	NEW-E	05-04-020

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-845-1100	NEW-E	05-12-026	388-845-1810	NEW-E	05-04-020	388-845-3090	NEW-E	05-04-020
388-845-1105	NEW-E	05-04-020	388-845-1810	NEW-E	05-12-026	388-845-3090	NEW-E	05-12-026
388-845-1105	NEW-E	05-12-026	388-845-1900	NEW-E	05-04-020	388-845-3095	NEW-E	05-04-020
388-845-1110	NEW-E	05-04-020	388-845-1900	NEW-E	05-12-026	388-845-3095	NEW-E	05-12-026
388-845-1110	NEW-E	05-12-026	388-845-1905	NEW-E	05-04-020	388-845-4000	NEW-E	05-04-020
388-845-1150	NEW-E	05-04-020	388-845-1905	NEW-E	05-12-026	388-845-4000	NEW-E	05-12-026
388-845-1150	NEW-E	05-12-026	388-845-1910	NEW-E	05-04-020	388-845-4005	NEW-E	05-04-020
388-845-1155	NEW-E	05-04-020	388-845-1910	NEW-E	05-12-026	388-845-4005	NEW-E	05-12-026
388-845-1155	NEW-E	05-12-026	388-845-2000	NEW-E	05-04-020	388-845-4010	NEW-E	05-04-020
388-845-1160	NEW-E	05-04-020	388-845-2000	NEW-E	05-12-026	388-845-4010	NEW-E	05-12-026
388-845-1160	NEW-E	05-12-026	388-845-2005	NEW-E	05-04-020	388-845-4015	NEW-E	05-04-020
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388-845-1410	NEW-E	05-04-020	388-845-3000	NEW-E	05-12-026	388-865-0420	AMD	05-14-082
388-845-1410	NEW-E	05-12-026	388-845-3005	NEW-E	05-04-020	388-865-0430	AMD-P	05-09-080
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388-845-1510	NEW-E	05-12-026	388-845-3020	NEW-E	05-04-020	388-865-0620	AMD	05-14-082
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415-112-507	NEW	05-12-108	434-230-177	NEW-E	05-05-033	434-250-100	NEW-P	05-14-172
415-112-523	NEW-P	05-09-055	434-230-177	NEW-E	05-14-170	434-250-110	NEW-P	05-14-172
415-112-523	NEW	05-12-108	434-230-210	REP-E	05-11-101	434-250-120	NEW-P	05-14-172
415-112-541	AMD	05-03-006	434-230-210	REP-P	05-14-171	434-250-130	NEW-P	05-14-172
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415-112-620	AMD	05-12-108	434-238-080	REP-P	05-14-172	434-253-025	NEW-P	05-14-172
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434-253-045	AMD	05-08-065	434-261-110	AMD-P	05-14-172	434-333-050	REP-P	05-05-034
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434-253-048	AMD-P	05-14-172	434-262-005	REP-P	05-14-172	434-333-063	REP-P	05-05-034
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434-253-049	AMD	05-08-065	434-262-012	NEW-E	05-11-101	434-333-065	REP-P	05-05-034
434-253-049	AMD-P	05-14-172	434-262-012	NEW-P	05-14-171	434-333-065	AMD-E	05-14-170
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434-260-050	AMD-P	05-14-172	434-333-010	AMD-E	05-05-033	434-333-110	REP-P	05-05-034
434-260-140	AMD-P	05-14-172	434-333-010	REP-P	05-05-034	434-333-110	AMD-E	05-14-170
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434-333-150	REP-P	05-05-034	434-333-290	NEW-E	05-14-170	434-335-580	NEW-P	05-05-034
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434-333-165	AMD-E	05-14-170	434-335-060	NEW-P	05-05-034	434-379-007	NEW	05-12-116
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434-333-175	AMD-E	05-14-170	434-335-120	NEW-P	05-05-034	434-381-120	AMD-P	05-14-171
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434-333-180	NEW-E	05-14-170	434-335-140	NEW-P	05-05-034	434-840-020	AMD	05-13-059
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434-333-185	NEW-E	05-14-170	434-335-160	NEW-P	05-05-034	434-840-040	AMD	05-13-059
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434-333-190	NEW-E	05-14-170	434-335-180	NEW-P	05-05-034	434-840-080	AMD	05-13-059
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434-333-195	NEW-E	05-14-170	434-335-200	NEW-P	05-05-034	434-840-310	AMD	05-13-059
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456-09-315	AMD	05-13-141	456-09-640	REP	05-13-141	456-09-960	AMD	05-13-141
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456-09-320	REP	05-13-141	456-09-645	REP	05-13-141	456-10-001	NEW	05-13-141
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456-09-325	AMD	05-13-141	456-09-650	REP	05-13-141	456-10-010	AMD	05-13-141
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456-09-330	AMD	05-13-141	456-09-655	REP	05-13-141	456-10-110	AMD	05-13-141
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456-09-335	AMD	05-13-141	456-09-705	REP	05-13-141	456-10-120	AMD	05-13-141
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456-09-340	AMD	05-13-141	456-09-710	REP	05-13-141	456-10-130	REP	05-13-141
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456-09-355	REP	05-13-141	456-09-725	REP	05-13-141	456-10-160	AMD	05-13-141
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456-09-365	REP	05-13-141	456-09-730	REP	05-13-141	456-10-170	REP	05-13-141
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456-09-520	AMD	05-13-141	456-09-750	AMD	05-13-141	456-10-310	AMD	05-13-141
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456-09-540	AMD-P	05-09-125	456-09-760	REP-P	05-09-125	456-10-320	REP-P	05-09-125
456-09-540	AMD	05-13-141	456-09-760	REP	05-13-141	456-10-320	REP	05-13-141
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456-09-545	NEW	05-13-141	456-09-765	AMD	05-13-141	456-10-325	AMD	05-13-141
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456-09-550	AMD	05-13-141	456-09-770	REP	05-13-141	456-10-330	AMD	05-13-141
456-09-552	NEW-P	05-09-125	456-09-775	REP-P	05-09-125	456-10-335	AMD-P	05-09-125
456-09-552	NEW	05-13-141	456-09-775	REP	05-13-141	456-10-335	AMD	05-13-141
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456-09-555	NEW	05-13-141	456-09-910	AMD	05-13-141	456-10-340	REP	05-13-141
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456-09-560	AMD	05-13-141	456-09-915	AMD	05-13-141	456-10-345	REP	05-13-141
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456-09-615	REP	05-13-141	456-09-940	REP	05-13-141	456-10-430	REP	05-13-141
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478-118-010	AMD	05-08-017	480-73-210	NEW	05-06-051	480-93-082	REP	05-10-055
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478-118-050	AMD	05-08-017	480-80-204	AMD	05-03-031	480-93-111	REP	05-10-055
478-118-055	NEW-P	05-03-071	480-80-206	AMD	05-03-031	480-93-112	REP-S	05-02-096
478-118-055	NEW	05-08-017	480-90-008	AMD	05-06-051	480-93-112	REP	05-10-055
478-118-060	AMD-P	05-03-071	480-90-023	AMD	05-06-051	480-93-115	AMD-S	05-02-096
478-118-060	AMD	05-08-017	480-90-207	NEW	05-06-051	480-93-115	AMD	05-10-055
478-118-080	AMD-P	05-03-071	480-90-207	AMD-S	05-10-099	480-93-120	REP-S	05-02-096
478-118-080	AMD	05-08-017	480-90-208	REP	05-06-051	480-93-120	REP	05-10-055
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478-118-100	AMD	05-08-017	480-90-218	REP	05-06-051	480-93-124	AMD	05-10-055
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478-118-200	AMD	05-08-017	480-90-244	NEW	05-06-051	480-93-130	AMD	05-10-055
478-118-210	AMD-P	05-03-071	480-90-245	NEW	05-06-051	480-93-140	AMD-S	05-02-096
478-118-210	AMD	05-08-017	480-90-248	NEW	05-06-051	480-93-140	AMD	05-10-055
478-118-270	AMD-P	05-03-071	480-90-248	AMD-S	05-10-099	480-93-150	REP-S	05-02-096
478-118-270	AMD	05-08-017	480-90-252	NEW	05-06-051	480-93-150	REP	05-10-055
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478-118-290	NEW	05-08-017	480-90-262	NEW-S	05-10-099	480-93-155	AMD	05-10-055
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478-118-300	NEW	05-08-017	480-90-268	NEW	05-06-051	480-93-160	AMD	05-10-055
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478-118-400	AMD	05-08-017	480-90-999	AMD	05-06-051	480-93-170	AMD	05-10-055
478-118-410	AMD-P	05-03-071	480-92-016	AMD	05-06-051	480-93-175	AMD-S	05-02-096
478-118-410	AMD	05-08-017	480-92-021	AMD	05-06-051	480-93-175	AMD	05-10-055
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478-250-060	AMD	05-08-064	480-93-005	AMD	05-10-055	480-93-184	REP-S	05-02-096
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480-93-240	AMD-S	05-13-103	480-110-545	NEW	05-06-051	480-120-382	NEW	05-06-051
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480-93-999	AMD	05-10-055	480-110-555	AMD-S	05-10-099	480-120-389	NEW-S	05-10-099
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