

Washington State Register

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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.

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of March April 2002 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following 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].

2001-2002
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 1.12.040 and 34.05.353.

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.

ERRATUM

In the preproposal statement of inquiry filed by the Department of Agriculture as WSR 02-05-083 on February 20, 2002, there was a reference to WAC 16-303-250 Miscellaneous charges for seed certification. Do to a clerical error, the document published incorrectly stated the WAC number as WAC 16-302-250 not WAC 16-303-250. The "Table of WAC Sections Affected" correctly reflected the WAC number. The Internet copy of this document has been corrected.

WSR 02-07-018**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL**

[Filed March 11, 2002, 11:06 a.m.]

Subject of Possible Rule Making: Chapter 212-12 WAC is being amended to change language to reflect current state building fire codes as adopted by the state Building Code Council.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.27 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The verbiage needs to be current and to reflect the terminology used by the Building Code Council.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Building Code Council.

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 Mr. Roger Woodside, Fire Protection Bureau, P.O. Box 42601, Olympia, WA 98504, rwoodsi@wsp.wa.gov, phone (360) 705-5763, fax (360) 753-0395.

February 21, 2002

Ronal W. Serpas
Chief

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-001 Purpose. The purpose of this chapter is to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire, explosion, and panic. ~~((This regulation is applicable to the director of fire protection services.))~~ The director of fire protection ~~((services))~~ is authorized to administer and enforce this chapter.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-005 Definitions. Unless otherwise clarified in this section, definitions in the State Building Code shall apply to this chapter. The following definitions shall also apply to this chapter:

(1) ~~((("Adult family homes" are those facilities licensed by the department of social and health services under chapter 70.128 RCW and chapter 388-76 WAC. Adult family homes shall be classified as:~~

~~(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(2)) "Adult residential rehabilitation ((facility)) center" means a residence, place, or ((facility)) center, including private adult treatment homes, licensed by the department of health under chapter 71.12 RCW and chapter 246-325 WAC. Adult residential rehabilitation facilities shall be classified as((:~~

~~(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(3)) a Group LC Occupancy.~~

~~(2) "Alcoholism hospital" means facilities or institutions licensed by the department of health under chapter 71.12 RCW and chapter 246-322 WAC. Alcoholism hospitals shall be classified as a Group I, Division 1.1 Occupancy.~~

~~((4)) (3) "Alcoholism intensive inpatient treatment services" means those services licensed by the department of health under chapter 71.12 RCW and chapter 246-326 WAC. Alcoholism intensive inpatient treatment services shall be classified as((:~~

~~(a) Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(5)) a Group LC Occupancy.~~

~~(4) "Alcoholism treatment facility" means a facility operated primarily for the treatment of alcoholism licensed by the department of health under chapter 71.12 RCW and~~

chapter 246-362 WAC. Alcoholism treatment facilities shall be classified as follows:

(a) "Alcoholism detoxification services":

(i) Acute: Group I, Division 1.1.

(ii) Sub-acute: ~~((Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff; Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff; Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff; Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.))~~ A Group LC Occupancy.

(b) "Alcoholism long term treatment services": Alcoholism long term treatment services shall be classified as(~~(:~~

(i) ~~Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

(ii) ~~Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

(iii) ~~Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

(iv) ~~Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.))~~ a Group LC Occupancy.

(c) "Alcohol recovery house services": Alcohol recovery house services shall be classified as(~~(:~~

(i) ~~Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

(ii) ~~Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

(iii) ~~Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

(iv) ~~Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(6))~~ a Group LC Occupancy.

(5) "Ambulatory" means physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

~~((7))~~ (6) "Approved" refers to approval by the director of fire protection (~~(services)~~) as a result of investigation and tests conducted by the director of fire protection (~~(services)~~) or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

~~((8))~~ (7) "Authority having jurisdiction" is the director of fire protection (~~(services)~~) or authorized deputy or designee.

(8) "Assistant state fire marshal" means the assistant state fire marshal who manages a specific division within the

fire protection bureau or as designated by the director of fire protection.

(9) "Bed and breakfast:" See transient accommodation definition in this section.

(10) "Boarding home" means any home or other institution licensed by the department of health under chapter 18.20 RCW and chapter ~~((246-316))~~ 388-78A WAC. Boarding homes shall be classified as(~~(:~~

(a) ~~Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

(b) ~~Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

(c) ~~Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

(d) ~~Group R, Division 1 Occupancy with Group I, Division 2.1 exit requirements when accommodating more than sixteen clients or residents, excluding staff.))~~ a Group LC Occupancy.

(11) "Building official" means the designated authority appointed by the governing body of each city or county who is in charge of the administration and enforcement of the Uniform Building Code.

(12) ~~("Chief deputy state fire marshal" means the chief deputy state fire marshal who manages a specific unit within the fire protection services division or as designated by the director of fire protection services.~~

~~(13))~~ "Child birth center" means a facility or institution licensed by the department of health under chapter 18.46 RCW and chapter 246-329 WAC. Child birth centers shall be classified as(~~(:~~

(a) ~~Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

(b) ~~Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

(c) ~~Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

(d) ~~Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(14))~~ a Group B Occupancy.

(13) "Child day care center" means an agency which provides child day care outside the abode of the licensee or for thirteen or more children in the abode of the licensee. Such facilities are licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-150 WAC. Child day care centers shall be classified as a Group E, Division 3 Occupancy.

~~((15))~~ (14) "Director of fire protection (~~(services)~~)" means the director of the fire protection (~~(services division)~~) bureau in the ~~((department of community development))~~ Washington state patrol or authorized deputy or designee.

~~((16))~~ (15) "Evaluation process" means the initial steps in the informal appeals process established by the director of

fire protection ((~~services~~)) under the authority of RCW 34.05.060.

((~~(17)~~)) (16) "Family child day care home" means a child day care facility located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Such facilities are licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-155 WAC. Family child day care homes shall be classified as a Group R, Division 3 Occupancy.

((~~(18)~~)) (17) "Fire official" means the person or other designated authority appointed by the city or county for the administration and enforcement of the Uniform Fire Code.

((~~(19)~~)) (18) "Group care facility" means a facility licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-73 WAC. Group care facilities shall be classified as(~~:~~

~~(a) Group R, Division 3 Occupancy when accommodating five or fewer clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen clients or residents, excluding staff.~~

~~(20)) a Group LC Occupancy.~~

(19) "Group care facilities for severely and multiply handicapped children" means facilities which are maintained and operated for the care of a group of children as licensed by the department of social and health services under chapter 74.15 RCW and chapter 388-73 WAC. Group care facilities for severely and multiply handicapped children shall be classified as:

~~(a) ((Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen ambulatory clients or residents, excluding staff.~~

~~(e)) A Group LC Occupancy.~~

~~(b) Group I, Division 1.1 Occupancy when accommodating more than sixteen nonambulatory clients or residents, excluding staff.~~

~~((f)) (c) Group I, Division 3 Occupancy when accommodating any number of restrained persons.~~

~~((21)) (20)~~ "Hospice care center" means any building, facility, or place licensed by the department of health under chapter 70.41 RCW and chapter 246-321 WAC. Hospice care

centers shall be classified as a Group I, Division 1.1 Occupancy.

~~((22)) (21)~~ "Hospital" means an institution, place, building, or agency licensed by the department of health under chapter 70.41 RCW and chapter 246-318 WAC. Hospitals shall be classified as a Group I, Division 1.1 Occupancy.

~~((23)) (22)~~ "Nonambulatory" means physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

~~((24)) (23)~~ "Nursing home" means any home, place, or institution licensed by the department of social and health services under chapter 18.51 RCW and chapter 248-14 WAC. Nursing homes shall be classified as a Group I, Division 1.1 Occupancy.

~~((25)) (24)~~ "Private adult treatment home" means the same as an adult residential rehabilitation ((~~facility~~)) center as defined in ~~((2)) (1)~~ of this section.

~~((26)) (25)~~ "Psychiatric hospital" means an institution licensed by the department of health under chapter 71.12 RCW and chapter 246-322 WAC. Psychiatric hospitals shall be classified as a Group I, Division 3 Occupancy.

~~((27)) (26)~~ "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility licensed by the department of health under chapter 71.12 RCW and chapter 246-323 WAC. Residential treatment facilities for psychiatrically impaired children and youth shall be classified as:

~~(a) ((Group R, Division 3 Occupancy when accommodating five or less clients or residents, excluding staff.~~

~~(b) Group R, Division 4 Occupancy when accommodating more than five and not more than sixteen ambulatory, nonrestrained clients or residents who may have a mental or physical impairment, excluding staff.~~

~~(c) Group R, Division 5 Occupancy when accommodating more than five and not more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~(d) Group R, Division 1 Occupancy with Group I, Division 1.2 exit requirements when accommodating more than sixteen ambulatory, nonrestrained clients or residents, excluding staff.~~

~~(e)) A Group LC Occupancy.~~

~~(b) Group I, Division 1.1 Occupancy when accommodating more than sixteen nonambulatory, nonrestrained clients or residents, excluding staff.~~

~~((f)) (c) Group I, Division 3 Occupancy when accommodating any number of restrained persons.~~

~~((28)) (27)~~ "State fire marshal" means the director of fire protection ((~~services~~)) or authorized deputy or designee.

~~((29)) (28)~~ "Transient accommodation" means any facility licensed by the department of health under chapter 70.62 RCW and chapter 246-360 WAC and shall include bed and breakfast inns. Transient accommodations shall be classified as a Group R, Division 1 Occupancy when accommodating more than ten persons and a Group R, Division 3 Occupancy when accommodating ten or less persons.

AMENDATORY SECTION (Amending Order FM-77-2, filed 11/17/77)

WAC 212-12-010 Adoption of fire safety standards.

(1) **Application.** This regulation shall apply to:

- (a) Transient accommodations (RCW 70.62.290).
- (b) Nursing homes (RCW 18.51.140).
- (c) Hospitals (RCW 70.41.080).
- (d) Boarding homes (RCW 18.20.130).
- (e) Private establishments; i.e. private, mental, and alcoholic hospitals (RCW 71.12.485).
- (f) ~~((Maternity homes))~~ Child birth center (RCW 18.46.110).
- (g) Agencies licensed by the department of social and health services pursuant to chapter 74.15 RCW, RCW 74.32.040 through 74.32.055, and 74.13.031, except foster family homes and child placing agencies.
- (h) Schools under the jurisdiction of the superintendent of public instruction and the state board of education (RCW 48.48.045).

~~((i) Private schools (RCW 28A.02.201).))~~

(2) **Purpose.** The purpose of these standards is to specify measures which will provide a reasonable degree of public safety from fire without involving hardship or interference with the normal use and occupancy of a building.

(3) **Fire safety standards.** The fire safety standards of the ~~((state fire marshal))~~ director of fire protection shall be as follows:

(a) The fire safety standards or applicable portions thereof as found or referenced in the State Building Code Act, chapter 19.27 RCW.

(b) The ~~((1976))~~ 1985 edition of the National Fire Protection Association Life Safety Code 101.

(c) Those standards of the National Fire Protection Association applicable to and expressly or impliedly referenced in the Life Safety Code.

(4) **Enforcement.** Enforcement of these fire safety standards shall be as follows:

(a) New construction or major remodeling shall be in conformance with the Uniform Building Code and the Uniform Fire Code, as administered by ~~((the))~~ state and local officials having jurisdiction.

(b) Operation and maintenance shall be in conformance with the Uniform Fire Code, as administered by ~~((the))~~ state and local officials having jurisdiction.

(c) ~~((Existing buildings shall be governed by local codes and the Life Safety Code.~~

~~((d)))~~ Existing licensed occupancies previously approved by the state fire marshal as in conformance with the standards then in effect shall have their existing use or occupancy continued, provided such continued use is not dangerous to life and is acceptable to the local fire and building officials having jurisdiction.

~~((e))~~ An existing occupancy, licensed as in conformance with a previous edition of the Life Safety Code, may opt to conform to the most recent edition of the Life Safety Code, but only if the most recent code is used in its entirety as the applicable code for the occupancy.

~~((f)))~~ (d) Occupancies, operations or processes not specifically covered elsewhere, in which the ~~((state fire marshal))~~

director of fire protection has responsibilities for the removal of fire hazards, shall be conducted and/or maintained in accordance with the latest edition of the National Fire Protection Association Fire Codes which shall be deemed prima facie evidence of good practice.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-011 Applicability. This chapter shall apply to:

- (1) Child birth centers.
- (2) Transient accommodations.
- (3) Nursing homes.
- (4) Hospice care centers.
- (5) Hospitals.
- (6) Boarding homes.
- (7) ~~((One day out patient surgery centers.~~
- ~~((8)))~~ (8) Family child day care homes.
- ~~((9)))~~ (9) Private establishments: I.e., adult residential rehabilitation facilities, alcoholism hospitals, alcoholism treatment facilities, psychiatric hospitals, and residential treatment facilities for psychiatrically impaired children and youth.

~~((10)))~~ (10) Facilities licensed by the department of social and health services, except foster family homes and child placing agencies.

~~((11)))~~ (11) Schools under the jurisdiction of the superintendent of public instruction and the state board of education (RCW 48.48.045).

~~((12))~~ ~~((Private schools (RCW 28A.195.010).))~~

~~((13)))~~ (12) Public buildings (RCW 48.48.030).

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-015 Compliance. (1) The director of fire protection ~~((services))~~ has the responsibility under WAC 212-12-010, chapters 19.27 and 48.48 RCW, and chapters ~~((51-20, 51-21, 51-22, and 51-24))~~ 51-40, 51-42, 51-44, and 51-45 WAC to require occupancies, operations, or processes to be conducted and/or maintained so as not to pose a hazard to life or property and for the removal of fire and life safety hazards.

(2) New construction or remodeling shall be in conformance with the State Building Code Act and chapters 19.27 and 48.48 RCW.

(3) All occupancies, operations, or processes in which the director of fire protection ~~((services))~~ has responsibility shall comply with the provisions of this chapter.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-020 Inspection. (1) The director of fire protection ~~((services))~~ shall have the authority to:

(a) Enter upon and examine any building or premises where any fire has occurred and other buildings and premises

adjoining or near thereto per RCW 48.48.030(1), 48.48.060, 48.48.070, and 48.48.080.

(b) Enter upon and examine any public building or premises to inspect for fire hazards per RCW 48.48.030(2), 48.48.040, 48.48.045, and 48.48.050.

(c) Collect and disseminate statistical information and reports per RCW 48.48.065.

(2) The director of fire protection ((services)) may designate another person or agency to conduct the inspection.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-025 Right of appeal. Any person may appeal any decision made by fire protection ((services)) bureau under this chapter through the following procedure:

(1) The first level of appeal is to the ((chief deputy)) assistant state fire marshal. The appeal must be submitted in writing to the ((chief deputy)) assistant state fire marshal within thirty days of receipt of the decision in question. The ((chief deputy)) assistant state fire marshal shall reply to the appellant within ten days of receipt of such appeal.

(2) The second level of appeal is to the director of fire protection ((services)). If the appellant wishes to appeal the decision of the ((chief deputy)) assistant state fire marshal, he/she shall, within ten days of the receipt of that decision, submit a written appeal to the director of fire protection. The director of fire protection ((services)) shall reply to the appellant within ten days of receipt of such appeal.

(3) Should this process not satisfy the appellant, he or she may further appeal per chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-030 Standards. The fire and life safety standards of the fire protection ((services division)) bureau shall include the following:

(1) Chapter ((51-20)) 51-40 WAC, State Building Code adoption ((and amendment)) of the ((1991)) 1997 edition of the Uniform Building Code, standards and amendments.

(2) ((Chapter 51-21 WAC, State Building Code adoption and amendment of the 1991 edition of the Uniform Building Code Standards.

(3)) Chapter ((51-22)) 51-42 WAC, State Building Code adoption ((and amendment)) of the ((1991)) 1997 edition of the Uniform Mechanical Code, standards and amendments.

((4)) (3) Chapter ((51-24)) 51-44 WAC, State Building Code adoption ((and amendment)) of the ((1991)) 1997 edition of the Uniform Fire Code, and amendments.

((5)) (4) Chapter ((51-25)) 51-45 WAC, State Building Code adoption ((and amendment)) of the ((1991)) 1997 edition of the Uniform Fire Code Standards.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-035 Special requirements. In addition to the fire and life safety standards listed in WAC 212-12-030, the following shall apply:

(1) ((In Group I Occupancies, light hazard areas shall be provided with 140 to 165 degree F. quick response sprinklers as listed by Underwriters Laboratories and/or Factory Mutual.

(2)) In nursing homes, fire alarm system annunciators shall be provided where the system serves more than one floor, one fire or smoke division, or one building. They shall be located at each main nurses' station on each floor, fire or smoke division, and/or building.

((3)) (2) In all Group E-3, I, LC Occupancies, annual certification of fire alarm systems shall be performed by the holder of a current low-voltage electrical contractors specialty license issued by the department of labor and industries.

((4) In addition to other requirements as specified in this chapter, the following shall apply to residential group care facilities classified as Group R, Division 1 Occupancies including such residential group care facilities as adult family homes, adult residential rehabilitation facilities, alcoholism intensive inpatient treatment services, sub-acute alcoholism detoxification services, alcoholism long-term treatment services, alcohol recovery house services, boarding homes, child birth centers, group care facilities, group care facilities for severely and multiply handicapped children, private adult treatment homes, residential treatment facilities for psychiatrically impaired children and youth, and other like facilities and occupancies when classified as a Group R, Division 1 Occupancy.

(a) Have installed an approved fully automatic fire extinguishing system conforming to UBC Standard No. 38-1.

(b) In buildings with individual floor areas over 6,000 square feet, have an approved smoke barrier dividing the floor into at least two compartments, provided that each compartment shall provide no less than thirty square feet per occupant.

(c) Be a minimum Type V, one-hour construction.

(d) Be equipped with an approved smoke detector and automatic shutoff in each single system providing heating and cooling air. Automatic shutoffs shall shut down the air-moving equipment when smoke is detected in a circulating airstream or as an alternate, when smoke is detected in rooms served by the system.

When required, smoke detectors shall be installed in the main circulating air duct ahead of any fresh air inlet, or installed in each room or space served by the return air duct. Activation of any detector shall cause the air-moving equipment to automatically shut down. An enclosure shall be provided for a stairway, ramp, or escalator serving only one adjacent floor.

(e) Facilities located above the first floor shall have at least two exits directly to the exterior of the building, or into separate exit systems in accordance with Section 3309(a), Uniform Building Code.

~~(f))~~ **(3)** Every story, and basements ~~((or portion thereof))~~ of Group LC Occupancies shall have not less than two exits.

Exception(s): ~~((1-))~~ Basements used exclusively for the service of the building may have one exit. For the purpose of this exception, storage rooms, laundry rooms, maintenance offices, and similar uses shall not be considered as providing service to the building.

~~((2- Storage rooms, laundry rooms, and maintenance offices not exceeding three hundred square feet in floor area may be provided with only one exit.~~

~~(g)~~ Corridors shall be not less than six feet in width.

~~(h) In the event of power failure, exit illumination shall be automatically provided from an emergency system))~~ **(4)** In all Groups E-3, I, and LC Occupancies, emergency lighting for means of egress shall be provided. Emergency systems shall activate automatically in a power failure and be supplied from storage batteries or an on-site generator set ~~((and))~~. The system shall be installed in accordance with the requirements of the Electrical Code.

~~((i) Exit doors shall be openable from the inside with one motion and without the use of a key or any special knowledge or effort.~~

~~(j) An approved automatic and manual fire alarm system, supervised by an approved central, proprietary or remote station service, shall be provided in accordance with Article 14 of the Uniform Fire Code.~~

~~(k) Exits shall be provided as per the requirements for a Group I, Division 1.2 Occupancy.~~

~~(5) Nothing in this chapter affects the provisions of chapter 70.77 or 18.160 RCW, chapter 212-17 or 212-80 WAC.)~~

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-040 Fire ~~((evacuation))~~ emergency plan. All Group I, Group E, Group LC and Group R Occupancies shall develop and maintain a written fire ~~((evacuation))~~ emergency plan. The plan shall include the following:

(1) Action to take by the person discovering a fire.

(2) Method of sounding an alarm on the premises.

(3) Actions to take for evacuation ~~((of the building))~~ and assuring accountability of the occupants.

(4) ~~((Action to take pending arrival of the fire department.~~

~~(5))~~ An evacuation floor plan identifying exits ~~((doors and windows))~~.

~~((6))~~ **(5)** In Group R, Division 1 Occupancies and Group R, Division 3 Occupancies used as transient accommodations, a copy of the written evacuation plan shall be posted in each guest room ~~((, preferably on the main exit door))~~.

AMENDATORY SECTION (Amending Order 93-02, filed 2/16/93, effective 3/19/93)

WAC 212-12-044 Fire drills. In all Group I, Group E, Group LC, and Group R Occupancies, at least twelve planned fire drills shall be held every year. Drills shall be conducted quarterly on each shift in Group I, Group R, and Group LC

Occupancies and monthly in Group ~~((s))~~ E ~~((and R))~~ Occupancies to familiarize personnel with signals and emergency action required under varied conditions. A detailed written record of all fire drills shall be maintained and available for inspection at all times. When drills are conducted between 9:00 p.m. and 6:00 a.m., a coded announcement may be used instead of audible alarms. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency conditions. The ~~((local fire department))~~ fire alarm monitoring company shall be notified prior to the activation of the fire alarm system for drill purposes and again at the conclusion of the transmission and restoration of the fire alarm system to normal mode.

WSR 02-07-023

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed March 11, 2002, 4:38 p.m.]

Subject of Possible Rule Making: Clarification to the definition of Class II forest practices pertaining to salvage of logging residue in WAC 222-16-050.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040, 76.09.050, 76.09.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Forest Practices Board is considering changes to correct an error to WAC 222-16-050 that, if implemented as written, would likely result in damage to public resources and an inconsistency with the definition of Class II forest practices in RCW 76.09.050.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Fish and Wildlife Service, National Marine Fisheries Service and Washington Department of Fish and Wildlife will either be involved or advised during the rule development process. The Department of Ecology (DOE) will also be involved, as DOE must approve forest practice rules pertaining to water quality.

Process for Developing New Rule: Agency staff will develop the rule proposal with input from interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If the board decides to proceed with this rule proposal, then there will be an additional opportunity to comment. Mail, fax, or e-mail comments to Patricia Anderson, Rules Coordinator, Forest Practices Board, Department of Natural Resources, Forest Practices Division, 1111 Washington Street, 4th Floor, P.O. Box 47012, Olympia, WA 98504-4701, fax (360) 902-1428, e-mail forest.practicesboard@wadnr.gov.

March 7, 2002

Pat McElroy

Chair

WSR 02-07-062**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed March 15, 2002, 2:49 p.m.]

Subject of Possible Rule Making: Financial reporting requirements of licensees.

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: Requesting an amendment to enable staff to be fully informed of all of a licensee's financing activities. This will enable staff to complete a more thorough financial investigation on persons involved in the financing of a gambling operation.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on April 11 and 12, 2002; at the WestCoast Grand Hotel at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on May 9 and 10, 2002; and at the LaConner Country Inn, Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101, June 13 and 14, 2002.

March 14, 2002
Susan Arland
Rules Coordinator

WSR 02-07-063**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed March 15, 2002, 2:50 p.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: Currently, house-banked card rooms utilize video tapes to record surveillance in the card room. This filing is to generate discussion regarding the use of digital surveillance, in addition to video taped surveillance.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Ed Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

Meeting Dates and Locations: The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on April 11 and 12, 2002; at the WestCoast Grand Hotel at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on May 9 and 10, 2002; and at the LaConner Country Inn, Maple Hall, 108 Commercial Street, LaConner, WA 98257, (360) 466-3101, June 13 and 14, 2002.

March 14, 2002
Susan Arland
Rules Coordinator

WSR 02-07-064**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed March 15, 2002, 3:53 p.m.]

Subject of Possible Rule Making: To adopt a new chapter outlining the requirements an individual must meet to be eligible for extended unemployment benefits. These include defining what work is considered suitable, the minimum job search requirements an individual must meet, and the penalties that an individual will incur for failing to accept or apply for suitable work. Existing WAC 192-16-033, 192-16-036, 192-16-040, 192-16-042, 192-16-045, and 192-16-047 will be repealed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 Commissioner's duties and powers and 50.12.040 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In January 2002, the state entered into an extended benefit period. There have been several changes in the law since the state was last in an extended benefit period (1994), and the existing regulations are out of date. It is necessary to update the rules to inform workers of the current requirements they must meet to be eligible for extended benefits, and the penalties for failure to meet those requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in attending meetings to discuss the proposed regulations should contact Juanita Myers, Rules Coordinator, Unemployment Insurance Division, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.

March 7, 2002

Dr. Sylvia P. Mundy
Commissioner

WSR 02-07-069

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed March 18, 2002, 12:08 p.m.]

Subject of Possible Rule Making: Amend Part D Preassignment training and examination requirements, WAC 308-17-310 Private investigative agency principal examination requirements and 308-17-320 Certification of preassignment training trainers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.165 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To fulfill the intent of the private investigator's program, the program must administer a common examination to any individual who wishes to be licensed as a private investigator company principal or as a private investigator certified trainer. The examination must be psychometrically justified and protect the public interest by assuring that private investigator company principals and certified trainers possess essential knowledge of technical standards and procedures for this industry. To achieve this objective, the program conducted a study and developed a credible examination for private investigator company principals and certified trainers. The amended language reflects the changes necessary to achieve a defensible test.

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 Pat Brown, Department of Licensing, Public Protection Unit, P.O. Box 9034, Olympia, WA 98507-9034, (360) 664-6608, fax (360) 570-7888.

March 18, 2002

Pat Brown
Administrator

WSR 02-07-071

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE LOTTERY

[Filed March 18, 2002, 2:20 p.m.]

Subject of Possible Rule Making: A multistate lottery game.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery has been authorized by the legislature to conduct a multistate lottery game. Rules are needed for this game.

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 Mary Jane Ferguson, Rules Coordinator, at (360) 664-4833, fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments of [or] questions regarding this statement of intent.

March 18, 2002

Mary Jane Ferguson
Rules Coordinator

WSR 02-07-077

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 19, 2002, 9:16 a.m.]

Subject of Possible Rule Making: New section WAC 458-16-560 Housing for very low-income households.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.560 and 84.36.865.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule describes the exemption that may be claimed by nonprofit entities providing rental housing or lots for mobile homes within a mobile home park for occupancy by a very low-income household in accordance with RCW 84.36.560. It also explains the mechanics of claiming this exemption and provides applicable examples.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Kim M. Qually, Legislation and Policy, P.O. Box 47467, Olym-

pia, WA 98504-7467, phone (360) 570-6113, fax (360) 664-0693.

Location and Date of Public Meeting: Capital Plaza Building, 1025 Union Avenue S.E., 4th Floor Large Conference Room, Olympia, WA, on Thursday, April 25, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985, or (360) 570-6175.

March 19, 2002
Russell W. Brubaker
Assistant Director
Legislation and Policy Division

WSR 02-07-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed March 19, 2002, 3:45 p.m.]

Subject of Possible Rule Making: Defining the term "agent" of a prescriber as it relates to who a pharmacist can accept a verbal prescription from.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A rule may be appropriate to provide guidance to affected persons.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health Medical Quality Assurance Commission, Board of Osteopathic Medicine and Surgery, Nursing Quality Assurance Commission, Dental Quality Assurance Commission, Board of Veterinary Medicine, Board of Podiatric Medicine, Board of Optometry. Boards and commissioners and other interested persons will be invited to participate in stakeholder meetings.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Grant Chester, Operations Manager, Department of Health, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 236-4838, fax (360) 586-4359, Grant.Chester@doh.wa.gov.

January 22, 2002
D. H. Williams
Executive Director

WSR 02-07-087

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

(Health and Rehabilitative Services Administration)

[Filed March 19, 2002, 4:05 p.m.]

The Health and Rehabilitative Services Administration (HRSA) would like to withdraw preproposal statement of inquiry filed as WSR 02-05-088, filed on February 20, 2002.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-07-097

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 02-05—Filed March 20, 2002, 9:15 a.m.]

Subject of Possible Rule Making: Chapter 173-434 WAC, Solid waste incinerator facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.331.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of the proposed rule change is to incorporate new federal language; add new terms to the definition section; change existing definitions; and provide alternate means of compliance demonstration with WAC 173-434-130(3) and 173-434-160 (1) and (2).

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 agency will contact potentially affected parties such as the Puget Sound Clean Air Agency, the City of Tacoma, the City of Spokane, the Puyallup Indian Tribe, the Washington Toxics Organization and the rate payers of Tacoma via either direct correspondence or a public notice placed in the local newspaper. A public meeting will be held in which the department will state its plans and answer in [any] questions regarding the rule change.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peter Lyon, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-7530.

March 4, 2002
Mary E. Burg
Program Manager

WSR 02-07-102**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 20, 2002, 9:58 a.m.]

Subject of Possible Rule Making: General reporting rules, classifications, audit and recordkeeping, rates and rating system for workers' compensation insurance, chapter 296-17 WAC, revisions to existing retrospective rating rules including but not limited to the definition of account in good standing and date of enrollment; accepting faxed applications in lieu of an original; requirement that payment agreements be in writing; and clarification of when applications are due when the due date falls on a weekend. Labor and industries may also propose a new rule concerning the due date for the annual safety report, and a rule explaining that refunds are net of audit adjustments and the we charge interest on unpaid assessments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Business partners have asked labor and industries to clarify several retrospective rating rules and to establish new rules as needed to address due dates, acceptance of faxed applications, and to repeal a rule voided by Superior Court Judge Gary Tabor. Labor and industries has also identified the need for several new rules. The rule changes are designed to provide greater clarity of participation requirements.

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

Process for Developing New Rule: Labor and industries will use direct mailings and the Internet to share possible ideas for rule changes with participating employers and business associations that sponsor retrospective rating groups. Draft rules will also be shared with the retrospective rating advisory committee at the April 9th meeting. Interested parties can participate in the development of the draft rules by attending the meeting and/or submitting comments and suggestions. We will share the final version of the proposed draft rules with the retrospective rating advisory committee at the July 9th meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A letter with ideas on possible rule changes will be sent to all employers that participate in retrospective rating. Employers will be encouraged to attend the retrospective rating advisory committee meetings where the rule ideas will be discussed and draft rules formulated. Employers can obtain information on our process at the retro web site (www.lni.wa.gov/retro) and can submit comments electronically. Employers can also contact advisory committee members and share comments directly with our business representatives. A list of committee members can be found at the retro web site. The letter will also contain instructions on how to

share ideas or concerns with labor and industries as the rules are being developed.

March 18, 2002

Gary Moore
Director**WSR 02-07-103****PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 20, 2002, 10:01 a.m.]

Subject of Possible Rule Making: WAC 296-307-14520 Cholinesterase monitoring.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to the Washington state supreme courts' ruling in *J. Rios and J. Farias v. Washington Department of Labor and Industries*, et al. The department is initiating rule making on a mandatory cholinesterase-monitoring program for agricultural pesticide handlers and applicators.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Department of Agriculture and Environmental Protection Agency (EPA) regulate this subject.

Process for Developing New Rule: The Washington state supreme court issued a decision stating the department must review the cholinesterase-monitoring rules. Parties interested in the formulation of these rules for proposal may contact the individuals listed below. The public will have the opportunity to comment both prior to and after publication of the proposed amendments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cindy Ireland, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5522, fax (360) 902-5529.

March 20, 2002

Gary Moore
Director**WSR 02-07-104****PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed March 20, 2002, 10:08 a.m.]

Subject of Possible Rule Making: Campus traffic and parking regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To reorganize, clarify and

streamline existing parking regulations in accordance with board of regents directive.

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

Process for Developing New Rule: Other [no further information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Shaheen, Parking, Transportation and Visitor Center, Public Safety Building, P.O. 7300, Washington State University, Pullman, Washington 99164. There will be a public hearing to permit comment on the proposed rules and revisions. Written comments will be accepted prior to hearing.

March 15, 2002

Loretta M. Lamb

Assistant Vice-President for Personnel
and Administration/Rules Coordinator

WSR 02-07-107

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed March 20, 2002, 10:22 a.m.]

Subject of Possible Rule Making: Chapter 388-825 WAC, governing Division of Developmental Disabilities (DDD) Services rules including, but not limited to, WAC 388-825-030 Eligibility for services, 388-825-035 Determination of eligibility, 388-825-040 Application for services, 388-825-045 Determination for necessary services, 388-825-055 Authorization of services, and 388-825-200 through 388-825-256.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.10.020, 71A.12.020, 71A.12.030, 71A.12.040, 71A.12.050, 71A.12.070, 71A.16.020, 71A.16.030, 71A.16.040, and 71A.16.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These WACs need to be merged, edited to correct erroneous internal WAC references, or rewritten in clear rule-writing format. The department also intends to make rule revisions to programs affected by new legislative budget directives and make major changes to the eligibility criteria for the eligible conditions of epilepsy, autism, and "another neurological or other condition." For children birth to age three, rule changes will align DDD eligibility rules more closely with the state's eligibility requirements under Part C of the Individuals with Disabilities Education Act (IDEA).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS is the only state agency regulating DDD services. However, DDD will consult with other DSHS agencies, the Superintendent of Public Instruction, counties,

provider groups, advocates, and other stakeholder and constituent groups.

Process for Developing New Rule: The department invites the interested public to participate in developing these rules. Advisory workgroups comprised of DSHS staff, professionals, and other interested parties will be consulted in the writing of the draft regulations. A proposed rule-making notice and the proposed rule text will be distributed for formal comment at a later date, a public hearing will be held, and the department will consider all comments before adopting final rules. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sue Poltl, Program Manager, Department of Social and Health Services, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 902-8474, fax (360) 902-8482, e-mail Poltse@dshs.wa.gov.

March 19, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

WSR 02-07-108

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed March 20, 2002, 10:23 a.m.]

Subject of Possible Rule Making: Amending WAC 388-533-1000 First Steps childcare program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure consistency with other DSHS administrations' background check policies with the background check central unit (BCCU) and Washington State Patrol. The rule change will ensure conformity with the list of criminal activities that disqualify a person from providing First Steps childcare under all Department of Social and Health Services (DSHS) applicable programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Both the Department of Health (DOH) and DSHS administer the First Steps program. The First Steps childcare program is located solely in DSHS's Medical Assistance Administration (MAA). On a regular basis, MAA is in contact with the team that manages the First Steps program.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, Rules Program Manager,

Medical Assistance Administration, Mailstop 45533, Olympia, WA 98504-5533, phone (360) 725-1342, fax (360) 586-9727, e-mail sayrek@dshs.wa.gov, TDD 1-800-848-5429.

March 14, 2002

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-07-109

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

[Filed March 20, 2002, 10:24 a.m.]

Subject of Possible Rule Making: WAC 388-513-1365 Evaluating the transfer of an asset made on or after March 1, 1997, for long-term care (LTC) services and 388-561-0100 Trusts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change clarifies the rules regarding lifetime care contracts and sole benefit trusts as they relate to long-term care services financial eligibility.

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

Process for Developing New Rule: 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 Mary Beth Ingram, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1327, e-mail ingramb@dshs.wa.gov, fax (360) 664-0910, TDD 1-800-848-5429.

March 14, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-07-110

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

[Filed March 20, 2002, 10:24 a.m.]

Subject of Possible Rule Making: Disease management services. MAA plans to implement a new supplemental service for clients who are not institutionalized, who are not enrolled in managed care and who have asthma, congestive heart failure, coronary artery disease, diabetes or end stage renal disease. During the course of developing these rules

into new sections of WAC, MAA may identify other changes that are required in existing MAA rules related to this subject.

Note: The agency intends to repeal WAC 388-501-0213 Case management services, as part of this rule-making action.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 Washington State Omnibus Operating Budget 2001-03 (section 209(6), Part II, chapter 7, Laws of 2001), and 42 C.F.R. 440.60.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish in rule the limitations, restrictions, and requirements of this new program. MAA intends to limit program participation to those clients described in the subject section above.

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 WAC. Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting L. Mike Freeman, Rules Program Manager, Medical Assistance Administration, Olympia, WA 98504-5533, phone (360) 725-1350, fax (360) 586-9727, e-mail freemlm@dshs.wa.gov, TTY/TTD [TDD] 1-800-848-5429.

March 14, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-07-111

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

[Filed March 20, 2002, 10:25 a.m.]

Subject of Possible Rule Making: WAC 388-416-0035 Certification periods for Medicare savings programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC is cross-referenced in WAC 388-517-0300 which is being revised to make program names match federal 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: Persons reviewing WAC 388-517-0300 simultaneously looked at this WAC.

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 Patricia Armstrong, Program Manager, Medical Assistance Administration, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1725, e-mail armstpa@dshs.wa.gov, fax (360) 664-0910, TDD 1-800-848-5429.

March 14, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit



WSR 02-07-014
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed March 8, 2002, 3:24 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-013.

Title of Rule: Chapter 308-96A WAC, Vehicle licenses—Miscellaneous provisions for registration of vehicles.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01-110, 46.01.100, 46.16.060.

Summary: Amending WAC 308-96A-098 Surrender and disposition of license plates, 308-96A-161 Fleet registration, and 308-96A-275 Assignment of fleet registration expiration.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Lynda Henriksen, 125 Washington Street S.E., Olympia, (360) 902-3811.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on April 30, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by April 29, 2002, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by April 29, 2002.

Date of Intended Adoption: May 1, 2002.

March 7, 2002

D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 99-19-026, filed 9/8/99, effective 10/9/99)

WAC 308-96A-098 Surrender and disposition of license plates. (1) **What license plates are required to be surrendered?** Only license plates authorized under RCW 46.16.301 ((and)), 46.16.280, 46.16.305, and 46.16.595 and dealer/manufacture plates are required to be surrendered under chapter 308-66 WAC. Wreckers and scrap processors, hulk haulers ((shall)) must dispose of license plates according to WAC 308-65-120(4), and chapter ((308-65)) 308-63 WAC.

(2) **Where do I surrender my Washington vehicle license plates?** You may surrender your Washington vehicle license plates in the following manner:

(a) Take them to your local vehicle licensing office;

(b) Mail them to the department of licensing in Olympia, Washington.

(3) **What do Washington vehicle licensing offices do with surrendered license plates?**

(a) License plates surrendered to Washington vehicle licensing offices will be invalidated to make them unusable;

(b) Washington vehicle licensing offices will recycle or otherwise dispose of the invalidated plates that have been surrendered.

(4) **If I choose to dispose of the Washington vehicle license plates that are no longer valid, how is this done?**

Other than license plates indicated in subsection (1) of this section, you may dispose of your invalid Washington vehicle license plates in the following ways:

(a) Remove or invalidate the month and year tabs and bend the plates so they are no longer usable;

(b) Shred the entire license plate; or

(c) After the month and year tab have been removed or invalidated, recycle the license plate in such a way that it cannot be confused with a valid Washington license plate.

(5) **How does the department dispose of my surrendered Washington vehicle license plate?** Once the department has received the Washington vehicle license plate, it ((shall)) must surrender ((them)) it to the department of general administration for disposal under RCW 43.19.1919.

AMENDATORY SECTION (Amending WSR 99-19-026, filed 9/8/99, effective 10/9/99)

WAC 308-96A-161 Fleet registration. (1) **What is the purpose of the fleet program?** The department recognizes and understands that there are businesses and individual registered owners within the state of Washington that have a valid need to license all their vehicles on the same date and receive a single billing notice. The purpose of the fleet program is to provide such a process.

(2) **What types of fleet programs are available?** There are two types of fleet programs:

(a) Regular fleet - To participate in the regular fleet program, the owner(s) must:

(i) Have five or more vehicles, all currently registered for highway use; and

(ii) All vehicles participating must be titled and registered in exact name agreement (letter for letter and space for space); and

(iii) All vehicles participating will be assigned a December 31 annual expiration. Monthly gross weight license may be purchased for vehicles participating in the regular fleet program.

(b) Permanent fleet - To participate in the permanent fleet program, the owner must:

(i) Have one hundred or more vehicles (~~(used for commercial purpose)~~) all currently registered for highway use; and

(ii) (~~All participating vehicles must be currently registered for highway use~~); and

(~~iii~~) All vehicles participating must be titled and registered in exact name agreement (letter for letter and space for space); and

(iv) All vehicles participating will (~~receive~~) be assigned a December 31 annual expiration. Monthly gross weight license may **not** be purchased for vehicles participating in the permanent fleet program however, gross weight increase can be purchased throughout the year.

(3) **How (~~do I~~) does one join the fleet program?** Any owner who (~~qualifies to participate in the fleet program~~) meets the qualifications may contact the department or your local Washington vehicle licensing office.

(4) **Are there any vehicles that may not be part of a fleet?** Yes, there are vehicles that may not be part of a fleet. Those vehicles include:

(a) Snowmobiles;

(b) Trailers with plates issued a permanent license plate under RCW 46.16.068;

(c) Vehicles licensed as daily rental under RCW 82.44.023; (~~and~~) or

(d) Any vehicle not required to annually renew (Prorate vehicles cannot be part of this fleet program).

(5) (~~When will~~) **Can the department remove me from the fleet program?** Yes, the department will remove (you) a participant from the fleet program at (~~your~~) their request or if (~~you fail to maintain~~) the required minimum number of currently registered vehicles is not maintained for the chosen fleet program. The fleet identifier code will be automatically canceled and will cause removal of all of the (~~owner's~~) participant's vehicles from the chosen fleet program.

AMENDATORY SECTION (Amending WSR 99-19-026, filed 9/8/99, effective 10/9/99)

WAC 308-96A-275 Assignment of fleet registration expiration. (1) **When do fleet vehicle registrations expire?** Fleet vehicle registrations expire December 31 annually.

(2) **How does the department adjust registration fees to assign a December 31 registration expiration date for a fleet vehicle?**

(a) When you add an unlicensed vehicle to your fleet, you will be charged for the number of month(?)s from the date of the current registration month to December 31st. The

fees are abated to correspond with the number of months of registration purchased. For example:

(i) If you add a vehicle to your fleet between October 1 and December 30 of the current year, you will be required to purchase more than twelve months of registration to obtain a December 31 vehicle registration expiration date for the following December 31;

(ii) If you add a vehicle to your fleet between February 1 and September 30, you will be required to purchase less than twelve months of registration to obtain a December 31 vehicle registration expiration date for the current year;

(iii) If you add a vehicle to your fleet between December 31 and January 31, you will be required to purchase twelve months of registration to obtain a vehicle registration expiration date for the next year.

(b) When you add a currently registered vehicle to your fleet, the number of month(?)s registration fees abated from the date of current registration expiration to December 31, as applied in (a) of this subsection not to exceed eighteen months;

(c) The department will charge a full month's fees for any partial month.

WSR 02-07-020

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed March 11, 2002, 1:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-13-115.

Title of Rule: Chapter 246-790 WAC, Special supplemental nutrition program for women, infants, and children (WIC).

Purpose: The United States Department of Agriculture (USDA) has released comprehensive federal regulations affecting the entire WIC food delivery system. The new regulations address many things including the imposition of monetary sanctions. To comply with the Administrative Procedure Act, chapter 34.05 RCW, the Washington WIC program must revise its rule.

Statutory Authority for Adoption: RCW 43.70.120.

Statute Being Implemented: 7 C.F.R. 246.

Summary: The regulations address many things, including the length of a contract period with a retailer, the way the WIC program trains the retailers and how often required, the criteria used for choosing stores to monitor, the way stores are selected for participation, the business integrity of a retailer, the minimum stock required of a retailer, and how the program reimburses retailers for the checks they accept.

Reasons Supporting Proposal: The federal regulations give the WIC program authority to impose monetary sanctions. In order to continue receiving federal funding, we must comply with the federal regulations. In addition, we are obligated to incorporate the federal regulations into a state rule to remain in compliance with the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Susan Evans, WIC Program, 236-3636; Implementation and Enforcement: Becky Waite, WIC Program, 236-3640.

Name of Proponent: Department of Health WIC Program, governmental.

Rule is necessary because of federal law, 7 C.F.R. 246.

Explanation of Rule, its Purpose, and Anticipated Effects: The USDA establishes the federal regulations by which the WIC program must operate. Part of those regulations require the state WIC program impose sanctions, including monetary penalties, on authorized retailers for documented violations of program requirements. For that reason, the Washington state WIC program has had a state rule in place since 1988.

USDA recently released new federal regulations with an implementation deadline of October 1, 2002. These long anticipated regulations affect all parts of the WIC food delivery system from the length of the contract period, to how we conduct training, to how we select retailers for participation and how we select them for routine monitoring and compliance investigations. In addition, the regulations address additional sanctions for violations in the food stamp program and in other state WIC programs and stress business integrity of not only the owner or officers of a company but of the store manager as well.

Our goal is to make the program requirements clear and easy to understand so that compliance with the requirements is easy for our contracted retailers. We want to facilitate success for our retailers. We want to levy sanctions only when there is no remaining option.

Proposal Changes the Following Existing Rules: All changes with the exception of wordsmithing and rearranging sentences for clarity are in direct response to the federal regulations. The selection criteria used for determining which retailers to authorize for participation in the WIC program are strengthened. Training is now mandatory for continued participation. The contract time period is longer. How we choose retailers for routine monitor visits and compliance investigations is addressed. The list of what kind of actions and decisions can and cannot be appealed is expanded.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The impact on the smallest businesses will be mitigated through the efforts of state WIC staff to conduct the required training onsite at the retail location on an individual basis instead of requiring the store owner or representative travel to attend.

Participation in the WIC program by a qualifying retailer is voluntary on the part of the retailer.

The revisions to the current rule are necessary to comply with federal regulations in 7 C.F.R. 246.12; and

The state agency must comply with federal regulations to ensure continued funding.

RCW 34.05.328 does not apply to this rule adoption. This rule incorporates federal statutes without material change.

Hearing Location: Department of Health, Building 1 Conference Room, 7171 Cleanwater Lane, Tumwater, WA 98501, on April 23, 2002, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Susan Evans by April 16, 2002, TDD (800) 833-6388.

Submit Written Comments to: Susan Evans, WIC Program, P.O. Box 47886, Olympia, WA 98504-7886, fax (360) 586-3890.

Date of Intended Adoption: May 1, 2002.

Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-010 Definitions. (1) "Alternate endorser" means a person authorized by the WIC client to pick up WIC checks at the local WIC agency and use the WIC checks at the retailer when the client is unable to do so.

(2) "Appeal (~~process~~) hearing" means a formal proceeding to appeal certain program decisions. The appeal hearing process provides a contractor the opportunity to review the case record prior to the hearing, to present its case in an impartial setting, to confront and cross-examine witnesses, and to be represented by counsel.

(3) "Applicant retailer" means any contractor submitting a completed request for authorization on behalf of a retailer requesting participation in the program.

(4) "Authorized" or "authorization" means the applicant retailer has met selection criteria as determined by the United States Department of Agriculture (USDA) and signed a contract offered by the department signifying eligibility to participate in the WIC program.

(5) "CFR" means the Code of Federal Regulations.

(6) "Contract" means a written legal document binding the contractor and the department, represented by the WIC program, to designated terms and conditions.

(7) "Contractor" means the owner, chief executive officer, controller, or other person legally authorized to obligate a retailer to a contract.

(8) "Department" means the Washington state department of health.

(9) "Disqualification" means the act of revoking the authorization and terminating the contract of an authorized retailer for noncompliance with WIC program requirements.

(10) "Effective policy and program to prevent trafficking" means a written document that states what (~~you~~) can and cannot (~~do~~) be done with WIC checks and the consequences for failing to follow program requirements. Effectiveness is determined by documentation that a retailer has provided this written policy to all employees (~~prior to any noncompliance being detected~~), including employees' signatures verifying they have been advised of the policy and understand the consequences of noncompliance, both for the retailer and for the employee, prior to any noncompliance being detected.

(11) "Food company" means a manufacturer or broker of food items.

(12) "Inadequate (~~participant~~) client access" means the decision the state agency makes considering a variety of factors to determine how disqualification of a WIC retailer might affect a WIC client's access to WIC foods. The procedure includes, but is not limited to, assessing how many WIC authorized retailers are in a given service area, how many cli-

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ents currently use the retailer in question, and any geographical or man-made barriers a client would contend with to access WIC foods at a different authorized retailer.

(13) "Local WIC agency" means the contracted clinic or agency where a client receives WIC services.

(14) "Monetary penalty" means a sum of money imposed by the program for noncompliance with program requirements.

(15) "Pattern" means more than one documented incidence of noncompliance with WIC program requirements in any given contract period.

(16) "Providing credit" means the retailer submitted and received payment ~~((on a WIC check))~~ for ~~((which the client did not receive))~~ all the foods listed on ~~((the))~~ a WIC check even though the client did not receive all the foods at the time the check was redeemed. ((The client may or may not receive the remaining foods or something of equal value at a later time.))

(17) "Redeeming WIC checks outside of authorized channels" means not following the rules regarding who can accept WIC checks and how to redeem them. Examples include, but may not be limited to:

(a) A retailer accepting WIC checks without having a signed contract with the WIC program;

(b) A retailer accepting WIC checks payable to a different authorized retailer or a different outlet of the same chain and redeeming them through that other retailer; or

(c) A retailer using WIC checks to repay a debt at a different retailer.

This violation also applies to the retailer who receives and deposits the WIC checks from the retailer who accepted them.

(18) "Reauthorization" or "subsequent authorization" means the process when a retailer who has a contract with the ~~((program))~~ department which is expiring, has reapplied, met the selection criteria, and signed another contract with the department ~~((signifying eligibility))~~ to participate in the WIC program.

~~((18))~~ (19) "Supplemental WIC foods" means those foods containing nutrients determined to be beneficial for pregnant, breast-feeding, and postpartum women, infants and children, as prescribed by federal regulations and state requirements, and, as authorized by the Washington state WIC program.

~~((19))~~ (20) "Trafficking" means buying or selling WIC checks for cash.

~~((20))~~ (21) "WIC program" or "program" means the federally funded special supplemental nutrition program for women, infants, and children administered in Washington state by the department of health.

~~((21))~~ (22) "WIC retailer" or "retailer" means an individual store owned by a contractor authorized to participate in the WIC program.

~~((22))~~ (23) "Wholesaler" means a business entity that sells food and other items to a retailer.

~~((23))~~ (24) "WIC check" means a negotiable instrument issued to and used by a WIC client or alternate endorser to obtain specified supplemental WIC foods ~~((at))~~ from a contracted WIC retailer.

~~((24))~~ (25) "WIC client" or "client" means a woman who is pregnant, breast-feeding, or postpartum, infant, or child receiving WIC benefits.

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-050 What is the WIC program? (1) The WIC program in the state of Washington is administered by the department of health.

(2) The WIC program is a federally funded program established in 1972 by an amendment to the Child Nutrition Act of 1966. The purpose of the program is to provide nutrition and health assessment~~((;))~~; nutrition education~~((;))~~; nutritious food; breast-feeding counseling; and referral services to pregnant, breast-feeding, and postpartum women, infants, and children in specific risk categories.

(3) Federal regulations governing the WIC program (7 CFR Part 246) require implementation of standards and procedures to guide the state's administration of the WIC program and are hereby incorporated in this rule by reference. These regulations define the rights, responsibilities, and legal procedures of clients and retailers. They are designed to promote:

- (a) Consistent and high quality services to clients;
- (b) Consistent application of procedures for eligibility and food issuance; and
- (c) Client and retailer compliance.

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-065 What is the process for getting a food WIC authorized? (1) The procedure for ~~((initially))~~ authorizing a food is:

(a) ~~((By December 31 of odd-numbered years,))~~ A food company or other entity, such as a local WIC clinic, submits a written request to the WIC program for authorization of a food~~((, to))~~. The request includes:

- (i) Package flats or labels, information on package sizes and prices, and a summary of current distribution, including identification of the wholesaler~~((s))~~ carrying the food; and
- (ii) Assessment of when the new food replaces the old on store shelves when there is a change in formulation.

(b) The WIC program verifies if a food considered for authorization fits within one of the authorized food categories, meets the federal requirements of nutritional standards, is currently available to retailers, and has been available to retailers for at least one year ~~((or more))~~;

(c) The WIC program may survey local WIC agency staff and clients for their recommendation regarding need and demand for the food;

(d) The WIC program reviews data and recommendations and notifies the food company whether or not a food is authorized~~((;))~~

~~((The WIC program will add any new authorized food to the WIC check and related materials to coincide with the retailer contract period))~~.

(2) Food companies must notify the WIC program in writing of any changes in product formulation, product name,

packaging, label design, size, or availability. A food company must notify the WIC program of any (~~such~~) changes before any Washington state wholesaler receives the new product.

If a food company fails to notify the WIC program of any changes, the WIC program may revoke or deny (~~the food's~~) WIC authorization of the product.

~~(3) (A food company must obtain written approval from the WIC program before using the term "WIC approved" or the WIC program logo.~~

~~(4))~~ (4) The WIC program may require a food company to submit a statement guaranteeing a minimum period of time during which a food will be available in the state of Washington.

~~((5))~~ (4) The WIC program shall refuse any food that contradicts the principles promoted by the WIC program's nutrition (~~service~~) component.

~~((6))~~ (5) The WIC program may limit the number of authorized foods within a food category.

~~((7))~~ (6) The WIC program may initiate reassessment of any WIC authorized food at any time.

(7) The WIC program may evaluate a food for authorization outside of the three-year food review cycle if necessary.

(8) A food company must obtain written approval from the WIC program before using the term "WIC approved" or the WIC program logo.

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-070 How do I become a WIC retailer?

(1) Applicant retailers interested in participating in the WIC program must apply for authorization and enter into a contract with the department.

(2) Application procedure.

(a) Applicant retailers submit a completed application to the WIC program, including a price list for authorized WIC foods.

(b) The WIC program may require applicant retailers to provide information regarding shelf price records and inventory records showing all purchases, both wholesale and retail, including but not limited to, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods and other pertinent records that substantiate the volume and the prices charged. Cash register receipts without specific identification of the quantity, unit price, and WIC food purchased are not acceptable as evidence of WIC food purchases.

(c) The WIC program conducts and documents an on-site visit prior to, or at the time of, initial authorization of an applicant retailer to evaluate the inventory of WIC foods and provide training on (~~the~~) WIC (~~retailer handbook~~) requirements.

(d) Applications are accepted (~~from April 1 of odd-numbered years until September 30 of even-numbered years~~) on an ongoing basis, except for the six months prior to contract expiration during which no applications are accepted. Exceptions can be made in the case of an ownership change or where there is a documented need for a loca-

tion in order to assure client access. The WIC program may further limit acceptance of new applications as needed.

(3) The WIC program shall authorize a distribution of retailers to ensure client access. The WIC program may limit the number of authorized retailers in any given geographic area or statewide to enable effective management of the retailers.

(4) The WIC program bases selection of each authorized retailer(s) on the following:

(a) Number of clients served.

(i) An applicant retailer needs to have requests from or the potential of serving at least fifteen (~~or more~~) WIC clients who are currently receiving checks from the WIC program as verified by the local WIC agency (~~for new stores~~).

~~((b-A))~~ (ii) Retailers applying for reauthorization must have a documented check redemption record averaging at least forty (~~or more~~) checks per month over a six-month period(~~, documented by WIC program statistics reports for stores who are reapplying~~).

~~((c))~~ (iii) Exceptions may be made for:

~~((d))~~ (A) Pharmacies needed as suppliers of special infant formulas; or

~~((e))~~ (B) Applicant retailers in isolated areas where client access cannot otherwise be assured.

In either case, the need must be documented by the local WIC agency.

~~((f))~~ (b) Minimum stock levels.

(i) A retailer or applicant retailer must stock (~~of representative items~~) a reasonable variety of items with current shelf lives from all food categories on the authorized WIC food list. Minimum quantities specified on the authorized WIC food list must be on the shelf available for purchase before a contract is offered (~~to the retailer. An applicant retailer seeking a waiver from the minimum formula stock requirement must request the waiver in writing for each contract period. No waivers are granted unless there is an insufficient number of authorized retailers in a given service area to assure client access~~).

~~((g))~~ (ii) A retailer or applicant retailer is not required to carry every brand of WIC allowed infant formula, but must carry at least the minimum quantity of the WIC contract formulas.

(c) Prices. A retailer's prices (~~of~~) for individual WIC foods (~~less than~~) must not exceed one hundred twenty percent of the statewide average price (~~as calculated at least annually. An applicant retailer seeking a waiver from the one hundred twenty percent requirement must request the waiver in writing for each contract period. No waivers shall be granted unless there is an insufficient number of authorized retailers in a given service area to assure client access~~) for that food at time of authorization or at any given time in the contract period;

~~((h))~~ (d) Business operations. A retailer or applicant retailer must:

(i) Possess a valid Washington state tax registration (UBI) number;

~~((i))~~ Exception may be made for a store needed in border towns of Oregon and Idaho to ensure client access to WIC foods.

(ii) Possess a valid food stamp authorization number.

Exception may be made for a pharmacy needed to ensure client access to hard to find formulas.

(iii) Operate from a fixed location.

(iv) Be open for business a minimum of eight hours per day, six days per week.

(v) Maintain a clean and safe interior environment by, for example, complying with local sanitation rules.

The WIC program may request a health inspection and report by the local health department at any time in the contract period.

(e) Business integrity.

(i) The WIC program will take into consideration if a retailer or applicant retailer has been disqualified from WIC or the food stamp program or has been assessed a monetary penalty in lieu of a food stamp disqualification in the last six years.

(ii) An owner, officer, or partner of a retailer or applicant retailer must not have sold a store to circumvent a WIC sanction.

(iii) A retailer or applicant retailer with any owner, officer, partner, or manager who has been convicted of or had a civil judgment for any of the following in the last six years will be denied authorization or have authorization revoked: Fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice.

(iv) The WIC program reserves the right to conduct background checks on any retailer, owner, officer, partner, or manager.

(f) Compliance with the WIC contract.

(i) A retailer must attend face-to-face training on WIC requirements at least once per contract period.

(ii) A retailer must comply with (~~training sessions and~~) monitor visits(~~;~~) and provide shelf price records and inventory records, upon the WIC program's request, showing all purchases, both wholesale and retail, including but not limited to, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records that substantiate the volume and prices charged (~~upon the WIC program's request;~~).

~~((h) Business operation from a fixed location;~~

~~(i) Open for business a minimum of eight hours per day, six days per week.~~

~~(j) In compliance with local sanitation rules;~~

~~(k) Have no history of any of the following:~~

~~(i) WIC or food stamp disqualification;~~

(ii) (g) History. A retailer or applicant retailer with a history of any of the following may be denied authorization unless client access to WIC food cannot otherwise be assured:

(i) Redeeming WIC checks without (~~authorization~~) having a signed contract with the department;

(~~iii~~) (ii) Changing ownership more than twice during a (~~two~~) three-year (~~contracting~~) contract period;

(~~iv~~) (iii) Failing to implement corrective action imposed by the WIC program within the time specified;

~~((~~iv~~)) (iv) Failing to complete payment, within the time specified, of an imposed monetary penalty or reimbursement of an overcharge(~~;~~ and~~

~~(vi) Refusing to accept training from the WIC program. Exceptions may be made if client access cannot otherwise be assured)).~~

(5) The WIC program may deny a retailer authorization for failure to meet any of the stated selection criteria.

(6) The WIC program may reassess an authorized retailer's compliance with the retailer selection criteria any time in the contract period and must terminate the contract of any retailer which fails to meet them.

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-080 What do I need to know about WIC retailer contracts? (1) All authorized retailers must enter into written contracts with the department. The contract must be signed by the contractor and the designee of the contracting officer of the department of health.

(2) The contract lists all authorized retailers by name and location. Individual retailers may be added, changed, disqualified, or deleted by contract amendment without affecting the remaining retailers.

(3) Duration of contract.

(a) The WIC program issues contracts for a maximum period of (~~two~~) three years. (~~All contracts expire on March 31 of odd-numbered years.~~)

(b) Neither the WIC program nor the contractor is obligated to renew the contract. The WIC program must notify contractors in writing not less than fifteen days before the expiration of a contract which is not being renewed (~~by the program~~).

(c) Authorization is valid for no longer than the period stated in the contract. The retailer must reapply to be considered for subsequent authorization in the WIC program.

(d) The contractor or the WIC program may terminate the contract at any time by submitting a written notice to the other party thirty days in advance.

(e) The contract is null and void in the event of a retailer closure or change in ownership.

(f) The contractor cannot voluntarily withdraw from participating in the WIC program in order to avoid being disqualified.

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-085 What is expected of WIC retailers? (1) The retailer must comply with WIC program requirements and terms of the retailer contract.

(2) The retailer must stock sufficient quantities of authorized WIC foods to meet the needs of WIC customers, but not less than the minimum stock levels.

(3) The retailer must redeem WIC checks made payable only to their store or with the words "any authorized WIC vendor."

(4) The retailer must accept WIC checks from a WIC customer on the "first day to use," the "last day to use," or any

day in between the dates printed on the WIC check. The retailer must submit the WIC check for payment within sixty days from the "first day to use."

(5) The retailer must refuse WIC checks that have the purchase price missing, the client's signature missing, the "first day to use" or the "last day to use" missing, or that are dated too early or too late.

(6) The retailer must refuse WIC checks with purchase amounts over the "not to exceed" amount printed on the check.

(7) The retailer must ~~((enter))~~ write the actual purchase price of the specific quantity of WIC authorized foods on ~~((each))~~ the WIC check before witnessing the WIC customer countersign~~((s))~~ the check.

(8) The retailer must accept only WIC checks on which the WIC customer's countersignature matches the first customer signature on the check.

(9) The retailer must refuse WIC checks that are altered in any way.

(10) The retailer must refuse ~~((to accept))~~ WIC checks from any other retailer.

(11) The retailer must redeem WIC checks for only the supplemental WIC foods and in no more than the quantity specified on the check.

(12) The retailer must post the prices of WIC foods so they are visible to the public.

(13) The retailer must provide supplemental foods at the current price or at less than the current price charged to other customers.

(14) The retailer must not sell WIC-authorized foods after the manufacturer's expiration date.

(15) The retailer must reimburse the WIC program for documented overcharges and payments made on improperly handled WIC checks.

(16) The retailer must not seek restitution from WIC customers for WIC checks not paid, partially paid, or reclaimed by the WIC program, nor seek restitution through a collection agency.

(17) The retailer must not request cash or give change in a WIC transaction.

(18) The retailer must not impose a surcharge or charge sales tax on any food purchased with WIC checks.

(19) The retailer must refuse WIC customers' requests for exchanges or cash refunds for returned WIC foods. Exceptions may be made for exchange of food due to spoilage or expired date not noticed by the WIC customer at the time of the WIC transaction. The exchange must be for the identical WIC allowed brand and size as the original authorized food.

(20) The retailer must not issue rain checks, any form of credit, or otherwise charge the WIC program for foods not received by the WIC customer at the time the WIC check is redeemed.

(21) The retailer must treat WIC customers with the same courtesy provided to other customers.

(22) The retailer must comply with federal and state non-discrimination laws.

(23) The contractor is responsible for the actions or inactions of its owners, officers, managers, employees, agents,

and authorized retailers with regard to participation in the WIC program.

(24) The manager of the retailer or ~~((an))~~ at least one authorized representative, such as head cashier, must attend the mandatory training on WIC program requirements and procedures prior to issuance of a contract and as otherwise required by the WIC program. ~~((Those))~~ All individuals receiving training must sign a document verifying their attendance and understanding of the contents of the training. The WIC program provides this training at no cost to the retailer.

(25) The individuals attending training must inform and train other employees on WIC program requirements and WIC check cashing procedures.

(26) The retailer must provide access to its facilities at all reasonable times for WIC program representatives to monitor, to provide training or technical assistance, and to evaluate performance, compliance, and quality assurance.

(27) The retailer must provide access to redeemed WIC checks for the purpose of review by the program representative during any on-site visit.

(28) Retailers must maintain inventory records showing all purchases, both wholesale and retail, for a period of at least one year after the expiration of the contract with the WIC program. These inventory records include, but are not limited to, shelf price records, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records that substantiate the volume and prices charged and provide WIC program representatives access to those records on request.

(29) Each retailer must provide the WIC program with a completed price list of authorized WIC foods on request ~~((but not more than twelve times per year))~~ or at least quarterly.

(30) The contractor must notify the WIC program in writing of any change of ownership, retailer name, location and/or cessation of operation for any reason at least thirty days before the effective date of the change.

(31) Contractors must observe time lines, such as deadlines for submitting price lists and returning properly signed contracts. Failure of contractors to do so may result in denial or termination of authorization.

(32) Contractors must take corrective action as directed by the WIC program. Examples of corrective action include, but are not limited to, payment of monetary penalties and reimbursements, conducting monthly education buys, and filing requested progress reports.

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-090 How are WIC retailer contracts monitored? (1) The WIC program conducts on-site compliance reviews at retailer locations to monitor retailer compliance with program requirements.

(2) Preauthorization visits.

(a) Visit is scheduled in advance.

(b) The WIC program representative provides training on the WIC Retailer Handbook ~~((which))~~ that includes infor-

mation on WIC foods and WIC check handling, and collects information on WIC food stock levels and shelf prices.

(c) The retailer signs the preauthorization visit form verifying receipt of the training, understanding of program requirements, and the commitment to train store personnel.

(3) Compliance visits.

(a) Visit may or may not be scheduled in advance;

(b) The WIC program representative may do some or all of the following during a visit: Review WIC check handling procedures, WIC food stock levels, expiration dates and prices, WIC checks negotiated but not yet deposited, shelf price records, wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records that substantiate the volume and prices charged((:)); provide training or technical assistance((:)); and verify implementation of a corrective action plan.

(c) The WIC program representative documents the name of the retailer, the name of the program representative, the names of all persons interviewed, the date of the visit, any problems or concerns detected (~~(or the observation the retailer appears to be in compliance)~~), any corrective action plan if problems are detected, and the signatures of the program representative and the retailer.

(4) Compliance purchases.

(a) The WIC program representative acts covertly;

(b) The ((WIC)) program representative may make a purchase using WIC checks or may attempt trafficking;

(c) The WIC program representative completes a report on the visit itemizing information including but not limited to, a description of the checker involved, the time and date of the transaction, the number of check stands opened and closed, other customers in line, exact items purchased and/or refused, the prices charged, comments of the checker, observations of the investigator or the investigative aide, any stock deficiencies noted, any other pertinent information, and the signature of the investigator.

(5) Inventory audits.

(a) The WIC program representative requests inventory records showing all purchases, both wholesale and retail, by a contractor for a retailer. Acceptable forms of inventory records include wholesale receipts, cash and carry receipts, purchase orders, books of account, invoices that identify the quantity and prices of specific WIC foods, and other pertinent records that substantiate the volume of WIC foods purchased and prices charged. Cash register receipts without specific identification of the quantity, unit price, and WIC food purchased are not acceptable as evidence of WIC food purchases.

(b) The WIC program representative compares the inventory records provided by the contractor with information from the WIC data system showing the volume of WIC food purchased.

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-100 What happens if I don't comply with the WIC retailer contract or rules? (1) Retailers who commit acts of noncompliance (~~(are)~~) may be liable to prose-

cution in accordance with federal regulations (7 CFR 246.12 and 7 CFR 246.23). Noncompliance is failure to follow WIC program requirements (~~(including)~~). Examples of noncompliance include, but are not limited to:

(a) Buying or selling WIC checks for cash (trafficking);

(b) Selling firearms, ammunition, explosives, or controlled substances for WIC checks;

(c) Selling alcohol or tobacco for WIC checks;

(d) Charging WIC for food not available to buy and having no documentation of having had enough food on the shelf for WIC clients to buy;

(e) Providing unauthorized food or other items to WIC customers in lieu of or in addition to authorized WIC supplemental foods;

(f) Selling or offering to sell foods with expired shelf lives;

(g) Charging the WIC program for foods not received by the customer;

(h) Charging the WIC program more for authorized WIC supplemental foods than other customers are charged for the same food;

(i) Providing credit or nonfood items to customers in a WIC transaction;

(j) Charging WIC customers cash or giving change in a WIC transaction;

(k) Redeeming WIC checks outside of authorized channels((:)). For example, a retailer accepting WIC checks without having a signed contract with the WIC program ((and)); a retailer accepting WIC checks ((payable elsewhere then working out an exchange with that other retailer)) and redeeming them through a different authorized retailer or a different outlet of the same chain; or a retailer using WIC checks to repay debt at a different authorized retailer. This also includes the retailer who receives and deposits the WIC checks from another retailer;

(l) Failing to write the actual purchase price on the WIC check at the time of the WIC transaction; ~~((and))~~

(m) Failing to maintain adequate stock of WIC foods on the retailer's shelves; and

(n) Providing false information in connection with an application for WIC authorization.

(2) The WIC program may deny payment to, impose monetary penalties on and disqualify retailers for noncompliance with WIC program requirements and terms of the retailer contract.

(3) The WIC program must seek reimbursement from retailers for documented overcharges and for payments made on improperly handled WIC checks.

(4) Retailers found in noncompliance, except for the offenses listed in the first five rows of the table in subsection (6) of this section, will be notified by the WIC program and given the opportunity to correct the deficiency. Methods of notification include, but are not limited to, technical assistance contacts and notice of correction letters. ~~((Repeating any))~~ After the opportunity for corrective action, a retailer who repeats an act of noncompliance will be subject ((a retailer)) to sanctions according to the sanction schedule.

(5) When the WIC program denies ~~((a retailer authorization, denies))~~ payment, imposes a monetary penalty, requests reimbursement, or disqualifies a retailer, the program must

give the contractor written notice not less than fifteen days prior to the effective date of the action. ~~((The))~~ Denial of authorization and permanent disqualification are effective the date the notice is received by the contractor. Every notice must state what action is being taken, the effective date of the action, and the procedure for requesting an appeal hearing if the action is one which can be appealed.

(6) The WIC program must disqualify the WIC retailer for the following:

Violation	Length of Disqualification
Disqualification from the food stamp program by the <u>USDA</u> food and nutrition service;	Time period corresponding to food stamp program disqualification
Conviction for trafficking in WIC checks or exchanging firearms, ammunition, explosives, or controlled substances for WIC checks;	Permanent
One incidence of trafficking;	Six years
One incidence of exchanging firearms, ammunition, explosives, or controlled substances for WIC checks;	Six years
One incidence of exchanging any form of alcohol or tobacco for a WIC check;	Three years
A documented pattern of charging WIC for food not available to buy and having no documentation of having had enough food on the shelf for WIC clients to buy;	Three years
A documented pattern of over-charging, including charging more than the shelf price(;) and charging more than for non-WIC customers(, and charging for food not received by the customer);	Three years
<u>A documented pattern of charging for food not received by the customer;</u>	<u>Three years</u>
A documented pattern of redeeming WIC checks outside of authorized channels;	Three years
A documented pattern of providing credit or nonfood items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances as defined in 21 N.S.C. 802, in exchange for WIC checks;	Three years
A documented pattern of selling unauthorized foods or selling more than the amount of food listed on the WIC check.	One year

(7) At the end of the disqualification period, the retailer must reapply to be considered for authorization.

(8) Prior to disqualifying a retailer, the WIC program must consider whether the disqualification would create inadequate access to WIC foods for WIC clients. If the WIC program determines a retailer's disqualification would result in

inadequate client access to WIC foods, the WIC program may impose a monetary penalty in lieu of disqualification.

(9) Monetary penalties are calculated in accordance with federal regulations using the following formula:

(a) Average the retailer's monthly volume of WIC business over at least the six-month period ending with the month preceding when the notice to the retailer is dated;

(b) Multiply the average by ten percent (.10);

(c) Multiply that number by the number of months for which the store would be disqualified. This is the amount of the monetary penalty.

(10) Monetary penalties must not exceed ten thousand dollars for each violation. For a violation warranting permanent disqualification, the monetary penalty is ten thousand dollars. If several violations are documented during the course of one investigation, the department must impose a monetary penalty for each violation, not to exceed a total of forty thousand dollars.

(11) Monetary penalties and reimbursements must be paid to the revenue section of the department within the time period specified in the notice. Retailers who fail to pay within the time period specified in the notice will be referred to a commercial collection agency and disqualified for the length of time corresponding to the violation.

(12) When a retailer who has already been sanctioned for noncompliance is found out of compliance again, the department must double the sanction. A monetary penalty in lieu of disqualification is not an option for third or subsequent incidences of noncompliance.

(13) A contractor who fails to give the specified notice of closure, a change in ownership, retailer name, and/or location is liable for resultant costs incurred by the WIC program.

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-120 How do I appeal a WIC decision I don't agree with? (1) The contractor may appeal:

(a) Notice of denial of payment;

(b) Denial of authorization;

(c) An authorization determination made using retailer selection criteria;

(d) Termination of the retailer contract for cause;

(e) Termination of the retailer contract because of a change in ownership or location, or cessation of operations;

(f) Monetary penalty in lieu of disqualification;

~~((d))~~ (g) Reimbursement; or

~~((e))~~ (h) Disqualification.

(2) Actions not subject to appeal are:

(a) Expiration or nonrenewal of a WIC contract;

(b) ~~((Department determination regarding inadequate client access to WIC foods; and~~

~~(e)))~~ The validity or appropriateness of client access criteria;

(c) The department determination regarding inadequate client access to WIC foods;

(d) The validity or appropriateness of retailer selection criteria;

(e) The determination whether the retailer had an effective policy and program in place to prevent trafficking and

PROPOSED

whether ownership was aware of, approved of, or was involved in the violation:

(f) Disputes regarding check payments (other than the opportunity to justify or correct an overcharge or other check error); and

(g) Disqualification based on a food stamp program disqualification.

(3) When the action being appealed is disqualification, the retailer must cease redeeming WIC checks effective the date specified in the notice and must not accept WIC checks during the appeal period. The department will not pay any WIC checks redeemed by a retailer during a period of disqualification.

((3)) (4) A request for an appeal hearing must be in writing and:

(a) State the issue ((raised));

(b) Contain a summary of the contractor's position on the issue, indicating whether each charge is admitted, denied, or not contested;

(c) State the name and address of the contractor requesting the appeal hearing;

(d) State the name and address of the attorney representing the contractor, if applicable;

(e) State the contractor's need for an interpreter or other special accommodations, if necessary; and

(f) Have a copy of the notice from the program attached.

((4)) (5) A request for an appeal hearing must be filed at the Adjudicative Clerk's Office, Department of Health, 1107 Eastside St., P.O. Box 47879, Olympia, WA 98504-7879. The request must be made within twenty-eight days of the date the contractor received the notice.

((5)) (6) The decision concerning the appeal must be made within sixty days from the date the request for an appeal hearing was received by the Adjudicative Clerk's Office. The time for rendering the decision may be extended by as many days as all parties agree to with good cause.

AMENDATORY SECTION (Amending WSR 00-13-009, filed 6/9/00, effective 7/10/00)

WAC 246-790-130 How does the WIC program get input from the food industry? (1) The WIC program may establish a retailer advisory committee for the purpose of soliciting input on policies, procedures, and other matters pertinent to retailer participation in the WIC program.

(2) The retailer advisory committee meets at least two times per year.

(3) The membership of the retailer advisory committee consists of representation of at least the following:

(a) Washington Food Industry;

(b) Manager or checker trainer from a large chain;

(c) Manager or checker trainer from a small chain;

(d) Minority-owned retailer;

(e) Instructor of a checker training program with a technical college;

(f) Local WIC agency staff person;

(g) Current or former WIC client;

(h) Administrative representative, such as loss prevention or risk manager or human resources representative, from any size retailer;

(i) Owner of an independent retailer (single store);
((and))

(j) A union representative; and

(k) A military commissary.

WSR 02-07-021
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed March 11, 2002, 2:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-02-017 [02-02-016].

Title of Rule: Chapter 246-224 WAC, Radiation protection—Machine assembly and registration and chapter 246-229 WAC, Radiation protection—Particle accelerators.

Purpose: The purpose of this proposal is to increase clarity and usability using clear rule-writing techniques.

Other Identifying Information: These revisions are the result of a review conducted under EO 97-02, Regulatory Improvement.

Statutory Authority for Adoption: RCW 70.98.050 and [70.98].080.

Statute Being Implemented: RCW 70.98.050 and [70.98].080.

Summary: Chapter 246-224 WAC, regulates the registration, disposition, assembly, and installation of x-ray machines in Washington state; and chapter 246-229 WAC, regulates the installation and use of particle accelerators in Washington state.

Reasons Supporting Proposal: The Governor's Executive Order 97-02, Regulatory Improvement, supports this proposal for improving clarity and usability of Washington state rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark Radonich, Seattle, (206) 281-6995.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 246-224 WAC requires registration of x-ray machines and identifies the obligations of sellers, installers, and assemblers of x-ray equipment and services. Chapter 246-229 WAC regulates the installation and use of particle accelerators in order to provide protection to workers and the public.

The purpose of these chapters is to allow the department the ability to regulate ionizing radiation sources, as required by statute.

The anticipated effect of these revisions is to make the rules easier to read, understand, and use. The proposal is expected to greatly reduce the confusion caused by the obscure and outdated language used in the current rule. The department expects better compliance with the requirements of the rule with less technical assistance required to achieve compliance.

Proposal Changes the Following Existing Rules: This proposal eliminates obsolete reporting requirements, clarifies rule requirements for registrants and assemblers of x-ray machines.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 19.85 RCW does not apply to this proposed rule because the revisions only clarify language without changing the effect and there are no increased costs as a result of these changes. On the contrary, costs of complying with this rule are expected to go down as a result of increased clarity and understanding of the requirements of the rule.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to this proposed rule because the revisions only clarify language without changing the effect.

Hearing Location: Department of Health, 20435 72nd Avenue South, Suite 200, Conference Room 2, Kent, WA 98032, on April 25, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Phyllis Hurtado by April 18, 2002, TDD (800) 833-6388, or (360) 236-3230.

Submit Written Comments to: Mark Radonich, Department of Health, Radiation Protection, P.O. Box 7827, Olympia, WA 98504, fax (360) 236-2255, by April 25, 2002.

Date of Intended Adoption: April 26, 2002.

Mary C. Selecky
Secretary

Chapter 246-224 WAC

RADIATION PROTECTION—X-RAY MACHINE ASSEMBLY AND REGISTRATION

NEW SECTION

WAC 246-224-0001 Purpose. The purpose of this chapter is to regulate sources of ionizing radiation as required by RCW 70.98.050 and 70.98.080. This chapter provides for the registration of all x-ray machines installed, manufactured, tested, used, or located in Washington state.

NEW SECTION

WAC 246-224-0010 Definitions. "Agent" means a person, company, or dealer; which assembles, installs, repairs, sells, or leases x-ray machines.

"Department" means the department of health.

"Facility" means the location at which one or more radiation machines are installed, manufactured, tested, or used within one building, vehicle, or in one physical complex.

"FDA" means the United States Food and Drug Administration.

"Registrant" means the owner or controller of the x-ray machine who is responsible for the safe operation of the x-ray machine.

"Registration" means providing required information and continuing contact with the department.

"Storage" means the status of an x-ray machine that is unable to produce x-ray radiation without substantial effort at set-up, reassembly, or reinstallation.

NEW SECTION

WAC 246-224-0020 Who must register an x-ray machine? Any x-ray facility within Washington state must register with the department.

NEW SECTION

WAC 246-224-0030 Are there any x-ray machines within Washington state that do not have to be registered? (1) Any electronic equipment producing incidental x rays does not need to be registered (including television receivers), provided that the dose equivalent rate does not exceed 5 μ Sv/hr (0.5 mrem/hr) at 5 cm from any accessible equipment surface averaged over an area of 10 square centimeters;

(2) X-ray machines in transit or storage; and

(3) X-ray machines held for sale or lease by x-ray agents.

NEW SECTION

WAC 246-224-0040 What if we have separate locations with x-ray machines? (1) Geographically separate facilities must register and pay fees separately according to WAC 246-254-053, Radiation machine facility registration fees, even if these separate facilities are under one administrative control (e.g., several satellite clinics operated by one health care institution).

(2) Each facility must designate a contact person.

(3) If machines are routinely moved between or among separate facilities, indicate this when registering.

NEW SECTION

WAC 246-224-0050 When and how do I register? (1) You must register with the department within fifteen calendar days of initial use. You may also register anytime before initial use.

(2) Registration is valid for one year from the department approval date.

(3) Registration information includes, at a minimum, the:

(a) Owner name;

(b) Profession and credential of user/registrant;

(c) Official contact person;

(d) Site address and phone number;

(e) Mailing address and phone number (if different from site);

(f) Total number and type of x-ray machines (tubes) at the site;

(g) Installation date(s);

(h) Seller/installer name; and

(i) Name of former agent and address of former facility from which the machines were transferred or sold.

(4) Pay applicable registration fees according to WAC 246-254-053, Radiation machine facility registration fees.

(5) Submit registration information and applicable fees to:

Department of Health
Revenue Section
P.O. Box 1099
Olympia, WA 98507-1099
360-236-3230 or 1-800-299-XRAY

Note: For division of radiation protection information, visit the following website:
<http://www.doh.wa.gov/ehp/rp/Default.htm>.

NEW SECTION

WAC 246-224-0060 Are there other requirements besides registration? All registrants must:

(1) Follow applicable x-ray machine standards according to chapter 246-225 WAC, Radiation protection—X-rays in the healing arts; chapter 246-227 WAC, Radiation protection—Industrial x-ray; chapter 246-228 WAC, Radiation protection—Analytical x-ray equipment; and chapter 246-229 WAC, Radiation protection—Particle accelerators;

(2) Meet general radiation protection rules and standards according to chapter 246-220 WAC, Radiation protection—General provisions; chapter 246-221 WAC, Radiation protection standards; chapter 246-222 WAC, Radiation protection—Worker rights; and

(3) Pay applicable fees for x-ray machine use according to WAC 246-254-053, Radiation machine facility registration fees.

NEW SECTION

WAC 246-224-0070 When and how do I report changes to my registration? (1) You must notify the department within thirty days of any registration change.

(2) Submit registration changes to:

Department of Health
X-Ray Control Section
P.O. Box 47827
Olympia, WA 98504-7827
360-236-3230 or 1-800-299-XRAY

(3) You may notify the department of changes on the registration renewal notice.

Note: For division of radiation protection information, visit the following website:
<http://www.doh.wa.gov/ehp/rp/Default.htm>.

NEW SECTION

WAC 246-224-0080 When and how do I renew my registration? (1) You must renew your registration annually.

(2) You must submit renewal information at least thirty calendar days prior to your registration expiration date. The department provides notice of fees and current registration information ninety days prior to the registration expiration date, and anytime upon request.

(3) If registration is overdue, late fees apply according to WAC 246-254-053, Radiation machine facility registration fees.

NEW SECTION

WAC 246-224-0090 What are my obligations if I close my facility or get rid of a machine? (1) You must notify the department of the machine status within thirty days of closure or removal.

(2) If the machine is disposed of or transferred, you must provide:

- (a) The name and contact information of the recipient;
- (b) The address of the recipient; and
- (c) The date of the disposal or transfer.

(3) If the machine is placed in storage and retained, contact the department to suspend registration until the machine is reinstalled or returned to service.

NEW SECTION

WAC 246-224-0100 What are the responsibilities of the x-ray agent? (1) Within fifteen calendar days, any agent who sells, leases, transfers, lends, disposes of, assembles, repairs, replaces, or installs radiation machines or components in Washington state must notify the department of the:

- (a) Recipient's name and facility address;
- (b) Manufacturer, model, and serial number of each x-ray machine master control; and
- (c) Date of transfer of the radiation machine.

Note: An FDA form 2579 or equivalent may be used for this notification requirement.

(2) Any agent who installs x-ray systems, controls, or components must ensure that machines, accessories, or components (including exposure switch placement) meet the applicable requirements of chapter 246-225 WAC, Radiation protection—X-rays in the healing arts; chapter 246-227 WAC, Radiation protection—Industrial x-ray; chapter 246-228 WAC, Radiation protection—Analytical x-ray equipment; and chapter 246-229 WAC, Radiation protection—Particle accelerators.

(3) Agents shall not install or transfer a radiation machine if the registrant does not complete:

- (a) A required plan review according to chapter 246-225 WAC, Radiation protection—X-rays in the healing arts or chapter 246-227 WAC, Radiation protection—Industrial radiography; or
- (b) Shielding and/or required design construction.
- (4) Agents must assemble certified x-ray systems according to 21 CFR, subchapter J so that manufacturer's specifications and intended performance designs are met.

NEW SECTION

WAC 246-224-0110 What if I want to bring an x-ray machine into Washington state for temporary use from out-of-state? (1) Notify the department at least three business days prior to in-state use when bringing an x-ray machine into the state for any temporary use. The department may waive the time requirement upon hardship request by the owner. Notification to the department includes, at a minimum, the:

- (a) Type of x-ray machine;

(b) Nature, duration, and scope of use; and
 (c) Exact location where the radiation machine is to be used.

(2) All machines and assemblies must comply with all applicable regulations.

(3) Any medical use or dental use x-ray machines within the state must register with the department according to WAC 246-224-0020.

(4) For x-ray machines not intended for patient diagnosis and treatment, you must register the machine if it is used for more than sixty calendar days. Registration is waived for sixty or fewer calendar days per year.

NEW SECTION

WAC 246-224-0120 What happens if I do not register my x-ray machine? The registrant must pay a late fee plus registration fees due for the period of time the machine has been in operation and not registered according to WAC 246-254-053, Radiation machine facility registration fees.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-224-001	Purpose and scope.
WAC 246-224-010	Exemptions.
WAC 246-224-020	Application for registration of radiation machine facilities.
WAC 246-224-050	Renewal of registration.
WAC 246-224-060	Separate locations.
WAC 246-224-070	Report of changes.
WAC 246-224-090	Repair person, assembler, or installer obligation.
WAC 246-224-100	Out-of-state radiation machines.

NEW SECTION

WAC 246-229-0001 Purpose. The purpose of this chapter is to regulate certain sources of ionizing radiation as required by RCW 70.98.050 and 70.98.080. This chapter provides for the registration and use of all particle accelerators installed and/or used in Washington state.

NEW SECTION

WAC 246-229-0010 Definitions. "Department" means the department of health.

"High radiation area" means any area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 1 mSv (100 mrem) in one hour at 30 centimeters from any source of radiation or from any surface that the radiation penetrates. For purposes

of these regulations, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.

"Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

"Qualified expert" means an individual who has demonstrated to the satisfaction of the department that he or she is knowledgeable, trained, and/or experienced to measure ionizing radiation, evaluate safety techniques, and/or advise appropriately on matters of radiation protection. The department reserves the right to recognize qualifications in specific areas of radiation protection.

"Radiation machine" means any device capable of producing ionizing radiation except those devices with radioactive materials as the only source of radiation.

"Radiation safety committee" means a registrant-appointed medical committee of at least three members to evaluate and approve all proposals for research, diagnostic, and therapeutic use of a particle accelerator. Committee members should include, at a minimum, physicians with expertise related to the intended use of the accelerator, and a person experienced in depth dose calculations and radiation safety.

"Radiation safety officer" means a knowledgeable and responsible person assigned by the registrant who provides radiation protection expertise to facilities and users of radiation machines.

"Radioactive material" means any material that emits radiation energy spontaneously. A machine that emits x-rays is not considered a radioactive material.

"Registrant" means an owner or controller of a radiation machine who is responsible for the safe operation of the radiation machine.

"Restricted area" means any area with limited access for the purposes of protecting individuals from undue risks of radiation exposure. A restricted area cannot be a residential area; a building may contain both restricted areas and residential areas. "Unrestricted area" means any area freely available to the public, workers, or other persons; and where a person may receive less than 1 mSv (100 mrem) per year or be subject to any dose rate less than 20 μ Sv/hr (2 mrem/hr).

NEW SECTION

WAC 246-229-0020 How do I get approval for particle accelerator installation and use? (1) Anyone installing or using particle accelerators in Washington state must get department approval by registering with the department according to chapter 246-224 WAC, Radiation protection—X-ray machine assembly and registration, prior to installation or use of the particle accelerator.

- (2) A registrant must submit the following information:
 - (a) A list of qualified operators and users;
 - (b) An identified radiation safety officer; and
 - (c) Operating and emergency procedures.
- (3) If the particle accelerator is intended for human use:

(a) The designated user must be a physician with training and experience in deep therapy techniques or in the use of particle accelerators to treat humans;

(b) The registrant must appoint a radiation safety committee; and

(c) The registrant must include a qualified expert's radiation shielding and safety plan review for approval according to chapter 246-225 WAC, Radiation protection—X-rays in the healing arts.

(4) To submit registration and questions, contact the department by phone or mail at:

Washington State Health Department
Division of Radiation Protection
Attn: X-Ray Registration
P.O. Box 47827
Olympia, WA 98504-7827
360-236-3230 or 1-800-299-XRAY

(5) A facility may not operate a particle accelerator:

(a) Without approval from the department; and

(b) If any applicable requirement in this chapter is not met.

NEW SECTION

WAC 246-229-0030 What are the training requirements for particle accelerator use? (1) At a minimum, operators must:

(a) Demonstrate radiation safety expertise and other skills required by the facility training program;

(b) Understand applicable requirements and the registrant's operating and emergency procedures; and

(c) Demonstrate competence to use the particle accelerator, related equipment, and survey instruments, which are required by assignment.

(2) The registrant must:

(a) Provide training for operators to use the particle accelerator that meets the requirements of subsection (1) of this section; and

(b) Maintain training records that demonstrate compliance with the requirements of subsection (1) of this section for two years after the last employment or operation date for the operator.

NEW SECTION

WAC 246-229-0040 Are there other requirements that apply to the use of particle accelerators? (1) Registrants must meet the radiation standards of chapter 246-220 WAC, Radiation protection—General provisions; chapter 246-221 WAC, Radiation protection standards; and chapter 246-222 WAC, Radiation protection—Worker rights; for public, operator, and user protection.

(2) Depending on the installation, type of machine, and intended use, registrants may also need to meet:

(a) Industrial radiographic operations, chapters 246-243 and 246-227 WAC;

(b) X-ray in the healing arts, chapter 246-225 WAC; and

(c) Medical therapy, chapter 246-240 WAC.

(3) Registrants using particle accelerators to produce radioactive material must meet the requirements of chapter 246-232 WAC, Radioactive material—Licensing applicability; and chapter 246-235 WAC, Radioactive materials—Specific licenses.

NEW SECTION

WAC 246-229-0050 Who is authorized to terminate a registrant's use of a particle accelerator? The radiation safety committee, the radiation safety officer of the facility, and the department are authorized to terminate the particle accelerator operations at a facility if the action is necessary to protect health and minimize danger to public health and safety or property.

NEW SECTION

WAC 246-229-0060 What are the minimum requirements for particle accelerator installation? (1) Shielding and safety design. The installation must include:

(a) Primary and secondary radiation barriers to comply with the radiation protection standards of WAC 246-221-010 and 246-221-060.

(b) If necessary, a ventilation system designed to limit exposure to airborne radioactive materials as follows:

(i) For restricted areas, limits are specified in WAC 246-221-040;

(ii) For unrestricted areas, limits are specified in WAC 246-221-070; and/or

(iii) For unrestricted areas, the facility must prohibit releases, venting; or otherwise discharging airborne radioactive material which exceeds the limits of WAC 246-247-040 or 246-221-290 Appendix A - Table II, unless authorized in WAC 246-221-180 or 246-221-070(2). To calculate, concentrations may be averaged over a period not greater than one year. Every reasonable effort should be made to prohibit releases of radioactive material to unrestricted areas.

(2) Controls, instrumentation, and readouts. All controls, instrumentation, and readouts must be clearly identified and functional on the particle accelerator control console.

(3) Safety interlocks. All entrances into a target room or other high radiation area must have interlocks that shut down the machine if a door is opened (e.g., barrier penetrated) during irradiation.

(a) Manual reset. If the interlock engages (shuts the machine off), the machine must stay off until manually reset at the console.

(b) Independent function. Each safety interlock must function independently of any other safety interlocks.

(c) Failsafe. All safety interlocks must ensure that any defect or component failure in the interlock system prevents operation of the accelerator.

(4) Emergency power cutoff switch system. An identifiable "scram" button or emergency power cutoff switch which stops irradiation must exist in all high radiation areas. If the switch is engaged (shuts off the machine), the system must prohibit the accelerator from restarting until the switch in the room is reset and the main console restarted manually. Use of this system is limited to emergency situations.

(5) High radiation area warning devices. For areas designated as high radiation areas, the registrant must:

(a) Install easily observable warning lights at area entrances that activate when radiation is being produced.

(b) Install an audible warning device which activates for fifteen seconds prior to accelerator use in all high radiation areas. Instruct all personnel in the area as to the signal's meaning.

(c) Identify barriers (including temporary) for and pathways to high radiation areas according to WAC 246-221-120, Caution signs and labels.

(d) Install continuous radiation detection monitoring equipment except in facilities designed for human exposure. The equipment must be electrically independent of the accelerator control and interlock systems and be calibrated every six months at a minimum. The equipment must provide:

(i) A remote and local readout; and

(ii) Visual and/or audible alarms at the control panel, entrances to high radiation areas, and other appropriate locations.

NEW SECTION

WAC 246-229-0070 What are the minimum requirements for operating and emergency procedure documentation? At a minimum, the procedures must include guidance on:

- (1) Securing the accelerator to prevent unauthorized use.
- (2) Operating the accelerator.
- (3) Responding to an emergency involving the accelerator.
- (4) Performing safety and warning device (including interlocks) checks at least every three months.
- (5) Performing radiation surveys.
- (6) Performing monitoring equipment calibration (if applicable).
- (7) Recordkeeping and/or documentation.
- (8) Intentionally bypassing safety interlocks.

NEW SECTION

WAC 246-229-0080 What are the requirements for intentionally bypassing safety interlocks? Bypassing a safety interlock or interlocks intentionally is allowed only if:

- (1) Authorized by the radiation safety committee and/or radiation safety officer;
- (2) Recorded in a permanent log and a notice posted at the accelerator control console; and
- (3) The bypass procedure is terminated as soon as possible.

NEW SECTION

WAC 246-229-0090 What are the minimum requirements for particle accelerator use? The minimum requirements for the registrant to use a particle accelerator are to:

- (1) Register the accelerator with the department;
- (2) Submit plan review/shielding design to the department and receive written approval;
- (3) Train operators and users;

(4) Complete a qualified expert's radiation protection survey of the room/area initially and after any servicing and/or repair of the particle accelerator, including any changes in shielding, equipment, or occupancy of adjacent areas;

(5) Provide appropriate portable radiation monitoring equipment that is operable and tested daily, and calibrated every six months, or after any service/repair;

(6) Develop operating and emergency procedures and keep a copy of the current procedures at the accelerator control panel; and

(7) If applicable, provide the means and guidance to determine airborne particulate radioactivity present in areas of airborne hazards, and/or particulate radiation contamination (smear surveys) in target and other pertinent areas.

NEW SECTION

WAC 246-229-0100 What are the recordkeeping requirements for particle accelerator use?

Records	Retention time
Operator training and qualifications	Two years past last employment/operation
Safety and warning device checks	Two years
Area radiation monitors	Two years (if necessary)
Instrumentation tests	Two years
Smear results	Two years (if necessary)
Qualified expert radiation protection surveys	Life of the accelerator
Electrical circuit diagrams	Life of the accelerator
Permanent log of bypassing interlocks	Life of the accelerator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-229-001 Purpose and scope.
- WAC 246-229-020 General requirements for the issuance of a registration for particle accelerators.
- WAC 246-229-030 Human use of particle accelerators.
- WAC 246-229-050 Limitations.
- WAC 246-229-060 Shielding and safety design requirements.
- WAC 246-229-070 Particle accelerator controls and interlock systems.
- WAC 246-229-080 Warning devices.
- WAC 246-229-090 Operating procedures.
- WAC 246-229-100 Radiation monitoring requirements.

PROPOSED

WAC 246-229-110

Ventilation systems.

WSR 02-07-024**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed March 12, 2002, 10:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-24-046.

Title of Rule: Chapter 308-94 WAC, Snowmobiles, to include but not limited to, WAC 308-94-050 Snowmobiles.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110.

Summary: Amending WAC 308-94-050 Snowmobile registration, decals and validating tab—Display.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation: Deborah McCurley, 1125 Washington Street S.E., Olympia, (360) 902-3754; and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on April 24, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by April 23, 2002, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by April 23, 2002.

Date of Intended Adoption: May 1, 2002.

March 8, 2002

D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 01-11-070, filed 5/14/01, effective 6/14/01)

WAC 308-94-050 Snowmobile registration, decals and validating tab—Display. (1) **Where do I carry the snowmobile registration certificate?** A snowmobile registration certificate must be:

- (a) Carried in the snowmobile for which it was issued; or
- (b) Carried on the person of the snowmobile operator; and
- (c) Be made available for inspection by any person having the authority to enforce the provisions of the snowmobile act.

(2) How are snowmobile decals/tabs displayed?

(a) Decals showing the registration numbers must be affixed to the right and left (~~sides or on the front and rear of each~~) side of the snowmobile directly below the windshield on the hood cowling and located so that snow, passenger, driver or load will not obscure them.

(b) The month tabs must be located no more than two inches (~~in front~~) to the left of the first digit of the decal showing the registration number. Validating year tab must be located no more than two inches from the last digit of the decals showing the registration number on the left side.

WSR 02-07-027**PROPOSED RULES****DEPARTMENT OF****FINANCIAL INSTITUTIONS**

[Filed March 12, 2002, 2:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-22-048.

Title of Rule: Safe harbor from insider trading liability.

Purpose: The proposed rule would clarify that a purchase or sale of securities that complies with safe harbors set forth Rule 10b5-1(c) of the federal Securities Act of 1934 would also be protected from liability under RCW 21.20.010.

Other Identifying Information: WAC 460-12A-010.

Statutory Authority for Adoption: RCW 21.20.450, 21.20.900.

Statute Being Implemented: RCW 21.20.010.

Summary: Federal judicial opinions construing Section 10(b) and SEC Rule 10b-5, which is substantially identical to RCW 21.20.010, have found Section 10(b) liability when a person purchases or sells a security on the basis material non-public information concerning the security or issuer. Rule 10b5-1(c) sets forth affirmative defenses under which a person's purchase or sale of securities will not be deemed to have made on the basis material nonpublic information. There is a concern among securities law practitioners that absent a rule; there may be liability under RCW 21.20.010 for transactions that comply with Rule 10b5-1(c). The proposed rule would clarify that a purchase or sale that complies with Rule 10b5-1(c) would also be protected from liability under RCW 21.20.010.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; Implementation: Mark Thomson, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Federal judicial opinions construing Section 10(b) and SEC Rule 10b-5, which is substantially identical to RCW 21.20.010, have found Section 10(b) liability when a person purchases or sells a security on the basis material nonpublic information concerning the security or issuer. Rule 10b5-1(c) sets forth affirmative defenses under which a person's purchase or sale of securities will not be deemed to have made on the basis material nonpublic information. There is a concern among securities law practitioners that absent a rule; there may be liability under RCW 21.20.010 for transactions that comply with Rule 10b5-1(c). The proposed rule would clarify that a purchase or sale that complies with Rule 10b5-1(c) would also be protected from liability under RCW 21.20.010.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional costs on business.

RCW 34.05.328 does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in RCW 34.05.328.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 210 11th Avenue S.W., Suite 300, Olympia, WA 98504, on April 26, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by April 24, 2002, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: William M. Beatty, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 704-6923, e-mail bbeatty@dfi.wa.gov, by April 25, 2002.

Date of Intended Adoption: April 26, 2002.

March 11, 2002

Mark Thomson

Acting Director

NEW SECTION

WAC 460-12A-010 Certain insider trading deemed not to violate RCW 21.20.010. The purchase or sale of a security of any issuer on the basis of material nonpublic information about that security or issuer in breach of a duty of trust or confidence that is owed directly, indirectly, or derivatively, to the issuer of that security or the shareholders of that issuer, or to any other person who is the source of the material nonpublic information, will be deemed not to violate RCW 21.20.010 if the person making the purchase or sale

complies with Rule 10b5-1(c) of the Securities Exchange Act of 1934.

WSR 02-07-035

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed March 13, 2002, 9:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-17-060.

Title of Rule: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-500.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 65.20.110.

Summary: Amending WAC 308-56A-500 Definitions and new WAC 308-56A-530 Vehicle brands.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on April 25, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by April 24, 2002, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by April 24, 2002.

Date of Intended Adoption: May 15, 2002.

March 12, 2002

D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 00-13-083, filed 6/20/00, effective 7/21/00)

WAC 308-56A-500 Definitions. The definitions set forth in RCW 65.20.020 shall apply to WAC 308-56A-505. Terms used in chapters 46.12 and 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicates to the contrary:

- (1) "Affixed" means attached.
- (2) "Brands" means a notation on the certificate of ownership or vehicle registration certificate that records a special circumstance or condition involving a vehicle that stays with the vehicle registration or certificate of ownership.

Brands used by the department include, but are not limited to:

- (a) Former exempt, as defined in RCW 46.16.020;
- (b) Former for hire, as defined in RCW 46.72.010;
- (c) Former taxicab, as described in RCW 46.72.010;
- (d) Rebuilt as required in RCW 46.12.075, when a vehicle reported destroyed under RCW 46.12.070 and WAC 308-56A-460 meets the definition of salvage vehicle in RCW 46.12.005;
- (e) Street rod as defined in RCW 46.04.571;
- (f) Nonconformity uncorrected or safety defect uncorrected as defined in RCW 19.118.021 (13) and (18);
- (g) Former rental, designation used on a certificate of ownership when a vehicle is removed from a rental fleet and sold as nonrental;
- (h) Nonconformity corrected or safety defect corrected as defined in RCW 19.118.021 (13) and (18).

The department will carry forward all brands and jurisdiction codes shown on foreign certificates of ownership/titles. Brands that do not match Washington terminology or that are not listed below will be shown as "nonstandard." Brands carried forward from foreign certificates of ownership/titles may use the same terminology as a Washington brand, but may not have the same definition as the Washington brand. Other brands not used in Washington but carried forward from other jurisdictions are:

- (i) Junk;
- (ii) Destroyed;
- (iii) Salvage.

Vehicles not reported to DOL as destroyed and sold using an insurance or wrecker bill of sale in lieu of a certificate of ownership/title will be branded in accordance with RCW 46.12.005 whether or not the vehicle had been reported as destroyed in any other jurisdiction.

(3) "Certificate of ownership" (or "title") is a legal document indicating proof of ownership.

((3)) (4) "Commercial parking company" means any business directly engaged in providing vehicle parking upon property owned or controlled by the business and approved for public parking of vehicles.

((4)) (5) "Department" means the same as described in RCW 46.04.162.

((5)) (6) "Department temporary permit" is a permit temporarily issued in lieu of permanent registration and license plates when required documentation is unavailable.

((6)) (7) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

((7)) (8) "Joint tenancy with rights of survivorship" means owners who own a vehicle in joint tenancy with the right to own individually if one of them dies.

((8)) (9) "Jurisdiction code" means an abbreviation assigned by the department generally based on the U.S. Postal Service designation that indicates state, province, district, or country.

(10) "Legal owner" means the same as described in RCW 46.04.270.

((9)) (11) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety standards, other federal and/or state standards for public road use as adopted, applied, and enforced by the Washington state patrol described in RCW 46.37.005.

(12) "Person" means the same as described in RCW 46.04.405.

((10)) (13) "Personal representative" means:

- (a) An individual appointed by the court; or
- (b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

((11)) (14) "Registered owner" means the same as described in RCW 46.04.460.

((12)) (15) "Transferee" means a person to whom a vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee, when applicable.

((13)) (16) "Transferor" means a person who transfers ownership in a vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor, when applicable.

NEW SECTION

WAC 308-56A-530 Vehicles brands. (1) **What is a brand?** For the purposes of this section a brand is a notation on the certificate of ownership or vehicle registration certificate that records a special circumstance or condition involving a vehicle.

(2) **What brands are used by the department?** Brands used by the department include, but are not limited to: Former exempt, former for hire, former taxicab, rebuilt, street rod, not eligible for road use, nonconformity or safety defect, as defined in WAC 308-56A-500.

Vehicles not reported to DOL as destroyed and sold using an insurance or wrecker bill of sale in lieu of a certificate of ownership/title will be branded in accordance with RCW 46.12.005 whether or not the vehicle had been reported as destroyed in any other jurisdiction.

The jurisdiction code will be identified as "XX."

(3) **What brands does the department carry forward from other jurisdictions?** In addition to the brands listed in subsection (2) of this section, the department will apply the following brands assigned by other jurisdictions together with the applicable jurisdiction code: Destroyed, salvage, junk. Any other brands assigned by another jurisdiction will be identified by the words "nonstandard."

(4) **Why is a brand used?** A brand is used in the circumstances above for consumer protection. The brand is used to inform any subsequent owners of the current or former condition or use of the vehicle.

(5) **Will the department remove a brand?** The department will only remove a brand if:

(a) The brand was applied in error; or

(b) A vehicle branded not eligible for road use has been modified according to the manufacturer specifications and federal and state standards in such a way to qualify the vehicle for highway use;

(c) The lemon law administrator certifies that a vehicle branded nonconformity uncorrected should be branded nonconformity corrected;

(d) The lemon law administrator certifies that a vehicle branded safety defect uncorrected should be branded safety defect corrected.

If a former rental brand was applied prior to the effective date of this rule, it will remain on the certificate of ownership and/or vehicle registration unless applied in error.

(6) **Where are brands located on the documents?** The brand is located in the comments/brands section of the certificate of ownership and vehicle registration. The "WA REBUILT" will show as a banner across the certificate of ownership.

WSR 02-07-036
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed March 13, 2002, 9:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-24-095.

Title of Rule: Chapter 308-96A WAC, vehicles licenses, to include but not limited to WAC 308-96A-205, 308-96A-206, and 308-96A-220.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.070, 46.16.135.

Summary: Amending WAC 308-96A-205 Gross weight—Increasing declared gross weight, 308-96A-206 Gross weight—Decreasing gross weight, and 308-96A-220 Gross weight—Transfer of gross weight license to a replacement vehicle.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, (360) 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on May 2, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by May 1, 2002, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by May 1, 2002.

Date of Intended Adoption: May 15, 2002.

March 12, 2002

D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

WAC 308-96A-205 Gross weight—Increasing declared gross weight. (1) ~~((May I increase the declared gross weight on my vehicle if the current declared gross weight is insufficient?~~

Yes, you may, by applying at any Washington vehicle licensing office:)) **If my gross weight is insufficient, am I required to increase it?** Yes, you are required to maintain sufficient gross weight to cover the weight of the vehicle and its load up to the legal weight limit of your vehicle. Any amount above the legal limit of the gross vehicle weight rating requires an overweight permit from the department of transportation.

(2) **How do I increase my gross weight?** You may purchase additional gross weight by applying at any Washington vehicle license office and surrendering the current gross weight license.

(3) **What would the gross weight expiration date be when I increase the declared gross weight of my vehicle?**

((a) If the current declared gross weight is twelve thousand pounds or less, the increased gross weight expiration

PROPOSED

date will be the same as your vehicle registration expiration date; or

(b) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect.) The new gross weight expiration date remains the same as the current gross weight license. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

~~((3))~~ (4) What ~~((will be))~~ is the start date of the new gross weight license? The start date of the new gross weight license remains the same as the current gross weight license.

~~((The new gross weight license start date is the first day of the current registration month, as described in WAC 308-96A-201 (2)(b), or any subsequent registration month of the current gross weight license period.~~

~~((4))~~ (5) Will I receive credit for gross weight fees that I have already paid? Yes. You will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license ~~((and at the rate of the declared gross weight of the current gross weight license. However;)).~~ Credit is given for the gross weight that has already been purchased:

(a) You must surrender the current gross weight license in order to receive credit.

(b) If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle.

(c) You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

~~((5))~~ (6) How many months gross weight ~~((fees will I be charged))~~ must I purchase when I increase the declared gross weight on my vehicle? You must purchase at least as many months as are remaining on the current gross weight license.

~~((You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of new declared gross weight amount and use class;))~~ Credit will be given as provided in subsection ~~((4))~~ (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

AMENDATORY SECTION (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

WAC 308-96A-206 Gross weight—Decreasing declared gross weight. (1) May I decrease the declared gross weight on my vehicle?

~~Yes(, you may, by applying at any Washington vehicle licensing office)).~~ If you decrease the declared gross weight, you must surrender the current gross weight license.

(2) When ~~((is the best time to))~~ may I decrease the declared gross weight on my vehicle? Any time during the registration year. However, decreasing the declared gross weight may result in a forfeiture of gross weight fees already paid. Unless you have been advised by law enforcement to

decrease your declared gross weight, you may wait to decrease it until renewing your gross weight license.

~~((Unless you have been advised by law enforcement to decrease the declared gross weight on your vehicle, the best time is at the time you are purchasing gross weight. Decreasing the declared gross weight results in a forfeiture of gross weight fees paid, unless you purchase additional months within the same registration year;))~~

(3) What would the gross weight expiration date be when I decrease the declared gross weight of my vehicle? The expiration date of the gross weight license would remain the same as the current gross weight license.

~~((a) If the declared gross weight is twelve thousand pounds or less, the gross weight expiration date will be the same as your vehicle registration expiration date; or~~

~~(b) If the declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date;))~~

(4) What will be the start date of the new gross weight license? The start date of the gross weight license would remain the same as the current gross weight license.

~~((The start date will depend upon the date of application. If the application is made on the first day of a gross weight license month, the owner has the option of making the start date the day of application, or the first day of any gross weight license month already purchased. If the application is made other than on the first day of the gross weight license month, the owner has the option of making the effective date the first day of any gross weight license month already purchased. The start date may not be prior to the date of application;))~~

(5) Will I receive credit for gross weight fees that I have already paid? You will receive dollar value credit for the number of months remaining and at the rate of the declared gross weight previously purchased for the period between the effective date of the change and the expiration date of the previously issued gross weight license. At the time of application, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the previous gross weight license expiration date and the registration expiration date((-);

(a) Credit may not be carried over to the next registration year and any credit still remaining after decreasing gross weight to the registration expiration date shall be forfeited((-);

(b) You must surrender the current gross weight license in order to receive credit((-);

(c) If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle((-);

(d) You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

(6) May the credit of gross weight be applied to any other fee? No it may only be applied to gross weight.

~~(7) How many months gross weight ((fees will I be charged)) must I purchase when I decrease the declared gross weight of my vehicle? You will ((be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of new declared gross weight)) need to purchase the number of months remaining on the current gross weight license. Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.~~

AMENDATORY SECTION (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

WAC 308-96A-220 Gross weight—Transfer of gross weight license to a replacement vehicle. (1) May I transfer a gross weight license to a replacement vehicle? Yes, the gross weight license on a truck, tractor, or truck tractor may be transferred to a replacement vehicle ((if the amount of credit is fifteen dollars or more)).

(2) What qualifies as a replacement vehicle? A replacement vehicle ((must be)) is a truck, tractor, or truck tractor that is:

(a) A presently unlicensed vehicle belonging to the same owner; or

(b) A vehicle purchased for replacement ((which has either not been previously licensed for the current registration year)) that is presently unlicensed or has had its gross weight license retained by its former owner.

(3) What is an unlicensed vehicle? For the purposes of this section, a vehicle is considered unlicensed if the current gross weight license expires prior to the registration, or if the current gross weight license is not adequate for the load being carried.

(4) When may I transfer gross weight license to a replacement vehicle? ((A person)) You may transfer a gross weight license from one vehicle to a replacement vehicle when the previously licensed vehicle has been:

(a) Sold and the gross weight credit amount of fifteen dollars or more is retained;

(b) Destroyed;

(c) Reclassified so a gross weight license is no longer required;

(d) Registered in another jurisdiction;

(e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale; ((or))

(f) Stolen; or

(g) Removed from service by the owner.

Gross weight license may also be transferred to a replacement vehicle at the request of the owner.

(4) What ((will be the start date of the)) are the restrictions to transferring gross weight license when transferred to the replacement vehicle?

~~((a) If the replacement vehicle is currently registered, the gross weight license start date will be the first day of the registration month in which the application for certificate of ownership is made.~~

~~(b) If the replacement vehicle is not currently registered, the gross weight license start date will be the day of application.~~

~~(c) If the replacement vehicle has been titled to the applicant for more than twelve months and the vehicle registration has been expired for less than one registration year, the gross weight license start date will be the same as described in (a) of this subsection.~~

~~(5)) The restrictions to transferring gross weight license are:~~

~~(a) The expiration date of the transferred gross weight license may not:~~

~~(i) Extend beyond the registration expiration date of the replacement vehicle;~~

~~(ii) Be used to extend the registration expiration date of the replacement vehicle.~~

~~(b) The gross weight license being transferred may not exceed the replacement vehicle's weight limitations as defined in chapter 46.44 RCW;~~

~~(c) The gross weight license being transferred must be 14,000 pounds or more;~~

~~(d) The amount of gross weight credit being transferred must be fifteen dollars or more;~~

~~(e) A transfer of gross weight license for the purposes of increasing the declared gross weight of the replacement vehicle must comply with the requirements of WAC 308-96A-205;~~

~~(f) You must surrender the current gross weight license in order to transfer gross weight license to a replacement vehicle.~~

~~(6) What would the new gross weight expiration date be?~~

~~(a) ((If the current declared gross weight is twelve thousand pounds or less, the new gross weight expiration date will be the same as the vehicle registration expiration date; or~~

~~(b) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the replacement vehicle registration expiration date.~~

~~(6) **How many months gross weight fees will I be charged when I apply for transfer of ownership?**~~

~~You will be charged for the number of months and at the rate of the declared gross weight being purchased for the period between the start date and the expiration date of the new gross weight license.) The expiration date of the transferred gross weight license will be the same day of the month as the registration expiration date of the replacement vehicle. For example: If the registration expiration date of the replacement vehicle is July 15, the transferred gross weight license will expire on the fifteenth day of the month, depending on how many months gross weight license was transferred.~~

~~You may choose to purchase additional months of gross weight not to exceed the replacement vehicle registration expiration date.~~

~~(b) If the registration of a replacement vehicle as described in subsection (2)(b) of this section has expired, new~~

registration and gross weight expiration dates will be assigned.

(7) Will I receive credit for gross weight fees that have already been paid? You will receive credit for the current and unused portions of the gross weight license already purchased. Any excess credit will be forfeited and will not be refunded.

~~(Yes, if the credit amount is fifteen dollars or more, you will receive dollar value credit for the number of full months from the date of application for the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must provide an affidavit of loss and a statement from the applicant that the gross weight license has not been, or will not be, transferred with the vehicle to the new owner or to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135. At the time of application, any excess credit accrued, as a result of such change, may be applied toward the payment of gross weight license fees for the gross weight license months between the previous gross weight license expiration date and the registration expiration date. Any credit still remaining after applying credit for gross weight to the replacement vehicle shall be forfeited. You must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.)~~

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

WSR 02-07-041

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed March 13, 2002, 12:39 p.m.]

Supplemental Notice to WSR 01-22-110.

Preproposal statement of inquiry was filed as WSR 00-02-010.

Title of Rule: (1) Registration, petitions for competitive classification, and initial price list requirements (WAC 480-121-020). This supplemental proposal to the original proposal (WSR 01-22-110) would consider deletion of the requirement of a signed declaration/certification of the accuracy of the filing, WAC 480-121-020 (2)(d).

(2) Waiver of regulatory requirements for competitively classified telecommunications companies (WAC 480-121-063). This supplemental proposal to the original proposal (WSR 01-22-110) would consider amendment of WAC 480-121-063 (1)(m) relating to waivers of sections of chapter 480-80 WAC, Tariffs, price lists, and contracts, to eliminate the waiver of WAC 480-80-010 through 480-80-031.

Purpose: Deleting WAC 480-121-020 (2)(d) from the original proposal would facilitate electronic filings.

Eliminating the waiver of WAC 480-80-010 through 480-80-031 from the original proposal outlined in WAC 480-121-063 (1)(m) would capture all rules pertaining to the registration, competitive classification, and initial price lists of telecommunications companies.

Other Identifying Information: Docket No. UT-991922.

Statutory Authority for Adoption: RCW 80.01.040 and 80.04.160.

Summary: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Teri Wallace, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-4891; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This supplemental proposal carves out two rules from the original proposal filed under WSR 01-22-110. This proposal would delete WAC 480-121-020 (2)(d) and amend WAC 480-121-063 (1)(m).

The initial proposal in WAC 480-121-020 (2)(d) would require a signed declaration/certification of the accuracy of the filing. Elimination of the signed declaration/certification will have no impact on the commission's surveillance of the registration, competitive classification, and initial price lists filed by a telecommunications company. This proposal would facilitate electronic filings.

The initial proposal in WAC 480-121-063 (1)(m) would waive regulatory requirements for competitively classified telecommunications companies in chapter 480-80 WAC, Tariffs, price lists, and contracts. The initial proposal inadvertently waived rules set forth in WAC 480-80-010 through 480-80-031 that are essential for competitively classified companies. This proposal would capture all rules pertaining to the registration, competitive classification, and initial price lists of telecommunications companies.

Proposal Changes the Following Existing Rules: Existing rules require a signed declaration/certification of the accuracy of the filing. WAC 480-121-010. This proposal would eliminate this requirement.

The original proposal puts waivers of regulatory requirements for competitively classified telecommunications companies into rule. Historically, waivers of regulatory requirements for competitively classified telecommunications companies had been accomplished through commission orders. This proposal clarifies the original proposal as to which regulatory requirements in chapter 480-80 WAC are considered waived.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Because there will not be any increase in cost resulting from these proposed rules, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328

applies. The proposed rules are not significant legislative rules as referenced in RCW 34.05.328(5).

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on April 24, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Mary DeYoung by Monday, April 22, 2002, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Secretary, Docket No. UT-991922, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by April 10, 2002.

Date of Intended Adoption: April 24, 2002.

March 13, 2002

Carole J. Washburn

Secretary

AMENDATORY SECTION (Amending Order R-464, filed 6/15/99, effective 7/16/99)

WAC 480-121-020 Requirements for applications for registration (~~applications~~), (~~competitive classification~~) petitions for competitive classification, and initial price lists. (1) Applications for registration (~~must~~:

(a) ~~Be in the form prescribed by the commission;~~

(b) ~~Comply with the rules set forth in chapter 480-120 WAC; and~~

(c) ~~Be accompanied by the applicant's current balance sheet, latest annual report, if any, and a description of the telecommunications service it intends to offer) and petitions for competitive classification must be in the form prescribed by the commission.~~

(2) (~~Petitions for competitive classification must meet the requirements of WAC 480-120-023~~) Applications for registration:

(a) Must be filed with a petition for competitive classification and an initial price list;

(b) Must comply with the rules set forth in chapters 480-80 and 480-120 WAC;

(c) Must be filed at the office of the commission in Olympia, Washington; and

(d) Will be assigned a docket number. All documents subsequently filed in the matter must bear that docket number.

(3) (~~Price lists must meet the requirements of WAC 480-120-027~~) The commission may require, with or without hearing, that an applicant for registration clearly show:

(a) Adequate financial resources to provide the proposed service;

(b) Adequate technical competence to provide the proposed service; and

(c) Compliance with all applicable federal, state, and local telecommunications technical and business regulations.

(4) (~~As a condition to registration, with or without hearing~~) The commission may (require) request that an applicant (clearly show that:

(a) ~~The applicant possesses adequate financial resources to provide the proposed service;~~

(b) ~~The applicant possesses adequate technical competence to provide the proposed service;~~

(c) ~~The applicant is in compliance with all applicable federal, state and local telecommunications technical and business regulations.~~

(5) The commission may request an applicant to provide information regarding the applicant's regulatory performance in other states in which it operates.

(6) Applicants intending to collect customer prepayments must meet the requirements of WAC 480-120-058.

(7) Applicants collecting customer deposits pursuant to WAC 480-120-056 may be required to procure a bond or establish a federally insured interest-bearing trust account) provide information regarding the applicant's regulatory performance in other states where it operates.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-481, filed 4/4/01, effective 5/5/01)

WAC 480-121-063 (~~Waiver of~~) Regulatory requirements that may be waived for (~~competitive~~) competitively classified telecommunications companies. (1) The commission may waive (~~in writing~~) regulatory requirements for (~~competitive~~) telecommunications companies that it has classified as competitive if it (is determined) determines that competition with the regulatory waiver will serve the same purposes as public interest regulation.

(2) (~~Any telecommunications company seeking competitive classification shall include as part of its petition for classification any requests for waivers of regulatory requirements. Requests for waiver not included in a classification petition shall be granted or denied in writing. The commission reserves the right to set any such request for hearing at its discretion. Any request for waiver of regulatory requirements must include a statement as to how competition will serve the same purposes as public interest regulation.~~

(3) By order, the commission may revoke waivers of regulatory requirements (in the same manner in which they were granted) if (such) it determines that revocation (would) is necessary to protect the public interest.

(3) Unless otherwise determined by commission order, the following regulatory requirements are waived for competitively classified companies:

(a) RCW 80.04.300 (Budgets to be filed by companies—Supplementary budgets);

(b) RCW 80.04.310 (Commission's control over expenditures);

(c) RCW 80.04.320 (Budget rules);

(d) RCW 80.04.330 (Effect of unauthorized expenditure—Emergencies);

(e) RCW 80.04.360 (Earnings in excess of reasonable rate—Consideration in fixing rates);

(f) RCW 80.04.460 (Investigation of accidents);

(g) RCW 80.04.520 (Approval of lease of utility facilities);

(h) RCW 80.36.100 (Tariff schedules to be filed and open to public);

(i) RCW 80.36.110 (Tariff changes—Statutory notice—Exception);

(j) Chapter 80.08 RCW (Securities) (except RCW 80.08.140, State not obligated);

(k) Chapter 80.12 RCW (Transfers of property);

(l) Chapter 80.16 RCW (Affiliated interests);

(m) WAC 480-80-101 (Tariff requirements) through WAC 480-80-143 (Special contracts for gas, electric, and water companies);

(n) Chapter 480-140 WAC (Commission general—Budgets);

(o) Chapter 480-143 WAC (Commission general—Transfers of property);

(p) Chapter 480-146 WAC (Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities);

(q) WAC 480-120-031 (Accounting);

(r) WAC 480-120-032 (Expenditures for political or legislative activities);

(s) WAC 480-120-043 (Notice to the public of tariff changes);

(t) WAC 480-120-046 (Service offered);

(u) WAC 480-120-131 (Reports of accidents);

(v) WAC 480-120-541 (Access charges);

(w) WAC 480-120-542 (Collective consideration of Washington intrastate rate, tariff, or service proposals); and

(x) WAC 480-120-544 (Mandatory cost changes for telecommunications companies).

WSR 02-07-072

PROPOSED RULES

WASHINGTON STATE LOTTERY

[Filed March 18, 2002, 2:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-037.

Title of Rule: Amendment to WAC 315-06-040.

Purpose: This amendment will clarify that generic promotional and advertising materials, which do not promote a specific on-line game or a specific scratch ticket theme, do not require disclosure of probability of purchasing a winning ticket.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: The rule clarifies that generic promotional and advertising materials, which do not promote a specific on-line game or a specific scratch ticket theme, do not require disclosure of the probability of purchasing a winning ticket.

Reasons Supporting Proposal: Clarification will aid lottery staff in implementing the rule.

Name of Agency Personnel Responsible for Drafting: Mary Jane Ferguson, Olympia, (360) 664-4833; Implementation and Enforcement: Robert C. Benson, Jr., Acting Director, Olympia, (360) 664-4800.

Name of Proponent: Washington State Lottery, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amended rule clarifies that generic promotional and advertising materials, which do not promote a specific on-line game or a specific scratch ticket theme, do not require disclosure of the probability of purchasing a winning ticket. The amendment will assist lottery staff in implementation of the rule.

Proposal Changes the Following Existing Rules: The only change is a clarification of the meaning of "generic."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for administrative actions in the case of the revocation or suspension of a retailer' license; and (2) the rules will have a negligible impact, if any, on the normal operation of business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirement for forms, fees, appearances or other actions by business.

RCW 34.05.328 does not apply to this rule adoption. This section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Oxford Suites, 1701 East Yakima Avenue, Yakima, WA, on May 17, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Mary Jane Ferguson by May 14, 2002, TDD (360) 586-0933, or (360) 664-4833.

Submit Written Comments to: Mary Jane Ferguson, Lottery, fax (360) 586-6586, by May 14, 2002.

Date of Intended Adoption: May 17, 2002.

March 18, 2002

Mary Jane Ferguson

Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-12-040, filed 5/30/01, effective 6/30/01)

WAC 315-06-040 Disclosure of probability of purchasing a winning ticket. (1) The estimated average probability of purchasing a winning ticket shall be conspicuously displayed on:

(a) The back of tickets for a specific game;

(b) All printed promotional and advertising materials for a specific game, including but not limited to, brochures, posters, billboards, placards, and point-of-sale displays.

(2) The estimated average probability of purchasing a winning ticket shall be communicated in television and radio commercials for a specific game.

(3) The estimated average probability of purchasing a winning ticket for each category of prize in a specific game shall be conspicuously displayed as part of:

(a) The "how-to-play" brochure which explains the procedures for the lottery's on-line games; and

(b) The brochures of instructions to lottery retailers for the conduct of specific scratch games.

(4) The disclosure required by this section shall not apply to generic promotional and advertising materials publicizing the Washington state lottery which do not promote a specific on-line game or a specific scratch ticket theme.

WSR 02-07-080

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 19, 2002, 3:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-17-08 [01-17-083] and 01-20-035.

Title of Rule: Rules relating to pesticides containing the active ingredient clopyralid, WAC 16-338-1235 through 16-228-1238.

Purpose: To restrict some uses of pesticides containing the active ingredient clopyralid. The restrictions are intended to prevent clopyralid residues in compost at levels that may be damaging to plants grown in or around compost.

Statutory Authority for Adoption: Chapters 15.58, 17.21, and 34.05 RCW.

Statute Being Implemented: Chapters 15.58 and 17.21 RCW.

Summary: Turf clippings and other plant materials including agricultural plant materials, are often recycled to composting facilities. There is evidence that finished compost that has incorporated turf clippings treated with clopyralid as a feedstock may contain residues harmful to sensitive plant species. The clopyralid residues on turf clippings and other plant materials are not breaking down as rapidly as anticipated during the composting process.

Reasons Supporting Proposal: The proposed restrictions are intended to prevent clopyralid residues in compost at levels that may be damaging to plants grown in or around compost.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cliff Weed, 1111 Washington Street, Olympia, WA 98504, (360) 902-2036.

Name of Proponent: Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule places restrictions on pesticides containing the active ingredient clopyralid when labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses. The rules spell out the restrictions and requirements for the sale, distribution and use on lawns and turf including golf courses. The proposed restrictions are

intended to prevent clopyralid residues in compost at levels that may be damaging to plants grown in or around compost.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Department of Agriculture's Pesticide Management Division conducted an economic impact survey of all Washington state licensed pesticide dealers and commercial applicators licensed to apply pesticides to turf and ornamental weeds. Based upon the results of that survey, the department has concluded that any new compliance costs imposed by the proposed new rules are not "more than minor," therefore a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Four DIS Interactive Technologies sites simultaneously via teleconference: 15 West Yakima Avenue, Suite 220, Yakima, WA 98902; 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA 98504; 1101 North Argonne, Suite 109, Spokane, WA 99201; and 1107 S.W. Grady Way, Suite 112, Renton, WA 98055; on April 23, 2002, at 6:00 p.m.

Assistance for Persons with Disabilities: Contact Laurie Mauerman by April 16, 2002, TDD (360) 902-1996.

Submit Written Comments to: Laurie Mauerman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2093, by 5:00 p.m., April 24, 2002.

Date of Intended Adoption: May 13, 2002.

March 19, 2002

Bob Arrington

Assistant Director

NEW SECTION

WAC 16-228-1235 When are pesticides containing the active ingredient clopyralid state restricted use pesticides? Pesticides containing the active ingredient clopyralid are declared to be state restricted use pesticides when labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses.

NEW SECTION

WAC 16-228-12351 Who can distribute pesticides containing the active ingredient clopyralid? Only licensed pesticide dealers can distribute pesticides containing the active ingredient clopyralid.

NEW SECTION

WAC 16-228-12352 Who can sell pesticides containing the active ingredient clopyralid? (1) Pesticides containing the active ingredient clopyralid that are labeled for use on cereal grains, grass used for hay, lawns and turf including golf courses can only be sold by licensed dealers to certified applicators or their duly authorized agents. In order to purchase such pesticides, certified applicators or their agents must have a valid certification, license or permit allowing them to use or purchase such pesticides.

(2) Pesticides containing clopyralid and labeled for uses on sites/crops in addition to cereal grains, grass used for hay, lawns and turf including golf courses may be sold by licensed dealers to noncertified applicators if the noncertified applicator signs the sales invoice or sales slip indicating that the pesticide will not be applied to cereal grains, grass used for hay, lawns and turf including golf courses.

NEW SECTION

WAC 16-228-1237 What are the restrictions on the use of pesticides containing the active ingredient clopyralid when labeled for use on lawns and turf including golf courses? In addition to the restrictions placed on the product label, pesticides containing the active ingredient clopyralid cannot be applied to lawns and turf including golf courses without complying with the requirements in WAC 16-228-12371 or 16-228-1238.

NEW SECTION

WAC 16-228-12371 What requirements affect the use of pesticides containing the active ingredient clopyralid on golf courses? (1) When labeled for use on lawns and turf including golf courses, pesticides containing the active ingredient clopyralid may be applied on golf courses if no grass clippings, leaves or other vegetation are removed from the site and placed in composting facilities that provide product to the public.

(2) Before applying pesticides containing the active ingredient clopyralid on a golf course, the commercial applicator must give written notification to the appropriate grounds keeping personnel that no grass clippings, leaves or other vegetation may be removed from the site and placed in composting facilities that provide product to the public.

NEW SECTION

WAC 16-228-1238 Are there other situations in which I can apply pesticides containing the active ingredient clopyralid to lawns and turf? (1) Applications of pesticides containing the active ingredient clopyralid labeled for lawns and turf may be applied to nonresidential lawns and turf including, but not limited to, schools, parks, businesses and cemeteries when approved in writing by the department. The department, in its sole discretion, may approve such applications upon receipt of a written request. The request shall be signed and certified by an individual who possesses physical authority over the site. The request must contain the following:

(a) The name of the individual responsible for the grounds maintenance, if different from the individual making the request.

(b) A statement certifying that no grass clippings, leaves or other vegetation will be removed from the site and placed in composting facilities that provide product to the public.

(c) The physical location (street address or legal description) of each application site.

(d) Any other information prescribed by the director.

(2) The signed request must be sent to the department a minimum of seventy-two hours in advance. No application of the pesticide containing the active ingredient clopyralid shall be made before receipt of the department's written approval. All requests shall be sent to the Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589.

(3) The department's approval shall be valid from the date issued and shall terminate annually on December 31, or upon a change in the identity of the individual who signed and certified the original request in subsection (1) of this section, which ever shall occur first. The obligations in subsection (1)(b) of this section shall remain in effect following the expiration of this approval.

(4) In the event the department's approval terminates as a result of a change in the identity of the individual who signed and certified the original request, written notice regarding the obligations in subsection (1)(b) of this section shall be given by the individual in possession of the original approved request to the new individual who assumed physical authority over the site.

WSR 02-07-081

PROPOSED RULES

GAMBLING COMMISSION

[Filed March 19, 2002, 3:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-15-095.

Title of Rule: Promoting gambling activities, new section WAC 230-12-045 Promotions for gambling activities—Conditions—Restrictions; amendatory sections WAC 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception and 230-40-800 Operating rules for house-banked card games; and repealed sections WAC 230-02-145 Promotional marketing gifts, 230-20-111 Promotional activities—Performances as gifts—Advance approval required, 230-20-125 Discounts and promotional gifts—Authorized—Limits, 230-20-230 Free games for winners—Restrictions, and 230-40-897 Card game promotions—Procedures—Restrictions.

Purpose: There has been a general prohibition against licensees giving credit, loans or gifts to persons participating in gambling activities. Over the years, the commission has granted specific exceptions to this general prohibition.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: This rules package contains a new rule, which sets forth the parameters licensees must follow when offering promotions in conjunction with gambling activities; therefore staff will no longer need to review individual promotions.

The new rule addresses promotions for both commercial and charitable/nonprofit licensees. Gambling promotions will be limited to only persons playing in a licensed gambling activity and each promotional item cannot exceed \$500 in actual cost. Promotions cannot be combined with promotional contests of chance in any way.

Because this rule sets the parameters for all promotions, the various rules granting exceptions to the general prohibition are up for repeal or amendment to remove references to promotions.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose and Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: West Coast Grand Hotel at the Park, 303 West North River Drive, Spokane, WA 99202, (509) 326-8000, on May 10, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by May 1, 2002, TDD (360) 486-3637, or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by May 1, 2002.

Date of Intended Adoption: May 10, 2002.

March 19, 2002

Susan Arland
Rules Coordinator

NEW SECTION

WAC 230-12-045 Promotions for gambling activities—Conditions—Restrictions. Licensees may conduct promotions connected with authorized gambling activities under the following conditions and restrictions:

Conditions.

(1) The following conditions apply to promotions:

(a) All players must have an equal opportunity to participate;

(b) A promotion may provide an initial opportunity to engage in a gambling activity for free or at a discount; and

(c) All rules or restrictions governing the promotions shall be conspicuously displayed in the gaming area and referred to on any promotions coupon or advertisement.

Restrictions.

(2) The following restrictions apply to promotions:

(a) Any promotions offered to an individual player shall not exceed five hundred dollars in actual cost, per item;

(b) Promotions shall not consist of schemes in which the prize is additional opportunities to engage in gambling activities; and

(c) Gambling promotions shall not be combined in any way with promotional contests of chance, as defined in RCW 9.46.0356.

AMENDATORY SECTION [(Amending Order 383, filed 4/14/00)]

WAC 230-40-800 Operating rules for house-banked card games. Licensees that operate house-banked card games shall establish rules and procedures governing each specific house-banked card game played at their premises. The following restrictions and procedures apply:

(1) House-banked card games shall not be operated prior to approval as set forth in WAC 230-40-010;

(2) All house-banked card games shall be dealt from a dealing shoe or an approved shuffling device;

(3) The licensee shall submit all rules governing the game to commission staff for approval. All requests shall be in writing and include at least the following:

(a) Rules of play, including those specified by the manufacturer or supplier;

(b) Any administrative or accounting controls applicable to specific games;

(c) All specifications provided by the equipment manufacturer or supplier applicable to gaming equipment utilized in the game;

(d) Physical characteristics of the following:

(i) Cards (including procedures for receipt and storage);

(ii) Gaming chips used to play the game;

(iii) All gaming tables and layouts;

(iv) Dealing shoes;

(v) Card shuffling devices;

(vi) Card peeking devices;

(vii) Bill changer devices; and

(viii) Such other equipment as may be required for use in otherwise authorized games;

(4) Rules for each authorized game, shall include at least the following:

(a) Procedures of play;

(b) Minimum and maximum permissible wagers;

(c) Shuffling, cutting, and dealing techniques, as applicable;

(d) Dealer take and pay procedures;

(e) Payout odds on each form of wager, including any factors affecting payments to the player, such as maximum player or aggregate prize restrictions; and

(f) Procedures to be followed on occurrence of irregularities, including examples of irregularities applicable to each game;

(5) A summary of playing procedures and rules of play for each game shall be visibly displayed in the gaming area. If the procedures or restrictions are game specific, they shall be displayed at each gaming table at which the game is played(;

~~(6) Full details on all promotions, schemes or other means used to promote card games operated in card rooms~~

~~which offer house-banked card games must be submitted to commission staff and be approved prior to implementing).~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 383, filed 4/14/00, effective 5/15/00)

WAC 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception. No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized gambling activity, or which enables a person to play in an authorized gambling activity.

Gifts prohibited - Exceptions.

(1) Licensees shall not offer gifts in conjunction with gambling activities, with the following exceptions:

(a) Promotions are allowed as authorized by WAC 230-12-045;

(b) Free or discounted food, drink or merchandise may be provided under the following conditions:

(i) The actual cost of any individual item may not exceed five hundred dollars;

(ii) The merchandise shall not be traded back to the licensee for cash or be used to further participate in an authorized gambling activity;

(c) For each individual gift with an actual cost over one hundred dollars, charitable and nonprofit organizations shall prepare and maintain a written record with the following information:

- (i) How the recipients of the gifts were selected;
- (ii) The number of gifts awarded; and
- (iii) The total cost of each gift given.

Credit and loans prohibited - Exceptions.

(2) The consideration required to participate in the gambling activity shall be collected in full, by cash, check, or electronic point-of-sale bank transfer, prior to participation(~~and provided, that this prohibition shall not apply to the following situations~~), with the following exceptions:

Punch boards/pull-tabs.

~~((1))~~ (a) The consideration paid for the opportunity to play a punch board or pull-tab series may be collected immediately after the play is completed only when such consideration is ten dollars or less;

Charitable/nonprofit organization's billing system for members.

~~((2))~~ (b) When a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by chapter 9.46 RCW or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

~~((a))~~ (i) The playing of such activity is limited to regular members of such organization who have become regular

members prior to the commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

~~((b))~~ (ii) The ~~(commission)~~ director has given its prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

Raffle tickets purchased with credit cards.

~~((3))~~ (c) Charitable or nonprofit organizations utilizing credit cards, issued by a state and/or federally regulated financial institution, for payment to participate in raffles(~~and~~

Promotional gifts.

(4) Promotional gifts detailed below:

~~(a) The providing of free or discounted food, drink, or merchandise to card players at a public card room;~~

~~(b) Promotional activities conducted as a part of bingo games and authorized by WAC 230-20-125;~~

~~(c) Performances as authorized by WAC 230-20-111;~~

~~(d) Free play for card playing as authorized by WAC 230-40-050(7);~~

~~(e) "Free roll" or customer appreciation tournaments as authorized by WAC 230-40-055(2); and~~

~~(f) Promotional game cards meeting the standards of WAC 230-46-070(1).~~

Food and drink to bingo players.

~~(5) Free or discounted food or nonalcoholic drink to bingo players).~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-02-145 Promotional marketing gifts.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-111 Promotional activities—Performances as gifts—Advance approval required.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-125 Discounts and promotional gifts—Authorized—Limits.

PROPOSED

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-230 Free games for winners—
Restrictions.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-40-897 Card game promotions—
Procedures—Restrictions.

**WSR 02-07-100
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 20, 2002, 9:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-10-046 on April 26, 2002.

Title of Rule: Dip tanks, chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, Occupational health standards; chapter 296-835 WAC; and chapter 296-78 WAC, Safety standards for sawmills and woodworking operations.

Purpose: OSHA, published a Federal Register notice on March 23, 1999, effective April 23, 1999 (64 FR 13897), relating to the rewrite of their existing "dip tank" standard, making the rules more understandable to employers, employees and others who use them. The standard is shorter and performance-oriented, and updates several technical references. We are rewriting the dip tank rules using the "Innovations" format incorporating the OSHA updates.

WAC 296-24-405 Dip tanks containing flammable or combustible liquids.

- Requirements relating to dip tanks have been moved to chapter 296-835 WAC.
- Repeal this section.

WAC 296-24-40501 Definitions.

- Definitions relating to dip tanks have been moved to WAC 296-835-140.
- Repeal this section.

WAC 296-24-40503 Ventilation.

- Requirements relating to vapor area ventilation have been moved to WAC 296-835-11010.
- Requirements relating to ventilation combined with drying have been moved to WAC 296-835-12060.
- Repeal this section.

WAC 296-24-40505 Construction of dip tanks.

- Requirements relating to the general construction of dip tanks have been moved to WAC 296-835-11005.

- Requirements relating to the design of piping connections on drains and overflow lines have been moved to WAC 296-835-12005.
- Requirements relating to overflow pipes have been moved to WAC 296-835-12010.
- Requirements relating to the bottom of the overflow connection have been moved to WAC 296-835-12010.
- Requirements relating to bottom drains have been moved to WAC 296-835-12015.
- Requirements relating to salvage tanks have been moved to WAC 296-835-12010.
- Requirements relating to automatic extinguishing facilities (except if using a hardening or tempering tank) have been moved to WAC 296-835-12020.
- Requirements relating to automatic extinguishing facilities when using a hardening or tempering tank have been moved to WAC 296-835-13005.
- Requirements relating to heating dip tank liquids have been moved to WAC 296-835-12055.
- Requirements relating to conveyor systems have been moved to WAC 296-835-12065.
- Repeal this section.

WAC 296-24-40507 Liquids used in dip tanks, storage and handling.

- Requirements relating to liquids used in dip tanks, storage and handling have been moved to WAC 296-835-12035.
- Repeal this section.

WAC 296-24-40509 Electrical and other sources of ignition.

- Requirements relating to vapor areas as a source of ignition have been moved to WAC 296-835-12040 and 296-835-12045.
- Requirements relating to adjacent areas as a source of ignition have been moved to WAC 296-835-12040.
- Repeal this section.

WAC 296-24-40511 Operations and maintenance.

- Requirements relating to inspection or tests of dip tank facilities have been moved to WAC 296-835-11025.
- Requirements relating to warning signs have been moved to WAC 296-835-12040.
- Requirements relating to areas in the vicinity of dip tanks being kept clear of combustible stock and debris have been moved to WAC 296-835-12050.
- Requirements relating to waste cans have been moved to WAC 296-835-12050.
- Repeal this section.

WAC 296-24-40513 Extinguishment.

- Requirements relating to extinguishment have been moved to WAC 296-835-12020.
- Requirements relating to automatic water spray extinguishing systems have been moved to WAC 296-835-12025.
- Requirements relating to automatic foam extinguishing systems have been moved to WAC 296-835-12025.

- Requirements relating to automatic carbon dioxide extinguishing systems have been moved to WAC 296-835-12025.
- Requirements relating to automatic dry chemical extinguishing systems have been moved to WAC 296-835-12025.
- Requirements relating to dip tank covers have been moved to WAC 296-835-12030.
- Repeal this section.

WAC 296-24-40515 Special dip tank applications.

- Suggested area of the dip tank that should include the area of the sump and any areas on which paint flows have been moved to a note in WAC 296-835-13015.
- Exemption of when hardening and tempering tanks do not require an automatic fire extinguishing system has been moved to WAC 296-835-12020.
- Requirements relating to automatic extinguishing facilities when if using a hardening or tempering tank have been moved to WAC 296-835-13005.
- Requirements relating to hardening and tempering tanks have been moved to WAC 296-835-13005.
- Requirements relating to electrostatic apparatus have been moved to WAC 296-835-13010.
- Requirements relating to flow coating have been moved to WAC 296-835-13015.
- Requirements relating to roll coating have been moved to WAC 296-835-13020.
- Repeal this section.

WAC 296-62-11021 Open surface tanks.

- A note will be added to WAC 296-62-11021 stating that requirements relating to dipping and coating operations have been moved and the requirements left in WAC 296-62-11021 only apply to agriculture.

WAC 296-78-71015 Tanks and chemicals.

- Correct references.

WAC 296-835-100 Scope.

- Incorporated language from WAC 296-24-405 and 296-62-11021 into this section to explain the scope of this rule and to summarize it.

WAC 296-835-110 General dip tank requirements.

- Incorporate general dip tank requirements into WAC 296-835-11005 through 296-835-11045.

WAC 296-835-11005 Construct safe dip tanks.

- Requirements from WAC 296-24-40505 relating to constructing safe dip tanks have been moved to this section.

WAC 296-835-11010 Provide proper ventilation for the vapor area.

- Requirements from WAC 296-24-40503 and 296-62-11021 relating to vapor area ventilation have been moved to this section.

WAC 296-835-11015 Take additional precautions if you recirculate ventilation system exhaust air into the workplace.

- Requirements from WAC 296-62-11021 relating to taking additional precautions if you recirculate ventilation system exhaust air into the workplace have been moved to this section.

WAC 296-835-11020 Take additional precautions when using an exhaust hood.

- Requirements from WAC 296-62-11021 relating to precautions that need to be taken if the dip tank uses an exhaust hood have been moved to this section.

WAC 296-835-11025 Periodically inspect your dip tanks and associated equipment and correct any deficiencies.

- Requirements from WAC 296-24-40511 and 296-62-11021 relating to inspection or tests of dip tank facilities have been moved to this section.

WAC 296-835-11030 Make sure employees working near dip tanks know appropriate first aid procedures.

- Requirements from WAC 296-62-11021 relating to first aid have been moved to this section.

WAC 296-835-11035 Clean dip tanks safely.

- Requirements from WAC 296-62-11021 relating to cleaning dip tanks safely have been moved to this section.

WAC 296-835-11040 Safeguard cyanide tanks.

- Requirements from WAC 296-62-11021 relating to dip tanks that use cyanide have been moved to this section.

WAC 296-835-11045 Protect employees during welding, burning or other work using open flames.

- Requirements from WAC 296-62-11021 relating to protecting employees during welding, burning or other work using open flames have been moved to this section.

WAC 296-835-11050 Protect employees that use liquids that may burn, irritate, or otherwise harm the skin.

- Incorporate dip tank requirements relating to using liquids that may burn, irritate, or harm the skin into WAC 296-835-13005.

WAC 296-835-120 Additional requirements for dip tanks using flammable or combustible liquids.

- Incorporate dip tank requirements using flammable or combustible liquids into WAC 296-835-12005 through 296-835-12065.

WAC 296-835-12005 Include additional safeguards when constructing dip tanks.

- Requirements from WAC 296-24-40505 relating to the general construction of dip tanks have been moved to this section.

- Requirements from WAC 296-24-40505 relating to the design of piping connections on drains and overflow lines have been moved to this section.

WAC 296-835-12010 Provide overflow pipes.

- Requirements from WAC 296-24-40505 relating to overflow pipes have been moved to this section.
- Requirements from WAC 296-24-40505 relating to the bottom of the overflow connection have been moved to this section.

WAC 296-835-12015 Provide bottom drains.

- Requirements from WAC 296-24-40505 relating to bottom drains have been moved to this section.
- Requirements from WAC 296-24-40505 relating to salvage tanks have been moved to this section.

WAC 296-835-12020 Provide fire protection in the vapor area.

- Requirements from WAC 296-24-40505 relating to automatic extinguishing facilities (except if using a hardening or tempering tank) have been moved to this section.
- Add a note referencing the portable fire extinguishment requirements located in WAC 296-800-300.

WAC 296-835-12025 Make sure dip tank automatic fire extinguishing systems are adequate.

- Requirements from WAC 296-24-40513 relating to automatic water spray extinguishing systems have been moved to this section.
- Requirements from WAC 296-24-40513 relating to automatic foam spray extinguishing systems have been moved to this section.
- Requirements from WAC 296-24-40513 relating to automatic carbon dioxide extinguishing systems have been moved to this section.
- Requirements from WAC 296-24-40513 relating to automatic dry chemical extinguishing systems have been moved to this section.
- Add a note referencing various extinguishing system requirements located in WAC 296-24-622, 296-24-623 and 296-24-627.

WAC 296-835-12030 Make sure dip tank covers are adequate.

- Requirements from WAC 296-24-40513 relating to dip tank covers have been moved to this section.

WAC 296-835-12035 Prevent static electricity sparks or arcs when adding liquids to a dip tank.

- Requirements from WAC 296-24-40507 relating to liquids used in dip tanks, storage and handling have been moved to this section.

WAC 296-835-12040 Control ignition sources.

- Requirements from WAC 296-24-40509 relating to vapor areas as a source of ignition have been moved to this section.

- Requirements from WAC 296-24-40509 relating to adjacent areas as a source of ignition have been moved to this section.
- Requirements from WAC 296-24-40511 relating to warning signs have been moved to this section.
- Add a reference in this section to see WAC 296-835-13010 for requirements relating to electrostatic equipment.

WAC 296-835-12045 Provide safe electrical wiring and equipment where the liquid can drip or splash.

- Requirements from WAC 296-24-40509 relating to vapor areas as a source of ignition have been moved to this section.

WAC 296-835-12050 Keep the area around dip tanks clear of combustible material and properly dispose of waste.

- Requirements from WAC 296-24-40511 relating to areas in the vicinity of dip tanks being kept clear of combustible stock and debris have been moved to this section.
- Requirements from WAC 296-24-40511 relating to waste cans have been moved to this section.

WAC 296-835-12055 Make sure heating the liquid in your dip tanks does not cause a fire.

- Requirements from WAC 296-24-40505 relating to heating dip tank liquids have been moved to this section.

WAC 296-835-12060 Make sure a heating system used for drying objects does not cause a fire.

- Requirements from WAC 296-24-40503 relating to ventilation combined with drying have been moved to this section.

WAC 296-835-12065 Make sure conveyor systems are safe.

- Requirements from WAC 296-24-40503 relating to vapor area ventilation have been moved to this section.
- Requirements from WAC 296-24-40505 relating to conveyor systems have been moved to this section.

WAC 296-835-130 Additional requirements for dip tanks used for specific processes.

- Incorporate dip tank requirements relating to specific processes WAC 296-835-130 through 296-835-13030.

WAC 296-835-13005 Meet specific requirements if you use a hardening or tempering tank.

- Requirements from WAC 296-24-40515 relating to hardening or tempering tanks have been moved to this section.
- Requirements from WAC 296-24-40515 relating to automatic extinguishing facilities when using a hardening or tempering tank have been moved to this section.

WAC 296-835-13010 Meet specific requirements if you use electrostatic equipment.

- Requirements from WAC 296-24-40515 relating to electrostatic apparatus have been moved to this section.

WAC 296-835-13015 Meet specific requirements if you use a flow coating process.

- Requirements from WAC 296-24-40515 relating to flow coating have been moved to this section.
- Suggested area of the dip tank, from WAC 296-24-40515, that should include the area of the sump and any areas on which paint flows have been moved to this section.

WAC 296-835-13020 Take additional precautions if your roll coating operation uses a liquid that has a flashpoint below 140°F (60°C).

- Requirements from WAC 296-24-40515 relating to roll coating have been moved to this section.

WAC 296-835-13025 Provide additional safeguards for vapor degreasing tanks.

- Requirements from WAC 296-62-11021 relating to additional safeguards for vapor degreasing machines have been moved to this section.

WAC 296-835-13030 Control the spray if you spray a liquid over an open surface cleaning or degreasing tank.

- Requirements from WAC 296-62-11021 relating to controlling the spray if you spray a liquid in the air over an open surface cleaning or degreasing tank have been moved to this section.

WAC 296-835-140 Definitions.

- Insert the following definitions into this section: "ACGIH," "adjacent area," "ANSI," "approved," "autoignition temperature," "combustible liquid," "detering," "dip tank," "flammable liquid," "flashpoint," "lower flammable limit," "vapor area" and "you."

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register notice on March 23, 1999, effective April 23, 1999 (64 FR 13897).

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A number of criteria and exemptions were established for the small business economic impact statement (SBEIS) analysis. Three key criteria (RCW 34.05.328 (5)(b)(iii)(iv)(v)) are "Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;" "rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;" and "rules the content of which is explicitly and specifically dictated by statute" are not subject to the SBEIS requirements. Further, a formal small business economic impact statement is not required because these proposed rule changes are exempt from chapter 19.85 RCW referencing RCW 34.05.310 (4)(c).

The proposed rule changes ensure conformity with federal regulations, therefore it is the conclusion that an SBEIS is not required.

A copy of the statement may be obtained by writing to Christine Swanson, Acting Rules Coordinator, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-4216, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule amendments because they do not meet the exempt criteria outlined in RCW 34.05.328(5).

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on April 29, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by April 8, 2002, at (360) 902-5484.

Submit Written Comments to: Cindy Ireland, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on May 6, 2002. In addition to written comments, the department will accept comments submitted to fax (360) 902-5529 and via e-mail to mooc235@lni.wa.gov. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: June 1, 2002.

March 20, 2002

Gary Moore

Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-405	Dip tanks containing flammable or combustible liquids.
WAC 296-24-40501	Definitions.
WAC 296-24-40503	Ventilation.

WAC 296-24-40505	Construction of dip tanks.
WAC 296-24-40507	Liquids used in dip tanks, storage and handling.
WAC 296-24-40509	Electrical and other sources of ignition.
WAC 296-24-40511	Operations and maintenance.
WAC 296-24-40513	Extinguishment.
WAC 296-24-40515	Special dip tank applications.

Chapter 296-835 WAC

DIPPING AND COATING OPERATIONS (DIP TANKS)

NEW SECTION

WAC 296-835-100 Scope.

IMPORTANT:

A **dip tank** is a container holding a liquid other than plain water that is used for dipping or coating. An object may be completely or partially immersed (in a dip tank) or it may be suspended in a vapor coming from the tank.

Exemption: Dip tanks that use a molten material (molten metal, alloy, salt, etc.) are not covered by this chapter.

This chapter **applies** to:

- A dip tank that uses a liquid other than plain water, or the vapor of the liquid, to:

- Clean an object
- Coat an object
- Alter the surface of an object

OR

- Change the character of an object.

- Draining or drying an object that has been dipped or coated.

Examples of covered dipping and coating operations include, but are not limited to:

- Paint dipping
- Electroplating
- Anodizing
- Pickling
- Quenching
- Tanning
- Degreasing
- Stripping
- Cleaning
- Dyeing
- Flow coating
- Roll coating.

Reference: You have to do a hazard assessment to identify hazards or potential hazards in your workplace and determine if PPE is necessary to protect your employees. See personal protective equipment (PPE), WAC 296-800-160, in the core rules, chapter 296-800 WAC.

Other rules that may apply to your workplace.

- The WISHA *Safety & Health Core Rules*, chapter 296-800 WAC, contains the basic requirements that apply to most employers in Washington. It also contains:

- An introduction that lists important information you should know, including a section on building, fire and electrical codes

- A resource section that includes a complete list of all WISHA rules, and the labor and industries (L&I) offices.

Other WISHA rules may apply to you, depending on the activities and operations of your workplace. Contact your local L&I office if you are uncertain about which WISHA requirements apply to you.

- To go online to access the *Safety & Health Core Rules*: <http://www.lni.wa.gov/wisha/corerules/default.htm>

- For a CD or paper copy contact us:

Mail:

Labor and Industries

P.O. Box 44620

Olympia, WA 98504-4620

Telephone: 1-800-4BE-SAFE (1-800-423-7233)

NEW SECTION

WAC 296-835-110 General requirements. Summary.

Your responsibility:

Safeguard employees working with dip tanks.

You must:

CONSTRUCTION

Construct safe dip tanks

WAC 296-835-11005

VENTILATION

Provide proper ventilation for the vapor area

WAC 296-835-11010

Take additional precautions if you recirculate ventilation system exhaust air into the workplace

WAC 296-835-11015

Take additional precautions when using an exhaust hood

WAC 296-835-11020

INSPECTION

Periodically inspect your dip tanks and associated equipment and correct any deficiencies

WAC 296-835-11025

FIRST AID

Make sure employees working near dip tanks know appropriate first aid procedures

WAC 296-835-11030

CLEANING

Clean dip tanks safely

WAC 296-835-11035

CYANIDE

Safeguard cyanide tanks

WAC 296-835-11040

WELDING

Protect employees during welding, burning or other work using open flames

WAC 296-835-11045

LIQUIDS HARMFUL TO SKIN

Provide additional protection for employees working near dip tanks that use liquid that may burn, irritate, or otherwise harm the skin

WAC 296-835-11050.

CONSTRUCTION**NEW SECTION****WAC 296-835-11005 Construct safe dip tanks.****You must:**

- Make sure dip tanks, including any drain boards, are strong enough to support the expected load.

VENTILATION**NEW SECTION****WAC 296-835-11010 Provide proper ventilation for the vapor area.****You must:**

- Limit the vapor area to the smallest practical space by using mechanical ventilation.
- Keep the airborne concentration of any substance below twenty-five percent of its lower flammable limit (LFL).
- Make sure mechanical ventilation meets the requirements of one or more of the following standards:
 - NFPA 34-1995, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
 - ACGIH's "Industrial Ventilation: A Manual of Recommended Practice" (22nd ed., 1995)
 - ANSI Z9.1-1971, Practices for Ventilation and Operation of Open-Surface Tanks

OR

- ANSI Z9.2-1979, Fundamentals Governing the Design and Operation of Local Exhaust Systems.

Note: Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

You must:

- Make sure mechanical ventilation draws the flow of air into a hood or exhaust duct.
 - Have a separate exhaust system for each dip tank if the combination of substances being removed could cause a:
 - Fire
 - Explosion
- OR**
- Chemical reaction.

Reference: You need to keep employee exposure within safe levels when the liquid in a dip tank creates an exposure hazard. See Air contaminants, WAC 296-62-075 through 296-62-07515.

Note: You may use a tank cover or material that floats on the surface of the liquid to replace or assist ventilation. The method or combination of methods you choose has to main-

tain the airborne concentration of the hazardous material and the employee's exposure within safe limits.

NEW SECTION**WAC 296-835-11015 Take additional precautions if you recirculate ventilation system exhaust air into the workplace.****You must:**

- Make sure any exhaust air recirculated into the workplace:
 - Contains no substance that poses a health hazard to employees
 - Does not exceed twenty-five percent of its lower flammable limit (LFL)
 - Make sure, when the vapor concentration of any substance in the exhaust air exceeds twenty-five percent of its LFL, the system will:
 - Sound an alarm
 - Automatically shut down the dip tank operation
 - Make sure any exhaust air recirculated from a dipping or coating operation using a flammable or combustible liquid:
 - Is free of any solid particulate that poses a health or safety hazard for employees
 - Has the vapor concentration in the exhaust air monitored by approved equipment.

NEW SECTION**WAC 296-835-11020 Take additional precautions when using an exhaust hood.****You must:**

- Make sure each room with an exhaust hood has a source of air from outside the room that:
 - Enters the room in a way that will not interfere with the function of the hood
 - Replaces at least ninety percent of the air taken in through the hood.

INSPECTION**NEW SECTION****WAC 296-835-11025 Periodically inspect your dip tanks and associated equipment and correct any deficiencies.****You must:**

- Inspect or test your dip tanks and associated equipment periodically, including:
 - Covers
 - Overflow pipes
 - Bottom drains and valves
 - Electrical wiring, equipment, and grounding connections
 - Ventilating systems
 - Fire extinguishing equipment

- Inspect the hoods and ductwork of the ventilation system for corrosion and damage and make sure the airflow is adequate:

- At least quarterly during operation
- Prior to operation after a prolonged shutdown
- Promptly fix any deficiencies found.

Note:

- To assist you in tracking your inspections and actions taken from those inspections, you may want to keep a written record.
- It is recommended that inspections be at least quarterly even if the system is not operating. Depending on the chemicals in use more frequent inspection may be required.

FIRST AID

NEW SECTION

WAC 296-835-11030 Make sure employees working near dip tanks know appropriate first-aid procedures.

You must:

- Make sure your employees know the appropriate first-aid procedures for the hazards of your dipping and coating operations.

Note:

- First-aid procedures are contained in the Material Safety Data Sheet (MSDS) for the chemicals used in the dip tank.
- First-aid supplies appropriate for the hazards of the dipping or coating operation need to be located near the dip tank to be considered "readily available" as required by WAC 296-800-15020.

Reference: There are additional requirements that may include providing emergency washing facilities and employee training. See first aid, WAC 296-800-150, and employer chemical hazard communication, WAC 296-800-170, in the safety and health core rules, chapter 296-800 WAC.

CLEANING

NEW SECTION

WAC 296-835-11035 Clean dip tanks safely.

You must:

- Do the following before you allow an employee to clean the inside of a dip tank:
 - Drain the contents of the tank
 - Open any cleanout doors
 - Ventilate the tank to clear any accumulated hazardous vapors.

Reference: There may be requirements that apply before an employee enters a dip tank. See Permit-required confined spaces, WAC 296-62-141 and safety procedures, chapter 296-24 WAC, Part A-4.

CYANIDE

NEW SECTION

WAC 296-835-11040 Safeguard cyanide tanks.

You must:

- Provide a dike or other safeguard(s) to prevent cyanide from mixing with an acid if a dip tank fails.

Note: This would also apply to spills or other means by which cyanide could come in contact with an acid in sufficient quantity to produce a hazardous gas.

WELDING

NEW SECTION

WAC 296-835-11045 Protect employees during welding, burning, or other work using open flames.

You must:

- Make sure the dip tank and the area around it are thoroughly cleaned of solvents and vapors before performing work involving:

- Welding
- Burning

OR

- Open flames

Reference: There are additional requirements for this type of work. See Welding, cutting and brazing, chapter 296-24 WAC, Part I, and Respiratory protection, chapter 296-62 WAC, Part E.

LIQUIDS HARMFUL TO SKIN

NEW SECTION

WAC 296-835-11050 Protect employees that use liquids that may burn, irritate, or otherwise harm the skin.

You must:

(1) Make sure washing facilities, including hot water, are available for every ten employees that work with dip tank liquids.

(2) Satisfy medical requirements:

- Make sure an employee with any small skin abrasion, cut, rash, or open sore receives treatment by a properly designated person.

- Make sure an employee with a sore, burn, or other skin lesion that needs medical treatment, has a physician's approval before they perform their regular work.

- Make sure employees who work with chromic acid receive periodic examinations of their exposed body parts, especially their nostrils.

Note:

- Periodic means on a yearly basis unless otherwise indicated.

- Any time chromic acid spills onto an employee's skin or their clothing is saturated, a physician should be responsible for evaluating and monitoring the area where chromic acid made contact with the skin.

You must:

(3) Provide lockers or other storage space to prevent contamination of street clothes.

Reference: You have to do a hazard assessment to identify hazards or potential hazards in your workplace and determine if PPE is necessary to protect your employees. See Personal protective equipment (PPE), WAC 296-800-160, in the safety and health core rules, chapter 296-800 WAC.

NEW SECTION**WAC 296-835-120 Additional requirements for dip tanks using flammable or combustible liquids. Summary.****IMPORTANT:**

This section applies to:

- Flammable and combustible liquids (flashpoint below 200°F)

- Liquids that have a flashpoint of 200°F (93.3°C) or higher if you:

- Heat the liquid
- Dip a heated object in the tank

Reference: Store flammable and combustible liquids as required by Flammable and combustible liquids, WAC 296-24-330, in the general safety and health standards.

Your responsibility:

Safeguard employees working with dip tanks containing flammable or combustible liquids

You must:**CONSTRUCTION**

Include additional safeguards when constructing dip tanks

WAC 296-835-12005

Provide overflow pipes

WAC 296-835-12010

Provide bottom drains

WAC 296-835-12015

FIRE PROTECTION

Provide fire protection in the vapor area

WAC 296-835-12020

Make sure dip tank automatic fire extinguishing systems are adequate

WAC 296-835-12025

Make sure automatic dip tank covers are adequate

WAC 296-835-12030

ELECTRICAL WIRING AND EQUIPMENT AND SOURCES OF IGNITION

Prevent static electricity sparks or arcs when adding liquids to a dip tank

WAC 296-835-12035

Control ignition sources in the vapor area and adjacent area

WAC 296-835-12040

Provide safe wiring and electrical equipment where the liquid can drip or splash

WAC 296-835-12045

HOUSEKEEPING

Keep the area around dip tanks clear of combustible material and properly dispose of waste

WAC 296-835-12050

HEATING LIQUID

Make sure heating the liquid in your dip tanks does not cause a fire

WAC 296-835-12055

HEAT DRYING

Make sure a heating system used for drying objects does not cause a fire

WAC 296-835-12060

CONVEYORS

Make sure the conveyor system for dip tanks is safe
WAC 296-835-12065.

CONSTRUCTION**NEW SECTION****WAC 296-835-12005 Include additional safeguards when constructing dip tanks.****You must:**

(1) Make sure the dip tank, drain boards (if provided), and supports, are made of noncombustible material.

(2) Make sure piping connections on drains and overflow pipes allow easy access to the inside of the pipe for inspection and cleaning.

NEW SECTION**WAC 296-835-12010 Provide overflow pipes.****You must:**

- Provide an overflow pipe on dip tanks that:

- Hold more than one hundred fifty gallons of liquid

OR

- Have more than ten square feet of liquid surface area

- Make sure the overflow pipe is:

- Properly trapped

- Able to prevent the dip tank from overflowing

- Three inches or more (7.6 cm) in diameter

- Discharged to a safe location.

Note: Discharged to a safe location could be a:

- Safe location outside the building

OR

- Closed, properly vented salvage tank or tanks that can hold more than the dip tank.

You must:

- Make sure the bottom of the overflow pipe is at least six inches (15.2 cm) below the top of the tank.

Note: The overflow pipe should be large enough to remove water applied to the liquid surface of the dip tank from automatic sprinklers or other sources in the event of fire. Smaller dip tanks should be equipped with overflow pipes, if practical.

NEW SECTION**WAC 296-835-12015 Provide bottom drains.**

Exemption: A bottom drain is not required if:

- The viscosity of the liquid makes it impractical to empty the tank by gravity or pumping

OR

- The dip tank has an automatic closing cover that meets the requirements of WAC 296-835-12030.

You must:

- Provide a bottom drain on all dip tanks that hold more than five hundred gallons of liquid.

- Make sure the bottom drain:

- Is properly trapped

- Will empty the dip tank during a fire

- Has pipes large enough to empty the tank within five minutes

- Uses automatic pumps if gravity draining is not practical
- Is capable of both manual and automatic operation.
- Discharges to a safe location.

Note: Discharges to a safe location could be a:

- Safe location outside the building

OR

- Closed, properly vented salvage tank or tanks that can hold more than the dip tank.

You must:

- Make sure manual operation of the bottom drain is performed from a safe and easily accessible location.

FIRE PROTECTION

NEW SECTION

WAC 296-835-12020 Provide fire protection in the vapor area.

You must:

(1) Provide a manual fire extinguisher near the tank that is suitable for putting out flammable and combustible liquid fires.

(2) Provide at least one automatic fire extinguishing system or an automatic dip tank cover if the tank:

- Holds one hundred fifty gallons or more of liquid

OR

- Has four square feet or more of liquid surface area.

Exemption: An automatic fire extinguishing system or an automatic dip tank cover is **not** required for a hardening or tempering tank that:

- Holds less than five hundred gallons of liquid

OR

- Has less than twenty-five square feet of liquid surface area.

Note: Automatic fire extinguishing systems include:

- Water spray extinguishing systems
- Foam extinguishing systems
- Carbon dioxide extinguishing systems
- Dry chemical extinguishing systems.

Reference: See portable fire extinguishers, WAC 296-800-300, for requirements for manual fire extinguishers.

NEW SECTION

WAC 296-835-12025 Make sure automatic fire extinguishing systems are adequate.

You must:

• Make sure automatic foam extinguishing systems use foam producing material suitable for putting out a fire caused by the type of liquid in the tank.

• Make sure automatic fire extinguishing systems protect the:

- Tank
- Drain boards
- Stock over drain boards.

Reference: Automatic fire extinguishing systems have specific requirements. See:

- WAC 296-24-622 for automatic dry chemical extinguishing system requirements.

- WAC 296-24-623 for automatic carbon dioxide extinguishing system requirements.

- WAC 296-24-627 for automatic water spray extinguishing system and automatic foam extinguishing system requirements.

NEW SECTION

WAC 296-835-12030 Make sure dip tank covers are adequate. You must:

• Make sure dip tank covers are:

- Closed by approved automatic devices in the event of fire.

- Able to be manually activated.

- Kept closed when the tank is not being used.

- Made of noncombustible material or tin-clad material with locked metal joints.

ELECTRICAL WIRING AND EQUIPMENT AND SOURCES OF IGNITION

NEW SECTION

WAC 296-835-12035 Prevent static electricity sparks or arcs when adding liquids to a dip tank.

You must:

• Make sure the portable container used to add liquid to the tank is:

- Electrically bonded to the dip tank

- Positively grounded.

NEW SECTION

WAC 296-835-12040 Control ignition sources.

You must:

(1) Make sure the vapor areas and adjacent areas do not have any:

- Open flames.

- Spark producing devices.

- Heated surfaces hot enough to ignite vapors.

(2) Use explosion-proof wiring and equipment in the vapor area.

Reference: Electrical wiring and equipment has to meet the requirements of the applicable hazardous (classified) location. See Hazardous (classified) locations, WAC 296-24-95613. Electrostatic equipment has specific electrical requirements. See WAC 296-835-13010.

You must:

(3) Prohibit smoking in the vapor area:

- Prohibit smoking in any vapor area.

- Post a "no smoking" sign near each dip tank that can be easily seen.

NEW SECTION

WAC 296-835-12045 Provide safe electrical wiring and equipment where the liquid can drip or splash.

You must:

• Make sure all electrical wiring and equipment in the vapor area is approved for areas that have:

- Deposits of easily ignited residue
- Explosive vapor

Exemption: This does not apply to wiring that is:

- In rigid conduit, threaded boxes or fittings
- Has no taps, splices, or terminal connections.

HOUSEKEEPING

NEW SECTION

WAC 296-835-12050 Keep the area around dip tanks clear of combustible material and properly dispose of waste.

You must:

- Make sure the area surrounding dip tanks is:
 - Completely free of combustible debris
 - As free of combustible stock as possible
- Provide approved metal waste cans that are:
 - Used for immediate disposal of rags and other material contaminated with liquids from dipping or coating operations
 - Emptied and the contents properly disposed of at the end of each shift.

HEATING LIQUID

NEW SECTION

WAC 296-835-12055 Make sure heating the liquid in your dip tanks does not cause a fire.

You must:

- Keep the temperature of the liquid in the dip tank:
 - Below the liquid's boiling point
 - At least 100°F below the liquid's autoignition temperature.

HEAT DRYING

NEW SECTION

WAC 296-835-12060 Make sure a heating system used for drying objects does not cause a fire.

You must:

- Make sure the heating system used in a drying operation that could cause ignition:
 - Has adequate mechanical ventilation that operates before and during the drying operation
 - Shuts down automatically if a ventilating fan fails to maintain adequate ventilation
 - Is installed as required by NFPA 86-1999, Standard for Ovens and Furnaces.

Note: Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

CONVEYORS

NEW SECTION

WAC 296-835-12065 Make sure conveyor systems are safe.

You must:

- Make sure the conveyor system shuts down automatically if:
 - The ventilation system fails to maintain adequate ventilation
- OR
- There is a fire.

NEW SECTION

WAC 296-835-130 Additional requirements for dip tanks used for specific processes. Summary.

Your responsibility: Safeguard employees working with dip tanks used for specific processes

You must:

HARDENING OR TEMPERING

Meet specific requirements if you use a hardening or tempering tank

WAC 296-835-13005

ELECTROSTATIC EQUIPMENT

Meet specific requirements if you use electrostatic equipment

WAC 296-835-13010

FLOW COATING

Meet specific requirements if you use flow coating

WAC 296-835-13015

ROLL COATING

Take additional precautions if your roll coating operation uses a liquid that has a flashpoint below 140°F (60°C)

WAC 296-835-13020

VAPOR DEGREASING

Provide additional safeguards for vapor degreasing tanks

WAC 296-835-13025

SPRAY CLEANING OR DEGREASING

Control the spray if you spray a liquid in the air over an open surface cleaning or degreasing tank

WAC 296-835-13030.

HARDENING OR TEMPERING

NEW SECTION

WAC 296-835-13005 Meet specific requirements if you use a hardening or tempering tank.

You must:

(1) Provide an automatic fire extinguishing system or an automatic dip tank cover for any hardening and tempering tank that uses flammable or combustible liquids and:

- Holds five hundred gallons (1893 L) or more of liquid

OR

– Has twenty-five square feet (2.37 m²) or more of liquid surface area.

- (2) Prevent fires.
- Make sure hardening and tempering tanks are:
 - **Not** located on or near combustible flooring.
 - Located as far away as practical from furnaces.
 - Equipped with noncombustible hoods and vents (or equally effective devices) for venting to the outside.
 - Treat vent ducts as flues and keep them away from combustible material, particularly roofs.
- (3) Make sure air under pressure is not used to:
- Fill the tank
- OR**
- Agitate the liquid in the tank.
- (4) Equip each tank with an alarm that will sound when the temperature is within 50°F (10°C) of the liquid's flash-point (alarm set point).
- (5) Make sure a limit switch shuts down conveyors supplying work to the tank when the temperature reaches the alarm setpoint, if operationally practical.
- (6) Have a circulating cooling system if the temperature of the liquid can exceed the alarm set point.

Note: The bottom drain of the tank may be combined with the oil circulating system if the requirements for bottom drains in WAC 296-835-12015 are satisfied.

ELECTROSTATIC EQUIPMENT

NEW SECTION

WAC 296-835-13010 Meet specific requirements if you use electrostatic equipment.

You must:

- (1) Provide safe electrical equipment.
- Make sure electrodes in your equipment are:
 - Substantial
 - Rigidly supported
 - Permanently located
 - Effectively insulated from ground by insulators
 - Make sure the insulators are:
 - Nonporous
 - Noncombustible
 - Kept clean and dry
 - Make sure transformers, powerpacks, control apparatus, and all other electrical parts of the equipment:
 - Are located outside the vapor area

OR

- Meet the requirements of WAC 296-835-12040.

Exemption: High voltage grids and their connections may be located in the vapor area without meeting the requirements of WAC 296-835-12040.

You must:

- Make sure high voltage leads to electrodes are effectively:
 - Supported on permanent, suitable insulators
 - Guarded against accidental contact or grounding.
- (2) Safeguard paint detearing operations.
- Use approved electrostatic equipment in paint detearing operations.
 - Make sure goods being paint deteared are:
 - Supported on conveyors

- **Not** manually handled
 - Keep a minimum safe distance (twice the sparking distance) between goods being paint deteared and the electrodes or conductors of the electrostatic equipment at all times by:
 - Arranging the conveyors to provide the necessary distance
 - Supporting the goods to prevent swinging or movement, if necessary
 - Post a sign that shows the minimum safe distance (twice the sparking distance) near the equipment, where it can be easily seen.
 - Keep paint detearing operations separate from storage areas and people by using fences, rails or guards that are:
 - Made of conducting material
 - Adequately grounded
 - Protect paint detearing operations from fire by installing:
 - Automatic sprinklers
- OR**
- An approved automatic fire extinguishing system
 - Collect and remove paint deposits by:
 - Providing removable drip plates and screens
 - Cleaning these plates and screens in a safe location.

(3) Make sure electrostatic equipment has automatic controls that immediately disconnect the power supply to the high-voltage transformer and signal the operator, if:

- Ventilating fans or equipment stop or fail for any reason
 - Conveyors do not work properly
 - A ground (or imminent ground) occurs anywhere in the high-voltage system
- OR**
- Goods being paint deteared come within twice the sparking distance of the electrodes or conductors of the equipment.

FLOW COATING

NEW SECTION

WAC 296-835-13015 Meet specific requirements if you use a flow coating process.

You must:

- (1) Make sure all piping is substantial and rigidly supported.
- (2) Make sure the paint is supplied by a:
- Gravity tank that does not hold more than ten gallons (38 L)
- OR**
- Direct low-pressure pumping system.
- (3) Have an approved heat-actuated device that shuts down the pumping system if there is a fire.

Note: The area of the sump, and any areas on which paint flows, should be included in the area of dip tank.

ROLL COATING**NEW SECTION**

WAC 296-835-13020 Take additional precautions if your roll coating operation uses a liquid that has a flashpoint below 140°F (60°C).

IMPORTANT:

This section applies to the processes of roll coating, roll spreading, or roll impregnating that use a liquid having a flashpoint below 140°F (60°C). Material may be passed directly through a tank or over the surface of a roller that revolves partially submerged in the liquid.

You must:

- Prevent sparks from static electricity by:
 - Bonding and grounding all metallic parts (including rotating parts) and installing static collectors

OR

- Maintaining a conductive atmosphere (one with a high relative humidity, for example) in the vapor area.

VAPOR DEGREASING**NEW SECTION**

WAC 296-835-13025 Provide additional safeguards for vapor degreasing tanks.

You must:

(1) Make sure, if the tank has a condenser or a vapor-level thermostat, that it keeps the vapor level at least:

- Thirty-six inches (91 cm) below the top of the tank if the width of the tank is seventy-two inches or more

OR

- One-half the tank width below the top of the tank if the tank is less than seventy-two inches wide.

(2) Make sure, if you use gas as a fuel to heat the tank liquid, that the combustion chamber is airtight (except for the flue opening) to prevent solvent vapors from entering the air-fuel mixture.

(3) Make sure the exhaust flue:

- Is made of corrosion-resistant material
- Extends to the outside
- Has a draft diverter if mechanical exhaust is used.

(4) Take special precautions to keep solvent vapors from mixing with the combustion air of the heater if chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene or freon) are used in the dip tank.

(5) Keep the temperature of the heating element low enough to keep a solvent or mixture from:

- Decomposing

OR

- Generating excessive vapor.

SPRAY CLEANING OR DEGREASING**NEW SECTION**

WAC 296-835-13030 Control the spray if you spray a liquid over an open surface cleaning or degreasing tank.

You must:

- Control the spray to the greatest extent feasible by:
 - Enclosing the spraying operation as completely as possible
 - Using mechanical ventilation to provide enough inward air velocity to prevent the spray from leaving the vapor area.

Note: Mechanical baffles may be used to help prevent the discharge of spray.

Reference: Spray painting operations are covered in Spray finishing using flammable and combustible materials, WAC 296-24-370, and Spray-finishing operations, WAC 296-62-11019.

NEW SECTION

WAC 296-835-140 Definitions. **ACGIH:** American Conference of Governmental Industrial Hygienists.

Adjacent area: Any area within twenty feet (6.1 m) of a vapor area that is not separated from the vapor area by tight partitions.

ANSI: American National Standards Institute.

Approved: Approved or listed by a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7, for definition of nationally recognized testing laboratory.

Autoignition temperature: The minimum temperature required to cause self-sustained combustion without any other source of heat.

Combustible liquid: A liquid having a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least ninety-nine percent of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Detearing: A process for removing excess wet coating material from the bottom edge of a dipped or coated object or material by passing it through an electrostatic field.

Dip tank: A container holding a liquid other than plain water that is used for dipping or coating. An object may be immersed (or partially immersed) in a dip tank or it may be suspended in a vapor coming from the tank.

Flammable liquid: Any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture.

Flashpoint: The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the measurement methods described in the definition of flashpoint in the safety and health core rules, WAC 296-800-370.

Lower flammable limit: The lowest concentration of a material that will propagate a flame. The LFL is usually expressed as a percent by volume of the material in air (or other oxidant).

NFPA: National Fire Protection Association.

Vapor area: Any area in the vicinity of dip tanks, their drain boards or associated drying, conveying, or other equip-

ment where the vapor concentration could exceed twenty-five percent of the lower flammable limit (LFL) for the liquid in the tank.

You: Means the employer. See the definition of employer in the safety and health core rules, WAC 296-800-370.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-62-11021 Open surface tanks.

Note: The requirements in this section only apply to agriculture. The general industry requirements relating to dipping and coating operations (dip tanks) have been moved to chapter 296-835 WAC.

(1) General.

(a) This section applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering the surface or adding to or imparting a finish thereto or changing the character of the materials, and their subsequent removal from the liquid or vapor, draining, and drying. These operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations.

(b) Except where specific construction specifications are prescribed in this section, hoods, ducts, elbows, fans, blowers, and all other exhaust system parts, components, and supports thereof shall be so constructed as to meet conditions of service and to facilitate maintenance and shall conform in construction to the specifications contained in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(2) Classification of open-surface tank operations.

(a) Open-surface tank operations shall be classified into 16 classes, numbered A-1 to D-4, inclusive.

(b) Determination of class. Class is determined by two factors, hazard potential designated by a letter from A to D, inclusive, and rate of gas, vapor, or mist evolution designated by a number from 1 to 4, inclusive (for example, B.3).

(c) Hazard potential is an index, on a scale of from A to D, inclusive, of the severity of the hazard associated with the substance contained in the tank because of the toxic, flammable, or explosive nature of the vapor, gas, or mist produced therefrom. The toxic hazard is determined from the concentration, measured in parts by volume of a gas or vapor, per million parts by volume of contaminated air (ppm), or in milligrams of mist per cubic meter of air (mg/m³), below which ill effects are unlikely to occur to the exposed worker. The concentrations shall be those in WAC 296-62-075 through 296-62-07515.

(d) The relative fire or explosion hazard is measured in degrees Fahrenheit in terms of the closed-cup flash point of the substance in the tank. Detailed information on the prevention of fire hazards in dip tanks may be found in Dip Tanks Containing Flammable or Combustible Liquids, NFPA No. 34-1966, National Fire Protection Association. Where the tank contains a mixture of liquids, other than organic solvents, whose effects are additive, the hygienic standard of the

most toxic component (for example, the one having the lowest ppm or mg/m³) shall be used, except where such substance constitutes an insignificantly small fraction of the mixture. For mixtures of organic solvents, their combined effect, rather than that of either individually, shall determine the hazard potential. In the absence of information to the contrary, the effects shall be considered as additive. If the sum of the ratios of the airborne concentration of that contaminant exceeds unity, the toxic concentration shall be considered to have been exceeded. (See Note A of (2)(e) of this section.)

(e) Hazard potential shall be determined from Table 16, with the value indicating greater hazard being used. When the hazardous material may be either a vapor with a permissible exposure limit in ppm or a mist with a TLV in mg/m³, the TLV indicating the greater hazard shall be used (for example, A takes precedence over B or C; B over C; C over D).

Note A:

$$\frac{c_1}{PEL} + \frac{c_2}{PEL} + \frac{c_3}{PEL} + \dots + \frac{c_N}{PEL} > 1$$

where:

c = Concentration measured at the operation in ppm.

TABLE 16
DETERMINATION OF HAZARD POTENTIAL

Hazard potential	Toxicity Group			
	Gas or vapor (ppm)	Mist (mg/m ³)		Flash point (in degrees F.)
A	0 - 10	0	- 0.1
B	11 - 100	0.11	- 1.0	Under 100
C	101 - 500	1.1	- 10	100-200
D	Over 500	Over	10	Over 200

(f) Rate of gas, vapor, or mist evolution is a numerical index, on a scale of from 1 to 4, inclusive, both of the relative capacity of the tank to produce gas, vapor, or mist and of the relative energy with which it is projected or carried upwards from the tank. Rate is evaluated in terms of:

(i) The temperature of the liquid in the tank in degrees Fahrenheit;

(ii) The number of degrees Fahrenheit that this temperature is below the boiling point of the liquid in degrees Fahrenheit;

(iii) The relative evaporation of the liquid in still air at room temperature in an arbitrary scale—fast, medium, slow, or nil; and

(iv) The extent that the tank gases or produces mist in an arbitrary scale—high, medium, low, and nil. (See Table 17, Note 2.) Gassing depends upon electrochemical or mechanical processes, the effects of which have to be individually evaluated for each installation (see Table 17, Note 3).

(g) Rate of evolution shall be determined from Table 17. When evaporation and gassing yield different rates, the lowest numerical value shall be used.

PROPOSED

TABLE 17
DETERMINATION OF RATE OF GAS,
VAPOR, OR MIST EVOLUTION¹

Rate	Liquid temperature, °F	Degrees below boiling point		Relative Gassing ³
		Evaporation ²		
1.....	Over 200	0-20	Fast	High
2.....	150-200	21-50	Medium ...	Medium
3.....	94-149	51-100	Slow	Low
4.....	Under 94	Over 100	Nil	Nil

Note 1. In certain classes of equipment, specifically vapor degreasers, an internal condenser or vapor level thermostat is used to prevent the vapor from leaving the tank during normal operations. In such cases, rate of vapor evolution from the tank into the workroom is not dependent upon the factors listed in the table, but rather upon abnormalities of operating procedure, such as carry out of vapors from excessively fast action, dragout of liquid by entrainment in parts, contamination of solvent by water and other materials, or improper heat balance. When operating procedure is excellent, effective rate of evolution may be taken as 4. When operating procedures are average, the effective rate of evolution may be taken as 3. When operation is poor, a rate of 2 or 1 is indicated, depending upon observed conditions.

Note 2. Relative evaporation rate is determined according to the methods described by A. K. Doolittle in Industrial and Engineering Chemistry, vol. 27, p. 1169, (3) where time for 100— percent evaporation is as follows: Fast: 0-3 hours; Medium: 3-12 hours; Slow: 12-50 hours; Nil: more than 50 hours.

Note 3. Gassing means the formation by chemical or electrochemical action of minute bubbles of gas under the surface of the liquid in the tank and is generally limited to aqueous solutions.

(3) Ventilation. Where ventilation is used to control potential exposures to workers as defined in (2)(c) of this section, it shall be adequate to reduce the concentration of the air contaminant to the degree that a hazard to the worker does not exist. Methods of ventilation are discussed in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(4) Control requirements.

(a) Control velocities shall conform to Table 18 in all cases where the flow of air past the breathing or working zone of the operator and into the hoods is undisturbed by local environmental conditions, such as open windows, wall fans, unit heaters, or moving machinery.

(b) All tanks exhausted by means of hoods which;

(i) Project over the entire tank;

(ii) Are fixed in position in such a location that the head of the workman, in all his normal operating positions while working at the tank, is in front of all hood openings; and

(iii) Are completely enclosed on at least two sides, shall be considered to be exhausted through an enclosing hood.

(iv) The quantity of air in cubic feet per minute necessary to be exhausted through an enclosing hood shall be not less than the product of the control velocity times the net area of all openings in the enclosure through which air can flow into the hood.

TABLE 18
CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class (See Sub-paragraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ (See Subparagraph (4)(iii))	Canopy hood ² (See Subparagraph (4)(iv))	
	One open side	Two open sides		Three open sides	Four open sides
A-1 and A-2 ———	100	150	150	Do not use	Do not use
A-3 (Note ²), B-1, B-2, and C-1 ———	75	100	100	125	175
B-3, C-2, and D-1 (Note ³) ———	65	90	75	100	150
A-4 (Note ²), C-3, and D-2 (Note ³) ———	50	75	50	75	125
B-4, C-4, D-3 (Note ³), and D-4 ———	General room ventilation required.				

¹ See Table 19 for computation of ventilation rate.

² Do not use canopy hood for Hazard Potential A processes.

³ Where complete control of hot water is desired, design as next highest class.

(c) All tanks exhausted by means of hoods which do not project over the entire tank, and in which the direction of air movement into the hood or hoods is substantially horizontal, shall be considered to be laterally exhausted. The quantity of air in cubic feet per minute necessary to be laterally exhausted per square foot of tank area in order to maintain the required control velocity shall be determined from Table 19 for all variations in ratio of tank width (W) to tank length (L). The total quantity of air in cubic feet per minute required to be exhausted per tank shall be not less than the product of the area of tank surface times the cubic feet per minute per square foot of tank area, determined from Table 19.

(i) For lateral exhaust hoods over 42 inches wide, or where it is desirable to reduce the amount of air removed from the workroom, air supply slots or orifices shall be provided along the side or the center of the tank opposite from the exhaust slots. The design of such systems shall meet the following criteria:

(A) The supply air volume plus the entrained air shall not exceed 50 percent of the exhaust volume.

(B) The velocity of the supply airstream as it reaches the effective control area of the exhaust slot shall be less than the effective velocity over the exhaust slot area.

PROPOSED

(C) The vertical height of the receiving exhaust hood, including any baffle, shall not be less than one-quarter the width of the tank.

(D) The supply airstream shall not be allowed to impinge on obstructions between it and the exhaust slot in such a manner as to significantly interfere with the performance of the exhaust hood.

TABLE 19

MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR PER MINUTE PER SQUARE FOOT OF TANK AREA FOR LATERAL EXHAUST

Required minimum control velocity, f.p.m. (from Table)	C.f.m. per sq. ft. to maintain required minimum velocities at following ratios (tank width (W)/tank length (L)). ^{1 3}				
	0.0-0.09	0.1-0.24	0.25-0.49	0.5-0.99	1.0-2.0
Hood along one side or two parallel sides of tank when one hood is against a wall or baffle.²					
Also for a manifold along tank centerline.³					
50	50	60	75	90	100
75	75	90	110	130	150
100	100	125	150	175	200
150	150	190	225	260	300
Hood along one side or two parallel sides of free standing tank not against wall or baffle.					
50	75	90	100	110	125
75	110	130	150	170	190
100	150	175	200	225	250
150	225	260	300	340	375

¹ It is not practicable to ventilate across the long dimension of a tank whose ratio W/L exceeds 2.0.

It is understandable to do so when W/L exceeds 1.0. For circular tanks with lateral exhaust along up the circumference use W/L = 1.0 for over one-half the circumference use W/L = 0.5.

² Baffle is a vertical plate the same length as the tank, and with the top of the plate as high as the tank is wide. If the exhaust hood is on the side of a tank against a building wall or close to it, it is perfectly baffled.

³ Use W/L as tank width in computing when manifold is along centerline, or when hoods are used on two parallel sides of a tank. Tank Width (W) means the effective width over which the hood must pull air to operate (for example, where the hood face is not back from the edge of the tank, this set back must be added in measuring tank width). The surface area of tanks can frequently be reduced and better control obtained (particularly on conveyerized systems) by using covers extending from the upper edges of the slots toward the center of the tank.

(E) Since most failure of push-pull systems result from excessive supply air volumes and pressures, methods of measuring and adjusting the supply air shall be provided. When satisfactory control has been achieved, the adjustable features of the hood shall be fixed so that they will not be altered.

(d) All tanks exhausted by means of hoods which project over the entire tank, and which do not conform to the definition of enclosing hoods, shall be considered to be overhead canopy hoods. The quantity of air in cubic feet per minute necessary to be exhausted through a canopy hood shall be not less than the product of the control velocity times the net area of all openings between the bottom edges of the hood and the top edges of the tank.

(e) The rate of vapor evolution (including steam or products of combustion) from the process shall be estimated. If the rate of vapor evolution is equal to or greater than 10 percent of the calculated exhaust volume required, the exhaust volume shall be increased in equal amount.

(5) Spray cleaning and degreasing. Wherever spraying or other mechanical means are used to disperse a liquid above an open-surface tank, control must be provided for the air-borne spray. Such operations shall be enclosed as completely as possible. The inward air velocity into the enclosure shall be sufficient to prevent the discharge of spray into the workroom. Mechanical baffles may be used to help prevent the discharge of spray. Spray painting operations are covered in WAC 296-62-11019.

(6) Control means other than ventilation. Tank covers, foams, beads, chips, or other materials floating on the tank surface so as to confine gases, mists, or vapors to the area under the cover or to the foam, bead, or chip layer; or surface tension depressive agents added to the liquid in the tank to minimize mist formation, or any combination thereof, may all be used as gas, mist, or vapor control means for open-surface tank operations, provided that they effectively reduce the concentrations of hazardous materials in the vicinity of the worker below the limits set in accordance with (2) of this section.

(7) System design.

(a) The equipment for exhausting air shall have sufficient capacity to produce the flow of air required in each of the hoods and openings of the system.

(b) The capacity required in (7)(a) of this section shall be obtained when the airflow producing equipment is operating against the following pressure losses, the sum of which is the static pressure:

(i) Entrance losses into the hood.

(ii) Resistance to airflow in branch pipe including bends and transformations.

(iii) Entrance loss into the main pipe.

(iv) Resistance to airflow in main pipe including bends and transformations.

(v) Resistance of mechanical equipment; that is, filters, washers, condensers, absorbers, etc., plus their entrance and exit losses.

(vi) Resistance in outlet duct and discharge stack.

(c) Two or more operations shall not be connected to the same exhaust system where either one or the combination of the substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system. Traps or other devices shall be provided to insure that condensate in ducts does not drain back into any tank.

(d) The exhaust system, consisting of hoods, ducts, air mover, and discharge outlet shall be designed in accordance with American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists. Airflow and pressure loss data provided by the manufacturer of any air cleaning device shall be included in the design calculations.

(8) Operation.

PROPOSED

(a) The required airflow shall be maintained at all times during which gas, mist, or vapor is emitted from the tank, and at all times the tank, the draining, or the drying area is in operation or use. When the system is first installed, the airflow from each hood shall be measured by means of a pitot traverse in the exhaust duct and corrective action taken if the flow is less than that required. When the proper flow is obtained, the hood static pressure shall be measured and recorded. At intervals of not more than 3 months operation, or after a prolonged shutdown period, the hoods and duct system shall be inspected for evidence of corrosion or damage. In any case where the airflow is found to be less than required, it shall be increased to the required value. (Information on airflow and static pressure measurement and calculations may be found in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or in the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists.)

(b) The exhaust system shall discharge to the outer air in such a manner that the possibility of its effluent entering any building is at a minimum. Recirculation shall only be through a device for contaminant removal which will prevent the creation of a health hazard in the room or area to which the air is recirculated.

(c) A volume of outside air in the range of 90 percent to 110 percent of the exhaust volume shall be provided to each room having exhaust hoods. The outside air supply shall enter the workroom in such a manner as not to be detrimental to any exhaust hood. The airflow of the makeup air system shall be measured on installation. Periodically, thereafter, the airflow should be remeasured, and corrective action shall be taken when the airflow is below that required. The makeup air shall be uncontaminated.

(9) Personal protection.

(a) All employees working in and around open surface tank operations must be instructed as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

(b) All persons required to work in such a manner that their feet may become wet shall be provided with rubber or other impervious boots or shoes, rubbers, or wooden-soled shoes sufficient to keep feet dry.

(c) All persons required to handle work wet with a liquid other than water shall be provided with gloves impervious to such a liquid and of a length sufficient to prevent entrance of liquid into the tops of the gloves. The interior of gloves shall be kept free from corrosive or irritating contaminants.

(d) All persons required to work in such a manner that their clothing may become wet shall be provided with such aprons, coats, jackets, sleeves, or other garments made of rubber, or of other materials impervious to liquids other than water, as are required to keep their clothing dry. Aprons shall extend well below the top of boots to prevent liquid splashing into the boots. Provision of dry, clean, cotton clothing along with rubber shoes or short boots and an apron impervious to liquids other than water shall be considered a satisfactory substitute where small parts are cleaned, plated, or acid dipped in open tanks and rapid work is required.

(e) Whenever there is a danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks, the employees so engaged shall be required to wear either tight-fitting chemical goggles or an effective face shield. (~~(See WAC 296-800-160-))~~ (See chapter 296-307 WAC, Part H, Personal protective equipment.)

(f) When, during emergencies as described in (11)(e) of this section, employees must be in areas where concentrations of air contaminants are greater than the limit set by (2)(c) of this section or oxygen concentrations are less than 19.5%, they must be required to wear respirators adequate to reduce their exposure to a level below these limits or that provide adequate oxygen. Such respirators must also be provided in marked, quickly accessible storage compartments built for the purpose, when there exists the possibility of accidental release of hazardous concentrations of air contaminants. Respirators must be certified by NIOSH under 42 CFR part 84 and used in accordance with the applicable provisions of chapter 296-62 WAC Part E.

(g) Near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying a pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in cases where harmful chemicals may be splashed on parts of the body.

(h) Operators with sores, burns, or other skin lesions requiring medical treatment shall not be allowed to work at their regular operations until so authorized by a physician. Any small skin abrasions, cuts, rash, or open sores which are found or reported shall be treated by a properly designated person so that chance of exposures to the chemicals are removed. Workers exposed to chronic acids shall have a periodic examination made of the nostrils and other parts of the body, to detect incipient ulceration.

(i) Sufficient washing facilities, including soap, individual towels, and hot water, shall be provided for all persons required to use or handle any liquids which may burn, irritate, or otherwise be harmful to the skin, on the basis of at least one basin (or its equivalent) with a hot water faucet for every 10 employees. (~~(See WAC 296-800-230-))~~ (See chapter 296-307 WAC, Safety standards for agriculture.)

(j) Locker space or equivalent clothing storage facilities shall be provided to prevent contamination of street clothing.

(k) First aid facilities specific to the hazards of the operations conducted shall be readily available.

(10) Special precautions for cyanide. Dikes or other arrangements shall be provided to prevent the possibility of intermixing of cyanide and acid in the event of tank rupture.

(11) Inspection, maintenance, and installation.

(a) Floors and platforms around tanks shall be prevented from becoming slippery both by original type of construction and by frequent flushing. They shall be firm, sound, and of the design and construction to minimize the possibility of tripping.

(b) Before cleaning the interior of any tank, the contents shall be drained off, and the cleanout doors shall be opened where provided. All pockets in tanks or pits, where it is possible for hazardous vapors to collect, shall be ventilated and cleared of such vapors.

(c) Tanks which have been drained to permit employees to enter for the purposes of cleaning, inspection, or maintenance may contain atmospheres which are hazardous to life or health, through the presence of flammable or toxic air contaminants, or through the absence of sufficient oxygen. Before employees shall be permitted to enter any such tank, appropriate tests of the atmosphere shall be made to determine if the limits set by (2)(c) of this section are exceeded, or if the oxygen concentration is less than 19.5%.

(d) If the tests made in accordance with (11)(c) of this section indicate that the atmosphere in the tank is unsafe, before any employee is permitted to enter the tank, the tank shall be ventilated until the hazardous atmosphere is removed, and ventilation shall be continued so as to prevent the occurrence of a hazardous atmosphere as long as an employee is in the tank.

(e) If, in emergencies, such as rescue work, it is necessary to enter a tank which may contain a hazardous atmosphere, suitable respirators, such as self-contained breathing apparatus; hose mask with blower, if there is a possibility of oxygen deficiency; or a gas mask, selected and operated in accordance with (9)(f) of this section, shall be used. If a contaminant in the tank can cause dermatitis, or be absorbed through the skin, the employee entering the tank shall also wear protective clothing. At least one trained standby employee, with suitable respirator, shall be present in the nearest uncontaminated area. The standby employee must be able to communicate with the employee in the tank and be well able to haul him out of the tank with a lifeline if necessary.

(f) Maintenance work requiring welding or open flame, where toxic metal fumes such as cadmium, chromium, or lead may be evolved, shall be done only with sufficient local exhaust ventilation to prevent the creation of a health hazard, or be done with respirators selected and used in accordance with (9)(f) of this section. Welding, or the use of open flames near any solvent cleaning equipment shall be permitted only after such equipment has first been thoroughly cleared of solvents and vapors.

(12) Vapor degreasing tanks.

(a) In any vapor degreasing tank equipped with a condenser and vapor level thermostat, the condenser or thermostat shall keep the level of vapors below the top edge of the tank by a distance at least equal to one-half the tank width, or at least 36 inches, whichever is shorter.

(b) Where gas is used as a fuel for heating vapor degreasing tanks, the combustion chamber shall be of tight construction, except for such openings as the exhaust flue, and those that are necessary for supplying air for combustion. Flues shall be of corrosion-resistant construction and shall extend to the outer air. If mechanical exhaust is used on this flue, a draft diverter shall be used. Special precautions must be taken to prevent solvent fumes from entering the combustion air of this or any other heater when chlorinated or fluorinated

hydrocarbon solvents (for example, trichloroethylene; Freon) are used.

(c) Heating elements shall be so designed and maintained that their surface temperature will not cause the solvent or mixture to decompose, break down, or be converted into an excessive quantity of vapor.

(d) Tanks or machines of more than 4 square feet of vapor area, used for solvent cleaning or vapor degreasing, shall be equipped with suitable cleanout or sludge doors located near the bottom of each tank or still. These doors shall be so designed and gasketed that there will be no leakage of solvent when they are closed.

(13) Scope.

(a) This paragraph applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering their surfaces, or adding or imparting a finish thereto, or changing the character of the materials, and their subsequent removal from the liquids or vapors, draining, and drying. Such operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations, but do not include molten materials handling operations, or surface coating operations.

(b) "Molten materials handling operations" means all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, salts, or other similar substances in the molten state. Such operations also include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(c) "Surface coating operations" means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-78-71015 Tanks and chemicals. (1) All open vats and tanks into which workers may fall shall be guarded with standard railings or screen guards in all cases where such guarding is possible with regard to practical operation.

(2) Foundations of elevated tanks shall be accessible for inspections. When the tank platform is more than five feet above the ground a stairway or ladder shall be permanently attached.

(3) Every open tank over five feet in height shall be equipped with fixed standard ladders both inside and out, extending from the bottom to the rim of the tank arranged to be accessible to each other, so far as local conditions permit.

(4) The use of chemicals for treating of lumber for prevention of sap stain or mold or as preservatives, shall conform to the requirements of ((WAC 296-62-11021, open sur-

~~face tanks~~) chapter 296-835 WAC, Dipping and coating operations (dip tanks).

(a) Storage, handling, and use of chemicals. Threshold limits. Employees shall not be exposed to airborne concentration of toxic dusts, vapors, mists or gases that exceed the threshold limit values set forth in chapter ~~((296-24))~~ 296-62 WAC, Part ((A-2, general safety and health standards)) H, and chapter 296-62 WAC, Part E, general occupational health standards.

(b) Protective equipment. The use of chemicals shall be controlled so as to protect employees from harmful exposure to toxic materials. Where necessary, employees shall be provided with and required to wear such protective equipment as will afford adequate protection against harmful exposure as required by ~~((chapter 296-24 WAC, Part A-2, general safety and health standards))~~ WAC 296-800-160, and chapter 296-62 WAC, Part E, general occupational health standards.

(5)(a) Means shall be provided and used to collect any excess of chemicals used in treating lumber so as to protect workers from accidental contact with harmful concentrations of toxic chemicals or fumes.

(b) Dip tanks containing flammable or combustible liquids shall be constructed, maintained and used in accordance with ~~((WAC 296-24-405 of the general safety and health standards))~~ chapter 296-835 WAC, Dipping and coating operations (dip tanks).

(c) An evacuation plan shall be developed and implemented for all employees working in the vicinity of dip tanks using flammable and/or combustible liquids. A copy of the plan shall be available at the establishment for inspection at all times. Every employee shall be made aware of the evacuation plan and know what to do in the event of an emergency and be evacuated in accordance with the plan. The plan shall be reviewed with employees at least quarterly and documented.

(d) When automatic foam, automatic carbon dioxide or automatic dry chemical extinguishing systems are used, an alarm device shall be activated to alert employees in the dip tank area before and during the activation of the system. The following combinations of extinguishment systems when used in conjunction with the evacuation plan as stated above will be acceptable in lieu of bottom drains:

(i) A dip tank cover with an automatic foam extinguishing system under the cover, or an automatic carbon dioxide system, or an automatic dry chemical extinguishing system, or an automatic water spray extinguishing system;

(ii) An automatic dry chemical extinguishing system with an automatic carbon dioxide system or a second automatic dry chemical extinguishing system or an automatic foam extinguishing system;

(iii) An automatic carbon dioxide system with a second automatic carbon dioxide system or an automatic foam extinguishing system.

(e) The automatic water spray extinguishing systems, automatic foam extinguishing systems, and dip tank covers shall conform with the requirements of ~~((WAC 296-24-405))~~ chapter 296-835 WAC, Dipping and coating operations (dip tanks). The automatic carbon dioxide systems and dry chemical extinguishing system shall conform with the requirements of WAC 296-24-615 and 296-24-620.

(6) Where workers are engaged in the treating of lumber with chemicals or are required to handle lumber or other materials so treated, the workers shall be provided with, at no cost to the worker, and required to use such protective equipment as will provide complete protection against contact with toxic chemicals or fumes therefrom.

(7) Sanitation requirements. The requirements of WAC 296-800-220 and 296-800-230 (safety and health core rules), shall govern sanitation practices.

(8) The sides of steam vats and soaking pits unless otherwise guarded shall extend forty-two inches above the floor level. The floor adjacent thereto shall be of nonslip construction.

(9) Large steam vats or soaking pits, divided into sections, shall be provided with substantial walkways between each section, each walkway to be provided with standard railings which may be removable if necessary.

(10) Covers shall be removed only from that portion of the steaming vats on which workers are working and a portable railing shall be placed at this point to protect the operators.

(11) Workers shall not ride or step on logs in steam vats.

**WSR 02-07-101
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 20, 2002, 9:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-18-034.

Title of Rule: Chapter 296-28 WAC, Clearance rules—Railroads in private rail yards and plants and chapter 296-860 WAC, Railroad clearances and walkways in private rail yards and plants.

Purpose: The railroad clearances rule is being rewritten and reorganized for clarity and ease of use for employers and employees. We are proposing to repeal the railroad clearances rule from chapter 296-28 WAC and proposing it as a new chapter 296-860 WAC. We are also adding requirements to this rule to make it at-least-as-effective-as that enforced by the Utilities [and] Transportation Commission, which is the federal agency regulating public railroads.

Repealed Sections:

WAC 296-28-001 Forward.

- This section has been repealed because it is outdated and inaccurate.

WAC 296-28-005 Beginning of order.

- The explanations in this section have been moved to a note in WAC 296-860-10030.
- This section has been repealed.

WAC 296-28-010 Exemptions.

- The requirements in this section have been moved to WAC 296-860-10005.
- This section has been repealed.

WAC 296-28-015 Definitions.

- The requirements in this section have been moved to WAC 296-860-10100.
- This section has been repealed.

WAC 296-28-020 Overhead clearances.

- The requirements in this section have been moved to WAC 296-860-10030.
- This section has been repealed.

WAC 296-28-025 Side clearances.

- The requirements in this section have been moved to WAC 296-860-10040.
- This section has been repealed.

WAC 296-28-030 Track clearances.

- The requirements in this section have been moved to WAC 296-860-10050.
- This section has been repealed.

WAC 296-28-035 Marking of cars.

- This section has been repealed because it is outdated and is no longer needed.

WAC 296-28-040 Operation of excess dimension loads.

- The requirements in this section have been moved to WAC 296-860-10060.
- This section has been repealed.

WAC 296-28-045 Narrow gauge railroads transporting freight cars.

- The requirements in this section have been moved to WAC 296-860-10070.
- This section has been repealed.

WAC 296-28-050 Illustrations.

- The illustrations in this section have been placed in the appropriate corresponding sections.
- This section has been repealed.

New Sections:**WAC 296-860-100 Introduction.**

- Written for clarity and ease of use by employers.

WAC 296-860-10005 Summary.

- Clarifies responsibility of employers to prevent injuries by maintaining safe railroad clearances.
- Added requirement of maintaining safe walkways.
- Lists exemptions from WAC 296-28-010, 296-28-030.

WAC 296-860-10010 Post warning signs and give training to your employees when you have clearances that were approved before April 3, 1961.

- Added requirement to increase employee safety.

WAC 296-860-10020 Construct and maintain rail yard walkways for employee safety.

- Added requirement adapted from UTC rule.

WAC 296-860-10025 Install radiation detectors according to manufacturer's specifications.

- Added requirement to eliminate the need for variances for the employers utilizing radiation detectors.

WAC 296-860-10030 Maintain overhead clearances.

- Moved requirements relating to overhead clearances from WAC 296-28-020.

WAC 296-860-10040 Maintain side clearances.

- Moved requirements relating to side clearances from WAC 296-28-025.

WAC 296-860-10050 Maintain clearances between tracks.

- Moved requirements relating to clearances between tracks from WAC 296-28-030.

WAC 296-860-10060 Move excessive height and/or width rail car loads with care.

- Moved requirements relating to oversize cars from WAC 296-28-040.

WAC 296-860-10070 Follow these requirements to conduct narrow gauge rail operations.

- Moved requirements relating to narrow gauge rail operations from WAC 296-28-050.

WAC 296-860-10100 Definitions.

- Definitions appropriate to this chapter.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

Small Business Economic Impact Statement

Based on survey data, the proposed rule imposes a more than minor cost on private rail operations. Analysis of the survey data indicates there will not be a disproportionate impact on small businesses that conduct private rail operations, and thus it is unnecessary to undertake mitigation steps for small businesses.

A copy of the statement may be obtained by writing to Economic Analyst, Department of Labor and Industries, P.O.

Box 44001, Olympia, WA 98504-4001, phone (360) 902-4216, fax (360) 902-4202.

RCW 34.05.328 applies to this rule adoption. The department has determined that the proposed rules are "significant legislative rules" because they increase current requirements.

Hearing Location: Department of Labor and Industries Building, Room 118, 7273 Linderson Way S.W., Tumwater, WA, on May 14, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by May 7, 2002, at (360) 902-5484.

Submit Written Comments to: Kimberly Rhoads, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on May 21, 2002. In addition to written comments, the department will accept comments submitted to fax (360) 902-5529 and via e-mail to rhok235@lni.wa.gov. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: June 1, 2002.

March 20, 2002

Gary Moore
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-28-001	Foreword.
WAC 296-28-005	Beginning of order.
WAC 296-28-010	Exemptions.
WAC 296-28-015	Definitions.
WAC 296-28-020	Overhead clearances.
WAC 296-28-025	Side clearances.
WAC 296-28-030	Track clearances.
WAC 296-28-035	Marking of cars.
WAC 296-28-040	Operation of excess dimension loads.
WAC 296-28-045	Narrow gauge railroads transporting freight cars.
WAC 296-28-050	Illustrations.

Chapter 296-860 WAC

RAILROAD CLEARANCES AND WALKWAYS IN PRIVATE RAIL YARDS AND PLANTS

NEW SECTION

WAC 296-860-100 Scope.

IMPORTANT:

This book applies to all railroad clearances and walkways in rail yards and plants including logging railroad yards such as mill yards, maintenance yards and sorting yards.

If you are uncertain about which WISHA requirements to follow, you must comply with those that best protect your employees' safety and health. Contact your local L&I office if you need assistance in making this decision.

Exemptions:

• These exemptions to chapter 296-860 WAC, Railroad clearances and walkways in private rail yards and plants, do not require a department variance:

– You may move the following equipment, using less than the minimum standard clearances, if the situation is unavoidable and you have taken all reasonable steps to protect your employees:

■ Track construction or maintenance materials

■ Special work equipment used for railroad construction, maintenance or operations

■ Any railroad equipment during emergencies.

– You may have overhead or side clearances less than the minimum standard clearances required in this chapter if they were legally created before April 3, 1961.

Note: If a building, structure, or facility constructed before April 3, 1961, is relocated or reconstructed, the clearance requirements in this chapter apply unless the department grants a variance.

– Tracks built before April 3, 1961:

■ May be extended according to the legal track clearance requirements in effect when they were originally constructed

■ Are exempt from the track clearance requirements in WAC 296-860-10050, Table 5.

– Chapter 296-54 WAC, Safety standards—Logging operations, regulates all logging railroads or any rail operations related to logging, except for yard clearances.

Other rules that may apply to your workplace

The *WISHA Safety & Health Core Rules* book, chapter 296-800 WAC, contains the basic requirements that apply to employers in Washington. It also contains:

• An introduction that lists important information you should know, including a section on building, fire and electrical codes

• A resource section that includes a complete list of all WISHA rules

Other WISHA rules may apply to you, depending upon the activities and operations of your workplace. Contact your local L&I office if you are uncertain about which WISHA requirements pertain to you.

• To access the *Safety & Health Core Rules* book online: <http://www.lni.wa.gov/wisha/corerules/default.htm>

• For a CD or paper copy contact us:

Labor and Industries

P.O. Box 44620

Olympia, WA 98504-4620

Telephone: 1-800-4be-safe (1-800-423-7233)

NEW SECTION

WAC 296-860-10005 Summary.

Your responsibility:

PROPOSED

To prevent injuries and fatalities to your employees by maintaining safe railroad clearances and walkways in your rail yards and plants.

You must:

Post warning signs and train employees about clearances approved before April 3, 1961

WAC 296-860-10010

Construct and maintain rail yard walkways for employee safety

WAC 296-860-10020

Install radiation detectors according to manufacturer's specifications

WAC 296-860-10025

Maintain overhead clearances

WAC 296-860-10030

Maintain side clearances

WAC 296-860-10040

Maintain clearances between tracks

WAC 296-860-10050

Move excessive height and/or width rail car loads with care

WAC 296-860-10060

Conduct narrow gauge rail operations according to the requirements of this section

WAC 296-860-10070.

NEW SECTION

WAC 296-860-10010 Post warning signs and train employees about clearances approved before April 3, 1961.

You must:

(1) Post warning signs near tracks with clearances approved before April 3, 1961, so your employees are aware of the minimal clearances and their potential hazards. The signs must:

- Be highly visible
- Be easy to read
- Alert your employees to the danger of railway equipment operating on your yard and plant tracks.

(2) Include in your employee safety and health training information about:

- Any minimal clearances and their location
- Potential hazards associated with them
- The location of any clearance warning signs.

NEW SECTION

WAC 296-860-10020 Construct and maintain rail yard walkways for employee safety.

Important:

• You have two years from September 01, 2002, (the effective date of this rule), to comply with the construction requirements of this section, unless the department determines during an inspection that your walkways create a serious safety hazard.

• If you are not sure a serious safety hazard exists in your workplace, you can request a free consultation from the department by calling your local L&I office.

Construction of walkways

You must:

- Build walkways in rail yard areas where your employees regularly work on the ground.
- Construct rail yard walkways that can be maintained in a safe condition:
 - With reasonably smooth walking surfaces
 - That will not interfere with track drainage.
- Use any of the following materials when constructing your walkway:
 - Crushed material that does not exceed 1 1/2 inches in size. For this rule, "1 1/2 inches in size" means one of the following (percentages refer to weight measurement and sieve size standard in the industry):

Percentage of material passing through a sieve opening	Sieve opening size
100	1 1/2 inch square
90 - 100	1 inch square
40 - 80	3/4 inch square
15 - 60	1/2 inch square
0 - 30	3/8 inch square
0 - 10	#4
0 - 5	#8
0 - 0.5	#200

Smaller crushed material is preferred and should be used where drainage and durability is not an issue. Crushed material that is 3/4 inch or less in size is recommended for switching leads in yards.

• Asphalt, concrete, planking, grating, or other similar material.

You must:

- Construct walkways wide enough for employees to safely perform their duties
- Construct walkways with a grade or slope in any direction with not more than one inch of elevation for each eight inches of horizontal length, unless it is geographically impractical.

Maintenance of walkways

You must:

- Keep all walkways clear of vegetation, debris, mud, or other obstructions that create a potential hazard for your employees.
- Remove all standing water from all walkways.
- If a walkway was temporarily closed because of a construction project, it must be reopened within thirty days after the project is completed.

You must:

• Repair walkways that have been damaged and temporarily closed because of an emergency within thirty days after the emergency ends.

Definition:

Emergency: Any unforeseen occurrence endangering life, limb, or property.

- Obtain a department variance before permanently removing any bridge or trestle walkway from use after September 1, 2002 (the effective date of this rule).

Note: The requirements for filing a variance are located in chapter 296-350 WAC, WISHA administrative rules.

NEW SECTION

WAC 296-860-10025 Install radiation detectors according to manufacturer's specifications.

IMPORTANT.

This section applies only to those private yards and plants where the installation of radiation detectors beside railroad tracks is required due to the nature of the business; for example, scrap metal yards.

You must:

- Install radiation detectors beside the railroad tracks in your yard and/or plant according to the manufacturer's specifications.
- Post signs on each radiation detector installed less than eight feet six inches from the centerline of the track:
 - Warning employees that the side clearances between the detector and the track centerline are less than the required standard minimum side clearances found in this chapter

- Prohibiting employees from riding on the side of any rail car passing through the detector.

NEW SECTION

WAC 296-860-10030 Maintain overhead clearances.

Exemption:

Engine houses and car shops are exempt from the overhead clearance requirements of this section.

You must:

- Make sure overhead railroad clearances are at least twenty-two feet six inches unless a clearance requirement found in Table 1 applies.

Note:

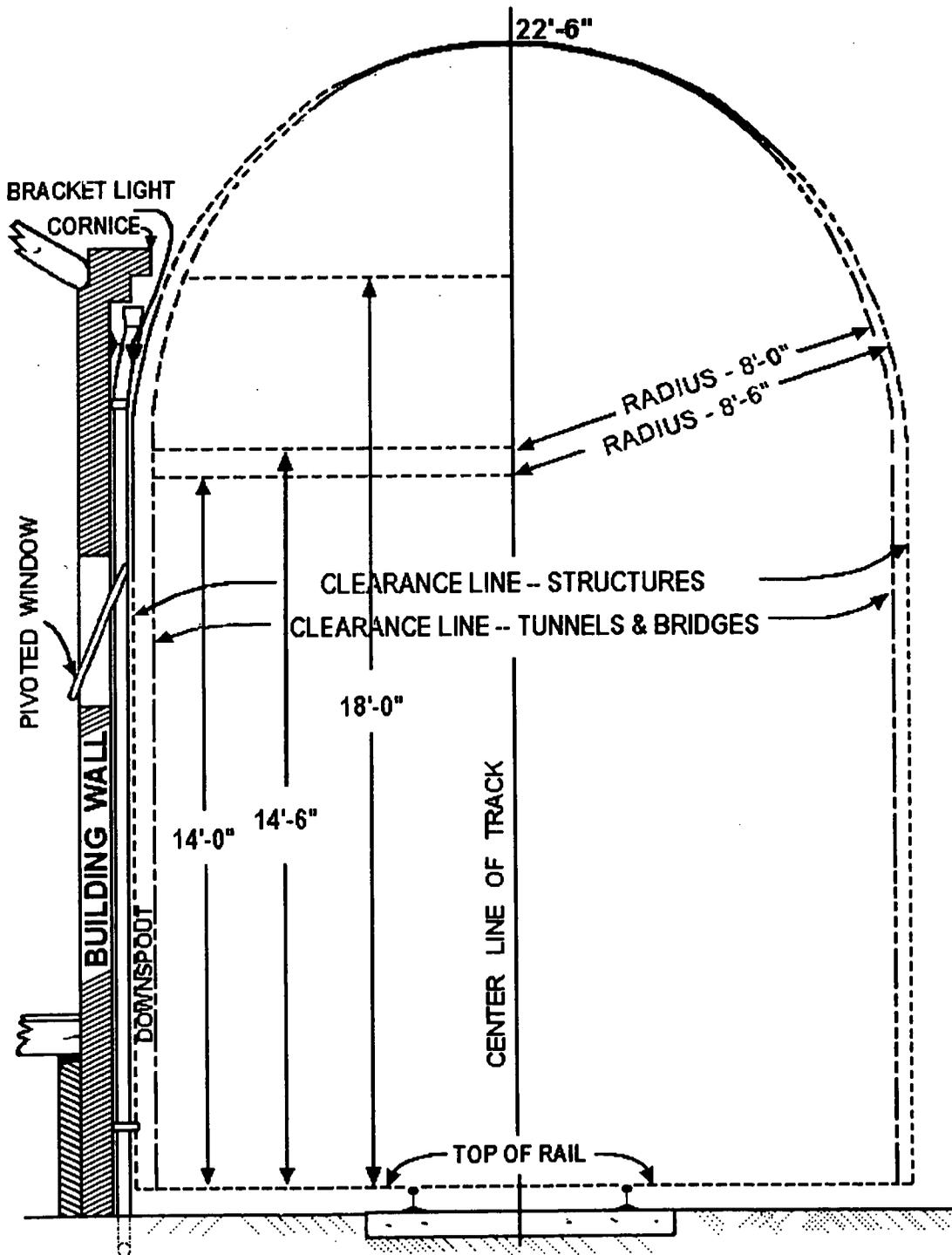
- Clearance requirements are based on the assumption that generally used rail equipment in private yards and plants is no more than ten feet ten inches wide by fifteen feet six inches high.
- WAC 296-860-10060 regulates the use of any rail equipment that exceeds the above dimensions.
- Minimum vertical clearances for all overhead wires are specified in Parts 1, 2, and 3 of the National Electrical Safety Code (NEC) as referenced in WAC 296-45-045, electrical workers safety rules, NESC applicable. See NESC 231 and 232.

Table 1 - Minimum Overhead Clearances for Buildings, Structures, Tunnels, and Bridges

If your overhead clearance involves:	Then the minimum overhead clearance requirements are:
An entirely enclosed building	18 feet when tracks end inside an entirely enclosed building. Also: <ul style="list-style-type: none"> • The department must approve any reduction from 22 feet 6 inches before the reduction takes place. • If an overhead clearance is less than 22 feet 6 inches, all cars, locomotives or other equipment must come to a full stop before entering the building. • See Illustration 1.
All other structures	Defined by the half-circumference of a circle whose: <ul style="list-style-type: none"> • Radius is 8 feet 6 inches <p>AND</p> <ul style="list-style-type: none"> • Center is located on a line perpendicular to the track's centerline and 14 feet above the top of the highest rail. • See Illustration 1.
Tunnels, over-crossings, and bridges	Defined by the half-circumference of a circle whose: <ul style="list-style-type: none"> • Radius is 8 feet <p>AND</p> <ul style="list-style-type: none"> • Center is located on a line perpendicular to the track's centerline and 14 feet 6 inches above the top of the highest rail. • See Illustration 1.

PROPOSED

Illustration 1 - Minimum Overhead Clearances for Buildings, Structures, Tunnels, and Bridges



PROPOSED

NEW SECTION

WAC 296-860-10040 Maintain side clearances.

You must:

- Make sure side clearances are at least eight feet six inches from the track centerline unless clearance requirements found in Tables 2, 3, or 4 apply.

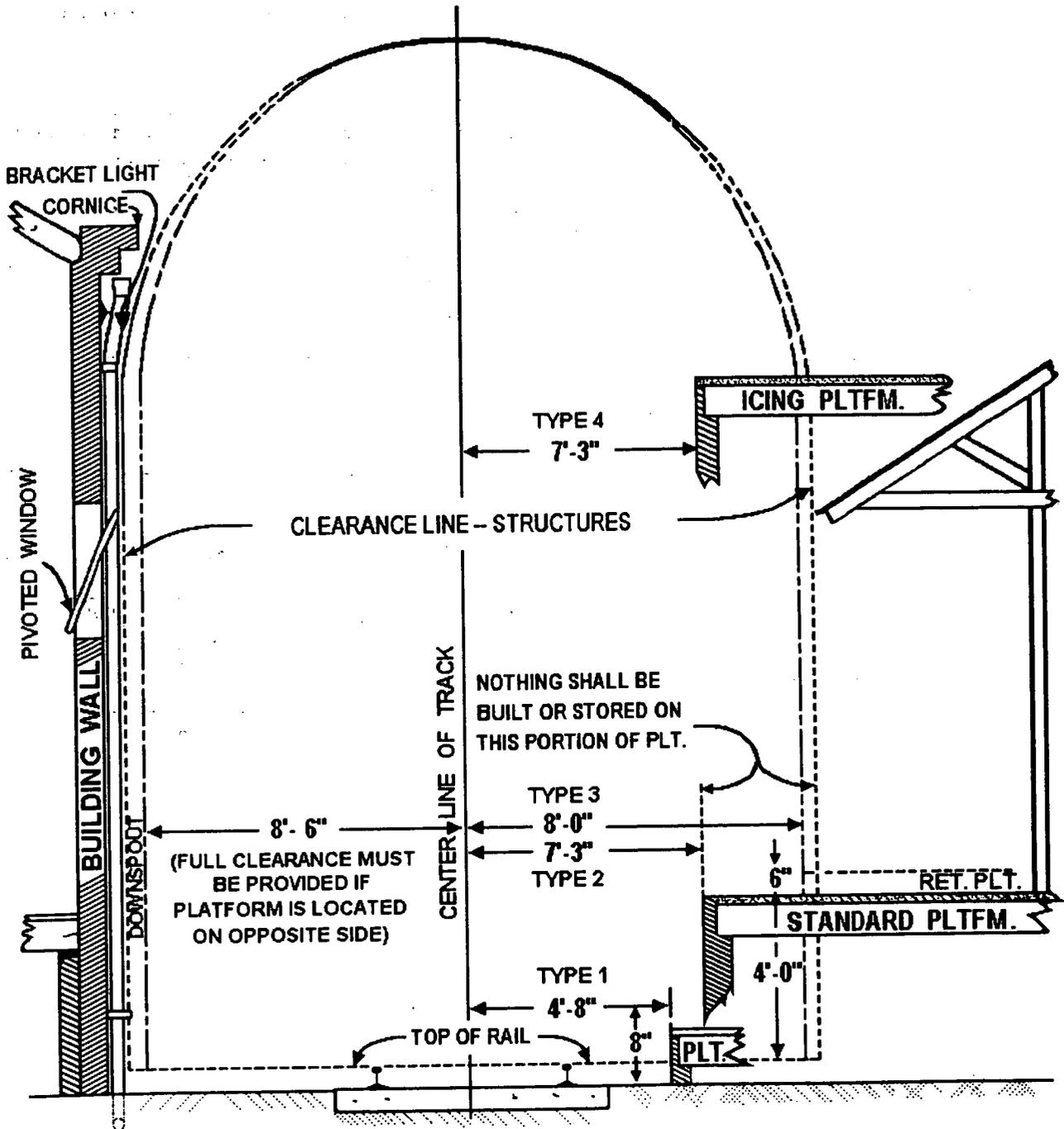
Note: All side clearances in Tables 2, 3, and 4 that reference "the track centerline" are based on the assumption that private rail operations generally use track that is standard gauge width (4 feet 8 1/2 inches).

Table 2 - Minimum Side Clearance for Platforms

If Your Platform Type is:	Then the Minimum Clearance Requirements Between the Track Centerline and a Platform Edge are:
Type 1 Platforms with heights of 8 inches or less above the top of the rail.	4 feet 8 inches See Illustration 2.
Type 2 Platforms with heights of 4 feet or less above the top of the rail.	7 feet 3 inches See Illustration 2.
Type 3 Platforms with heights of 4 feet 6 inches or less above the top of the rail and the platforms are used primarily for loading and/or unloading refrigerator cars.	8 feet See Illustration 2.
Type 4 Icing platforms and supports.	7 feet 3 inches See Illustration 2.
Type 5 Retractable platforms attached to permanent structures.	When not in use, use the clearance requirements for a platform of its height.
Type 6 Platforms that are a combination of Types 1 through 3. (Only Types 1 through 3 platforms can be combined.)	Platforms may be combined if the Type 1 platform has a level surface no more than 4 feet 8 inches from the track centerline to the face of the platform wall with which it is combined.

PROPOSED

Illustration 2 - Minimum Side Clearances for Platforms



PROPOSED

Table 3 - Minimum Side Clearances for Bridges, Tunnels and Related Structures

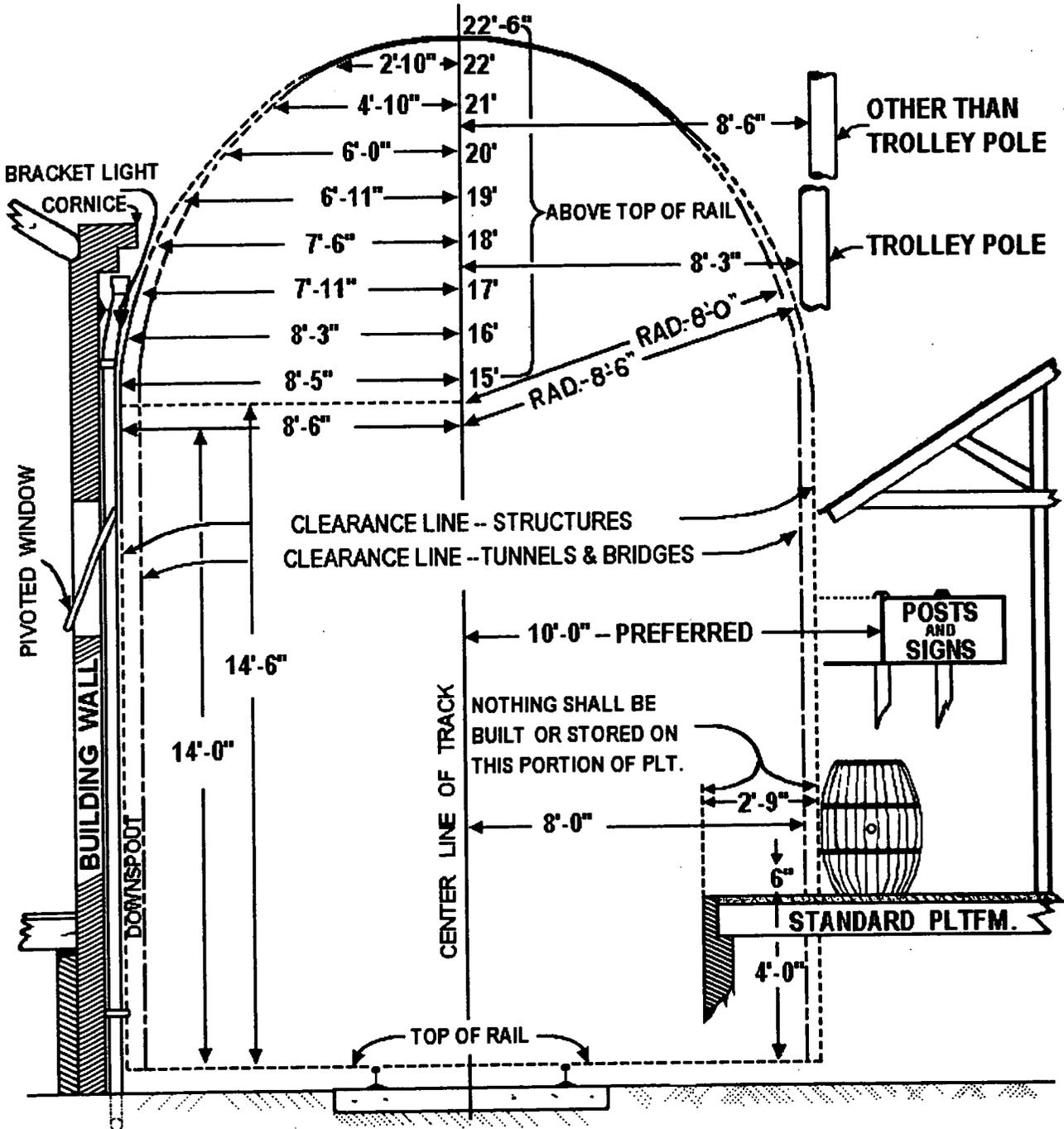
Exemption: • Except for handrail and water barrel clearances, the clearance requirements in Table 3 do not apply to bridge decks where railroad employees couple or uncouple cars on a switching lead unless the department approves them.

Note: • The requirements for filing a variance are located in chapter 296-350 WAC, WISHA administrative rules.

PROPOSED

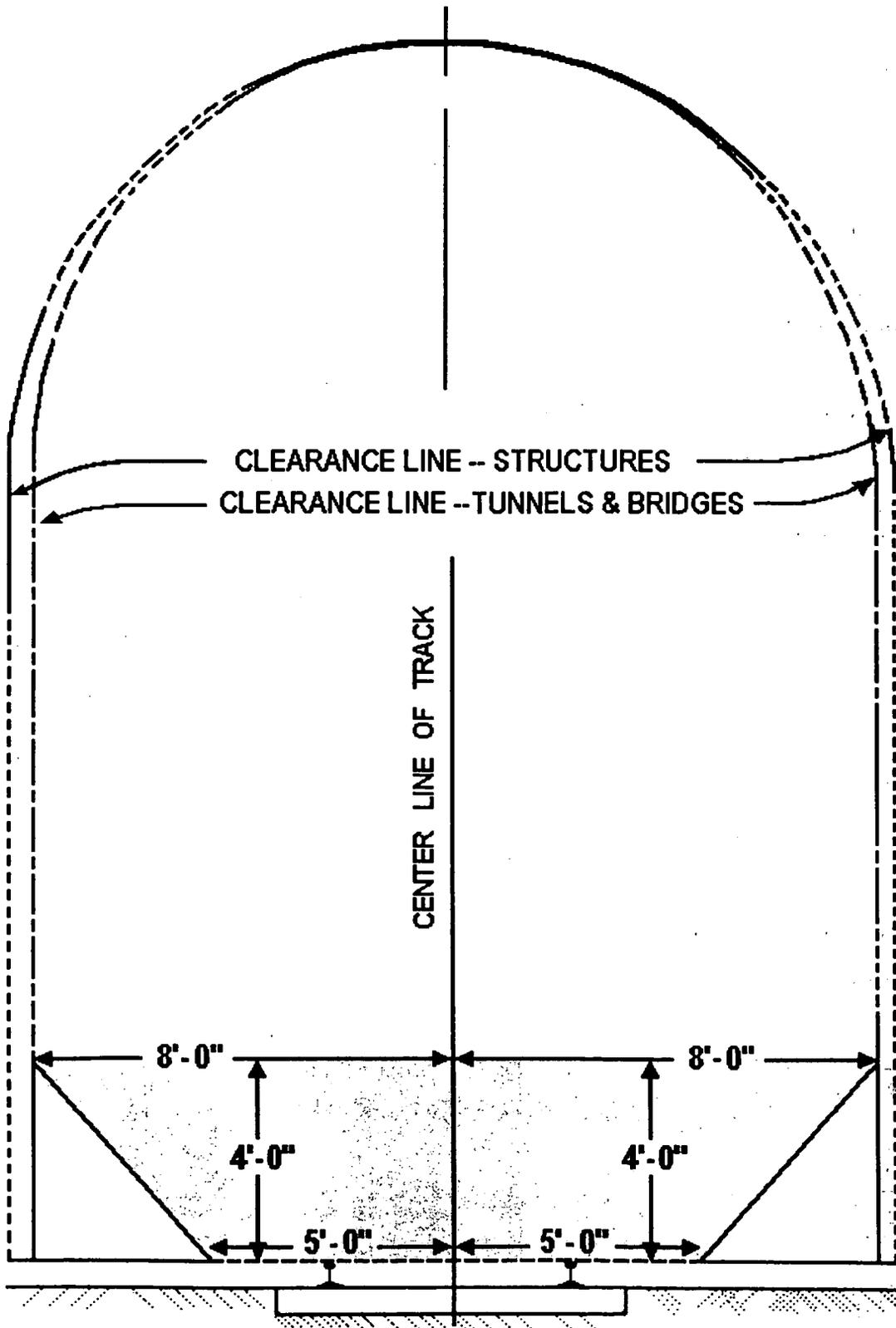
If your side clearance requirement involves:	Then the minimum side clearance requirements between the track centerline and the bridge, tunnel or related structure are:
Bridge and tunnel sides - lower section	8 feet
Bridge and tunnel sides - upper section	Defined by the half-circumference of a circle whose: <ul style="list-style-type: none"> • Radius is 8 feet AND • Center is located on a line perpendicular to the track's centerline and 14 feet 6 inches above the top of the highest rail. • See Illustration 3.
Related structures on bridges and in tunnels - lower section structures (or portions of them) that are no more than 4 feet above the top of the rail. For example: <ul style="list-style-type: none"> • Refuge platforms on bridges and trestles. • Water columns, oil columns, and block signals. • Cattle chutes. 	Defined by lines extending: <ul style="list-style-type: none"> • 5 feet laterally from the track centerline to a point level with the top of the rail and then diagonally upward to another point 4 feet above the top of the rail AND • 8 feet laterally from the track centerline to a point 4 feet above the top of the rail. • See Illustration 3A. The shaded portion of the illustration designates the area that must be free of refuge platforms, water columns, oil columns, block signals and cattle chutes.
Hand rails and water barrels	7 feet 6 inches
Fences of cattle guards	6 feet 9 inches

Illustration 3 - Minimum Side Clearances for Bridges, Tunnels and Related Structures



PROPOSED

Illustration 3A - Minimum Side Clearances for Certain Structures in or on the Lower Sections of Bridges and Tunnels



PROPOSED

Table 4 - Other Minimum Side Clearance Requirements*

- Note:**
- The department must approve all minimum clearances for car pulling units and related structures.
 - The requirements for filing a variance are located in chapter 296-350 WAC, WISHA administrative rules.

If your side clearance requirement involves:	Then the minimum side clearance requirements from the track centerline are:
Type A Engine house and car repair shop doors.	7 feet 6 inches
Type B Interlocking mechanism, switch boxes, and other similar devices projecting no more than 4 feet above the top of the rail.	3 feet
Type C Poles supporting trolley contact.	8 feet 3 inches
Type D Signals and switch stands no more than 3 feet high and located between tracks where it is not possible to allow other clearances required in this chapter.	6 feet
Type E Signals and switch stands other than those described in Type B and Type D.	8 feet
Type F Material, merchandise, inventory, storage bins or equipment stacked or stored on ground or platforms adjacent to tracks.	8 feet 6 inches Note: This requirement does not apply to: <ul style="list-style-type: none"> • Railroad maintenance operations • Emergency situations • Local conditions that make compliance impossible.
Type G Space adjacent to curved track.	Increased to equal tangent track clearances. As a general rule, side clearances on curved track should be increased 1-1/2" for each degree of curvature.

*Table 4 does not have an accompanying illustration.

NEW SECTION

WAC 296-860-10050 Maintain clearances between tracks.

You must:

- Comply with the track clearance requirements in Table 5.

Table 5 - Minimum Standard Gauge Track Clearances

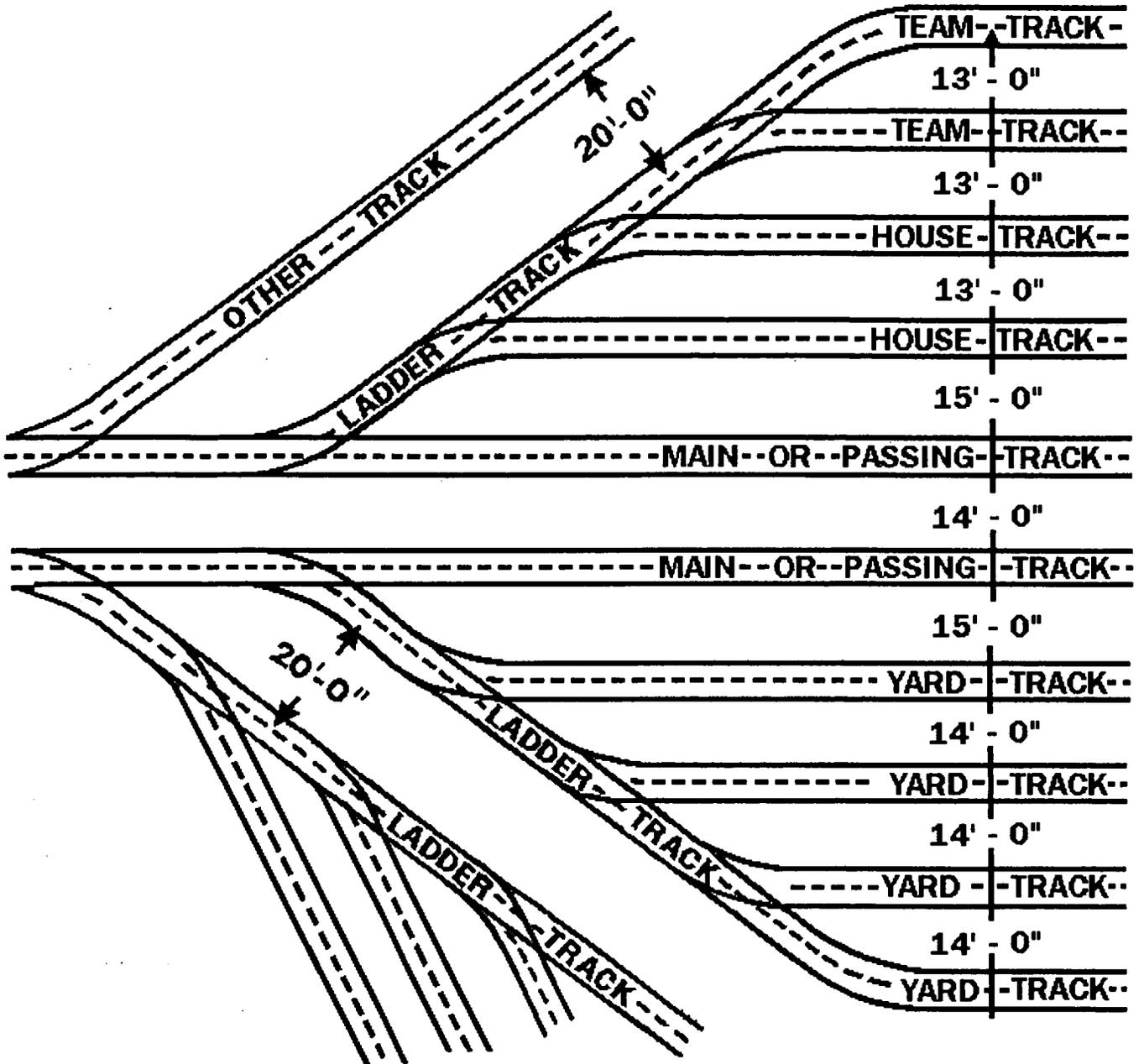
If your track clearance involves:	Then the minimum clearance requirements between centerlines of standard gauge parallel tracks are:
Main or passing tracks used for transporting cars, locomotives, motors, or like equipment	14 feet
Any tracks adjacent to main or passing tracks	15 feet
Team, house, or industry tracks	13 feet
Yard tracks	14 feet
Ladder and other tracks	20 feet

Note: The following illustration will help you understand the track clearance requirements discussed in this section and WAC 296-860-10070 regulating narrow gauge rail operations.

PROPOSED

STANDARD GAUGE TRACK CLEARANCES

PROPOSED



NEW SECTION

WAC 296-860-10060 Move excessive height or width rail car loads with care.

Note: This section regulates rail cars whose dimensions exceed ten feet ten inches wide by fifteen feet six inches high.

You must:

- Make sure your yard supervisor is given advanced notice regarding the arrival of any excess height or width cars so they can safeguard any employees working in the yard.
- Make sure no one is allowed to ride on the:
 - Roof of any excessive height car
 - Side of any excessive width car

– Side of any car with a load extending more than five feet five inches from the car's centerline.

NEW SECTION

WAC 296-860-10070 Follow these requirements to conduct narrow gauge rail operations.

You must:

- Base your clearance measurements upon your widest narrow gauge cars.
- Make sure the distance between the cars and objects on narrow gauge track is equal to or greater than the distance

required between ten foot ten inch wide cars and other cars or objects on standard gauge track.

- Comply with all other applicable requirements in this chapter.

NEW SECTION

WAC 296-860-10100 Definitions. The following definitions apply to this chapter.

Car width - Twice the distance from the centerline of a railroad car to its extreme outside part.

Common carrier - All railroads, railroad companies, street railroads, street railroad companies, corporations, partnerships, persons, cities or towns that own, operate, manage, or control any public use enterprise within Washington state that transports people or property for hire.

Department - The Washington state department of labor and industries.

Emergency - Any unforeseen occurrence that endangers life, limb, or property.

Icing platforms - Structures used to ice, precool, heat, ventilate or service private railroad cars that handle commodities requiring these services.

Over-crossing - Any point or place where a highway, road, or ramp carrying vehicular traffic crosses a private rail yard or track by passing above it.

Overhead clearance - The perpendicular distance between the top of the highest rail and the lowest point of an overhead structure or obstruction.

Private rail operation - A nonrailroad company operating railroad facilities, structures, tracks and equipment in the company's yard or plant. Chapter 296-860 WAC applies to:

- Any equipment, facility or structure owned or operated by the company

AND

- The construction and reconstruction of tracks or structures adjacent to any facility or structure owned or operated by the company.

Railroad - Every public use railroad, other than street railroads, operated to transport people or property for hire. This definition also includes all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, and terminal facilities of every kind that are used, operated, controlled, or owned by or in connection with any such public use railroad.

Side clearance - The shortest distance between the centerline of a track and a structure or other track side obstructions such as downspouts, ladders, equipment, piles of material or inventory, etc.

Track clearance - The shortest distance between the centerlines of adjacent railroad tracks.

Walkways - Pathways located alongside or in the vicinity of a railroad track, or on a trestle or bridge, providing space so a private railroad employee can perform duties associated with the track, trestle, or bridge.

WSR 02-07-112
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 20, 2002, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-23-066.

Title of Rule: Amending WAC 388-310-0800 Work-First support services.

Purpose: The proposed amendments will reduce the program cost of support services.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 74.08A.340.

Statute Being Implemented: RCW 74.08.090, 74.08A.340, 74.04.050, and WSR 99-14-043.

Summary: In order to reduce the cost of support services, the rule is being amended. The following changes will increase the efficiency of support services while maintaining program integrity. The tools and license allowance is no longer per request but only available once a program year. A new category, transportation allotment, is being added giving set amounts of transportation support per month. Lastly, if a client gets diversion cash assistance prior to the second payment of their early exit bonus it will disqualify the client from the second \$500 payment.

Reasons Supporting Proposal: To make support services program as efficient as possible while maintaining program integrity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ian Horlor, Lacey Government Center, (360) 413-3247 and Elise Rowe, ESD Woodland Square, (360) 438-4066.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: In order to reduce the cost of support services, the rule is being amended. The following changes will increase the efficiency of support services while maintaining program integrity. The tools and license allowance is no longer per request but only available once a program year. A new category, transportation allotment, is being added giving set amounts of transportation support per month. Lastly, if a client gets diversion cash assistance prior to the second payment of their early exit bonus it will disqualify the client from the second \$500 payment.

Proposal Changes the Following Existing Rules: Clients who need tools and licenses to support their work efforts will now only be able to get support services for these expenses once per year. The new category of support services, transportation allotments, will allow clients to get set amounts of transportation support each month. If a client chooses to get diversion cash assistance before they have received their second early exit bonus of \$500 they will no longer be eligible for the second half of their early exit bonus.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. The rule is exempt under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., April 23, 2002.

Date of Intended Adoption: No earlier than April 24, 2002.

March 14, 2002
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-17-053, filed 8/13/01, effective 9/1/01)

WAC 388-310-0800 WorkFirst—Support services.

(1) Who can get support services?

People who can get support services include:

- (a) WorkFirst participants who receive a TANF cash grant;
- (b) Sanctioned WorkFirst participants during the two-week participation before the sanction is lifted;
- (c) Unmarried or pregnant minors who are income eligible to receive TANF and are:
 - (i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or
 - (ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangements and/or meeting the school requirements.

(d) Former WorkFirst recipients who are working at least twenty hours or more per week for up to one year after leaving TANF if they need support services to meet a temporary emergency. This can include up to four weeks of support services if they lose a job and are looking for another one (see also WAC 388-310-1800); or

(e) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

- (a) To help you participate in work and WorkFirst activities that lead to independence.
- (b) To help you to participate in job search, accept a job, keep working, advance in your job and/or increase your wages.
- (c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

- Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.
- Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence. When approved, safety-related support services can exceed the dollar or category limits listed below.
- Some support services are available if you need them for other required activities in your IRP.

Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$200 per adult per program year	x		
Diapers	\$50 per child per month	x		
((Employer reimbursement))	((Reimburse 50 percent of employer costs during on-the-job training))	((x))		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 ((for each request)) per program year	x		
Car repair needed to restore car to operable condition	\$500 per program year	x	x	

PROPOSED

Type of support service	Limit	• Work	•• Safety	••• Other
License/fees/liability insurance	\$600 per ((each license, fee or liability insurance request per)) program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Transportation allotment	Up to: \$10 for immediate need, or \$20 twice a month if you live within 40 miles of your local WorkFirst office, or \$30 twice a month if you live more than 40 miles from your local WorkFirst office.	x	x	
Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by Medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

PROPOSED

(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will decide what support services you receive, as follows:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

(5) What is a transitional work expense?

(a) A transitional work expense is a special type of support services that is only paid once in a lifetime. It is authorized in two payments of five hundred dollars to cover your work expenses and help you exit TANF sooner and stay off of assistance longer. The first payment is made in the month after your TANF grant closes if you can show you have a plan for staying employed and off of TANF. ~~((The second payment is paid if you are still employed and off of TANF three months later.))~~

(b) To qualify for the first transitional work expense payment of five hundred dollars, you must also meet the following conditions:

- (i) You are in unsubsidized employment; or
- (ii) You are in subsidized employment that does not use TANF funds or does not end with your TANF grant; and
- (iii) You are in the assistance unit and getting a TANF/SFA grant of one hundred dollars or less a month; and
- (iv) Neither you or anyone else in your assistance unit is in sanction status; and
- (v) You voluntarily stop getting your TANF/SFA grant.

(c) To qualify for the second payment of five hundred dollars you must meet the following conditions:

- (i) Have not received a TANF/SFA grant or diversion cash assistance (DCA) for three months after you stopped your TANF/SFA grant; and
- (ii) Are still employed.

(6) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

**WSR 02-07-113
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 20, 2002, 10:27 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-22-083.

Title of Rule: New WAC 388-535-1245 Access to baby and child dentistry (ABCD) program; and repeal of WAC 488-535-1300.

Purpose: To clarify existing policy. The ABCD program was originally a demonstration project in limited areas; the department is planning to implement this program in targeted areas statewide.

Statutory Authority for Adoption: RCW 74.08.090, 74.090.35 [74.09.035], 74.09.500.

Statute Being Implemented: RCW 74.09.035, 74.09.520, 42 U.S.C. 1396d(a), 42 C.F.R. 440.100 and 440.225.

Summary: The department is implementing on a statewide basis a limited demonstration project that provides dental services to eligible children through age six. The rules define client eligibility and responsibilities, clarify provider requirements, and state the services provided under the program.

Reasons Supporting Proposal: To increase access to dental services in targeted areas for Medicaid-eligible infants, toddlers, and preschoolers.

Name of Agency Personnel Responsible for Drafting: Ann Myers, 925 Plum Street S.E., Olympia, WA 98501, (360) 725-1345; Implementation and Enforcement: Carree Moore, 649 Woodland Loop Road, Lacey, WA 98507, (360) 725-1653.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule implements on a statewide basis, a limited-

area demonstration project for children's dental services that was available only in one county.

The program is designed to increase access to dental services in targeted areas for Medicaid-eligible infants, toddlers, and preschoolers.

The anticipated effects are increased access to dental services for targeted clients.

Proposal Changes the Following Existing Rules: The rule described above defines client eligibility and responsibilities and provider responsibilities under the ABCD dental program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule and concludes that it will have a no more than minor impact on businesses affected by it, therefore preparation of a comprehensive small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. The department has analyzed the proposed rule and concludes that it does not meet the definition of a "significant legislative rule." Therefore, an analysis of the probable costs and probably benefits is not required. See RCW 34.04.328 [34.05.328] (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., April 23, 2002.

Date of Intended Adoption: No sooner than April 24, 2002.

March 5, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

ABCD DENTAL PROGRAM

NEW SECTION

WAC 388-535-1245 Access to baby and child dentistry (ABCD) program. The access to baby and child dentistry (ABCD) program is a program established to increase access to dental services in targeted areas for Medicaid-eligible infants, toddlers, and preschoolers. Public and private sectors cooperate to administer the program.

(1) Client eligibility for the ABCD program is as follows:

(a) Clients must be five years of age or younger and reside in targeted areas selected by the medical assistance administration (MAA). Once enrolled in the ABCD program, an eligible client is covered until reaching age six.

(b) Eligible clients enrolled in a managed care plan are eligible for the ABCD program under fee-for-service.

(c) Eligible clients enrolled in the following medical assistance programs are eligible for the ABCD program:

(i) Categorically needy (CN or CNP);

(ii) Limited casualty program/medically needy program (LCP/MNP); and

(iii) Children's health.

(2) Health care providers and community service programs in the targeted areas identify and refer eligible clients to the ABCD program. If enrolled, the client and family may receive:

(a) An ABCD program identification card;

(b) Oral health information;

(c) Training in correct office behavior, including keeping appointments;

(d) Assistance with obstacles to care, such as lack of transportation; and

(e) Case management services, for families who do not cooperate with the training(s) in this subsection.

(3) Families who do not cooperate with the training(s) in subsection (2) of this section may be disqualified from the ABCD program. The client remains eligible for MAA dental coverage as described in this chapter.

(4) The University of Washington School of Pediatric Dentistry's continuing education program certifies dental providers to furnish ABCD program services.

(5) MAA pays enhanced fees to ABCD-certified participating providers for furnishing ABCD program services. In addition to services provided under MAA's dental care program, the ABCD program provides family oral health education, which is allowed twice per year, per family, and must include:

(a) Risk assessment;

(b) Teeth cleaning training;

(c) Dietary counseling;

(d) Fluoride supplements, if appropriate; and

(e) Documentation in the client's file.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-535-1300 Access to baby and child dentistry (ABCD) program.

WSR 02-07-114
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 20, 2002, 10:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-21-097.

Title of Rule: WAC 388-517-0300 Medicare savings programs.

Purpose: This rule is being amended to simplify language and to make it clearer.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090, 74.09.530.

Summary: This rule is being amended to simplify language and to make it clearer.

Reasons Supporting Proposal: Medical assistance clients will have an easier time understanding the rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia Armstrong, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1725.

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

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

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

Proposal Changes the Following Existing Rules: It clarifies the language of the rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small businesses.

RCW 34.05.328 applies to this rule adoption. Although this rule meets the definition of a significant legislative rule, it is exempt under RCW 34.05.328 (5)(b)(vii) because it is a rule related to client medical eligibility.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., April 23, 2002.

Date of Intended Adoption: Not sooner than April 24, 2002.

March 14, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-517-0300 Medicare ((cost-sharing)) savings 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) ((Clients eligible for the following programs receive benefits which help pay their Medicare coverage out-of-pocket costs:

(a) ~~The qualified medicare beneficiary (QMB); and~~
(b) ~~The special low income medicare beneficiary (SLMB) and the expanded special low income Medicare beneficiary (ESLMB); and~~

(c) ~~The Medicare buy-in program; and~~
(d) ~~The qualified disabled working individual (QDWI); and~~

(e) ~~The qualified individual (QI).~~
(2) ~~To be eligible for any of these programs, clients must not have countable resources which exceed the resource standard in WAC 388-478-0085(6).~~

(3) ~~Clients eligible for or receiving Medicare Part A and meeting the department's income standards have their Medicare Part A and Part B premiums, coinsurance, and deductibles paid for them under the QMB program. A person is income eligible for QMB:~~

(a) ~~When their countable income does not exceed the standard in WAC 388-478-0085(1); or~~

(b) ~~When they meet the requirements of subsection (a) if their annual Social Security cost of living increase is not counted as income until April 1 of each year.~~

(4) ~~Clients eligible for or receiving Medicare Part A benefits and meeting the department's income standards have their Part B Medicare premium paid for them under the SLMB or ESLMB program. In determining eligibility for SLMB or ESLMB, the annual Social Security cost of living increase is not counted as income until April 1 of each year. A person is income eligible:~~

(a) ~~For SLMB when their countable income is within the range specified in 388-478-0085(2);~~

(b) ~~For ESLMB when:~~
(i) ~~Their countable income is within the range specified in WAC 388-478-0085(3); and~~

(ii) ~~They are not otherwise eligible for categorically needy (CN) or medically needy (MN) coverage; and~~

(iii) ~~Until December 31st of each year or until the date that the annual allotment of federal funds is exhausted.~~

(5) ~~Clients who are eligible for categorically needy (CN) or medically needy (MN) medical coverage, but not eligible for QMB or SLMB programs may be eligible for a third Medicare cost sharing program. If they are eligible for or receiving Medicare Part A coverage, they receive the state-funded buy-in program. Under the buy-in program the department pays the following:~~

(a) ~~Their Medicare Part A premiums, if any; and~~
(b) ~~Their Medicare Part B premiums; and~~

(c) ~~Their Medicare Part B coinsurance, and deductibles.~~
(6) ~~Clients who are not eligible for QMB, SLMB or buy-in may be eligible for assistance with their Medicare out-of-pocket costs. Clients who meet the following conditions have their Medicare Part A premium(s) paid for them under the QDWI program. A person is income eligible for QDWI when:~~

(a) ~~They are not otherwise eligible for CN or MN medical coverage; and~~
(b) ~~They are eligible for Medicare Part A; and~~
(c) ~~Their countable income does not exceed the standard in WAC 388-478-0085(4).~~

(7) ~~Persons not eligible for any other Medicare cost sharing program discussed in this section may receive compensa-~~

tion of one dollar and seven cents per month under the QI program. Total reimbursement is limited to the amount of money made available for this program from the federal government. The benefit is payable annually as partial reimbursement of their Medicare Part B premiums. A person is income-eligible for QI when:

(a) They are not otherwise eligible for CN or MN medical coverage; and

(b) Their countable income does not exceed the standard in WAC 388-478-0085(5)). 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 OMB 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 OMB 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 authorize OMB, 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 OMB 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.

PROPOSED

WSR 02-07-115
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 20, 2002, 10:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-03-094.

Title of Rule: WAC 388-474-0001 What is Supplemental Security Income (SSI) and who can get it?, 388-474-0005 What medical coverage does a Supplemental Security Income client, essential person and an ineligible spouse get?, 388-474-0010 How does being a Supplemental Security Income (SSI) affect your cash assistance eligibility?, new WAC 388-474-0012 What is a Supplemental Security Income (SSI) state supplemental payment (SSP) and who can get it?, 388-474-0015 What happens to my categorically needy (CN) medical coverage when my Supplemental Security Income (SSI) cash payment is terminated?, 388-474-0020 What can a general assistance unemployable (GA-U) client expect when Supplemental Security Income (SSI) benefits begin?, and 388-478-0055 How much do I get from my Supplemental Security Income (SSI) and state supplemental payments (SSP)?

Purpose: The purpose of these proposed rules is to assume the administration of the state supplemental payment (SSP) program in order to save on administrative costs, and to more equally distribute SSP payments.

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, 74.04.630.

Summary: Defines who is eligible for an SSP payment. How SSP payments will be made. What kind of medical coverage is available for SSI/SSP clients. What the payment standards for SSI/SSP clients will be.

Reasons Supporting Proposal: These amendments will result in significant administrative savings for the state and more equitable distribution for the clients.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carole McRae, 1009 College Street, Lacey, WA 98503, (360) 413-3074.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: A recent RCW change gives the state the ability to self-administer the SSI state supplemental payment (SSP) program. The effect of these changes will be a substantial administrative cost savings to the state. SSP payments will also be more equally distributed as a result of these changes.

Proposal Changes the Following Existing Rules: Rules are being amended to give the state the ability to administer the state supplement payment plan for clients who receive federal supplemental security income.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These amendments do not have a fiscal impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on April 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by April 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., April 23, 2002.

Date of Intended Adoption: Not earlier than April 24, 2002.

March 15, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-06-042, filed 3/5/01, effective 4/5/01)

WAC 388-474-0001 (~~General information~~) What is Supplemental Security Income(SSI) and who can get it? (1) (~~Persons with limited income and resources who are aged, blind, or disabled may qualify for~~) SSI is a federal cash benefit((s under the Supplemental Security Income program (SSI))) program administered by the Social Security Administration (SSA) under Title XVI of the Social Security Act.

(2) You can get SSI if you have limited income and resources and if you are:

(a) Aged (sixty-five and older);

(b) Blind; or

(c) Disabled.

(3) The SSI program replaced state programs for aged, blind and disabled persons beginning in January 1974. ((Persons who)) If you received state assistance in December 1973((, as aged, blind or disabled or were needed in the home to care for an eligible person, automatically)) and you became eligible for SSI in January 1974((The blind or disabled)), you are called a grandfathered ((clients)) client by the state and a mandatory income level (MIL) client by SSI. You must continue to meet the definition of blind or disabled that was in effect under the state plan in December 1973. These definitions can be found in the SSA program operations manual system (POMS), see <http://policy.ssa.gov/poms.nsf>. ((A person designated in January 1974 as essential to the care of a grandfathered SSI client will continue to be included in the SSI payment as long as the essential person continuously resides with the SSI client.

(3) The spouse of an SSI recipient who does not qualify for SSI in their own right may be included in the state supple-

ment payment but is not considered an SSI recipient for purposes of medical assistance eligibility))

(4) If you are needed in the home to care for an eligible person, you are called an essential person. You are also called a grandfathered client.

(5) If you are an essential person you must have lived continuously with the eligible person since January 1974.

(6) If you are an SSI recipient and you have a spouse who does not qualify for SSI in their own right, you may be eligible for a state supplemental payment for your spouse (also referred to as an ineligible spouse).

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-474-0005 What medical coverage(§) does a Supplemental Security Income client, essential person, and an ineligible spouse get? (1) If you are an SSI ((recipient qualifies for)) client you automatically get categorically needy (CN) medical coverage ((without a medical determination, except when the SSI recipient)) (WAC 388-505-0110) unless you:

(a) ((Refuses)) Refuse to provide private medical insurance information; or

(b) Refuse to assign the right to recover insurance funds to the department(§;

(b) Disposes of resources for less than fair market value and then applies for Medicaid coverage of nursing home care within thirty months of the date of transfer; or

(c) Has a Medicaid qualifying trust)) (WAC 388-505-0540).

(2) ((A person designated as)) If you are an essential person as described in ((January, 1974, qualifies for)) WAC 388-474-0001 you get CN medical coverage as long as ((they)) you continue to ((reside)) live with the SSI ((recipient)) client.

(3) ((The spouse of an SSI recipient designated as an)) If you are an ineligible spouse ((must have medical eligibility separately determined when:

(a) They do not automatically qualify for medical coverage in subsection (2) above; or

(b) They are not eligible for SSI in their own right.

(4) Persons who are not receiving SSI, but are SSI-related and qualify for CN medical assistance are described in WAC 388-505-0110) you are not considered an SSI recipient. You must have your medical assistance determined separately.

AMENDATORY SECTION (Amending WSR 01-19-023, filed 9/12/01, effective 11/1/01)

WAC 388-474-0010 How does being a Supplemental Security Income (SSI) client affect ((eligibility for)) your cash assistance ((programs?)) eligibility? ((A person who is)) (1) If you are married to an SSI recipient but ((cannot)) do not get SSI in ((their own right is)) your own right, you are called an "ineligible spouse."

~~((+))~~ (2) If you are an ineligible spouse(§) you cannot get the SSI state supplement ((see WAC 388-478-0055) if) when you are:

(a) The caretaker relative of a child who receives TANF or SFA; and

(b) Required to be included in the TANF or SFA assistance unit with the child ((under WAC 388-408-0015.

~~(2))~~ (see WAC 388-408-0015; or

~~(c)~~ Receiving refugee assistance.

(3) If you are an ineligible spouse and ((are eligible for the)) get an SSI state supplement (WAC 388-474-0012), you ((are not eligible for)) cannot get general assistance ((benefits)) (GA).

NEW SECTION

WAC 388-474-0012 What is a Supplemental Security Income (SSI) state supplemental payment (SSP) and who can get it? (1) Effective June 2002, the SSI state supplemental payment (SSP) is state-paid cash assistance for clients who:

(a) Get a federal SSI payment; or

(b) Are in active SSI payment status including grandfathered SSI clients and ineligible spouses.

(2) The SSP begins the first of the month the state is notified of federal SSI approval.

(3) A SSI client will not get SSP payments for any period prior to the first of the month the state is notified of federal SSI approval.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-474-0015 ~~((Termination of))~~ What happens to my categorically needy (CN) medical coverage when my Supplemental Security Income (SSI(§)) cash payment is terminated? (1) ((A person terminated from SSI cash assistance will have)) Your CN medical coverage ((continued)) (WAC 388-505-0110) (continues after an SSI cash payment ends when:

(a) Countable income exceeds the SSI income standard due solely to the annual cost-of-living adjustment (COLA); or

(b) A timely request for a hearing has been filed. ((Categorically needy)) CN medical coverage is continued until Social Security Administration (SSA) makes a final decision on the hearing request and on any subsequent timely appeals.

(2) ((A person terminated from SSI is eligible for continued CN)) If your SSI ends your CN medical coverage continues for a period of up to one hundred twenty days ((from the date of termination of SSI cash benefits)) while the department reviews your eligibility for other cash or medical programs ((is being determined)).

(3) If you are a terminated SSI or SSI-related client, the department will ((have their)) your disability ((redetermined under certain conditions. These conditions are:

~~(a)~~ The person presents)) status when:

(a) You present new medical evidence;

(b) ~~((The person's))~~ Your medical condition changes significantly; or

(c) ~~((The))~~ Your termination from SSI was not based on a review of current medical evidence.

(4) Children terminated from SSI due to loss of disabled status ~~((as a disabled person))~~ may be eligible for medical benefits under WAC 388-505-0210.

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 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-474-0020 ~~((Duplicate))~~ What can a general assistance ~~((and overpayments))~~ unemployable (GA-U) client expect when Supplemental Security Income (SSI) benefits begin?

~~((1) Persons receiving cash benefits under the general assistance program who receive advance, emergency or retroactive SSI cash assistance for the same time period are considered to have received duplicate assistance. The amount of general assistance paid during this time period must be repaid to the department.~~

~~((2) Applicants for general assistance unemployable (GA-U) are required to))~~ You can only get assistance to meet your basic needs from one government source at a time (WAC 388-448-0210). If you are a GA-U client who begins setting SSI, you should know that:

(1) If you got advance, emergency or retroactive SSI cash assistance for any period where you got GA-U, you must repay the department the amount of GA-U paid to you for the matching time period.

(2) When you apply for GA-U you must sign DSHS 18-235(X), interim assistance reimbursement agreement (IARA) ~~((as a condition of eligibility for))~~ to get GA-U assistance.

(3) You cannot use your GA-U ~~((funds cannot be used))~~ money to replace money deducted from ~~((a person's))~~ your SSI check ~~((by SSA))~~ to repay an SSI overpayment ~~((of SSI benefits)).~~

LIVING ALONE - In own household or alternate care, except nursing homes or medical institutions

Individual

Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
\$ ((531.00)) 545.00	\$ ((25.90)) 21.00	\$ ((556.90)) 556.00
(((\$797.00))	(((\$19.90))	(((\$816.90))

~~((Individual with: One essential person))~~

~~((Individual with: Multiple essential persons))~~

Individual with an ineligible spouse

Couple

~~((Couple with one or more essential persons))~~

~~(((\$531 for the eligible individual plus \$266 for each essential person (no state supplement)))~~

\$ ((531.00)) 545.00	\$ ((166.10)) 42.00	\$ ((697.10)) 587.00
\$ ((796.00)) 817.00	\$ ((19.90)) 42.00	\$ ((815.90)) 859.00

~~(((\$796 for eligible couple plus \$266 for each essential person (no state supplement)))~~

AMENDATORY SECTION (Amending WSR 01-19-024, filed 9/12/01, effective 11/1/01)

WAC 388-478-0055 ~~((SSI payment standards for eligible recipients.))~~ How much do I get from my Supplemental Security Income (SSI) and state supplemental payments (SSP)? (1) ~~((Supplemental Security Income (SSI)))~~ SSI is a federal cash assistance program for needy individuals and couples who meet federal disability guidelines as aged, blind or disabled. ~~((Since the SSI program began in January 1974, the state of Washington has added to the federal benefit level with state funds, known as the SSI state supplement. If you are found eligible for SSI, you will receive cash assistance based on the combined federal and state supplement benefit levels, minus countable income. An essential person is someone who lives with you and provides care and personal services that enable you to live in either your own home or the home of the essential person))~~ SSP is a payment from the state that you get because you get SSI.

If you are eligible for SSI, you will receive a federal cash payment from SSI, as well as a SSP cash payment from the state.

If you were converted from state assistance to the federal SSI program in January 1974 because you were aged, blind, or disabled, the department calls you a grandfathered client. SSI calls you a mandatory income level (MIL) client. To be a grandfathered MIL client, you must have remained continuously eligible for SSI from January 1974.

A change in living situation, cost-of-living adjustment (COLA) or federal benefit level (FPL) can affect a MIL (grandfathered) client. A MIL (grandfathered) client gets a federal SSI benefit and a SSP payment, which totals the higher 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 standard.

(2) The federal, state and combined benefit levels for an eligible individual and couple are:

(a) If you are living alone in area 1: King, Pierce, Snohomish, Thurston, and Kitsap Counties.

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LIVING ALONE - In own household or alternate care, except nursing homes or medical institutions

MIL (individuals with or without an ineligible spouse, essential persons and couples)

Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
<u>Subject to change in living situation, FBL, or COLA</u>	<u>Frozen at the current payment rate</u>	<u>Variable</u>

(b) If you are living alone in area 2: All other counties.

LIVING ALONE - In own household or alternate care, except nursing homes or medical institutions

Individual

Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
\$ ((531.00))	\$ ((5.45))	\$ ((536.45))
<u>545.00</u>	<u>21.00</u>	<u>566.00</u>
((Individual with: One essential person))	((0.00))	((797.00))

~~((Individual with: One essential person))~~

~~((Individual with: Multiple essential persons))~~

~~((531 for the eligible individual plus \$266 for each essential person (no state supplement)))~~

Individual with an ineligible spouse

\$ ((531.00))	\$ ((136.15))	\$ ((667.15))
<u>545.00</u>	<u>42.00</u>	<u>587.00</u>

Couple

\$ ((796.00))	\$ ((0.00))	\$ ((796.00))
<u>817.00</u>	<u>42.00</u>	<u>859.00</u>

~~((Couple with one or more essential persons))~~

~~((796 for eligible couple plus \$266 for each essential person (no state supplement)))~~

MIL (individuals with or without ineligible spouse, essential persons, and couples)

<u>Subject to change in living situation, FBL, and COLA</u>	<u>Frozen at the current payment rate</u>	<u>Variable</u>
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(c) If you are in shared living in either Area 1 or 2.

SHARED LIVING - In the home of another person

Individual

Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
\$ ((354.00))	\$ ((3.71))	\$ ((357.71))
<u>367.05</u>	<u>21.00</u>	<u>388.05</u>
((Individual with: One essential person))	((4.20))	((535.54))

~~((Individual with: One essential person))~~

~~((Individual with: Multiple essential persons))~~

~~((354.00 for the eligible individual plus \$177.00 for each essential person (no state supplement)))~~

Individual with an ineligible spouse

\$ ((354.00))	\$ ((101.66))	\$ ((455.66))
<u>465.00</u>	<u>42.00</u>	<u>507.00</u>

Couple

\$ ((530.67))	\$ ((4.20))	\$ ((534.87))
<u>548.87</u>	<u>42.00</u>	<u>590.87</u>

~~((Couple with one or more essential persons))~~

~~((530.67 for eligible couple plus \$177.00 for each essential person (no state supplement)))~~

(d) If you are residing in a medical institution: Area 1 and 2.

MEDICAL INSTITUTION

Individual

Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
\$ 30.00	\$ 11.62	\$ 41.62

~~((e) Mandatory income level (MIL) for grandfathered claimant. You are "grandfathered" if you qualified for assistance from the state as aged, blind, or disabled, were converted from the state to federal disability assistance under SSI in January 1974, and have remained continuously eligible for SSI since that date.~~

If you are a MIL client, your combined federal/state SSI benefit level is the higher of the following:

- ~~(i) The state assistance standard you received in December 1973, except if you resided in a medical institution at the time of conversion, plus the federal cost of living adjustments (COLA) since then; or~~
- ~~(ii) The current standard.)~~

WSR 02-07-116

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed March 20, 2002, 10:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-24-020.

Title of Rule: Chapter 388-98 WAC, Nursing home licensure program administration and chapter 388-97 WAC, Nursing homes.

Purpose: Repealing chapter 388-98 WAC and merging relevant provisions into chapter 388-97 WAC in order to bring all nursing homes' regulations into one chapter for easier reference. WAC sections are revised per clear rule-writing requirements of Executive Order 97-02.

Statutory Authority for Adoption: RCW 18.51.070, 74.42.620.

Statute Being Implemented: Chapters 18.51, 74.42, 74.39A, 74.34 RCW.

Summary: The amended and updated requirements of chapter 388-98 WAC will be merged with chapter 388-97 WAC as subchapter IV. Additional amendments are made to chapter 388-97 WAC to update to current statute and to clarify requirements. Chapter 388-98 WAC will be repealed. See Reasons Supporting Proposal below.

Reasons Supporting Proposal:

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-005 Definitions.	Amended. Definitions were added as needed with addition of Subchapter IV, and other definitions were amended to conform to statutory changes or to clarify meaning.
WAC 388-97-043 Transfer and discharge appeals for residents in Medicare or Medicaid certified facilities.	Technical update chapter 388-02 WAC reference.
WAC 388-97-07005 Notice of rights and services.	Technical clarifying change.
WAC 388-97-07040 Examination of survey results.	Amended. Added language to clarify that survey result must be posted when received from the department.
WAC 388-97-07050 Access and visitation rights.	Amended. Clarifies that for Medicare and Medicaid residents, residents have access to any representative of the United States Department of Health and Human Services and Washington Protection and Advocacy System.
WAC 388-97-076 Prevention of abuse.	Amended. Moved information about disqualification criteria from nursing home employment into new section. Added information about mandated reporter such as when to report and consequences for not reporting or making a false report.

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-160 General administration.	Amended. Allows for an extension of time to find a qualified nursing home administrator when a nursing home is temporarily without an administrator. Clarifies what department will do related to complaints it receives. Conforms to chapter 74.34 RCW.
WAC 388-97-162 Required notification and reporting.	Amended. Conforms to changes in chapter 74.34. RCW and clarifies provider responsibilities when a nursing home voluntarily closes or voluntarily terminates its Medicare or Medicaid contract. For clarification, moves written notification requirement from WAC 388-97-595 to this section.
WAC 388-97-180 Clinical records.	Amended. Clarifies the provider's responsibilities for clinical records when a nursing home ceases operation.
WAC 388-97-202 Criminal history disclosure and background inquiries.	Amended. Conforms to chapter 74.34 RCW. Updates name of Health Care Financing Administration.
WAC 388-97-205 Laundry services.	Amended. Clarifies what chemical laundry disinfectant products are allowed.
WAC 388-97-260 Preadmission screening and resident review (PASRR) determination and appeal rights.	Amended. Updates reference to chapter 388-02 WAC.
WAC 388-97-285 Intermediate care facilities for the mentally retarded.	Editorial amendments.
WAC 388-97-35040 Ambulation route on a dementia care unit in a new building or addition.	Editorial amendment.
WAC 388-97-565 Department review of nursing home license renewals.	Amended. Clarifies "current licensee" instead of "proposed licensee."
WAC 388-97-570 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license.	Amended. Identifies reasons to deny, suspend, modify, revoke or refuse nursing home licenses.
WAC 388-97-575 Appeal of the department's licensing decision.	Amended. Explains what to do if a licensee wants to appeal the department's licensing decision.
WAC 388-97-580 Management agreements.	Amended. Recognizes existence of management agreements, identifies requirements for submission and required language to maintain licensee's responsibility.
WAC 388-97-585 Change of ownership.	Amended. Identifies what events do and do not constitute a change of ownership.
WAC 388-97-595 Relocation of residents.	Amended. For clarification, moves notification requirement to WAC 388-97-162.
WAC 388-98-001 Definitions.	Repealed. Relevant definitions moved to WAC 388-97-005.
WAC 388-98-003 Remedies.	Repealed. Replaced by WAC 388-97-630.
WAC 388-98-010 List of qualified receivers.	Repealed. Replaced by WAC 388-97-680 and 388-97-685.
WAC 388-98-015 Duties and powers of receiver.	Repealed. Replaced by WAC 388-97-690.

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TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-98-020 Termination of receivership.	Repealed. Replaced by WAC 388-97-675 and 388-97-695.
WAC 388-98-300 Temporary management.	Repealed. Replaced by WAC 388-97-670.
WAC 388-98-320 Temporary managers—Application.	Repealed. Replaced by WAC 388-97-680 and 388-97-685.
WAC 388-98-330 Duties and powers of temporary manager.	Repealed. Replaced by WAC 388-97-690.
WAC 388-98-340 Termination of temporary management.	Repealed. Replaced by WAC 388-97-695.
WAC 388-98-700 Stop placement—Informal review.	Repealed. Replaced by WAC 388-97-620 Informal department review and 388-97-650 Stop placement.
WAC 388-98-750 Notice and hearing rights.	Repealed. Replaced by WAC 388-97-625.
WAC 388-98-810 Civil penalty fund.	Repealed. Replaced by WAC 388-97-665.
WAC 388-98-830 Notification of response time.	Repealed. Replaced by WAC 388-97-605.
WAC 388-98-870 Separate violations.	Repealed. Replaced by WAC 388-97-645.
WAC 388-98-890 Reporting.	Repealed.
WAC 388-97-203 Disqualification from nursing home employment.	New section. Explains who must not be employed directly or by contract or as a volunteer or student.
WAC 388-97-204 Retaliation or discrimination prohibited.	New section. Provides examples of retaliation or discrimination that is prohibited by licensee or licensee's agent.
WAC 388-97-605 Inspections and deficiency citation report.	New section. Describes types of inspections, when it can be conducted, and responsibilities of licensee or licensee's agent in the inspection process.
WAC 388-97-610 Plan of correction.	New section. Explains when plan of correction must be completed.
WAC 388-97-615 Acceptable and unacceptable plans of correction.	New section. Describes what information must be included in a plan of correction.
WAC 388-97-620 Informal department review.	New section. Explains how licensee or licensee's agent may request an informal department review.
WAC 388-97-625 Notice and appeal rights.	New section. Describes what actions may be appealed and the purpose of a hearing.
WAC 388-97-630 Remedies.	New section. Explains mandatory remedies and optional remedies.
WAC 388-97-635 Criteria for imposing optional remedies.	New section. Provides criteria for when the department can consider optional remedies.
WAC 388-97-640 Severity and scope of deficiencies.	New section. Defines severity of a deficiency, the severity levels and scope of the deficiency.
WAC 388-97-645 Separate deficiencies.	New section. Defines separate deficiency.
WAC 388-97-650 Stop placement.	New section. Explains when a stop placement becomes effective and remains in effect.
WAC 388-97-655 Amount of civil fine.	New section. Provides range of civil fine.

TITLE OF RULE	PURPOSE, SUMMARY AND EFFECT
WAC 388-97-660 Civil fine accrual, due dates and interest.	New section. Describes when civil fine begins, when it is due, and how interest is calculated.
WAC 388-97-665 Civil penalty fund.	New section. Describes the uses of the funds.
WAC 388-97-670 Temporary management.	New section. Explains what happens when the department appoints a temporary manager and when the temporary manager has the authority to relocate residents.
WAC 388-97-675 Receivership.	New section. Explains the situations when the department may recommend that all residents be relocated and nursing home closed after receivership is established.
WAC 388-97-680 Temporary managers and receivers—Application.	New section. Describes who can be temporary manager or receiver and that they must complete application forms.
WAC 388-97-685 Temporary managers and receivers—Considerations before appointment.	New section. Describes factors to consider in appointing a temporary manager or receiver.
WAC 388-97-690 Duties and powers of temporary manager and receiver.	New section. Explains the responsibilities of temporary manager or receiver.
WAC 388-97-695 Termination of temporary management and receivership.	New section. Explains when the department may terminate temporary management or receivership and when the department may appoint an alternate temporary manager or receiver.

Name of Agency Personnel Responsible for Drafting: Lisa Yanagida, Aging and Adult Services Administration, (360) 725-2589; Implementation and Enforcement: Joyce Stockwell, NHQA, Aging and Adult Services Administration, (360) 725-2404.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Reasons Supporting Proposal above for amendments to chapter 388-97 WAC. Chapter 388-98 WAC will be repealed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. It is unlikely that any licensed nursing homes regulated under chapters 18.51 and 74.42 RCW have fewer than fifty employees. In the event that there is such a nursing home, RCS has analyzed its proposed rules and has concluded that they do not impose an increase in existing costs, an imposition of a new cost, or a decrease in benefit. The primary purposes of the proposed amendments are to clarify preexisting requirements and to update existing rules to conform to changes in procedures or in state or federal law. In addition, the department has rewritten its criteria for determining the scope and severity of regulatory violations for clarity. The criteria provide guidance to the department when making decisions about imposition of mandatory and/or optional remedies. After careful review, the department has determined that there should be no additional costs associated with the changes in criteria.

As a result, the preparation of a small business economic impact statement is not required.

RCW 34.05.328 applies to this rule adoption. A copy of the cost-benefit analysis can be obtained from Lisa Yanagida, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, fax (360) 438-7903, e-mail yanagln2@dshs.wa.gov.

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (public parking off 12th and Jefferson), 1115 Washington, Olympia, WA 98504, on May 21, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 17, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m. May 21, 2002.

Date of Intended Adoption: No sooner than May 22, 2002.

March 7, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-09 issue of the Register.

WSR 02-07-117
PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 20, 2002, 10:33 a.m.]

Continuance of WSR 02-04-109.

Preproposal statement of inquiry was filed as WSR 01-14-023.

Title of Rule: Chapter 16-157 WAC, Organic food standards and certification.

Purpose: To reschedule a public hearing on chapter 16-157 WAC.

Hearing Location: Natural Resources Building, Room 205, 1111 Washington Street, 2nd Floor, Olympia, WA 98504-2560, on April 23, 2002, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by April 17, 2002, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2087, by 5 p.m., April 23, 2002.

Date of Intended Adoption: April 26, 2002.

March 18, 2002

Kathryn Joyce Smith
Assistant Director

WSR 02-07-118

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 20, 2002, 10:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-21-003 and 02-03-128.

Title of Rule: WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids, 16-403-142 Red Delicious, Delicious, Golden Delicious—Minimum firmness, 16-403-190 Tolerances, and 16-403-280 Adoption of United States standards as state standards.

Purpose: WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids, changes soluble solids for Red Delicious and Delicious varieties of apples from 10% to 11%. WAC 16-403-142 Red Delicious, Delicious, Golden Delicious—Minimum firmness, establishes firmness standards of eleven pounds for Jonagold and Gala apple varieties. WAC 16-403-190 Tolerances, establishes a 10% firmness tolerance for Jonagold and Gala apple varieties. WAC 16-403-280 Adoption of United States standards as state standards, adds a reference to Gala and Jonagold apples made necessary by the proposed changes to WAC 16-403-141, 16-403-142, and 16-403-190.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

Summary: The change in the soluble solid requirements for Red Delicious and Delicious varieties of apples will require industry to market a sweeter more edible apple to the ultimate consumer during the early harvest periods. The establishment of pressure standards for Jonagold and Gala varieties of apples will provide the consumer with a higher degree of firmness and crisper apple.

Reasons Supporting Proposal: The amendments are proposed in response to a request from the Washington State Horticulture Association.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Quigley, Program Manager, Olympia, (360) 902-1833.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects:

- The proposed amendment to WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids, which change the soluble solids requirement for Red Delicious and Delicious varieties of apples from 10% to 11%, will require industry to market a sweeter more edible apple to the ultimate consumer during the early harvest periods.
- The proposed amendment to WAC 16-403-142 Red Delicious, Delicious, Golden Delicious—Minimum firmness, which establish firmness standards of eleven pounds for Jonagold and Gala apple varieties, will provide the consumer with a higher degree of firmness and a crisper apple.

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PROPOSED

- The proposed amendment to WAC 16-403-190 Tolerances, which establish a 10% firmness tolerance for Jonagold and Gala varieties of apples, will provide the consumer with a higher degree of firmness and a crisper apple.
 - The proposed amendment to WAC 16-403-280 Adoption of United States standards as state standards, adds a reference [to] Gala and Jonagold apples made necessary by the proposed changes to WAC 16-403-141, 16-403-142, and 16-403-190.
- Proposal Changes the Following Existing Rules:
- The proposed amendment to WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids, change the soluble solids requirement for Red Delicious and Delicious varieties of apples from 10% to 11%.
 - The proposed amendments to WAC 16-403-142 Red Delicious, Delicious, Golden Delicious—Minimum firmness, establish firmness standards of eleven pounds for Jonagold and Gala apple varieties.
 - The proposed amendment to WAC 16-403-190 Tolerances, establish a 10% firmness tolerance for Jonagold and Gala varieties of apples.
 - The proposed amendment to WAC 16-403-280 Adoption of United States standards as state standards, adds a reference [to] Gala and Jonagold apples made necessary by the proposed changes to WAC 16-403-141, 16-403-142, and 16-403-190.

No small business economic impact statement has been prepared under chapter 19.85 RCW. WSDA's Commodity Inspection Division conducted an economic impact survey of Washington state Delicious, Gala and Jonagold apple growers and shippers. Based upon the results of that survey, the department has concluded that any new compliance costs imposed by the proposed new rules are not "more than minor," therefore a small business economic impact statement is not required. Copies of the survey results may be obtained from Jim Quigley, Program Manager, Fruit and Vegetable Inspection, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

RCW 34.05.328 applies to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: Yakima Ag. Center, 2nd Floor Conference Room, 21 North 1st Avenue, Yakima, on April 24, at 11:00 a.m.; at the WSU Tree Fruit Research Center, 1100 North Western Avenue, Wenatchee, on April 25, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Laurie Crose by April 20, 2002, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Jim Quigley, F&V Inspection Program Manager, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2085, by April 25, 2002.

Date of Intended Adoption: May 22, 2002.

March 20, 2002
Robert W. Gore
Assistant Director

AMENDATORY SECTION (Amending WSR 01-12-079, filed 6/5/01, effective 7/6/01)

WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids. For harvest of the crop of the current growing season, apples of the Red Delicious and Delicious varieties cannot be shipped prior to October 1, unless they have at least ~~(ten)~~ eleven percent soluble solids as determined by refractometer. Apples of the Golden Delicious varieties, cannot be shipped prior to September 20 unless they have at least ten and one-half percent soluble solids as determined by refractometer.

AMENDATORY SECTION (Amending Order 2032, filed 4/11/90, effective 5/12/90)

WAC 16-403-142 Red Delicious, Delicious, ~~(and)~~ Golden Delicious, Gala, and Jonagold—Minimum firmness. At the time of shipment, Red Delicious, and Delicious varieties shall pressure test not less than twelve pounds: Provided, That those apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

At the time of shipment, Golden Delicious variety shall pressure test not less than ten pounds: Provided, That those apples failing to pressure test ten pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

At time of shipment, Gala and Jonagold varieties of apples shall pressure test not less than eleven pounds.

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-280 Adoption of United States standards as state standards. In addition to the standards for apples prescribed in WAC 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples, the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for Delicious shall be 25 percent good shade of red color and provided further, that all the United States grades as applied to Red Delicious, Delicious, ~~(and)~~ Golden Delicious, Gala, and Jonagold varieties shall meet the firmness requirements of WAC 16-403-142.

AMENDATORY SECTION (Amending WSR 92-15-056, filed 7/13/92, effective 8/13/92)

WAC 16-403-190 Tolerances. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter or weight, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ten percent of the apples in any lot of Red Delicious, Delicious, (~~and~~) Golden Delicious, Jonagold, and Gala varieties shall fail to meet the firmness requirements as defined in WAC 16-403-142.

WSR 02-07-122

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 20, 2002, 11:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-20-099.

Title of Rule: Chapter 16-695 WAC, rules related to ginseng management.

Purpose: These rules regulate the sales and export of domestically cultivated ginseng in compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The purpose of this proposal is to increase, within the fiscal growth factor for fiscal year 2002, the fees related to the sale and export of ginseng. This includes a certificate fee and an inspection fee.

Other Identifying Information: There are no additional changes to chapter 16-695 WAC in this proposal.

Statutory Authority for Adoption: Chapter 15.19 RCW.

Statute Being Implemented: Chapter 15.19 RCW.

Summary: This proposal would increase the fees for ginseng management less than 2.79%.

Reasons Supporting Proposal: The plant services program is supported entirely from user fees - nursery license fees and fees for requested services. Increased costs of furnishing services has made a fee increase necessary. This would be the first fee increase in the ginseng management activities of the program since 1997.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA, (360) 902-1984.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: In a number of eastern states, wild ginseng is considered equivalent to an endangered species. Washington state is not within the wild range of the species, and all ginseng grown here is domestically cultivated. In order for state growers to export domestically cultivated ginseng, federal statute mandates that the state must have a ginseng management program in rule. The existing rule regulates the sales and export of domestically cultivated ginseng in compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Under this proposal the nursery inspection fee schedule would be applied to ginseng inspections, slightly increasing inspection fees. This would also allow for greater uniformity in fees and greater efficiency in billing. The effect of this proposal will increase the fees for ginseng management by an amount less than the fiscal growth factor of 2.79%.

Proposal Changes the Following Existing Rules: This proposal increases the fees for certificates and inspections by less than the fiscal growth factor of 2.79%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Analysis shows the proposed increase will not have a significant economic impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency.

Hearing Location: Natural Resources Building, 1111 Washington Street, 2nd Floor, Conference Room 259, Olympia, WA 98504, on May 22, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by May 16, 2002, TDD (360) 902-1996, or (360) 902-1806.

Submit Written Comments to: Mary Toohey, Assistant Director, P.O. Box 42560, Olympia, WA 98504-2560, e-mail mtoohey@agr.wa.gov, fax (360) 902-2094, by May 22, 2002.

Date of Intended Adoption: May 29, 2002.

March 20, 2002

Mary A. Martin Toohey
Assistant Director

AMENDATORY SECTION (Amending WSR 97-23-059, filed 11/18/97, effective 12/19/97)

WAC 16-695-070 Schedule of fees and charges. The following schedule for ginseng certification activities shall apply:

- (1) Certificate of origin form, each . . . (~~(\$25.00)~~) \$25.65
- (2) Hourly rate as established in chapter 16-401 WAC
 ((~~..... \$28.00~~))
- (3) Overtime rate as established in chapter 16-401 WAC
 ((~~..... \$42.00~~))

(4) Travel time at the appropriate hourly or overtime rate shall be assessed.

(5) Mileage and per diem shall be charged at the rate established by the state office of financial management.

(6) Postage and other miscellaneous costs shall be charged back at actual cost.

(7) Certification activities shall include auditing records of the production, sales and storage of ginseng, and issuing certificates.

PROPOSED

WSR 02-07-038

EXPEDITED RULES

DEPARTMENT OF ECOLOGY

[Order 02-07—Filed March 13, 2002, 11:28 a.m.]

Title of Rule: Chapter 173-222 WAC, Wastewater discharge permit fees.

Purpose: This rule making will repeal chapter 173-222 WAC, Wastewater discharge permit fees, which has been replaced by chapter 173-224 WAC, Wastewater discharge permit fees.

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

Statute Being Implemented: Chapter 90.48 RCW, Water pollution.

Summary: This will repeal chapter 173-222 WAC, Wastewater discharge permit fees, due to the fact that a replacement WAC has been adopted by ecology.

Name of Agency Personnel Responsible for Drafting and Implementation: Jerry Thielen, Ecology Headquarters, Lacey, Washington, (360) 407-7551.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Ecology is proposing to repeal chapter 173-222 WAC. The following sections will be repealed: WAC 173-222-010 Purpose and authority, 173-222-015 Applicability, 173-222-020 Definitions, 173-222-030 Discharge categories, 173-222-040 Complexity factors, 173-222-050 Permit fees, 173-222-060 Permit fee payment, 173-222-070 Periodic review, 173-222-080 Public notice, 173-222-090 Public hearings, 173-222-100 Agency initiated modifications, and 173-222-110 Appeals.

Proposal Changes the Following Existing Rules: This rule making will repeal chapter 173-222 WAC.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Agency Rules Coordinator, Department of Ecology, Rules Unit, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY May 18, 2002.

March 13, 2002

Jerry Thielen

Agency Rules Coordinator

WSR 02-07-086

EXPEDITED RULES

DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed March 19, 2002, 3:54 p.m.]

Title of Rule: WAC 246-883-020 Identification of legend drugs for purposes of chapter 69.41 RCW.

Purpose: The proposed amendment identifies the 2002 edition of the American Druggist Red Book as the official listing of legend drugs in the state of Washington.

Statutory Authority for Adoption: RCW 69.41.075, 18.64.005(7).

Statute Being Implemented: RCW 69.41.075.

Summary: RCW 69.41.075 mandates that the Board of Pharmacy identify those drugs that can only be sold on prescription or are restricted to use by practitioners. The law allows the board to use a commercial publication for the purpose of identifying the drugs. The board has adopted the American Druggist Red Book as the official source of legend drugs in the state of Washington. The proposed change will update the rule by listing the latest edition of the Red Book, the 2002 edition.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: D. H. Williams, 1300 Quince Street S.E., Olympia, WA 98504-7863, (360) 236-4828.

Name of Proponent: Department of Health, Washington State Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 69.41.075 mandates that the Board of Pharmacy identify those drugs that can only be sold on prescription or are restricted to use by practitioners. The law allows the board to use a commercial publication for the purpose of identifying the drugs. The board has adopted the American Druggist Red Book as the official source of legend drugs in the state of Washington. The proposed change will update the rule by listing the latest edition of the Red Book, the 2002 edition.

Proposal Changes the Following Existing Rules: The proposed change will update the rule by listing the latest edition of the American Druggist Red Book, the 2002 edition.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lisa Salmi, Department of Health, Board of Pharmacy, P.O. Box 47863, Olympia,

WA 98504-7863, fax (360) 586-4359, e-mail Lisa.Salmi@doh.wa.gov, AND RECEIVED BY May 20, 2002.

January 22, 2002

D. H. Williams

Executive Director

AMENDATORY SECTION (Amending WSR 00-06-078, filed 3/1/00, effective 4/1/00)

WAC 246-883-020 Identification of legend drugs for purposes of chapter 69.41 RCW. (1) In accordance with chapter 69.41 RCW, the board of pharmacy (~~((hereby))~~) finds that those drugs which have been determined by the Food and Drug Administration, (~~((pursuant to))~~) under the Federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law (~~((for the reasons that))~~) because of their toxicity or (~~((either potentiality))~~) potential for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are (~~((not))~~) only safe for use (~~((except))~~) under the supervision of a practitioner.

(2) (~~((The board of pharmacy hereby specifically identifies as legend drugs,))~~) For the purposes of chapter 69.41 RCW, ((those)) legend drugs are drugs which have been designated as legend drugs under federal law and are listed as such in the (~~((1995-96 edition of the American Druggist Blue Book. For the period May 31, 1995, through June 1, 1996, the board adopts the 1995 edition of the Blue Book. For the period June 1, 1996, through May 31, 1997, the board adopts the 1996 edition of the Blue Book. For the period June 1, 1997, through May 31, 1998, the board adopts the 1997 edition of the Blue Book. Effective March 22, 2000, the board adopts the 1999))~~) 2002 edition of the Drug Topics Red Book. Copies of the list of legend drugs as contained in the *Drug Topics Red Book* (~~((shall be))~~) are available for public inspection at the headquarters office of the State Board of Pharmacy, 1300 Quince Street S.E., P.O. BOX 47863, Olympia, Washington 98504-7863. (~~((Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of seventy-six dollars per copy.))~~) To obtain copies of this list, interested persons must submit a written request and payment of seventy-six dollars for each copy to the board.

(3) There may be changes in the marketing status of drugs after the publication of the above reference. Upon application of a manufacturer or distributor, the board may grant authority for the over the counter distribution of certain drugs which had been designated as legend drugs in this reference. (~~((Such))~~) These determinations will be made after public hearing and will be published as an amendment to this chapter.

WSR 02-07-098

WITHDRAWAL OF

EXPEDITED RULE MAKING

DEPARTMENT OF ECOLOGY

[Filed March 20, 2002, 9:16 a.m.]

The Department of Ecology will be withdrawing the following expedited rule making (CR-105) due to insufficient information that was supplied on the filing:

WSR 02-07-038

Administrative Order 02-07

Filed March 13, 2002, at 11:28 a.m.

Chapter 173-222 WAC, Wastewater discharge permit fees

The department will be immediately refileing the expedited rule making (CR-105) including additional information that the department feels will more adequately describe the rule repeal, its purpose, and the anticipated effects.

March 20, 2002

Jerry Thielen

Agency Rules Coordinator

by Bari Schreiner

WSR 02-07-099

EXPEDITED RULES

DEPARTMENT OF ECOLOGY

[Order 02-08—Filed March 20, 2002, 9:19 a.m.]

Title of Rule: Chapter 173-222 WAC, Wastewater discharge permit fees.

Purpose: This rule making will repeal chapter 173-222 WAC, Wastewater discharge permit fees, which has been replaced by chapter 173-224 WAC, Wastewater discharge permit fees. Chapter 173-222 WAC is outdated and is no longer used by the department.

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

Statute Being Implemented: Chapter 90.48 RCW, Water pollution.

Summary: This will repeal chapter 173-222 WAC, Wastewater discharge permit fees, due to the fact that a replacement WAC has been adopted by ecology.

Name of Agency Personnel Responsible for Drafting and Implementation: Jerry Thielen, Ecology Headquarters, Lacey, Washington, (360) 407-7551.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Ecology staff believed, until just recently, that the required paperwork to repeal chapter 173-222 WAC had taken place at the time when the replacement WAC, chapter 173-224 WAC, Wastewater discharge permit fees, was adopted. Only a recent "cross-check" of our WAC list with that of the code reviser, revealed that we in fact had not yet

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repealed chapter 173-222 WAC and there were two WACs on the subject of wastewater discharge fees in effect.

Therefore, ecology is proposing to repeal chapter 173-222 WAC. The following sections will be repealed: WAC 173-222-010 Purpose and authority, 173-222-015 Applicability, 173-222-020 Definitions, 173-222-030 Discharge categories, 173-222-040 Complexity factors, 173-222-050 Permit fees, 173-222-060 Permit fee payment, 173-222-070 Periodic review, 173-222-080 Public notice, 173-222-090 Public hearings, 173-222-100 Agency initiated modifications, and 173-222-110 Appeals.

Proposal Changes the Following Existing Rules: This rule making will repeal chapter 173-222 WAC.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Agency Rules Coordinator, Department of Ecology, Rules Unit, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY May 20, 2002.

March 20, 2002

Jerry Thielen
Agency Rules Coordinator
by Bari Schreiner

WSR 02-07-121

EXPEDITED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 20, 2002, 11:55 a.m.]

Title of Rule: Chapter 16-662 WAC, Weights and measures—National handbooks.

Purpose: To bring the existing weights and measures rules, governing method of sale, packaging, labeling, device tolerances and specifications, and for testing the net contents of packaged goods into compliance with requirements of statute, with other states, and with current practice by adopting annually revised national standards.

Statutory Authority for Adoption: RCW 19.94.190 and 19.94.195.

Statute Being Implemented: Chapter 19.94 RCW.

Summary: This proposal would amend existing rules to adopt the 2002 edition of National Institute of Standards and Tolerances (NIST) Handbook 44. The proposal will also adopt the Packaging and Labeling Regulation and the Method of Sale Regulation in the 2002 edition of NIST Handbook 130, *Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality*. The department adopts these regulations annually. The rule would also adopt

the 2002 edition of NIST Handbook 133, Fourth Edition, Checking the Net Contents of Packaged Goods.

Reasons Supporting Proposal: NIST Handbook 130 provides uniform standards for method of sale, packaging and labeling of commodities. NIST Handbook 44 contains the tolerances and technical requirements for weighing and measuring devices. NIST Handbook 133 provides procedures and standards for testing the net contents of packaged goods. These handbooks are adopted in some form by approximately forty-eight of the fifty states. Their use promotes uniformity in commerce and in the regulations governing weighing and measuring devices. RCW 19.94.195 requires the most current version of NIST Handbook 44 be adopted.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry Buendel, Olympia, (360) 902-1856.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: NIST Handbook 130 provides uniform standards for method of sale, packaging and labeling of commodities. NIST Handbook 44 contains the tolerances and technical requirements for weighing and measuring devices. NIST Handbook 133 provides procedures and standards for testing the net contents of packaged goods. These handbooks are adopted in some form by approximately forty-eight of the fifty states. Their use promotes uniformity in commerce and in the regulations governing weighing and measuring devices. These regulations insure consumers can compare prices and make informed judgements about items for sale in the marketplace. These regulations also insure that businesses compete on a fair and consistent basis.

Proposal Changes the Following Existing Rules: This change will adopt the most current version of the NIST Handbooks. NIST Handbook 44 was changed to include general code requirements for listing the model designations, trademarks and other markings on weighing and measuring devices. The others are technical changes to requirements for testing and tolerance of devices. NIST Handbook 130 changes the method of sale regulation for sand, rock, gravel and similar materials. The handbooks are available on the Internet at <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>. Changes to NIST Handbook 44 are listed beginning on page viii. Changes to NIST Handbook 130 are listed on page vi. NIST Handbook 133 is a compilation of National Bureau of Standard Handbook 133 and its four supplements. There were no substantial changes to the procedures, tolerances and technical requirements in the newest version of the handbook.

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 THE USE OF

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THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Buendel, Washington State Department of Agriculture, Weights and Measures Program, P.O. Box 42560, Olympia, WA 98502-3525, or e-mail jbuendel@agr.wa.gov, AND RECEIVED BY May 20, 2002.

March 18, 2002
Mary A. Martin Toohey
Assistant Director

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2001)) 2002 Edition.

AMENDATORY SECTION (Amending WSR 01-16-005, filed 7/19/01, effective 8/19/01)

WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.

(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the ((2001)) 2002 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the ((Third)) Fourth Edition of ((National Bureau of Standards (NBS))) National Institute of Standards and Technology (NIST) Handbook 133 published by the United States Department of Commerce, entitled ((the *National Bureau of Standards*)) NIST Handbook 133 - ((Third)) Fourth Edition - Checking the Net Contents of Packaged Goods ((as modified by NIST Handbook 133 Supplements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively)) - Fourth Edition, 2002 Edition.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the ((2001)) 2002 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2001)) 2002 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2001)) 2002 Edition.

EXPEDITED

WSR 02-07-016
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 8, 2002, 4:51 p.m.]

Date of Adoption: March 8, 2002.

Purpose: Adopting amended WAC 388-534-0100 and new WAC 388-534-0200, to implement a program to encourage providers to increase the number of children receiving foster care placement services who receive early periodic screening, diagnosis, and treatment (EPSDT) screens, and if necessary, subsequent referrals for treatment. Providers may receive an enhanced payment for providing EPSDT screens to these children. The department is also eliminating the name "Healthy Kids" from this rule so the state program name will be the same as [the federal program (EPSDT)].

Citation of Existing Rules Affected by this Order: Amending WAC 388-534-0100.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 42 C.F.R., Part 441, Subpart B.

Adopted under notice filed as WSR 02-03-099 on January 18, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 5, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-02-076, filed 12/29/00, effective 1/29/01)

WAC 388-534-0100 ((Healthy kids))EPSDT. (1) Persons who are eligible for Medicaid are eligible for ((~~healthy kids (HK))~~) coverage through the early and periodic screening, diagnosis, and treatment (EPSDT) program up through the day before their twenty-first birthday. ((~~This coverage is called early and periodic screening, diagnosis and treatment (EPSDT) in federal rule.~~))

(2) Access and services for ((~~healthy kids~~)) EPSDT are governed by federal rules at 42 CFR, Part 441, Subpart B which were in effect as of January 1, 1998.

(a) The standard for coverage for ((~~healthy kids~~)) EPSDT is that the services, treatment or other measures are:

- (i) Medically necessary;
- (ii) Safe and effective; and
- (iii) Not experimental.

(b) ((~~Healthy kids~~)) EPSDT services are exempt from specific coverage or service limitations which are imposed on the rest of the CN and MN program. Examples of service limits which do not apply to the ((~~healthy kids~~)) EPSDT program are the specific numerical limits in WAC 388-545-300, 388-545-500, and 388-545-700((~~etc~~)).

(c) Services not otherwise covered under the Medicaid program are available to children under ((~~healthy kids~~)) EPSDT. The services, treatments and other measures which are available include but are not limited to:

- (i) Nutritional counseling;
- (ii) Chiropractic care;
- (iii) Orthodontics; and
- (iv) Occupational therapy (not otherwise covered under the MN program).

(d) Prior authorization and referral requirements are imposed on medical service providers under ((~~healthy kids~~)) EPSDT. Such requirements are designed as tools for determining that a service, treatment or other measure meets the standards in subsection (2)(a) of this section.

(3) Transportation requirements of 42 CFR 441, Subpart B are met through a contract with transportation brokers throughout the state.

NEW SECTION

WAC 388-534-0200 Enhanced payments for EPSDT screens for children receiving foster care placement services from the department of social and health services (DSHS). The medical assistance administration (MAA) reimburses providers an enhanced flat fee for EPSDT screens provided to children receiving certain foster care placement services from the department of social and health services (DSHS). See MAA's EPSDT billing instructions for specific billing code requirements and the fee.

(1) For the purposes of this section, foster care is defined as twenty-four hour per day, temporary, substitute care for a child:

(a) Placed away from the child's parents or guardians in licensed, paid, out-of-home care; and

(b) For whom the department or a licensed or certified child placing agency has placement and care responsibility.

(2) MAA pays an enhanced flat fee to the providers listed in subsection (3) of this section for EPSDT screens provided to only those children receiving foster care placement services from DSHS.

(3) The following providers are eligible to perform EPSDT screens and bill MAA the enhanced rate for children receiving foster care placement services from DSHS:

- (a) EPSDT clinics;
- (b) Physicians;
- (c) Advanced registered nurse practitioners (ARNPs);
- (d) Physician assistants (PAs) working under the guidance and MAA provider number of a physician;

(e) Nurses specially trained through the department of health (DOH) to perform EPSDT screens; and

(f) Registered nurses working under the guidance and MAA provider number of a physician or ARNP.

(4) In order to be paid an enhanced fee, services furnished by the providers listed in subsection (3) of this section must meet the federal requirements for EPSDT screens at 42 CFR Part 441 Subpart B, which were in effect as of December 1, 2001.

(5) The provider must retain documentation of the EPSDT screens in the client's medical file. The provider must use the DSHS Well Child Exam forms or provide equivalent information. DSHS Well Child Exam forms are available at no charge by sending a request in writing or by fax to:

DSHS Warehouse
 PO Box 45816
 Olympia, WA. 98504-5816
 Fax: 360-664-0597

(6) MAA conducts evaluations of client files and payments made under this program. MAA may recover the enhanced payment amount when:

(a) The client was not receiving foster care placement services from DSHS as defined in subsection (1) of this section when the EPSDT screen was provided; or

(b) Documentation was not in the client's medical file (see subsection (5) of this section).

WSR 02-07-026

PERMANENT RULES

**DEPARTMENT OF COMMUNITY,
 TRADE AND ECONOMIC DEVELOPMENT**

[Filed March 12, 2002, 1:25 p.m.]

Date of Adoption: March 11, 2002.

Purpose: To establish the rules governing the developmental disabilities endowment fund as directed in RCW 43.330.240.

Statutory Authority for Adoption: RCW 43.330.240.

Adopted under notice filed as WSR 01-22-111 on November 7, 2001.

Changes Other than Editing from Proposed to Adopted Version:

Section	Change
WAC 365-220-015	There were three changes in this section: 1. The eligibility requirements have been removed from the definition of beneficiary. 2. "Disbursement manager" has been changed to "trust manager" to coincide with the master trust documents. This change is applied to the entire chapter. 3. The definition of vest has been changed to improve clarity.
WAC 365-220-020	The agency has added that upon request, the trust manager will provide a written explanation of disbursement denials.

WAC 365-220-025	1. This section has been changed to emphasize that disbursements will primarily be used for supplemental needs. 2. The purchase of a vehicle has been added to item twelve as a type of allowable disbursement. 3. Item fourteen has been changed to clarify that presents are an allowable type of disbursement when they are for the beneficiary to give to others.
WAC 365-220-035	This is a new section that clarifies that there are no restrictions on when disbursements can be requested. The numbering of all sections following this section have been changed to reflect this insertion.
WAC 365-220-040	This section has been changed to improve clarity.
WAC 365-220-045	This section has been changed to add the clarification that the disposition plan may be changed by court order or other dispute resolution mechanism allowed by law.
WAC 365-220-050	This section now includes the clarification that disputes may precede beyond the governing board or its designee, as implied in WAC 365-220-055.
WAC 365-220-060	The eligibility requirements have been changed to increase clarity.
WAC 365-220-065	This section has been changed to improve clarity.
WAC 365-220-070 and 365-220-075	Both these sections have been changed to give the governing board more flexibility when the eligibility status of a beneficiary changes.
WAC 365-220-080	There were several changes in this section: 1. Under State Investment Board fees, RCW 43.84.160 has been added at the request of the State Investment Board. 2. Under State Treasurer fees, it has been clarified that these fees will be paid from the fund. 3. Under annual management fees, tax filing services has been deleted because these services will be paid through a separate fee. In addition, language has been added indicating that the governing board has the authority to establish a minimum and a maximum annual management fee. 4. Under enrollment fee, the statement that a minimum of \$200.00 is due at the time of enrollment has been deleted. In addition, language has been added that gives the governing board the authority to raise the enrollment fee within the Initiative 601 limits. 5. The trust manager fees explanation has been changed to improve clarity. 6. Tax filing fees has been changed to tax filing and preparation fees as the trust fund will both prepare and file taxes for individual trust accounts. 7. Fees for locating remainder beneficiaries has been changed to explain that such fees will only be assessed against accounts requiring this service.
WAC 365-220-085	This section has been changed to improve clarity and indicate that the governing board may open more reserved spaces in the future.
WAC 365-220-095	This section was changed for clarity and to explain that the governing board has the responsibility to determine the disposition of any remaining funds.

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WAC 365-220-105	This section was changed to improve clarity and to add the State Investment Board to the list of entities that make no guarantees regarding returns on investments.
WAC 365-220-110	This section has been changed to improve clarity.
WAC 365-220-115	This section has been changed to improve clarity.
WAC 365-220-120	This section has been changed to clarify the distinction between vesting and maintaining an active account. The table showing examples of accounts that would vest after three years has been expanded for further clarification.
WAC 365-220-125	This section has been changed to clarify the distinction between vesting and maintaining an active account. The table showing examples of accounts that would vest after three years has been moved to the previous section.
WAC 365-220-130	This section has been changed for clarity and to remove the specified time that primary representatives will be notified prior to losing access to state matching money.
WAC 365-220-135	This section has been changed to improve clarity.
WAC 365-220-140	This section has been changed to improve clarity.
WAC 365-220-145	This section has been changed to emphasize that state matching money is not available for private contributions withdrawn in the same year that they are contributed. In addition, it has been changed to add that the governing board has the authority to change the matching rate on contributions.
WAC 365-220-150	This section has been changed to improve clarity and to indicate that the governing board has the authority to change the maximum lifetime contributions eligible for state matching money.
WAC 365-220-155	This section has been changed to improve clarity and to add that the governing board has the authority to change the maximum annual contributions eligible for state matching money.
WAC 365-220-160	This section has been changed to improve clarity.
WAC 365-220-165	This section has been changed to improve clarity.
WAC 365-220-170	This section has been changed to improve clarity.
WAC 365-220-175	This section has been changed to improve clarity.
WAC 365-220-180	This section has been changed to improve clarity.
WAC 365-220-185	This section has been changed to explain that the governing board has the authority to increase the enrollment match, and specify that the enrollment match may be earned prior to vesting but may not be spent prior to vesting.
WAC 365-220-190	This section was changed to remove the dollar amount at which the annual management fee match begins. This section now specifies that the annual management fee match may be earned prior to vesting but may not be spent prior to vesting.

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 38, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 25, 2002

Martha Choe

Director

Chapter 365-220 WAC

DEVELOPMENTAL DISABILITIES ENDOWMENT TRUST FUND

GENERAL

NEW SECTION

WAC 365-220-005 What is the purpose and scope of this chapter? The purpose of this chapter is to establish the rules for the developmental disabilities endowment trust fund to implement RCW 43.330.195 through 43.330.240.

NEW SECTION

WAC 365-220-010 How may a member of the public appear before the governing board? Members of the public may appear before the governing board at their regularly scheduled meetings or submit written comments to the governing board for consideration at their regularly scheduled meetings. Requests for meeting schedules and agendas should be made to the program manager.

NEW SECTION

WAC 365-220-015 What definitions apply to this chapter? "Beneficiary" means an eligible person for whom an individual trust account has been established within the trust fund.

"Department" means the department of community, trade and economic development, office of community development.

"Disbursement plan" means a plan, submitted by the primary donor at the time of enrollment as part of the joinder agreement, that identifies the goods or services most likely to be appropriate to the supplemental needs of the beneficiary.

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The primary donor may periodically change the disbursement plan by amending the joinder agreement.

"Disposition plan" means a plan, submitted by the primary donor at the time of enrollment as part of the joinder agreement, that directs how any remaining private funds will be disbursed from the individual trust account on the death of the beneficiary.

"Governing board" means the seven-member group established according to RCW 43.330.210 to design and administer the trust fund.

"Individual trust account" means the account that holds assets for the benefit of an individual beneficiary within the trust fund.

"Joinder agreement" means an agreement establishing the primary donor's consent to the master trust document for the trust fund. The joinder agreement shall include the disbursement plan and the disposition plan for the individual trust account, and designate the primary representative and additional persons authorized to request disbursements.

"Primary donor" means the person who sets up an account for a beneficiary and submits and signs the joinder agreement. Under conditions described in the master trust document, the primary donor may be the beneficiary.

"Primary representative" means the person named in the joinder agreement with whom the governing board and/or the trust manager is authorized to communicate regarding an individual beneficiary's interests.

"Program manager" means the person designated by the department to manage the developmental disabilities endowment fund and act as the department liaison with other state agencies to facilitate governing board activities.

"Resident" means a person who lives in the state of Washington. For purposes of the trust fund, a beneficiary must be a resident.

"Trust manager" means the person or persons or entity designated by the governing board pursuant to RCW 43.330.200 to authorize disbursements from the trust fund. The trust manager is authorized to make disbursements in its discretion consistent with and as authorized under this chapter and will consider the disbursement plan filed by the primary donor as part of the joinder agreement when making decisions regarding disbursements. The trust manager shall take into account how any individual disbursement will affect the ability of the account to sustain the needed disbursements over a significant portion of the beneficiary's anticipated remaining life.

"Vested account" means an account that has initially qualified for matching funds by meeting requirements over a three-year period.

DISBURSEMENTS

NEW SECTION

WAC 365-220-020 Who authorizes disbursements? The trust manager will review all disbursement requests submitted by persons authorized in the joinder agreement. Only the governing board and/or the trust manager may authorize disbursements. In the event of disbursement denial, the trust

manager will provide a written explanation for such a denial on the request of the primary representative.

NEW SECTION

WAC 365-220-025 What types of disbursements are allowed? Recommended supplemental services and supports include, but are not limited to:

- (1) Education, information, and training opportunities.
- (2) Living arrangements, including personal assistance services, skill building, financial management, medical monitoring, meal preparation, shopping, home maintenance, and house cleaning.
- (3) Unusual or extraordinary disability-related shelter expenses.
- (4) Capital expenses, including environmental modifications and transportation.
- (5) Employment supports and tuition.
- (6) Social productivity and personal fulfillment activities, such as volunteering, club membership, and recreation.
- (7) Assistive technology, including computers and electronic equipment.
- (8) Specialized clothing, or clothing not covered by public benefits.
- (9) Respite care.
- (10) Disability-related support groups.
- (11) Medical care, counseling, therapies, and other health related services, including alternative practitioners, not covered by public benefits.
- (12) Utility and transportation costs, including the purchase of a vehicle.
- (13) Vacation, travel, and recreation.
- (14) Birthday and holiday presents for the beneficiary to give to others.
- (15) Advocacy and legal services.
- (16) Individual trust account expenses including enrollment, bookkeeping, tax return preparation and filing, tax payments, annual management expenses, and other trust related fees.
- (17) Items the trust manager deems appropriate and reasonable within the guidelines of the governing board.

NEW SECTION

WAC 365-220-030 Who may request disbursements on behalf of the beneficiary? The primary representative and any additional persons designated by the primary donor in the joinder agreement may make disbursement requests on behalf of the beneficiary. The primary donor may amend this part of the joinder agreement.

NEW SECTION

WAC 365-220-035 When may disbursements be requested? Disbursements may be requested at any time after the enrollment process is completed.

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DISPOSITION PLAN

NEW SECTION

WAC 365-220-040 What happens to an account when the beneficiary dies? At the time of enrollment, the primary donor will designate in the joinder agreement how any remaining private funds, and any earnings attributable to remaining private funds, will be distributed on the death of the beneficiary. The primary donor will indicate the amount of funds to be disbursed and to whom they will be disbursed. In some cases, state and federal law may require certain distributions of remaining funds notwithstanding the disposition plan. When an individual trust account is closed by reason of the death of the beneficiary, the unexpended state matching money and any earnings attributable to the unexpended state matching money revert to the developmental disabilities endowment trust fund.

NEW SECTION

WAC 365-220-045 Can the disposition plan be changed? Once an individual trust account is funded, the primary donor cannot amend the joinder agreement to change the disposition plan. A change to the disposition plan may be made only by court order or other dispute resolution mechanism available under state law, including a nonjudicial resolution of dispute agreement under chapter 11.96A RCW.

DISPUTES

NEW SECTION

WAC 365-220-050 What decisions may be appealed? Primary donors or primary representatives may appeal governing board decisions, or decisions made on the governing board's behalf, regarding enrollment, account closure, disbursement decisions, extensions related to matching funds, and access to matching funds. For decisions made by contracting agencies or individuals, the dispute must first be addressed through the agency's or individual's dispute process. If the dispute is not resolved at that level, the appellant will have the option of appealing to the governing board or its representative.

NEW SECTION

WAC 365-220-055 What is the dispute process? (1) To appeal a board decision, a primary donor or primary representative must send a letter addressed to the program manager at the department. The letter of appeal must be signed by the appealing party and be received by the program manager within thirty calendar days of the date of the decision. The letter must include:

- (a) The name and mailing address of the appealing party;
- (b) A description of the decision being appealed; and
- (c) A statement explaining why the appealing party believes the decision was incorrect, outlining the facts surrounding the decision and including supporting documentation.

(2) On receiving the letter of appeal, the program manager will send written notice to the appealing party within fourteen days, confirming the appeal has been received and indicating when a decision can be expected.

(3) The governing board or its designee will conduct appeals according to RCW 34.05.485. The governing board or its designee will review and decide the appeal based on the submitted documents unless the governing board or its designee and the appealing party agree to hold a hearing in person or by telephone.

(4) The program manager will send the appealing party written notification of the governing board or its designee's initial decision within ninety days of receiving the letter of appeal. The notice will include the reasons for the initial decision, and instructions on further appeal rights.

(5) The initial decision of the governing board or its designee becomes the final decision unless the program manager receives a request for a review hearing from the appealing party within thirty days of the date of the decision. The appealing party may, by written notice, request review of the initial decision. The person requesting review must reference the initial decision and provide any additional written information that the appealing party would like considered in the review. A review officer designated by the governing board will review the decision through a hearing conducted under RCW 34.05.488 through 34.05.494.

(6) The officer will review and decide the appeal based on submitted documents unless the governing board or its designee and the appealing party agree to hold a hearing in person or by telephone.

(7) The review officer will make any inquiries necessary to determine whether the proceeding must become a formal adjudicative proceeding under the provisions of chapter 34.05 RCW.

(8) If the appealing party disagrees with a review decision under subsection (6) of this section, the appealing party may request judicial review of the decision, as provided for in RCW 34.05.542. Request for judicial review must be filed with the court within thirty days of service of the final agency decision.

ELIGIBILITY

NEW SECTION

WAC 365-220-060 Who is eligible to be a beneficiary in the trust fund? Individuals are eligible to be beneficiaries if they meet two conditions at the time of enrollment:

- (1) Beneficiaries must reside in Washington state; and
- (2) Must meet the definition of developmental disability in RCW 71A.10.020(3).

NEW SECTION

WAC 365-220-065 How is eligibility determined? At the time of enrollment, a prospective beneficiary must meet the definition of developmental disability in RCW 71A.10.020(3), as determined by a representative of the division of developmental disabilities of the department of social and health services. The primary donor must make arrange-

ments for notification of this determination to be sent to the trust fund office.

inition of a person with a developmental disability in RCW 71A.10.020(3).

NEW SECTION

WAC 365-220-070 What happens if a beneficiary moves out of the state of Washington? If the beneficiary moves out of the state of Washington, the governing board may elect, in its discretion, one of three options:

A The balance of the beneficiary's individual trust account will be placed in another existing special needs trust established for the beneficiary. Any costs relating to the transfer will be charged to the beneficiary's individual trust account.

-OR-

B The individual trust account will remain open, and the account will be assessed fees at a level that will support all costs of maintaining the account. The beneficiary will no longer be eligible for the state match as of the date the beneficiary ceases to be a resident of Washington.

-OR-

C The beneficiary's individual trust account will be terminated and distributed as if the beneficiary had died.

The primary representative is required to notify the trust manager if the beneficiary moves out of the state of Washington.

NEW SECTION

WAC 365-220-075 What happens if a beneficiary is determined to no longer meet the Washington state definition of developmental disability in RCW 71A.10.020(3)? If the beneficiary is determined to no longer meet the definition of a person with a developmental disability in RCW 71A.10.020(3), the governing board may elect, at its discretion, one of three options:

A The balance of the beneficiary's individual trust account will be placed in another existing special needs trust established for the beneficiary. Any costs relating to the transfer will be charged to the beneficiary's individual trust account.

-OR-

B The beneficiary's individual trust account will remain open, and the account will be assessed fees at a level that will support all costs of maintaining the account. The beneficiary will no longer be eligible for the state match as of the date the beneficiary is determined to no longer meet the definition of a person with a developmental disability in RCW 71A.10.020(3).

-OR-

C The trust manager will make or direct distributions to or for the benefit of the beneficiary.

The primary representative is required to notify the trust manager if the beneficiary is found to no longer meet the def-

FEES

NEW SECTION

WAC 365-220-080 What fees must be paid to enroll in and participate in the trust fund? The following fees may be charged by entities or individuals associated with the developmental disabilities endowment trust fund as a condition of participation:

(1) State investment board fees. All investment and operating costs associated with the investment of money shall be paid to the state investment board from the trust fund, as required by RCW 43.33A.160 and 43.84.160.

(2) State treasurer fees. Fees charged for the services of the state treasurer will not exceed .00274% per day while funds remain in the custody of the state treasurer, as specified in RCW 43.08.190. State treasurer fees will be deducted from the trust fund.

(3) Annual management fees. An annual management fee will be charged to each individual trust account for services including bookkeeping, banking services, governing board and department activities, legal services, and other expenses deemed necessary by the governing board. The governing board shall authorize all changes in the annual management fees. The governing board may establish a minimum and a maximum annual management fee. Primary representatives of existing accounts will be notified sixty days in advance of the effective date of any changes in the minimum or maximum annual management fees.

(4) Enrollment fees. Each individual trust account will be charged a six hundred dollar enrollment fee. The governing board may increase the enrollment fee on an annual basis, within the limits set forth in RCW 43.135.055. The governing board shall authorize all changes in enrollment fees.

(5) Trust manager fees. Fees for trust manager services will be charged by the entity under contract for trust management according to the terms of the contract between the trust manager and the developmental disabilities endowment trust fund. Current fee levels will be disclosed prior to enrollment. The governing board shall authorize all changes in the trust manager fees. Primary representatives of existing accounts will be notified sixty days in advance of the effective date of any changes in trust manager fees.

(6) Tax return preparation and filing fees. As necessary, the fees associated with preparing and filing tax returns for individual trust accounts will be deducted from those accounts. Current fee levels will be disclosed prior to enrollment. The governing board shall authorize all changes in tax return preparation and filing fees. Primary representatives of existing accounts will be notified sixty days in advance of the effective date of any changes in tax return preparation and filing fees.

(7) Fees for locating remainder beneficiaries named in the disposition plan. The trust fund reserves the right to charge fees to cover the costs associated with locating any remainder beneficiary under the disposition plan. Fees for

PERMANENT

locating a remainder beneficiary of an individual trust account will be levied only against such accounts.

NEW SECTION

WAC 365-220-085 Is it possible to be placed on the list for state matching funds, and delay payment of the enrollment fees? Yes. At the time the program initially opens, there will be one hundred spaces reserved for delayed enrollment. For the first one hundred people who request delayed enrollment and meet all eligibility requirements, state matching money will be reserved for one year. Reserved spaces for delayed enrollment fees will be awarded on a first come, first served basis. The governing board may use its discretion to set aside additional spaces for delayed enrollment.

NEW SECTION

WAC 365-220-090 Are fees refundable? No. Fees are not refundable.

NEW SECTION

WAC 365-220-095 What happens when fees are past due? Accounts with fees that are not paid for a period of ninety days will be closed. The primary representative of an account will be sent notification that the account will be closed prior to its closure. The trust manager will make a determination regarding the disposition of any remaining money in the individual trust account.

TRANSFERRING ACCOUNTS

NEW SECTION

WAC 365-220-100 When and how may individual accounts be transferred? A primary representative may request governing board approval for a transfer of an account to another special needs trust. This must be done through written correspondence to the governing board stating the reasons for the request. The governing board shall review all requests for transfers. Only the governing board or its designee may approve transfers.

MATCHING MONEY AND EARNINGS

NEW SECTION

WAC 365-220-105 Are there any guarantees related to the availability of matching money or earnings on investments? No. There is no guarantee that any individual trust account will receive matching money from the state of Washington or from any other source. The availability and extent of the state match is dependent on the availability of matching money in the trust fund. The governing board has the exclusive discretion to determine availability.

The state of Washington, the state investment board, and the governing board make no guarantee related to the return

on investments of money placed in the individual trust accounts or in the trust fund.

NEW SECTION

WAC 365-220-110 Who establishes matching policies? All matching policies applicable to state matching money are established by the governing board.

NEW SECTION

WAC 365-220-115 How will access to state matching money be determined? The state matching money is limited. Individual trust accounts will be assigned access to state matching money on a first come, first served basis. Matching policies apply only to those individual trust accounts that have been assigned access to matching funds.

NEW SECTION

WAC 365-220-120 How does an individual trust account initially qualify to receive state matching money? Individual trust accounts become vested, or initially qualified to receive state matching money, by meeting requirements over a three-year period. Accounts vest by accumulating a minimum of twenty-five dollars per month of private contributions for three consecutive years. This may be accomplished through regular, periodic, or one time only contributions. However, contributions will not be credited for past months for the purposes of vesting. If the minimum contributions are withdrawn during the three-year vesting period, the account will not vest. Below are three examples of individual trust accounts that would vest after three years. In these examples, at least twenty-five dollars a month is contributed into the accounts. Contributions in excess of twenty-five dollars may be applied to future months for the purpose of vesting, but may not be applied to past months.

MONTH	ACCOUNT 1	ACCOUNT 2	ACCOUNT 3
1	\$25.00	\$300.00	\$900.00
2	\$25.00		
3	\$25.00		
4	\$25.00		
5	\$25.00		
6	\$25.00		
7	\$25.00		
8	\$25.00		
9	\$25.00		
10	\$25.00		
11	\$25.00		
12	\$25.00		
13	\$25.00	\$300.00	
14	\$25.00		
15	\$25.00		
16	\$25.00		
17	\$25.00		
18	\$25.00		
19	\$25.00		
20	\$25.00		

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MONTH	ACCOUNT 1	ACCOUNT 2	ACCOUNT 3
21	\$25.00		
22	\$25.00		
23	\$25.00		
24	\$25.00		
25	\$25.00	\$300.00	
26	\$25.00		
27	\$25.00		
28	\$25.00		
29	\$25.00		
30	\$25.00		
31	\$25.00		
32	\$25.00		
33	\$25.00		
34	\$25.00		
35	\$25.00		
36	\$25.00		
Total	\$900.00	\$900.00	\$900.00

NEW SECTION

WAC 365-220-125 How does an individual trust account maintain qualification for state matching money? After vesting, an individual trust account must maintain active participation in order to remain qualified for state matching money. Active participation is defined as the equivalent of twenty-five dollars of contributions into the individual trust account each month. This may be accomplished through regular, periodic, or one time only contributions. However, contributions will not be credited for past months during which active participation was not maintained. If the minimum contribution is withdrawn during the year it is contributed, the contribution will not count for purposes of qualification.

NEW SECTION

WAC 365-220-130 What happens when an individual trust account becomes inactive? When an individual trust account becomes inactive, it is no longer qualified to receive state matching money and will be removed from the list of individual trust accounts assigned access to state matching money. The primary representative of an individual trust account will be notified prior to that account's loss of assigned access to state matching money.

NEW SECTION

WAC 365-220-135 Are there time limits for earning the match? As long as an individual trust account qualifies for state matching money, the individual trust account can continue to receive the match for as long as it takes to receive the lifetime maximum.

NEW SECTION

WAC 365-220-140 Are extensions allowed? One twelve-month extension may be granted to each individual trust account to extend the time to become vested or to main-

tain active participation to receive the match. To obtain the extension, a written request must be approved by the governing board.

NEW SECTION

WAC 365-220-145 What is the matching rate on contributions? The state matching rate on private contributions is twenty-five percent, applied to the annual and lifetime maximums. The matching rate and maximums may be changed at the discretion of the governing board. State matching money is not available for private contributions withdrawn in the same year that they are contributed.

NEW SECTION

WAC 365-220-150 What is the amount of maximum annual contributions eligible for state matching money? The amount of maximum annual private contributions eligible for state matching money is three thousand one hundred dollars. The maximum annual state match available for each beneficiary is seven hundred fifty dollars. The amount of the state match is based on the amount of private contributions, and does not take into account any return on the investment of the private contributions. This maximum may be changed at the discretion of the governing board.

NEW SECTION

WAC 365-220-155 What is the amount of maximum lifetime contributions eligible for state matching money? The amount of maximum allowable lifetime private contributions eligible for state matching money is thirty-one thousand dollars. The maximum lifetime state match available for each beneficiary is seven thousand seven hundred fifty dollars. The amount of the state match is based on the amount of private contributions, and will not take into account any return on the investment of the private contributions. This maximum may be changed at the discretion of the governing board.

NEW SECTION

WAC 365-220-160 Is there a limit on individual savings? There is no limit on savings in an individual trust account; there is only a limit on the amount of state matching money for which an individual trust account will qualify.

NEW SECTION

WAC 365-220-165 May donors make lump sum contributions? Private contributions may be deposited regularly, or in one or more lump sums.

NEW SECTION

WAC 365-220-170 How many individual trust accounts for each beneficiary are eligible to receive state matching money? Each beneficiary may have only one individual trust account that is qualified to receive state matching

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money at any given time. Additional individual trust accounts may be established, but will not be eligible to receive state matching money unless the first account is closed. If the individual trust account qualified to receive state matching money is closed, another individual trust account may be qualified to receive state matching money, as allowed in WAC 365-220-175.

NEW SECTION

WAC 365-220-175 For beneficiaries with multiple individual trust accounts, how is it determined which individual trust account is eligible for state matching money? For beneficiaries with multiple individual trust accounts, the first individual trust account assigned access to the state match will be eligible to receive the state match, provided it is qualified.

If a beneficiary has only one individual trust account, and that account is closed after it has vested, the next individual trust account opened for that beneficiary and assigned access to state matching money will be eligible to receive matching funds, subject to the first come, first served policy.

If a beneficiary has multiple individual trust accounts, and if an individual trust account for which they have vested is closed, vesting and access to the match are automatically transferred to another individual trust account for that beneficiary, with the transfer made to the longest existing account first.

NEW SECTION

WAC 365-220-180 In what proportion are state matching funds spent? State matching money will only be disbursed from an individual trust account after that individual trust account has vested. For every disbursement made from an individual trust account that has vested, the amount of state matching money disbursed will be equal to the percentage of state matching money (plus the earnings on the state matching money) for which the individual trust account has qualified, multiplied by the amount of the disbursement.

NEW SECTION

WAC 365-220-185 What is the enrollment match? After two hundred dollars of the enrollment fee is paid, the enrollment fee will be matched at the rate of one dollar to one dollar. The maximum enrollment match is four hundred dollars per beneficiary. The governing board may increase the maximum enrollment match at its discretion. The enrollment match may be earned prior to vesting but may not be spent prior to vesting. Matching funds allocated for this purpose will not count against the beneficiary's maximum annual or lifetime match. The enrollment match will be credited to the individual trust account and begin to accumulate earnings when the enrollment process is completed for that individual trust account.

NEW SECTION

WAC 365-220-190 What is the annual management fee match? The annual management fee match will be applied to individual trust accounts that are levied annual management fees in excess of two percent of the account balance. This match will be applied at a rate of one dollar for each dollar the annual management fee exceeds two percent of the account balance. This match only applies when two percent of the account balance is greater than the minimum annual management fee.

The annual management fee match may be earned prior to vesting but may not be spent prior to vesting. Matching funds allocated for this purpose will not count against the beneficiary's maximum annual or lifetime match.

WSR 02-07-028
PERMANENT RULES
SECRETARY OF STATE
[Filed March 12, 2002, 2:45 p.m.]

Date of Adoption: March 12, 2002.

Purpose: To make changes in existing rules as a result of legislation passed by the legislature in 2001; to eliminate the reports required for vote-by-mail elections.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-236-040, 434-236-050, 434-236-210, 434-240-025 and 434-240-160; and amending WAC 434-236-030, 434-236-060, 434-236-070, 434-236-080, 434-236-100, 434-236-110, 434-236-140, 434-236-180, 434-240-010, 434-240-020, 434-240-060, 434-240-090, 434-240-120, 434-240-130, 434-240-150, 434-240-190, 434-240-205, 434-240-230, 434-240-235, 434-240-250, 434-240-320, and 434-262-020.

Statutory Authority for Adoption: RCW 29.04.210, 29.36.150.

Adopted under notice filed as WSR 02-03-133 on January 23, 2002.

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 4, Amended 21, Repealed 2.

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 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 22, Repealed 5; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 11, 2002

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-236-025 Mail ballot precincts. (1) The county auditor may designate any precinct having fewer than two hundred active registered votes at the time of the closing of the voter registration files for that primary or election as a mail ballot precinct. In making this determination, persons who are ongoing absentee voters as described in WAC 434-240-010(7) shall not be counted.

(2) In such a case, the auditor shall notify each registered voter in the designated precinct by mail that for all future primaries and elections, or until a specified date, the voting in the voter's precinct will be by mail ballot only.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-030 Request for mail ballot election.

At any nonpartisan, special election, not conducted in conjunction with a primary or general election, the jurisdiction requesting the election may also request that the election be conducted entirely by mail ballot. Such a request may be included in the resolution calling for the special election adopted pursuant to RCW 29.13.010 or 29.13.020, or it may be done by 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, that either (1) the request for the mail ballot special election is granted, ~~((pending approval of an election plan by the secretary of state,))~~ or (2) that the request for the mail ballot special election is not granted, for reasons specified. ~~((At the same time, the county auditor shall mail to the secretary of state a copy of the resolution for the mail ballot special election and a copy of the auditor's response.))~~

NEW SECTION

WAC 434-236-055 Odd numbered year primaries by mail. (1) In an odd-numbered year, the county auditor may conduct a primary or a special election held in conjunction with the primary by mail:

(a) For an office or ballot measure of a special purpose district that is entirely within the county;

(b) For an office or ballot measure of a special purpose district that lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and

(c) For ballot measures or nonpartisan offices of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

(2) In the event that a primary is to be held by mail ballot only, the auditor must notify the jurisdiction involved not later than forty-five days before the primary date.

(3) An all mail primary shall not be held if a partisan office, or state office, or state ballot measure is to be voted upon.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-060 Notice of election. In any mail ballot election, the notice of election published pursuant to RCW 29.27.080 shall include the following:

- (1) The title of each office to be voted upon, if any;
- (2) The names and addresses of all candidates; and
- (3) The ballot titles of all ballot measures.

The notice shall also list:

(a) The precincts that are voting by mail ballot only if not the entire election;

(b) The location where voters may obtain replacement ballots; and

(c) The location(s) where unmailed ballots may be deposited between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election, and any other dates and times such locations will be open.

The auditor shall additionally notify local radio, television, and newspapers, if applicable, that the election is to be conducted by mail ballot only.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-070 Delivery of ballot to voter. ~~(1) Not (sooner than twenty-five days nor)~~ later than ~~((fifteen))~~ twenty days before any mail ballot election, the county auditor shall ~~((send))~~ make available to each registered voter in the election district a ballot, a return envelope preaddressed to the issuing officer, a ballot security envelope, and instructions regarding the mail ballot election.

(2) The auditor shall send each inactive registered voter either a ballot or an application to receive a ballot. If the voter returns a voted ballot, the ballot must be counted and the voter returned to active status.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-080 Envelope specifications. The county auditor has the option to forward mail ballots. The envelopes in which mail ballots are mailed to the voters ~~((shall be clearly marked with))~~ shall be mailed with either:

(1) Postal service endorsements to prevent forwarding of ((the)) ballots and ensure undeliverable ballots are returned to the county auditor with address corrections; or

(2) Postal service endorsements to allow forwarding of the ballots, to receive from the post office the addresses to which ballots were forwarded, and the return of unforwardable ballots. Forwarded ballots shall also contain a clear explanation of the qualifications necessary to vote in that election and must also advise a voter who has questions about his or her eligibility to contact the county auditor.

In all other respects, mail ballot election envelopes shall conform to the requirements for absentee ballot envelopes provided in chapter 434-240 WAC.

County auditors shall be permitted to use any existing stock of mail ballot envelopes and instructions in the form specified by state law or administrative rule prior to August

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1, 2001. Upon exhaustion of that stock or not later than July 1, 2002, county auditors shall comply with the provisions of this regulation when ordering mail ballot return envelopes.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-100 Depositing of ballots. Ballots may be deposited in the auditor's office at any time, during normal business hours, prior to the day of the election and from 7:00 a.m. to 8:00 p.m. on election day. The county auditor shall designate at least one other place ((~~of~~) for the deposit of ballots not returned by mail) within the jurisdiction holding the mail ballot special election whenever, in his or her judgment, having only the auditor's office as a place of deposit would unduly inconvenience the voter. If other places of deposit are designated, each shall be staffed by two persons designated by the auditor. Whenever possible, the persons designated by the county auditor to staff places of deposit shall be representatives of each political party entitled to nominate precinct election officers pursuant to chapter 29.45 RCW. The person designated by the auditor shall not be an employee of the jurisdiction for whom the election is conducted and shall subscribe to an oath regarding the discharge of his or her duties, administered by the county auditor. All designated places of deposit shall be open from 7:00 a.m. until 8:00 p.m. on the day of the election and shall have a secure ballot box. The county auditor may designate additional dates and times during which any or all places of deposit may be open prior to election day. The ballot box shall be constructed in such a manner that return envelopes, once deposited, may be removed only by the county auditor or the persons appointed to staff the place(s) of deposit. These persons shall ensure that the affidavit on the return envelope is signed before the ballot is deposited in the ballot box. The person(s) staffing the designated place of deposit shall add the time and place of deposit to any ballot envelope deposited after 8:00 p.m. on election day. Such ballots shall be referred to the canvassing board for consideration if special circumstances are involved and documented by the persons staffing the place of deposit.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-110 Obtaining replacement ballots. ~~((Each county auditor shall designate his or her office or any other location within the jurisdiction requesting the mail ballot election as the single place where voters may obtain a replacement ballot. Any voter seeking a replacement ballot must, prior to 8:00 p.m. on election day, return the original ballot if it was spoiled and sign a sworn statement in substantially the following form:~~

REPLACEMENT BALLOT REQUEST

I,, do hereby request a replacement ballot for the mail ballot election to be held on in county, Washington, for the following reason (check one):

I did not receive the ballot mailed to me.

or

The ballot mailed to me has been damaged, lost, or destroyed.

I hereby certify, under penalty of law, that the above information is true and correct, and that I understand that attempting to vote more than once in any election is a violation of Washington election law.

Signature of voter

Address at which I am registered to vote

The above named individual appeared before me and has been issued a replacement ballot pursuant to the provisions of chapter 71, Laws of 1983 1st sess.

Signature of issuing officer

(Date))

The county auditor may issue replacement ballots to a registered voter who claims that the original issued ballot is destroyed, spoiled, lost, or not received. The voter may obtain the ballot by telephone request, by mail, electronically, or in person at the county auditor's office. The county auditor shall keep a record of each replacement ballot provided under this subsection.

The county auditor shall maintain a record of each replacement ballot so issued. Any absentee ballot request made wherein the voter lists an address different from that to which his or her mail ballot has been or is to be mailed shall be handled as provided by RCW 29.36.030.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-140 Verification of signatures—Process. The county auditor shall verify signatures on the return envelopes in the same manner ((~~the canvassing board verifies~~) signatures are verified on absentee ballot return envelopes pursuant to chapter 434-240 WAC.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-236-180 Tallying of ballots. ~~((The county canvassing board, upon the request of))~~ The county auditor, may begin final processing of mail ballots on hand after 7:00 a.m. on election day and tabulation at 8:00 p.m. The county auditor shall request in writing that each major political party appoint representatives to observe such counts. ~~((Anyone present shall subscribe to an oath of secrecy regarding divulging election returns prior to 8:00 p.m. election night. Any violation of the secrecy of the count shall be subject to the penalties provided in RCW 29.85.225.))~~ During tabulation of ballots on election night in counties using electronic voting devices, political party observers may select up to

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three precincts and count by hand either the total number of ballots or the total number of votes cast for any single office or issue. This hand count may take place at any time after the ballots have been officially tabulated by the electronic vote tallying system, but must take place prior to the official certification of the election results. Except as otherwise provided by law or administrative rule, mail ballots shall be processed and canvassed in the same manner as absentee ballots.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-236-040	Mail ballot election plan.
WAC 434-236-050	Review of the plan by the secretary of state.
WAC 434-236-210	Report to the secretary of state.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-010 Definitions. As used in this chapter:

(1) An "elector" of the state of Washington is any person who qualifies under state or federal law as an overseas voter, service voter, or out-of-state voter and who:

(a) Is not currently a registered voter in Washington or any other state;

(b) Will be at least eighteen years of age at the time of the next election;

(c) Is a citizen of the United States;

(d) Is a legal resident of the state, county, and precinct for at least thirty days preceding the election at which he or she offers to vote;

(e) Is not currently being denied his or her civil rights by being convicted of a crime for which he or she could have been sentenced to the state penitentiary;

(2) "Out-of-state voters," "overseas voters," "protected records voters," and "service voters" are electors of the state of Washington and are **not** registered voters of Washington or any other state; electors of the state of Washington who are spouses or dependents of service voters shall be considered to be either out-of-state voters or overseas voters;

(3) "Service voters" are electors of the state of Washington who are outside the state during the period available for voter registration and who are members of the armed forces while in active service, are students or members of the faculty at a United States military academy, are members of the merchant marine of the United States, are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States, or are certified participants in the address confidentiality program authorized by chapter 40.24 RCW.

(4) "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 in order to safeguard the integrity of the election process;

(5) "Canvassing board" or "county canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of special or challenged ballots, of verifying all unofficial returns as listed in the auditor's abstract of votes, and of producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairperson of the board of the county legislative authority, or their representatives, designated pursuant to the provisions of WAC 434-240-210;

(6) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

(7) "Ongoing absentee ballot" is a ballot provided to voters who have requested in writing to automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter 40.24 RCW;

(8) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a (~~hospital no earlier than five days before~~) healthcare facility on the day of a primary or election (~~, pursuant to the provisions of RCW 29.36.010~~);

(9) "Special absentee ballot" is that ballot provided to registered voters and electors in state primary and general elections who indicate on their application that they believe they will be residing or stationed or working outside the continental United States at the time of the election and that they will be unable to vote and return a regular absentee ballot during the time period provided by law;

(10) "Regular absentee ballot" is that absentee ballot provided to voters or electors who request an absentee ballot and who do not either request or qualify for an ongoing absentee ballot, hospital absentee ballot, or special absentee ballot;

(11) "Secure storage" are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor. Secure storage shall employ the use of numbered seals and logs or any other security measures which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board;

(12) "Challenged ballot" is that ballot issued to any voter whose registration has been challenged pursuant to the provisions of chapter 29.10 RCW and this chapter;

(13) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC (~~434-240-250 or whenever any doubt exists as to the voter's qualifications to vote in an election and no challenge has been made by either a registered voter or the precinct election officer~~) 434-253-043.

(14) "County auditor" shall be as defined by RCW 29.01.043, and with respect to the processing of absentee ballots and applications, the term includes any employee of the county auditor who is directed in writing to perform those duties on behalf of the county auditor.

(15) "Mail ballot precinct" is any precinct containing less than two hundred active registered voters at the closing of voter registration under RCW 29.07.160 in which the county auditor has determined to conduct the voting by mail ballot.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-020 Applications for single absentee ballots. Any application for ~~((an))~~ a single absentee ballot which is signed by a registered voter or elector, which identifies either the voter's registration address or the elector's last physical residence for voting purposes within the state, or where a registration address can be determined by use of the county voter registration records, and which contains an address to which the ballot is to be mailed if that address is different from the registration or residence address, shall be honored by the county auditor of the county in which the voter resides or the elector maintains his or her legal residence. An application for an absentee ballot for a primary may also be for the following general election.

NEW SECTION

WAC 434-240-027 Requesting absentee ballot for family member. A member of a registered voter's immediate family may request an absentee ballot on behalf of and for use by the voter. To ensure that a person who requests an absentee ballot is requesting the ballot for an immediate family member, an election official may require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested and deny a request that is not accompanied by this information.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-060 Termination of ongoing absentee voter status. Status as an ongoing absentee voter shall be terminated upon the occurrence of any of the following:

- (1) The cancellation of the voter's registration record;
- (2) The written request of the voter;
- (3) The death or disqualification of the voter;
- (4) The return of an ongoing absentee ballot as undeliverable;
- (5) Upon being placed on inactive status.

A service voter, as defined in RCW 29.01.155, who is a certified participant in the address confidentiality program authorized by chapter 40.24 RCW, shall maintain ongoing absentee voter status throughout the term of their program participation.

NEW SECTION

WAC 434-240-080 Special absentee ballot. The county auditor must provide special absentee ballots to be used for state primary or state general elections. The auditor will provide a special absentee ballot only to a registered voter who completes an application stating that the voter will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-090 Special absentee ballot application form. Each county shall provide an application form for a special absentee ballot. This form may be produced in any format deemed appropriate by the county auditor and shall include, but not be limited to, space for the following:

- (1) The applicant's printed name and the address at which he or she is registered to vote or, if an elector, the last physical residence for voting purposes in Washington;
- (2) The address to which the special ballot is to be mailed;
- (3) An indication of the election for which the ballot is requested;
- (4) The voter's signature;
- (5) A box for the voter to check indicating that they want a regular absentee ballot forwarded to them as soon as it is available;

~~((The application shall also state that the applicant believes that he or she will be residing or stationed outside the continental United States and that he or she believes that they will be unable to vote and return a regular absentee ballot by mail during the period provided by law for the return of regular absentee ballots.))~~ (6) The declaration required in WAC 434-240-190. The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-120 ~~((Hospital))~~ Health care facility absentee ballot application form. Each county shall provide an application form for ~~((hospital absentee ballots. This form may be produced in any format deemed appropriate by the county auditor and shall include, but not be limited to, space for the following:~~

- ~~(1) A statement by the voter that he or she was admitted to the hospital no earlier than five days prior to a primary or general election;~~
- ~~(2) A statement by the voter that he or she will be confined to the hospital on the day of the primary or election;~~
- ~~(3) A place for the voter to print his or her name and address;~~
- ~~(4) A place for the voter to sign the application;~~
- ~~(5) A place for the hospital administrator or his or her designee to verify the voter's date of admission and status as a patient;~~

~~Voters qualifying for hospital absentee ballots may apply by messenger on the day of the primary or election for that ballot.))~~ a registered voter who is a resident of a health care facility, as defined by RCW 70.37.020(3), to apply for an 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.

Replacement absentee ballots or the original absentee 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 ballot(s) from a voter, as indicated by the fact that the voter is already credited with voting, the additional ballot(s) shall not be counted and shall be forwarded to the county canvassing board.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-240-230 Processing of absentee ballots. (1) Prior to initial processing of absentee 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) All absentee ballot return envelopes may be opened and subsequently processed no earlier than the tenth day prior to any primary or election. In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day.

(3) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its representatives may perform the initial processing of absentee ballots at any time on or after the tenth day prior to the primary or election. Following initial processing, all absentee ballots must be kept in secure storage until they are ready for final processing.

(4) Final processing may be performed only after 7:00 a.m. on the day of that primary or election.

(5) Tabulation may not occur until after 8:00 p.m. on the day of the primary or election.

(6) In counties tabulating ballots on an optical scan/mark sense vote tallying system, the auditor will set the devices to 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 being given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.

(c) The reinspected ballots will then be processed in a manner prescribed in this chapter according to the findings of the inspection.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-240-235 Unsigned affidavit. (1) If the voter neglects to sign the affidavit on the return envelope, the auditor shall notify the voter, either by telephone or by first class mail, of that fact. The auditor may:

(a) Require the voter to appear in person and sign the return envelope not later than the day before the certification of the primary or election; or

(b) Provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election.

(2) The auditor shall advise the voter about the correct procedures for completing the unsigned affidavit and that, in order for the ballot to be counted, the voter must either:

(a) Sign the copy of the return envelope affidavit, if one is provided by the auditor, and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election; or

(b) Appear in person at the auditor's office not later than the day before the certification of the primary or election and complete the affidavit on the return envelope.

(3) A record shall be kept of the date on which the voter was contacted or on which the notice was mailed to the voter, as well as the date on which the voter signed the return envelope or a copy of the return envelope affidavit. That record is a public record pursuant to RCW 42.17 and may be disclosed to interested parties on written request.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-250 Absentee voter attempting to vote at the polls. In addition to maintaining a record of all persons requesting and being issued an absentee ballot, each county auditor will, to the extent time allows, make a notation on each poll list of the persons who have been issued an absentee ballot. Whenever any voter whose name has been so marked attempts to vote at the polling place, the precinct election officers shall issue that voter a special ballot. ~~((The special ballot shall be placed in an envelope, on the outside of which the words "special ballot" shall be printed. The envelope should then be sealed and care shall be taken to ensure that no marks appear on the outside of that envelope which might identify that voter. This envelope should then be placed in a larger envelope, on the outside of which shall be printed the words "special ballot." There shall also be space on this outer envelope for the precinct election officers to indicate the name and number of the precinct, the printed name, address, and telephone number of the questioned voter, and the reason why the special ballot is being issued.))~~ The special ballot shall be securely retained until all absentee ballots have been received and credited. If the voter did not return his absentee ballot, the special ballot shall be processed as a valid ballot. If the voter has returned an absentee ballot, the ballot shall not be counted and should then be referred to the canvassing board for their disposition.

This regulation and WAC 434-240-260 shall not apply to any county that does not tabulate absentee ballots until the poll books have been examined to ensure that no voter has voted twice.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-240-320 Mail ballot precincts. At any primary or election, general or special, the county auditor may, in any precinct having fewer than two hundred active registered voters, excluding ongoing absentee voters, at the time of closing of voter registration as provided in chapter 29.07 RCW, conduct the voting in that precinct by mail ballot. For any precinct so designated, the county auditor shall ~~((not less than fifteen days prior to the date of the primary or election))~~ mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in the precinct will be by mail ballot ~~((, an application form for a mail ballot, preaddressed to the county auditor with return postage prepaid))~~. A mail ballot shall be issued to each active registered voter ~~((who returns a properly executed application to the county auditor no later than the day of the primary or election))~~, as soon as they are available, for all ~~((subsequent mail ballot))~~ elections in that precinct ~~((, the application is valid so long as the voter remains active and qualified to vote. For each subsequent mail ballot election in the precinct, the county auditor shall mail a notice, mail ballot application form, preaddressed to the county auditor with return postage prepaid to each active and inactive voter in the precinct without a mail ballot application form on file with the county auditor))~~. The auditor shall send each inactive voter either a ballot or an application to receive a ballot. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's inactive status restored to active. If the inactive voter returns an application form, a ballot shall be sent and the voter's inactive status restored to active.

If the precinct exceeds two hundred registered voters, or the auditor determines to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used.

Unless otherwise provided for by law or administrative rule, mail ballot precinct ballots shall be processed in the same manner as absentee ballots. For all other purposes, including the rotation of ballots and the reporting of returns, mail ballot precinct ballots shall be treated in the same manner as polling place ballots unless otherwise provided for by law or administrative rule.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-240-025 Telephone requests for absentee ballots.
- WAC 434-240-160 Notification to voter of incomplete application.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-020 Preliminary abstract of votes. Following the election and prior to the official canvass, the county auditor shall prepare an abstract of votes, listing the number of registered voters and votes cast, votes cast for and against measures, ((and)) votes cast for candidates, overvotes and undervotes, by precinct or groups of precincts in the event that precincts have been combined ((pursuant to)) in accordance with RCW 29.04.055, for canvassing purposes. The county auditor shall inspect the report for errors that may affect the results of the election. Correction of any errors discovered must be made prior to the official canvass.

WSR 02-07-029

**PERMANENT RULES
SECRETARY OF STATE**

[Filed March 12, 2002, 2:47 p.m.]

Date of Adoption: March 12, 2002.

Purpose: To define what types of votes may and may not be counted when voter intent is not clear. Such definition will provide consistency in ballot counting procedures statewide.

Citation of Existing Rules Affected by this Order: Amending WAC 434-236-090, 434-240-200, 434-240-240, 434-261-005, 434-261-070, and 434-262-150.

Statutory Authority for Adoption: RCW 29.04.210, 29.36.150.

Adopted under notice filed as WSR 02-03-134 on January 23, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 7, Amended 6, 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 7, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 7, Amended 6, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 11, 2002

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-230-140 Definitions. Punchcard voting system is any voting system, which requires a punch be made for each vote cast with such punch penetrating the surface of the

PERMANENT

ballot card. Punchcard voting systems shall include, but not be limited to, the Datavote and the Votomatic punchcard voting systems.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-236-090 Instructions to voters. Instructions shall be included with the mail ballot, the return envelope, and ballot envelope delivered to the voter. The instructions shall ~~((detail the mechanical process which must be followed in order to properly cast the ballot))~~ include all information required for absentee ballots. The instructions shall also:

- (1) Advise the voter that the election is to be by mail ballot, the amount of postage required on the return envelope, and that regular polling places will not be open;
- (2) List the location of the place where the voter may obtain a replacement ballot if his or her ballot is destroyed, spoiled, or lost;
- (3) List the location(s), dates, and times where the voter may deposit his or her ballot prior to or on election day in the event the ballot is not mailed;
- (4) Advise the voter that in order for his or her ballot to be counted it must be either postmarked not later than the day of the election or deposited at a designated place;
- (5) Advise the voter that any person attempting to vote when he or she is not entitled or who falsely signs the affidavit shall be guilty of a felony, punishable by imprisonment for not more than five years or a fine of not more than ten thousand dollars, or both such fine and imprisonment; and
- (6) State that every voter has the right to vote his or her ballot in secret.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-200 Absentee ballot—Instructions to voters. Included with each absentee ballot provided to applicants ~~((shall))~~ must be instructions for properly voting the ballot and for returning it in a manner that will guarantee the voter secrecy of his or her ballot. The instructions shall include the following:

- (1) Detailed instructions for correctly marking the ballot;
- (2) Detailed instructions on how the voter ~~((may))~~ must correct a spoiled ballot. To make a correction on an absentee ballot, voters shall be instructed to cross out the incorrect vote and to vote the correct choice;
- (3) Instructions on how the voter is to complete and sign the affidavit on the return envelope, or if unable to sign their name, that their mark be witnessed by two other persons;
- (4) Instructions on how the voter is to place his or her ballot in the security envelope and place the security envelope in the return envelope;
- (5) Instructions regarding postage, if required;
- (6) Notice to the voter that the ballot must be postmarked not later than election day.
- (7) Instructions on how to obtain a replacement ballot. County auditors shall be permitted to use any existing stock of absentee ballot instructions, in the form specified by state law or administrative rule prior to January 1, 2002.

Upon exhaustion of that stock or not later than December 31, 2002, county auditors shall comply with the provisions of this regulation when ordering absentee ballot instructions.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-240 Verification of the signature and postmark on absentee ballots. An absentee ballot shall be counted only if:

- (1) It is returned in the return envelope or similar envelope provided it contains the same data and signed affidavit, and is approved by the auditor;
- (2) The affidavit is signed ~~((by the registered voter to whom it was issued))~~ with a valid signature in the place afforded for the signature on the envelope or other as designated by the auditor;
- (3) The signature has been verified by the county canvassing board 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 or polling location not later than 8:00 p.m. on election day; and
- (5) The absentee ballot is received ~~((by the))~~ not later than the day prior to certification of the primary or election.

The canvassing board must compare the signature on the return envelope, or on a copy of the return envelope, with the signature as it appears on the voter's voter registration card. 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. For service voters, overseas voters, and out-of-state voters the date of mailing shall be the date indicated by the voter on the return envelope, and any envelope which shows a date subsequent to the date of the primary or general election shall ~~((be referred to the county canvassing board for disposition))~~ not be counted. For all other absentee ballots, the date of mailing shall be the postmark, if present and legible. If the postmark is not present or legible, the date of mailing shall be considered the date indicated by the voter on the return envelope. All absentee ballots showing a postmark subsequent to the date of the primary or election, or a date indicated by the voter subsequent to the date of the primary or election if the postmark is missing or illegible, shall ~~((be referred to the county canvassing board for their disposition))~~ not be counted. 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.

Chapter 434-253 WAC

THE POLLING PLACE—BEFORE, DURING AND
AFTER THE ELECTIONNEW SECTION

WAC 434-253-043 Special ballots—When issued. A special ballot is a regular ballot issued to a person seeking to vote in a polling place under the following circumstances:

- (1) The name of the voter does not appear in the poll book;
- (2) The voter's name is in the poll book but there is an indication that the voter was issued an absentee ballot, and the voter wishes to vote at the polls; or
- (3) Other circumstances as determined by the precinct election official.

After the voter signs the poll book, the precinct election officer shall issue a special ballot outer envelope and a security envelope to the voter eligible for a special ballot. The voter shall vote the ballot in secrecy and when done, place the ballot in the security envelope, then place the security envelope with the ballot in it in the special ballot outer envelope and return it to the precinct election official. The precinct election official shall ensure that the required information is completed on the outer envelope and have the voter sign it in the appropriate space, and place it in a secure container. (See also WAC 434-240-250 for voters issued an absentee ballot.)

NEW SECTION

WAC 434-253-045 Special ballots—Required information. At a minimum, the following information will be required to be printed on the outer special ballot envelope:

- (1) Name and signature of voter.
- (2) Voter's registered address both present and former if applicable.
- (3) Voter's date of birth.
- (4) Reason for the special ballot.
- (5) Precinct and polling place at which voter has voted.
- (6) Sufficient space to list disposition of the ballot after review by the county auditor.

No special ballot shall be rejected for lack of the information described in this section as long as the voter provides a valid signature and sufficient information to determine eligibility.

County auditors shall be permitted to use any existing stock of special ballot envelopes in the form specified by state law or administrative rule prior to January 1, 2002. Upon exhaustion of that stock or not later than December 31, 2002, county auditors shall comply with the provision of this regulation when ordering special ballot envelopes.

NEW SECTION

WAC 434-253-047 Special ballots—Disposition. (1) Upon receipt of the special ballot, including special ballots from other counties or states, the auditor must investigate the circumstances surrounding the special ballot prior to certification of the primary or election. A special ballot cannot be

counted if the registered voter did not sign either the poll book or the special ballot envelope.

(a) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the special ballot will not be counted.

(b) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration will be immediately restored and the special ballot counted.

(c) If the auditor determines that the cancellation was not in error, the voter shall be afforded the opportunity to reregister at the voter's correct address, and the special ballot will not be counted.

(2) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received at his or her designated polling place, the auditor must ensure that only those votes for the positions or measures for which the voter was eligible to vote are counted.

(3) If the voter is a registered voter in another county or state, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted including rotation if applicable, within five working days after election day to the supervisor of elections for the county for which the voter is resident. If the special ballot envelope is not signed by the voter, a copy of the poll book page shall be included. If the county is not known, it shall be forwarded to the secretary of state, or counterpart, for the state in which the voter is resident.

(4) If the auditor finds that an absentee voter who voted a special ballot at the polls has also voted an absentee ballot in that primary or election, the special ballot will not be counted.

(5) The auditor will prepare a tally displaying the number of special 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.

NEW SECTION

WAC 434-253-049 Special ballots—Processing. When the disposition of the ballot determines that the ballot is to be counted, the ballot shall be processed in a manner similar to an absentee ballot as provided in chapter 434-240 WAC except the outer special 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.

AMENDATORY SECTION (Amending WSR 99-08-089, filed 4/6/99, effective 5/7/99)

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot upon 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 ~~((electronic voting equipment))~~ vote tallying system to blank ballots of the same type and style, or as directed by the canvassing board;

(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) "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) "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;

(6) "Valid signature" is the verified signature of a registered voter eligible to vote in the primary or election as contained in the voter registration files of the county. A mark with two witnesses on an absentee ballot, a mail ballot precinct ballot, or a vote-by-mail ballot shall be considered a valid signature.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-261-070 Manual inspection of ballots. (1) 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 ((damage, write-in votes, incorrect or incomplete marks, and questions of voter intent)) unreadable ballots. 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 29.51.115 are being complied with.

(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 clearly form a discernible and consistent pattern on the ballot to the extent that the voter's intent can be clearly determined, the county may either:

~~((1))~~ (a) Refer the ballots to the county canvassing board;

~~((2))~~ (b) Duplicate the ballots if ~~((the intent of the voters is clear))~~ authorized by the county canvassing board as per WAC 434-261-090; or

~~((3))~~ (c) Enhance the ballots if ~~((the intent of the voters is clear and))~~ 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.

(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 be removed without duplication, enhancement, or reference to the county canvassing board. If less than two corners are detached, then subsection (3) of this section shall apply.

NEW SECTION

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 others 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.

(b) If a voter appears to have corrected their 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.

(3) Where a voter has indicated a write-in vote on their 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.

(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.

(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.

NEW SECTION

WAC 434-261-085 Ballot enhancement—Punch card systems. Ballots shall only be enhanced when such enhancement will not permanently obscure marks or punches of the voters. Teams of two or more people working together shall enhance ballots. When enhancing ballots, the county auditor shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

(1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the enhanced ballot.

(2) A log shall be kept of the ballots enhanced and shall include at least the following information:

(a) The control number of each ballot enhanced;

(b) The initials of at least two people who participated in enhancing each ballot; and

(c) The total number of ballots enhanced.

(3) When the county canvassing board rejects one or more votes on a ballot that contains other valid votes, as in the case of special ballots, the ballot must be duplicated without the rejected vote(s) or the vote(s) may be overvoted on the original ballot. When overvoting, the punch made by the county auditor shall be clearly indicated on the ballot and shall follow the rules for enhancement.

(4) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-150 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 voter's intent;

((3)) (4) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

((4)) (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 434-240-200 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.

WSR 02-07-043
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed March 13, 2002, 4:27 p.m.]

Date of Adoption: February 28, 2002.

Purpose: To amend WAC 388-533-0400 Maternity care and newborn delivery. The department recognizes that smoking during pregnancy is associated with poor maternal, fetal, and infant outcomes. In order to help improve these outcomes, the department is adding coverage for smoking cessation counseling/education services for Medicaid pregnant women. The rule clearly states who is eligible for the program, who may provide and be reimbursed for program services, and the specific services for which providers are reimbursed.

Citation of Existing Rules Affected by this Order: Amending WAC 388-533-0400 Maternity care and newborn delivery.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.760, 74.09.770.

Adopted under notice filed as WSR 02-03-098 on January 18, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 28, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-23-052, filed 11/13/00, effective 12/14/00)

WAC 388-533-0400 Maternity care and newborn delivery. (1) The following definitions and abbreviations and those found in WAC 388-500-0005 apply to this chapter. Defined words and phrases are bolded the first time they are used in the text.

(a) **"Birthing center"** means a specialized facility licensed as a childbirth center by the department of health (DOH) under chapter 246-349 WAC.

(b) **"Bundled services"** means those services that are integral to a major procedure that may be bundled with the major procedure for the purposes of reimbursement. Under

this chapter, certain bundled services must be billed separately (unbundled) when the services are provided by different providers.

(c) "**Facility fee**" means that portion of MAA's reimbursement that covers the hospital or birthing center charges. This does not include MAA's reimbursement for the professional fee defined below.

(d) "**Global fee**" means the fee MAA pays for total obstetrical care. Total obstetrical care includes all bundled antepartum care, delivery services and postpartum care.

(e) "**High-risk**" pregnancy means any pregnancy that poses a significant risk of a poor birth outcome.

(f) "**Professional fee**" means that portion of MAA's reimbursement that covers the services that rely on the provider's professional skill or training, or the part of the reimbursement that recognizes the provider's cognitive skill. (See WAC 388-531-1850 for reimbursement methodology).

(2) MAA covers full scope maternity care and newborn delivery services to its clients who qualify for categorically needy (CN) or medically needy (MN) scope of care (see WAC 388-462-0015 for client eligibility). See subsection (21) of this section for client eligibility limitations for smoking cessation counseling provided as part of antepartum care services.

(3) MAA does not provide full scope maternity care and delivery services to its clients who qualify for medically indigent (MI) scope of care (see WAC 388-462-0015 for client eligibility). Clients who qualify for MI scope of care have hospital delivery coverage only.

(4) MAA does not provide maternity care and delivery services to its clients who are eligible for:

(a) Family planning only (a pregnant client under this program should be referred to the local community services office for eligibility review); or

(b) Any other program not listed in this section.

(5) MAA requires providers of maternity care and newborn delivery services to meet all of the following. Providers must:

(a) Be currently licensed by the state of Washington's department of health (DOH) and/or department of licensing;

(b) Have signed core provider agreements with MAA;

(c) Be practicing within the scope of their licensure; and

(d) Have valid certifications from the appropriate federal or state agency, if such is required to provide these services (e.g., federally qualified health centers (FQHCs), laboratories certified through the Clinical Laboratory Improvement Amendment (CLIA), etc.).

(6) MAA covers total obstetrical care services (reimbursed under a **global fee**). Total obstetrical care includes all of the following:

(a) Routine antepartum care that begins in any trimester of a pregnancy;

(b) Delivery (intrapartum care/birth) services; and

(c) Postpartum care. This includes family planning counseling.

(7) When an eligible client receives all the services listed in subsection (6) of this section from one provider, MAA reimburses that provider in one of the following ways:

(a) Through a global obstetrical fee; or

(b) Through separate fees in any combination:

(i) First trimester antepartum care;

(ii) Second trimester antepartum care;

(iii) Third trimester antepartum care;

(iv) Delivery services (intrapartum care); and

(v) Postpartum care.

(8) When an eligible client receives services from more than one provider, MAA reimburses each provider for the services furnished. The separate services that MAA reimburses appear in subsection (7)(b) of this section.

(9) MAA reimburses for antepartum care services in one of the following two ways:

(a) Under a global fee (for total obstetrical care); or

(b) Under separate trimester care fees.

(10) MAA's fees for antepartum care include all of the following:

(a) An initial and any subsequent patient history;

(b) All physical examinations;

(c) Recording and tracking the client's weight and blood pressure;

(d) Recording fetal heart tones;

(e) Routine chemical urinalysis (including all urine dipstick tests); and

(f) Maternity counseling.

(11) MAA covers certain antepartum services in addition to the **bundled services** listed in subsection (10) of this section. MAA reimburses separately for any the following:

(a) A prenatal assessment fee for a pregnant client (limited to one prenatal assessment fee per pregnancy per provider);

(b) An enhanced prenatal management fee (a monthly fee for medically necessary increased prenatal monitoring). MAA provides a list of diagnoses and/or conditions that MAA identifies as justifying more frequent monitoring visits. MAA reimburses for either (b) or (c) of this subsection, but not both;

(c) A prenatal management fee for "**high-risk**" maternity clients. This monthly fee is payable to either a physician or a certified nurse midwife. MAA reimburses for either (b) or (c) of this subsection, but not both;

(d) Necessary prenatal laboratory tests except routine chemical urinalysis, including all urine dipstick tests, as described in subsection (10)(e) of this section; and/or

(e) Treatment of medical problems that are not related to the pregnancy. MAA pays these fees to physicians or advanced registered nurse practitioners.

(12) MAA covers high-risk pregnancies. MAA considers a pregnant client to have a high-risk pregnancy when the client:

(a) Has any high-risk medical condition (whether or not it is related to the pregnancy); or

(b) Has a diagnosis of multiple births.

(13) MAA covers delivery services for clients with high-risk pregnancies, described in subsection (12) of this section, when the delivery services are provided in a hospital.

(14) MAA covers the **facility fee** for delivery services in the following settings:

(a) Inpatient hospital; or

(b) Birthing centers.

(15) MAA covers the **professional fee** for delivery services in the following settings:

(a) Hospitals, to a provider who meets the criteria in subsection (5) of this section and who has privileges in the hospital;

(b) Planned home birth settings for providers who are participating in MAA's home birth pilot project; or

(c) **Birthing centers**, as described in WAC 388-533-0600.

(16) MAA covers hospital delivery services for an eligible client as defined in subsections (2), (3), and (4)(b) of this section. MAA's bundled reimbursement for the professional fee for hospital delivery services include:

(a) The admissions history and physical examination;

(b) The management of uncomplicated labor (intrapartum care);

(c) The vaginal delivery of the newborn (with or without episiotomy or forceps); and

(d) Cesarean delivery of the newborn.

(17) MAA pays only a labor management fee to a provider who begins intrapartum care and unanticipated medical complications prevent that provider from following through with the birthing services.

(18) In addition to the MAA reimbursement for professional services in subsection (16) of this section, MAA may reimburse separately for services provided by any of the following professional staff:

(a) A stand-by physician in cases of high risk delivery and/or newborn resuscitation;

(b) A physician assistant when delivery is by cesarean section;

(c) A registered nurse - "first assist" when delivery is by cesarean section;

(d) A physician, advanced registered nurse practitioner, or licensed midwife for newborn examination as the delivery setting allows; and/or

(e) An obstetrician/gynecologist specialist for external cephalic version and consultation.

(19) In addition to the professional delivery services fee in subsection (16) or the global/total fees (i.e., those that include the hospital delivery services) in subsections (6) and (7) of this section, MAA allows additional fees for any of the following:

(a) High-risk vaginal delivery;

(b) Multiple vaginal births. MAA's typical reimbursement covers delivery of the first child. For each subsequent child, MAA reimburses at fifty percent of the provider's usual and customary charge, up to MAA's maximum allowable fee; or

(c) High-risk cesarean section delivery.

(20) MAA does not reimburse separately for any of the following:

(a) More than one child delivered by cesarean section during a surgery. MAA's cesarean section surgery fee covers one or multiple surgical births;

(b) Post-operative care for cesarean section births. This is included in the surgical fee. Post-operative care is not the same as or part of postpartum care.

(21) In addition to the services listed in subsection (11) of this section, MAA covers counseling for tobacco dependency for eligible pregnant women through two months post-pregnancy. This service is commonly referred to as smoking cessation education or counseling.

(a) MAA covers smoking cessation counseling for only those fee-for-service clients who are eligible for categorically needy (CN) scope of care. See (f) of this subsection for limitations on prescribing pharmacotherapy for eligible CN clients. Clients enrolled in managed care may participate in a smoking cessation program through their plan.

(b) MAA pays a fee to certain providers who include smoking cessation counseling as part of an antepartum care visit or a post-pregnancy office visit (which must take place within two months following live birth, miscarriage, fetal death, or pregnancy termination). MAA reimburses only the following providers for smoking cessation counseling:

(i) Physicians;

(ii) Physician assistants (PA) working under the guidance and billing under the provider number of a physician;

(iii) Advanced registered nurse practitioners (ARNP), including certified nurse midwives (CNM); and

(iv) Licensed midwives (LM).

(c) MAA covers one smoking cessation counseling session per client, per day, up to ten sessions per client, per pregnancy. The provider must keep written documentation in the client's file for each session. The documentation must reflect the information in (e) of this subsection.

(d) MAA covers two levels of counseling. Counseling levels are:

(i) Basic counseling (fifteen minutes), which includes (e)(i), (ii), and (iii) of this subsection; and

(ii) Intensive counseling (thirty minutes), which includes the entirety of (e) of this subsection.

(e) Smoking cessation counseling consists of providing information and assistance to help the client stop smoking. Smoking cessation counseling includes the following steps (refer to MAA's physician-related services (RBRVS) and births and birthing centers billing instructions for specific counseling suggestions and billing requirements):

(i) Asking the client about her smoking status;

(ii) Advising the client to stop smoking;

(iii) Assessing the client's willingness to set a quit date;

(iv) Assisting the client to stop smoking, which includes developing a written quit plan with a quit date. If the provider considers it appropriate for the client, the "assisting" step may also include prescribing smoking cessation pharmacotherapy as needed (see (f) of this subsection); and

(v) Arranging to track the progress of the client's attempt to stop smoking.

(f) A provider may prescribe pharmacotherapy for smoking cessation for a client when the provider considers the treatment is appropriate for the client. MAA covers certain pharmacotherapy for smoking cessation as follows:

(i) MAA covers Zyban™ only;

(ii) The product must meet the rebate requirements described in WAC 388-530-1125;

(iii) The product must be prescribed by a physician, ARNP, or physician assistant;

(iv) The client for whom the product is prescribed must be eighteen years of age or older;

(v) The pharmacy provider must obtain prior authorization from MAA when filling the prescription for pharmacotherapy; and

(vi) The prescribing provider must include both of the following on the client's prescription:

(A) The client's estimated or actual delivery date; and

(B) Indication that the client is participating in smoking cessation counseling.

(g) MAA's reimbursement for smoking cessation counseling is subject to post-pay review. See WAC 388-502-0230, Provider review and appeal, and WAC 388-502-0240, Audits and the audit appeal process for contractors/providers, for information regarding review and appeal processes for providers.

WSR 02-07-045

PERMANENT RULES

WESTERN WASHINGTON UNIVERSITY

[Filed March 14, 2002, 11:00 a.m.]

Date of Adoption: March 11, 2002.

Purpose: Amend the WAC rules pertaining to transportation issues at Western Washington University.

Citation of Existing Rules Affected by this Order: Amending chapters 516-12, 516-13, and 516-14 WAC.

Statutory Authority for Adoption: RCW 28B.35-120(12).

Adopted under notice filed as WSR 01-24-034 on November 28, 2001.

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 12, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 12, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 12, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 11, 2002

Suzanne M. Baker

Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-17-052, filed 8/15/97, effective 9/15/97)

WAC 516-12-400 Definitions. As used in this chapter, and chapters 516-13 and 516-14 WAC, the following words and phrases mean:

(1) "Area designator": A tag affixed to a permit indicating a parking lot assignment for a vehicle.

(2) "Automobile": Any motorized vehicle having four or more wheels.

(3) "Board": The board of trustees of Western Washington University.

(4) "Campus": All state lands devoted to the educational or research activities of the university.

(5) "Disabled space": A parking space identified with a sign bearing the international disabled symbol that is restricted at all hours to use by vehicles displaying a valid WWU disabled parking permit.

(6) "Dismount zone": Any area designated by signs or symbols as a place where bicycles shall not be ridden but may be walked.

(7) "Employee": Any individual appointed to the faculty, staff, or administration of the university.

(8) "Habitual offender": The driver of a vehicle license number or permit number accruing ten or more paid or unpaid parking citations.

(9) "Holiday" or "university holiday": A day when all university offices and/or facilities are closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Intercession or quarter breaks are not considered holidays. See definition of intercession.

(10) "Intercession": A period of time in which classes or final exams are not in session. Except for holidays that may fall within this time period, the business offices of the university are open during this time.

(11) "Impoundment": A state in which a vehicle has been seized and kept in legal custody by either being immobilized with a wheel lock device or towed from campus.

(12) "Meter feeding": Purchase of additional time beyond the time limit posted on the parking meters. This practice is prohibited since use of meters is intended to serve short-term parking needs.

(13) "Motorcycle": Any two or three wheeled motorized vehicle.

(14) "Motor vehicle" or "vehicle": Any automobile or motorcycle.

(15) "Parking appeals board": The board which hears parking citation appeals.

(16) (~~("Parking manager")~~) "Public safety director": The person appointed (~~(parking manager)~~) public safety director of the university by the president or designee.

(17) "Parking space": A parking area designated by a sign, wheelstop, white-painted lines, and/or white traffic but-tons.

(18) "Permit": Any special or temporary parking permit authorized by the (~~(parking manager)~~) public safety director.

(19) "President": The president of Western Washington University.

(20) "Prohibited area": An area in which vehicular traf-fic and/or parking is prohibited according to the times posted.

(21) "Public safety department": The university public safety department.

(22) "Student": Any person enrolled in the university as a student.

(23) "Parking and transportation services": The parking and transportation services of the university.

(24) "Time-limited parking space": A space in which parking is allowed for a specific time period.

(25) "University": Western Washington University.

(26) "Valid permit": An unexpired parking permit authorized by the ~~((parking manager))~~ public safety director, properly registered and displayed on the vehicle.

(27) "Visitors": Persons who are neither employees or students and who visit the campus only on occasional basis.

(28) "Wheelstop": A cement or metal barrier approximately eight inches high and six feet long used to define a parking space.

AMENDATORY SECTION (Amending WSR 97-17-052, filed 8/15/97, effective 9/15/97)

WAC 516-12-420 Authority. The board of trustees of Western Washington University is granted authority under Title 28B of the Revised Code of Washington to establish regulations to govern pedestrian and vehicular traffic and parking on the campus of the university. The administration of the parking regulations and moving violations is the responsibility of the ~~((parking manager. Moving violations are the responsibility of the director of))~~ public safety director.

(1) All regulations in this chapter and all motor vehicle and other traffic laws of the state of Washington will apply on the campus.

(2) The traffic code of the city of Bellingham will apply on city streets which cross the campus.

(3) The ~~((parking manager))~~ public safety director is authorized to:

(a) Issue and/or sell parking permits to employees, students, guests, visitors, and others when necessary, and to provide special parking for the physically disabled.

(b) Impose and/or suspend traffic and parking regulations and restrictions when appropriate to the mission of the university.

(c) Erect signs, barricades, and other structures to designate and mark the various parking or no parking areas on campus; and to paint marks and other directions on the streets and roadways for the regulation of traffic and parking.

(d) Establish procedures, including time schedules and deadlines, to govern the purchase of annual, academic year, and quarterly permits, and to assign the limited parking spaces.

(4) The authority conferred upon the ~~((parking manager))~~ public safety director under this chapter may be delegated by the ~~((parking manager))~~ public safety director to other personnel within parking and transportation services under guidelines established by business and financial affairs.

(5) The university reserves the right to change or close, either temporarily or permanently, any campus parking area. Notice of change will be provided whenever practical.

AMENDATORY SECTION (Amending WSR 97-17-052, filed 8/15/97, effective 9/15/97)

WAC 516-12-430 General regulations. (1) The registered owner(s) and operator of a vehicle or the person to

whom a permit is issued involved in a violation of these regulations will be jointly and severally responsible for the violation.

(2) All vehicles, attended or unattended, must display a valid Western Washington University parking permit when parked on the campus unless parked in a metered parking space (with meter payment)(;) or a time-limited space ~~((or a visitor's space (with a visitor's permit)))~~.

(3) Policy on assignments to parking lots will be established by the ~~((parking manager))~~ public safety director.

(4) If a parking permit holder cannot locate a parking space in the assigned lot, he/she may park in the next nearest ~~((visitor area))~~ parking lot and then must call the parking and transportation services office. Motorcycle permit holders will go to the next nearest motorcycle lot.

(5) The university reserves the right to refuse parking privileges to anyone who has

(a) Had a permit revoked.

(b) Falsified a parking application or registration.

(c) Counterfeited or altered an area designator or permit.

(d) Failed to pay outstanding citations.

(e) Been identified as a habitual offender.

(f) Been found to be in possession of or using a lost or stolen permit.

(g) Removed a wheel lock without authorization of parking and transportation services.

(6) The speed limit on campus is 10 mph or as posted. Vehicles must be operated in a careful and prudent manner at all times and must be operated in compliance with established speed limits. Drivers of vehicles must obey all regulatory signs and comply with directions given by members of parking and transportation services and officers of the public safety department in the control and regulation of parking and traffic.

(7) The operator of a vehicle must yield the right-of-way to pedestrians crossing streets and roadways within the campus, and at intersections or clearly marked crosswalks or city streets which cross the campus. Pedestrians must not cross any street or roadway except at an intersection or clearly marked crosswalk. Pedestrians must utilize sidewalks where provided on streets and roadways. If no sidewalk is provided, pedestrians will utilize the extreme left-hand side and move to their left and clear of the roadway or street upon meeting an oncoming vehicle.

(8) Vehicles owned by or assigned on a permanent basis to administrative units on campus and bearing "E," "B" or "M" license plates or a university insignia may be parked in "G" or "C" lots for brief periods while the driver is on university business. Long-term parking is not permitted, nor is any parking allowed in reserved spaces except when a space is designated for that specific vehicle. University vehicles may be parked in metered spaces provided that meter regulations are observed. Violations incurred will be the responsibility of the driver. All operators of these or other state vehicles will abide by all traffic and parking regulations.

(9) No person may utilize any vehicle parked on campus as a living unit without specific approval from the ~~((parking manager))~~ public safety director. Violators will be cited and/or towed.

(10) Vehicles are to be maintained in operating condition at all times on university property. Repairs will not be made on campus unless authorization has been received in advance from the ~~((parking manager))~~ public safety director. A vehicle which appears to be abandoned, with or without current Western Washington University registration or license plates, may be impounded after an attempt is made to locate and notify the owner of the impending action.

(11) The university rents space to individuals who wish to park on campus and who are issued a parking permit. The university assumes no responsibility or liability under any circumstances for vehicles or bicycles parked on campus nor does it assume any personal liability in connection with its parking program. No bailment of any sort is created by the issuance of a permit.

(12) The person who obtains a permit is responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with these regulations.

AMENDATORY SECTION (Amending WSR 96-14-006, filed 6/20/96, effective 7/21/96)

WAC 516-12-440 Parking areas. (1) Parking is prohibited in any area not specifically marked as a parking space, designated by a sign, wheelstop, white/painted lines, and/or white traffic buttons.

(2) Vehicles will not be parked in any parking area without a parking permit for that area except as provided in WAC 516-12-430(2). Each parking area is posted to indicate the type of permit required and the times they are required.

(3) Parking in a time-limited space is limited to the time posted or assigned.

(4) Visitors will park only where assigned by permit or in metered visitor areas with meter payment.

(5) Vehicles displaying valid permits for other parking areas on campus may not park in metered visitor lots except as provided in WAC 516-12-430(4).

(6) Meters are available to serve short-term parking needs. They are in effect at the times posted at the location. During these times the meter must be paid the correct amount posted. "Feeding" meters is prohibited. That is, additional time cannot be purchased beyond the time limit posted on the meter (e.g., a two-hour meter will allow a maximum of two hours of purchased time, and the driver may not pay the meter again to park longer than the maximum time provided).

(7) Motorcycles and moped-type vehicles will be parked in designated "M" (motorcycle) lots only and will not use space assigned to automobiles or bicycles, unless parked at a meter with payment.

(8) Automobiles will not be parked in areas assigned to motorcycles.

(9) Bicycles must be parked in bicycle racks where provided. (Chapter 516-13 WAC.)

(10) Personal notes or business cards left on vehicles describing reasons for parking without a proper and valid permit or for parking in an unauthorized manner will not be accepted.

(11) Spaces designated for specific use are restricted for that designated purpose or to assigned vehicles all hours.

(12) Resident student "R" lots are restricted to permit holders 24 hours per day.

(13) All parking spaces are defined by signs, painted surface lines, traffic "buttons," and/or wheelstops. All other areas are no parking zones. Using more than one space when parking is prohibited.

(14) The fact that other vehicles are parked improperly does not constitute a valid excuse. Should an individual parked in violation of any regulation not receive a citation, it does not indicate that such parking is authorized, that the regulation is no longer in effect, or that a future ticket is invalid.

(15) The fact that one vehicle is parked in such a manner as to occupy more than one parking space is not an acceptable excuse for another operator to do the same.

AMENDATORY SECTION (Amending WSR 97-17-052, filed 8/15/97, effective 9/15/97)

WAC 516-12-450 Permits. (1) Except as otherwise provided in this chapter, permits may be issued only to students, employees, and other members of the university community. Persons wishing to obtain parking permits are required to complete a registration form provided by parking and transportation services and pay the fee. Ownership of the parking permit remains with the university. Individuals are not allowed to transfer ownership. All permits reported lost or stolen should be returned to the parking and transportation services office immediately upon recovery. Possession or use of a lost or stolen permit or a forged permit will result in a fine, the vehicle being wheel-locked, and loss of parking privileges. Report the loss or theft of a parking permit to the parking and transportation services office immediately.

(2) A valid permit means an unexpired parking permit authorized by the ~~((parking manager))~~ public safety director, properly registered and displayed on the vehicle.

(3) Hanging parking permits are to be displayed from the rear-view mirror according to instructions on the permit. Other types of permits are to be displayed according to instructions provided by parking and transportation services personnel. A parking permit is not considered valid unless it is correctly displayed on the vehicle.

(4) Motorcycle permits will be permanently attached to the top of the taillight. If taillight does not conform to current federal law, permits must be attached so as to be easily seen from the rear of the vehicle.

(5) The theft or loss of a parking permit should be reported immediately upon discovery.

A stolen permit will be replaced the first time at no cost providing a theft report has been filed with the public safety department. The second time the replacement fee will be \$10.00; the third time \$20.00; and thereafter at the original cost of the highest priced permit plus \$5.00.

A lost permit will be replaced the first time for \$5.00; the second time \$10.00; the third time \$20.00; and thereafter at the original cost of the highest priced permit plus \$5.00.

Recovered lost or stolen permits should be returned to the parking services office immediately.

(6) To enhance the business and operation of the university "all lots" decals or ~~((official))~~ university business permits may be issued by the ~~((parking manager))~~ public safety direc-

tor. Requests for all lots decals and university business permits require an annual ((written justification)) completed supplemental application and the signature of the dean, director, or chairperson of the department with which the person is associated. ~~((Requests may also require the approval of the parking advisory committee.))~~ Issuance requires purchase of a "G" parking permit and permits will be in effect the same period of time. These permits are valid for brief periods of time only when on university business and are not valid in metered lots, specifically reserved spaces, or small capacity lots.

(7) Persons with a temporary or permanent physical disability who require special parking consideration must ~~((furnish to the parking manager a physician's certification of the request on forms provided by the parking and transportation services office. (This certification does not apply to persons whose vehicles bear a state issued handicapped license or permit.))~~ obtain a state disabled parking permit as well as a valid WWU disabled parking permit.

(8) All permits are the property of the university and may be recalled by the ~~((parking manager))~~ public safety director under the following circumstances:

(a) When the purpose for which they were issued changes or ceases to exist.

(b) Falsification of an application or registration for parking.

(c) Violations of the regulations in this chapter.

(d) Counterfeiting or altering a permit.

(e) Failure to comply with a judgment of the parking appeals board.

(f) Failure to pay outstanding citations.

(g) Removed a wheel lock without authorization of parking and transportation services.

(9) Annual, academic, and quarterly parking space assignments will be available according to a schedule determined and publicized by the ~~((parking manager))~~ public safety director.

(a) Annual permits are valid for 12 months.

(b) Academic permits are valid for 9 months.

(c) Quarterly permits are valid from the first day of the quarter for which issued until the first day of the succeeding quarter.

(d) Those persons desiring to consecutively renew a quarterly permit for winter, spring, and summer quarters to the same parking lot as assigned for fall quarter may do so during the two weeks prior to finals week each quarter through the first two weeks of the next quarter. ~~((All spaces not renewed will go on open sale finals week of each quarter.))~~ Permits may not be renewed for fall quarter.

(10) Special permits may include, but are not limited to: Guest, service/vendor, temporary assignment, visitor, and loading permits authorized by the ~~((parking manager))~~ public safety director.

(11) Faculty, staff, or students who have purchased a hanging parking permit but forget to place it on the vehicle they are driving to campus ~~((and))~~ must obtain a temporary permit from the parking office or visitor information center. Those who have not purchased a permit must obtain a temporary permit from the parking and transportation services office or the visitor information center at the cost of a daily

visitor permit. Temporary permits are issued for the lot assigned or, if no permit has been purchased, for available spaces ~~((, not for visitor lots)).~~

(12) Faculty, staff, or students who purchase an annual, academic, or quarterly parking permit may use the permit on any vehicle they drive but may not transfer ownership of the permit. The individual to whom a permit is issued is responsible for parking violations by any vehicle bearing the permit.

AMENDATORY SECTION (Amending WSR 97-17-052, filed 8/15/97, effective 9/15/97)

WAC 516-12-460 Fees. (1) Fee and citation schedules will be submitted by the president or his/her designee to the board of trustees for approval by motion and will thereafter be posted in the public area of the parking and transportation services office.

(2) Cost of permits will be prorated throughout the year according to type and date purchased and will be posted in the parking and transportation services office.

(3) Refunds may be made based on the valid time remaining upon application by the permit holder or upon revocation of the permit by the ~~((parking manager))~~ public safety director. Unpaid citation fines will be deducted from any refund.

(a) The permit holder must return the permit to the parking and transportation services office before a refund will be authorized or a payroll deduction be terminated.

(b) A service charge will be assessed for any permit returned during the first ten days of fall quarter.

(c) A service charge will be assessed for quarterly permits returned during the first ten days of the quarter for which valid.

(d) No refund will be made for a quarterly permit during the last two weeks of the quarter.

(e) No refund will be made for an academic permit during the last two weeks of spring quarter.

(f) No refund will be made for a summer permit or an annual permit after the six-week summer session.

(4) A service charge will be assessed for:

(a) Change of permit when a lot transfer is requested by the permit holder and approved by the ~~((parking manager))~~ public safety director.

(b) Replacement of permits unless the old permit is returned in identifiable condition.

(c) Change in hours issued on a part-time permit.

(5) Salaried employees have the option of paying for parking through payroll deduction.

(6) Prorated fees will be charged for part-time permits.

(7) The proper fee must be paid for all vehicles parked in metered lots unless otherwise authorized.

(8) For fees regarding lost or stolen permits, see WAC ~~((516-12-470(4)))~~ 516-12-450(5).

~~((9) Permit holders who forget their permit or any driver without a permit must purchase a temporary permit at current visitor fees.))~~

AMENDATORY SECTION (Amending WSR 97-17-052, filed 8/15/97, effective 9/15/97)

WAC 516-12-470 Enforcement. (1) General.

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and/or prevents a person having a valid permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving (~~a third parking citation with~~) two (~~previous~~) unpaid parking citations outstanding for more than seventy-two hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations (~~may not be allowed to have a copy of his/her transcript released by the registrar's office~~) may not receive their class registration and/or transcript until citations are paid.

(d) Parking permits will not be issued until all outstanding citations are paid.

(e) After identifying the registered owner of any vehicle without a parking permit or a permit number which has one or more unpaid citations, the parking and transportation services office will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate collection agent and/or civil court for resolution.

(f) The operator and owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation. The person to whom a permit is issued is responsible for all citations issued to that permit number.

(g) These enforcement measures are cumulative using one or more enforcement measures will not prohibit the use of additional measures.

(2) When regulations are in effect.

(a) Except as stated in (b) and (c) of this subsection, parking regulations are subject to enforcement throughout the calendar year but will not be enforced on official university holidays unless otherwise posted. For purposes of this section, intercession is not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.

(c) Intercession regulations will be determined and published by the (~~parking manager~~) public safety director as required.

(d) (~~Permits are required in G, C, and V parking areas Monday through Friday from 7:00 a.m. through 5:00 p.m. unless otherwise posted. Permits are required in R (student resident) lots all hours.~~) All lots have restrictions. Refer to regulatory signs at lot entrances.

(e) Should there be a conflict between these regulations, parking maps, and on-site posted signs regarding parking information and instructions, the on-site sign takes precedence.

(3) (~~Night parking.~~

(a) ~~The hours of night parking are 5:00 p.m. to 7:00 a.m.~~

(b) ~~During the hours of night parking all lots except "R" (campus resident) lots, some restricted lots, and reserved~~

~~spaces in any lot are open to parking unless otherwise posted with signs or designated by the parking manager.~~

(e) ~~"R" parking lots are restricted to "R" permit holders at all times.~~

(d) ~~Parking is restricted during the hours of night parking in any lot reserved for a special event unless attending that event.~~

(4)) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation (~~and fines will be assessed for violations of these regulations according to the following schedule:~~

(a) ~~\$5.00 violations:~~

(i) ~~Improper display of permit.~~

(b) ~~\$10.00 violations:~~

(i) ~~Overtime parking;~~

(ii) ~~Parking at an expired meter;~~

(iii) ~~Occupying more than one space;~~

(iv) ~~Parking in a no parking zone;~~

(v) ~~Parking outside a designated parking space.~~

(e) ~~\$15.00 violation: Parking out of assigned area.~~

(d) ~~\$20.00 violations:~~

(i) ~~No valid permit displayed;~~

(ii) ~~Unauthorized permit transfer.~~

(e) ~~\$25.00 violations:~~

(i) ~~Blocking traffic;~~

(ii) ~~Parking in a grass or landscaped area;~~

(iii) ~~Parking in a reserved area;~~

(iv) ~~Parking in prohibited area (except disabled spaces);~~

(v) ~~Parking in a driveway or walkway.~~

(f) ~~\$50.00 violations: Parking within fifteen feet of a fire hydrant or in a fire lane.~~

(g) ~~\$100.00 violations:~~

(i) ~~Display of lost permit.~~

(ii) ~~Display of stolen permit.~~

(iii) ~~Display of forged permit.~~

(h) ~~\$175.00 violations: Parking in a disabled only space).~~

((~~5~~)) (4) Continued violations. A vehicle which remains in violation of any regulations may receive additional citations for every four hours of the violation.

((~~6~~)) (5) Impoundment by towing or wheel lock:

(a) All violators are subject to having their vehicles impounded through the use of towing or the wheel lock device at their own risk and expense.

(b) Any vehicle may be towed away if the vehicle:

(i) Has been immobilized by wheel lock for more than twenty-four hours; or

(ii) Is parked in such a manner as to endanger the university community; or

(iii) Is parked in a fire lane blocking traffic or other posted tow-away zone; or

(iv) Is parked so as to deprive a permit holder of space in his/her assigned lot, personally reserved space or disabled space without a proper permit; or

(v) Is left under circumstances which indicate it has been abandoned; or

(vi) Is found displaying a forged or reported lost or stolen permit; or

(vii) Cannot be impounded with the wheel lock device.

(c) Any vehicle may be immobilized by use of a wheel lock device if the vehicle:

(i) Has an accumulation of two or more unpaid parking tickets (the second of which has been outstanding for more than seventy-two hours); or

(ii) Is parked at any time on campus when parking privileges have been revoked.

(d) The operator/owner of the impounded vehicle must ~~((provide positive personal identification and proof of ownership of the vehicle and))~~ pay all outstanding citations at the parking and transportation services office (or university public safety department when the parking and transportation services office is closed) and complete the required paperwork before a vehicle release is authorized~~((a release form completed and a copy issued to the vehicle operator/owner))~~.

(e) A fee will be assessed on vehicles immobilized by the wheel lock device.

(f) Any vehicle which remains immobilized by wheel lock for more than twenty-four hours in an area where towing is not practical or possible will be assessed a fee for each day or portion thereof over the twenty-four hours.

(g) An impound fee is charged if the driver of the tow truck or the wheel lock operator has performed any labor prior to the vehicle operator/owner returning to the vehicle before the impoundment is completed.

(h) An impounded vehicle shall be released to the operator/owner of the vehicle when:

(i) Positive identification and proof of ownership of the vehicle is provided;

(ii) All unpaid fines against the impounded vehicle or any other vehicle registered to the violator are paid at parking and transportation services (or university public safety department when parking and transportation services is closed);

(iii) A wheel lock fee is paid; and/or

(iv) All towing and storage fees are paid.

(i) The operator/owner of the towed vehicle must present an authorized release form to the towing company and pay all towing charges including any storage fees incurred.

(j) The university assumes no responsibility for damages which may result from use of the wheel lock device, storage, or attempts to move a vehicle with a wheel lock device installed.

(k) A person wishing to challenge the validity of the impound or any fines or fees imposed under the impound policy may appeal through the process provided in the chapter governing appeals (chapter 516-14 WAC). However, in order to secure release of the vehicle, the driver must pay the amount of fines and/or fees as a bond which will be refunded to the extent the appeal is approved.

~~((7))~~ (6) It is prohibited to park:

(a) Without a valid permit;

(b) Double parked;

(c) In reserved spaces without a proper permit;

(d) In no parking areas;

(e) In a disabled space without a proper permit;

(f) In fire lanes, service roads, fire exits or within 15 feet of a fire hydrant;

(g) In loading zones ~~((unless actually loading (time is limited)))~~ exceeding the time limit;

(h) In service entrances, construction sites, spaces reserved for maintenance vehicles, handicapped access areas, dumpster access;

(i) On lawns, sidewalks, crosswalks, parking lot drive-ways, straddling painted lines or buttons, or angle parking where prohibited;

(j) Exceeding time in time-limited or metered spaces;

(k) In areas where permit is not valid;

(l) Over or adjacent to yellow lines or curbs;

(m) Against the flow of traffic;

(n) In areas or spaces closed by barricades or other control devices.

~~((8))~~ (7) Payment of citations is due upon receipt.

AMENDATORY SECTION (Amending WSR 97-17-052, filed 8/15/97, effective 9/15/97)

WAC 516-12-480 Appeals. Any person who alleges being unjustly ticketed and who wishes to appeal a citation shall report to the parking and transportation services office within seven days from the date of the citation and complete an appeal form or appeal on-line at www.park.wvu.edu.

(1) The right to a hearing is forfeited seven days from the date of the citation.

(2) Any person dissatisfied with the decision of the ~~((parking manager))~~ public safety director or designee on appeal of a citation may request a hearing before the parking appeals board. (Chapter 516-14 WAC.)

(3) Requests for a parking appeals board review must be made in writing within fourteen days of the decision made by the ~~((parking manager))~~ public safety director or designee and after the appealed citation has been paid in full.

AMENDATORY SECTION (Amending WSR 96-24-016, filed 11/22/96, effective 1/1/97)

WAC 516-13-030 Impounding of bicycles. (1) Bicycles may be impounded for illegal parking.

(2) Bicycles will be released upon presentation of proof of ownership and payment of a \$3.00 fee if claimed within seven days. Bicycles unclaimed after seven days will be released to the university public safety department. If the owner of an impounded bicycle can be identified, they will be notified immediately after impound.

AMENDATORY SECTION (Amending WSR 96-24-016, filed 11/22/96, effective 1/1/97)

WAC 516-13-080 Operation. (1) Pedestrians have the right-of-way on all sidewalks, pathways, and plaza areas on campus. Bicyclists will use due caution when riding bicycles on campus and are encouraged to wear helmets.

(2) It is prohibited for bicycles to be ridden in areas specifically designated as permanent and/or temporary dismount zones ~~((from 8:00 a.m. to 5:00 p.m. during regular class days or at other times when so posted or as designated by the vice-president for business and financial affairs or a designee))~~. Bicyclists must dismount and walk their bicycles in designated dismount zones during the fifteen minutes prior to and

fifteen minutes after each hour from 7:45 a.m. to 5:15 p.m. during regular class days, including finals week.

(3) Bicyclists are responsible for following the Bicycle Responsibility Code adopted May 21, 1996, by the student bicycle advisory coalition as amended by the central health and safety committee on June 3, 1996:

- (a) Pedestrians have right of way, always.
- (b) Stay in control.
- (c) Avoid congested areas and use back roads when possible.
- (d) Obey the dismount policy and obey all traffic laws.
- (e) Dismount and walk your bike when in crowded areas.
- (f) Minimize impact—stay off the lawns.
- (g) Park and lock bikes only at bike racks.
- (h) Know the code!

AMENDATORY SECTION (Amending WSR 99-07-089, filed 3/19/99, effective 4/19/99)

WAC 516-13-090 Enforcement. A bicycle rider who refuses to abide by these regulations set forth under chapter 516-13 WAC may be issued a university notice of infraction (NOI) for one or more of the following infractions:

- (1) Failure to yield right of way to pedestrian;
- (2) Failure to stay in control of bicycle;
- (3) Failure to obey dismount policy;
- (4) Riding on lawn or other restricted area;
- (5) Failure to use due care and caution.

Penalties: The penalties for violating any part of this section shall be progressive, with the monetary penalty increasing for each subsequent offense regardless of the nature of the previous offense(s). The first violation shall have a monetary penalty of ten dollars. A second violation shall have a monetary penalty of twenty-five dollars. A third and each subsequent violation shall have a monetary penalty of fifty dollars.

Any bicycle rider who violates any portion of this section and as a result is involved in a collision with a pedestrian or an object shall have the monetary penalty for the offense(s) doubled.

Any bicycle rider who attempts to elude a uniformed police officer attempting to enforce these regulations shall have the monetary penalty for the offense(s) doubled.

Chapter 516-13 WAC notwithstanding, bicycle riders remain subject to enforcement of applicable city and state traffic laws while riding upon public roadways or sidewalks.

A bicycle rider who refuses to cooperate with a police officer or to present proof of identification will be subject to arrest for obstructing a law enforcement officer under the provisions of chapter 9A.76 RCW and/or criminal trespass under the provisions of chapter 9A.52 RCW.

Appeal procedure. A university notice of infraction (NOI) may be appealed by filing a completed appeal form at the parking services office or appeal on-line at www.park.wvu.edu within seven days of receipt of the notice of infraction; otherwise, the right to a hearing is forfeited.

Distribution of funds collected from monetary penalties. Moneys collected for violations of chapter 516-13 WAC shall be applied towards the cost of enforcing this section.

Moneys received in excess of these costs shall be applied towards bicycle-related projects, including bicycle parking, bicycle pathways and safe bicycling education.

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

WAC 516-14-200 Policy and procedure. A parking appeals board has been established composed of one administrator, one faculty member, and one staff member, to be appointed by the administrators, faculty, and staff respectively, and four students to be appointed by the associated students. Each will be appointed for a one-year term. The board will choose its own chairperson from its members.

(1) The board will meet throughout the academic year dependent upon the volume of appeals.

(2) The parking appeals board has jurisdiction to hear and decide only those cases involving alleged violations of Western Washington University's parking regulations, chapters 516-12 and 516-13 WAC.

(3) Moving violations, violations of the motor vehicle and other traffic laws of the state of Washington, and traffic code of the city of Bellingham are referred to the Bellingham police department and district justice court.

(4) The parking appeals board may adopt its own bylaws. However, these bylaws may not conflict with the WAC or the policies and procedures of related offices except by recommendation in writing, and subsequent approval of the office involved, through established university channels. The board shall be considered autonomous to ~~((the))~~ the university governance system as to its judgment of appeals only. The board chairperson shall prepare an annual report for informational purposes to be submitted to the vice-president of business and financial affairs by May 31 each year.

(a) Payment of a parking fine shall not constitute a waiver of the right to a hearing with regard to the underlying violation.

(b) Those receiving a university parking citation may appeal the citation by completing an official appeal form available at the parking services office or appeal on-line at www.park.wvu.edu. The form must be completed within seven days of the issuance of the citation or the citation will be considered valid. (WAC 516-12-480)

(c) The appeal form must include a full explanation of the basis for the appeal. The only proper basis for an appeal is a contention that the cited regulations were not violated.

(d) The ~~((parking manager))~~ public safety director (or designee) will review the appeal and may recommend dismissal or a reduction of the citation. If dismissal is not recommended, ~~((the appeal will be sent))~~ appellant may request the appeal be sent to the board for adjudication upon payment of the fine and the completion of a request form. The ~~((parking manager))~~ public safety director has the authority to waive completion of the appeal form.

~~((d))~~ (e) Should a personal appearance before the board be desired, it should be indicated on the form, otherwise the citation will be adjudicated on the basis of the written submission only.

~~((e))~~ (f) If a personal appearance is requested, and the appellant cannot appear on the date scheduled, the appellant

must notify the transportation and parking department in writing at least 24 hours before the scheduled time and request a new date. Only one such rescheduling is permitted. If the appellant does not appear at a scheduled hearing without notification, the appeal will be adjudicated on the basis of the written appeal only.

~~((f))~~ (g) The parking appeals board operates according to the rights of due process of law. If desired, the appellant has the right to be represented by counsel, the right to cross-examine witnesses, and the right to an open and impartial hearing.

~~((g))~~ (h) The transportation and parking department has the right to be represented at hearings and to cross-examine witnesses.

~~((h))~~ (i) The appeals board may examine witnesses for either side.

~~((i))~~ (j) At the conclusion of a hearing, and in an open meeting, the board will specify the charge(s) against the alleged violator, pronounce a judgment of guilty or not guilty as to each charge, and include a rationale for each judgment. The board has the authority to deny the appeal, waive, void or refund the citation fine(s) in part or in full, and/or refund the towing charge(s) in part or in full, according to the pronounced ~~((judgment))~~ judgment of guilty or not guilty.

~~((j))~~ (k) The decision of the appeals board will be in writing and will be final.

~~((k))~~ (l) Failure to comply with a decision of the parking appeals board constitutes a ground for revocation of campus parking privileges. Any unpaid fine will be deducted from any refund due as a result of revocation of parking privileges or a judgment of the board.

~~((l))~~ (m) A written record of the judgment, rationale, and fine imposed, if any, shall be furnished to the transportation and parking department by the parking appeals board chairperson. These records will then be maintained by the transportation and parking department.

~~((m))~~ (n) Within the Revised Code of Washington, the alleged violator may appeal the decision of the appeals board to the state district court within ten days after written notice of the final decision has been given.

WSR 02-07-047

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 14, 2002, 3:34 p.m.]

Date of Adoption: March 14, 2002.

Purpose: Clarify and simplify the language and requirements for the examination process. Add a new section WAC 308-13-036 Supplemental application after successful completion of examination, that allows an applicant to take the examination after completion of the academic requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 308-13-005, 308-13-020, 308-13-024, 308-13-050, and 308-13-100.

Statutory Authority for Adoption: RCW 18.96.060 Board rules—Quorum—Hearings—Subpoena power.

Adopted under notice filed as WSR 02-04-113 on February 6, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 14, 2002

Margaret Epting

Administrator

AMENDATORY SECTION (Amending WSR 96-10-013, filed 4/19/96, effective 5/20/96)

WAC 308-13-005 Definitions. (1) "Registered college" as used in RCW 18.96.070 means a college or school recognized by the Landscape Architectural Accreditation Board (LAAB) as having accredited programs in landscape architecture.

(2) "Entire examination" as referred to in RCW 18.96.090 means the written and graphic examination approved by the board.

(3) The word "principal" as used in this chapter means a member of a firm offering landscape architectural services to the public who is a landscape architect, a shareholder and director of landscape architecture if the practice is through a corporation, a partner if the practice is through a partnership or the owner if the practice is through a sole proprietorship.

(4) "L.A.R.E." means the Landscape Architect Registration Examination for landscape architects.

(5) "CLARB" means the National Council of Landscape Architectural Registration Boards, of which the Washington board is a member.

(6) "Academic requirement" means graduation from a college or school approved by the board as offering a curriculum in landscape architecture.

AMENDATORY SECTION (Amending WSR 93-16-009, filed 7/22/93, effective 8/22/93)

WAC 308-13-020 Qualifications and application for ~~((admittance to the examination))~~ licensure. Applicants for ~~((the examination))~~ licensure shall provide documentation verifying a minimum of seven years of any combination of academic and practical training experience approved by the board.

(1) ACADEMIC TRAINING

(a) With a passing grade, 32 semester credit hours or 45 quarter credit hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

(b) A degree in landscape architecture or credits from an accredited college will be weighted at one hundred percent with a four year maximum credit for academic training.

(c) Credits in landscape architecture from a college not accredited may be weighted up to seventy-five percent with a three year maximum credit for academic training.

(d) Credits in architecture or civil engineering will be weighted at fifty percent with a two year maximum credit for academic training.

(2) PRACTICAL TRAINING

(a) Practical training experience, work in landscape architecture and related work experience, will be measured in months.

(b) No training prior to graduation from high school will be accepted.

(c) Full-time practical work experience must be at least thirty-five hours per week for a minimum of ten consecutive weeks; and part-time practical work experience must be at least twenty hours per week for six or more consecutive months.

AMENDATORY SECTION (Amending WSR 96-10-013, filed 4/19/96, effective 5/20/96)

WAC 308-13-024 Application for examination. (1)

~~((The application for examination must be submitted on forms approved by the board, accompanied by academic and/or practical experience verification to document eligibility under the provisions of RCW 18.96.070.))~~ Once an applicant has completed the academic requirement, the applicant may apply to take the examination. The application to sit for the examination must be on a form prescribed by the board and must include, at a minimum:

(a) Three references from landscape architects having personal knowledge of the applicant's landscape architectural experience;

(b) Transcript of academic experience showing courses taken and degree received with registrar's seal/stamp/signature. Photocopies of transcripts are not acceptable;

(c) A summary of the applicant's work experience; and

(d) Required fees.

Applications for admission to an examination, if scheduled, must be submitted or postmarked not later than the following dates. If the cut-off date falls on a Saturday or Sunday, the postmark deadline will be the following Monday.

Examination Months	Cut-off Dates
June	April 1
December	October 1

(2) Examinees may retake any sections offered that have not been passed. Applications for examination or reexamination must be accompanied by the application fee for examination or reexamination and the appropriate examination fee as established by the director and published in chapter 308-13-

WAC, landscape architect fees. For reexamination applicants, examination fees are listed by separate section.

~~(3) ((A completed application includes:~~

~~(a) A completed application form LA 656-3;~~

~~(b) Three references from landscape architects having personal knowledge of the applicant's landscape architectural experience;~~

~~(c) Transcript of academic experience showing courses taken and degree received with registrar's seal/stamp/signature. Photocopies of transcripts are not acceptable;~~

~~(d) Verification of work experience;~~

~~(e) Appropriate fees.~~

~~(4))~~ Examination admission letters will be mailed to eligible applicants approximately six weeks prior to the examination along with detailed information as to times, place, and scheduled examination sections.

~~((5))~~ (4) Application fees for examination and reexamination are administrative charges and will not be refunded. The examination fees (cost of each test) may be refunded if notice of cancellation is received by the department prior to ordering of examinations from the national testing service.

~~((6))~~ (5) Following successful completion of the registration examination, candidates will ~~((submit a summary of chapter 18.96 RCW and chapter 308-13 WAC))~~ satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board.

NEW SECTION

WAC 308-13-036 Supplemental application after successful completion of examination.

If the applicant chooses to take the examination after completion of the academic requirement, but before completion of the practical training requirement, then the applicant must file a supplemental application after the applicant completes the seven-year combined academic and practical training requirements. The supplemental application must be on a form prescribed by the board and must include documentation to establish that the applicant successfully completed all portions of the examination and that the applicant has satisfied the seven-year academic and practical training requirements as set forth in WAC 308-13-020.

AMENDATORY SECTION (Amending WSR 96-10-013, filed 4/19/96, effective 5/20/96)

WAC 308-13-050 Registration by reciprocity. (1)

Any landscape architect who is currently registered in another state or country which extends the privileges of reciprocity to landscape architecture in this state, and who desires to practice landscape architecture in Washington, shall make formal application on forms provided by the board, accompanied by the initial license fee and the reciprocity application fee. Applicants shall ~~((submit a summary of chapter 18.96 RCW and chapter 308-13 WAC))~~ satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board. The application shall show evidence satisfactory to the board of:

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(a) Having at least the equivalent experience and responsible charge of landscape architectural work as required of candidates for examination;

(b) Having satisfactorily completed the national examination required of applicants for registration in Washington;

(c) Applicant's proof of compliance, that shall consist of:

(i) Education: Transcript of college grades indicating degrees earned. Transcripts are not required if work experience is at least seven years.

(ii) Employment: Statements of previous employers covering full time employment for a minimum of three years when the applicant has an accredited degree in landscape architecture or seven years of experience working with landscape architects or a combination of seven years of education and experience, approved by the board.

(iii) Certification: State of registration (~~that~~) where applicant passed the national examination, listing subjects taken and scores received.

(2) Certification: National certification by the council of landscape architectural registration boards shall be recognized by this board as satisfactory evidence for registration by reciprocity, provided the applicant has passed the national examination and such certification is current and valid at the time of approval by the board.

AMENDATORY SECTION (Amending WSR 93-16-009, filed 7/22/93, effective 8/22/93)

WAC 308-13-100 Reinstatement of delinquent, suspended, or revoked licenses. (1)(a) Reinstatement of a license, delinquent less than five years, requires a letter to the board administrator requesting reinstatement, payment of all delinquent renewal fees plus the current penalty fee.

(b) Reinstatement of a license, delinquent five or more years, requires a letter of application to the board requesting reinstatement, payment of all delinquent renewal fees plus the current penalty fee, a resume of landscape architectural activities and projects since the date of expiration, a detailed explanation of the circumstances surrounding the failure to maintain current licensure and a ~~((summary analysis of the law and rules governing landscape architects in sufficient detail to demonstrate a thorough understanding of the law and rules))~~ satisfactory completion of the review of laws related to the practice of landscape architecture as determined by the board. Additional requirements may be established by the board.

(2) Requests for reinstatement of a suspended or revoked license shall be submitted in a letter of application to the board and shall include a resume of professional activities and projects since suspension or revocation, a ~~((summary analysis of the law and rules governing landscape architects in sufficient detail to demonstrate a thorough understanding of the law and rules))~~ satisfactory completion of the review of laws related to the practice of landscape architecture as determined by the board and such other documents and materials as directed by the board.

WSR 02-07-048

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed March 14, 2002, 3:37 p.m., effective May 1, 2002]

Date of Adoption: March 14, 2002.

Purpose: This rule is being repealed because the prior authority for this rule was contained in RCW 28B.16.100 which was repealed by the legislature in 1993. At that time higher education was merged into chapter 41.06 RCW. RCW 41.06.170 contains the statutory authority for appeals from exempt status. This repeal right is restricted to classified employees whose positions have been exempted after July 1, 1993. This rule creates appeal rights for persons not covered by chapter 41.06 RCW.

Citation of Existing Rules Affected by this Order:
Repealing WAC 251-12-073.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-04-079 on February 4, 2002.

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.

Effective Date of Rule: May 1, 2002.

March 14, 2002

E. C. Matt

Secretary

REPEALER

WAC 251-12-073

Appeals from exempt status.

WSR 02-07-049

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed March 14, 2002, 3:38 p.m., effective May 1, 2002]

Date of Adoption: March 14, 2002.

Purpose: These modifications change the standard for the amount of time an employee can work in a nonpermanent appointment. With these changes a temporary appointment can last no longer than 1560 nonovertime hours not [to] exceed twelve months from the appointment date. This will allow a single standard to be applied for both part-time and full-time positions.

Citation of Existing Rules Affected by this Order: Amending WAC 356-05-415, 356-30-025, 356-30-065, 356-30-067, 356-18-112, and 356-30-140.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-04-082 on February 2 [4], 2002.

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 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, 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 6, Repealed 0.

Effective Date of Rule: May 1, 2002.

March 14, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88)

WAC 356-05-415 Temporary employment. Single or multiple periods of employment for not more than 1560 nonovertime hours, not to exceed twelve months from the appointment date, unless extended by the director. Temporary appointments shall only be made when there is a need to fill a position during the absence of a permanent employee, ~~((or))~~ during a workload peak, ~~((when there is a need to fill a position for not more than nine months or 1560 nonovertime hours))~~ or while recruitment is being conducted to establish a complete register.

AMENDATORY SECTION (Amending WSR 89-04-027 (Order 313), filed 1/25/89, effective 3/1/89)

WAC 356-30-025 Nonpermanent appointments—Duration. No consecutive nonpermanent appointment of an employee who has worked for the same agency for ~~((nine months or))~~ 1560 nonovertime hours, ~~((within the last twelve months))~~ not to exceed twelve months from the appointment date, may be made without a three-month break in service except as provided by WAC 356-30-065(4), 356-30-067~~((6))~~ (7), and 356-30-140~~((6))~~. All time spent in nonpermanent appointments counts toward the 1560 hour limit.

AMENDATORY SECTION (Amending WSR 97-19-044, filed 9/11/97, effective 11/1/97)

WAC 356-30-065 Temporary appointments—From outside state service. (1) Temporary appointments may be

made to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than ~~((nine months or))~~ 1560 nonovertime hours, not to exceed twelve months from the appointment date or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Temporary appointments shall be approved by the director of personnel, or designee. Single or multiple temporary appointments shall last no more than ~~((nine months or))~~ 1560 nonovertime hours, ~~((within a twelve month period))~~ not to exceed twelve months from the appointment date. ((Time spent in emergency appointments will be counted in the 1560 hours:)) All nonovertime hours spent in other nonpermanent appointments will be counted in the 1560 hour limit.

(4) No temporary appointment of an employee who has worked for the same agency for ~~((nine months or))~~ 1560 nonovertime hours within ~~((the last))~~ twelve months from the appointment date may be made without a three-month break in service. Consecutive nonpermanent appointments of the same person in the same agency which would cause the employee to work more than 1560 nonovertime hours ~~((in a twelve month period))~~ within twelve months from the appointment date can only be made with the approval of the director of personnel. Extensions of temporary appointments of persons from outside classified service may be granted when a permanent employee's leave extends beyond ~~((nine months or))~~ 1560 nonovertime hours or as otherwise approved by the director of personnel. Such extensions must be approved by the director of personnel.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee may enter a probationary period when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary period.

(6) Compensation of temporary employees shall be consistent with the rules unless exempted by RCW 41.06.070 and WAC 356-06-020.

(7) Merit system rules governing all forms of leave will apply to temporary employees unless exempted by RCW 41.06.070 and WAC 356-06-020.

(8) An employee's temporary appointment may be ended by stipulating a termination date in the appointment letter or by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

(9) The appointing authority shall advise the temporary employee of the temporary status of the appointment. Tem-

porary employees not appointed from within the classified service have no appeal rights.

(10) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

AMENDATORY SECTION (Amending WSR 97-19-044, filed 9/11/97, effective 11/1/97)

WAC 356-30-067 Temporary appointments from within classified service. (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than ~~((nine months or))~~ 1560 nonovertime hours, not to exceed twelve months from the appointment date or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

(7) Temporary appointments made from within classified service will normally last no more than ~~((nine months or))~~ 1560 nonovertime hours, not to exceed twelve months from the appointment date for single or multiple appointments. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty

days after the date the permanent employee returns or the position is filled permanently. ~~((Time spent in emergency appointments will be counted in the 1560 hours.))~~ All non-overtime hours spent in other nonpermanent appointments will be counted in the 1560 hour limit.

(8) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

(9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

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 96-21-037, filed 10/10/96, effective 11/10/96)

WAC 356-18-112 Shared leave. (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave, sick leave, or personal holidays to a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

(a)(i) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(ii) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(iii) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated.

(c) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(d) The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below four hundred eighty hours after the transfer. In no event will the donating employee transfer more than six days of sick leave during any 12-month period. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(e) The donating employee may donate all or part of a personal holiday in accordance with WAC 356-18-025. Any portion of a personal holiday that is not used shall be returned to the donating employee.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) ~~((Nine months or))~~ 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extended by the director ~~((per))~~ in accordance with WAC 356-30-065(4), 356-30-067((6)) (7), and 356-30-140((6)).

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be

coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's appropriate leave balance. The return shall be prorated back based on the donor's original donation.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

(12) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

AMENDATORY SECTION (Amending WSR 89-14-026 (Order 320), filed 6/26/89, effective 8/1/89)

WAC 356-30-140 Intermittent employment—Rules—Regulations. (1) Intermittent appointments may be made with the approval of the director of personnel or designee. An intermittent appointment shall be approved when the nature of the work is intermittent in character fitting no particular pattern. An employee may not work more than 1560 nonovertime hours within any twelve-month period in an intermittent appointment. A position which is filled beyond the 1560 nonovertime hours within a twelve-month period shall be vacated for a minimum of three months. ~~((Time spent in emergency appointments will be counted in the 1560 hours.))~~ All nonovertime hours spent in other nonpermanent appointments will be counted in the 1560 hour limit.

(2) Intermittent appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Intermittent appointees must meet the minimum qualifications for the class in which they are hired unless the director of personnel determines that program needs demand otherwise. Established registers may be used when making intermittent appointments.

(4) Consecutive appointments of the same person in the same agency may be made as long as the employee does not work more than 1560 nonovertime hours in a twelve-month period.

(5) No person can become a permanent employee because of time served as an intermittent employee.

(6) Intermittent employees who accept temporary appointments may return to intermittent employment and resume intermittent status without approval of the director of personnel if they have not exceeded 1560 nonovertime hours in all nonpermanent appointments within the last twelve months. If the employee reaches 1560 nonovertime hours in the last twelve months, a mandatory three-month break must

be made, unless the director of personnel determines otherwise.

(7) Agencies must review intermittent appointments on a quarterly basis to ensure that intermittent employees are employed in accordance with these rules.

(8) The director of personnel shall monitor intermittent appointments made pursuant to this section and may revoke delegated authority where abuse is found.

WSR 02-07-050

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed March 14, 2002, 3:39 p.m., effective May 1, 2002]

Date of Adoption: March 14, 2002.

Purpose: The purpose of these rule modifications is to address code reviser requirements and reference the correct subsection in WAC 251-17-200. These modifications are housekeeping in nature.

Citation of Existing Rules Affected by this Order: Amending WAC 356-26-140, 356-30-331, and 251-17-200.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-04-080 on February 4, 2002.

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 3, 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.

Effective Date of Rule: May 1, 2002.

March 14, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 01-19-032, filed 9/13/01, effective 10/14/01)

WAC 356-26-140 Background (~~inquiries~~ ~~checks~~) check requirements—Department of social and health services. (1) The department of social and health services shall conduct background checks on employees in covered positions and persons under final consideration for a covered position in accordance WAC 356-30-012.

AMENDATORY SECTION (Amending WSR 01-11-113, filed 5/22/01, effective 7/1/01)

WAC 356-30-331 Reduction in force—Transition pool program. The department of personnel is responsible for administering the reduction in force transition pool program. The director shall develop and implement appropriate operating procedures to facilitate this program.

(1) To administer the program, the director or designee may waive provisions of Title 356 WAC that:

(a) Require employees seeking transfer and voluntary demotion in lieu of reduction in force to meet approved minimum qualifications;

(b) Authorize only the director to waive minimum qualifications; (~~and~~) and

(c) Allow qualifying examinations for transfers or voluntary demotions(~~and~~).

(2) The program applies to:

(a) All permanent employees separated by reduction in force or notified by the agency personnel representative that they are at risk of reduction in force; and

(b) Return to work employees in those agencies that are participating in the return to work initiative program.

(c) Permanent Washington management service employees who were appointed from a voluntary demotion register to a Washington general service class not previously held or from a promotional register into another agency and who are either voluntarily or involuntarily reverted during their trial service period.

(3) Agencies, including those agencies with local list authority, shall adhere to the operating procedures established by the director.

(4) Employees participating in the reduction in force transition pool program shall have no right of appeal within this program.

AMENDATORY SECTION (Amending WSR 95-19-099, filed 9/20/95, effective 11/1/95)

WAC 251-17-200 Modification of minimum qualifications. When a vacancy exists and reasonable recruiting efforts fail to establish an eligible list for the class, the personnel officer may request that the director modify the minimum qualifications for that recruiting cycle unless approval has been delegated to the personnel officer under WAC 251-04-060(~~(4)~~)(3). On approval, the personnel officer shall initiate recruiting at the reduced minimum qualifications.

WSR 02-07-051

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed March 14, 2002, 3:40 p.m., effective May 1, 2002]

Date of Adoption: March 14, 2002.

Purpose: The purpose of these rule modifications is so these rules will be in line with WAC 251-10-030 which was previously modified to include good faith reorganization as a reason for layoff.

Citation of Existing Rules Affected by this Order: Amending WAC 251-01-240 and 251-19-120.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-04-081 on February 4, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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.

Effective Date of Rule: May 1, 2002.

March 14, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

WAC 251-01-240 Layoff. Any of the following management initiated actions caused by lack of funds or lack of work and/or for good faith reorganization for efficiency purposes:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-19-120 Appointment—Temporary. (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-01-415.

(2) Temporary appointment to perform work in the absence of an employee on leave for more than six consecutive months shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 41.06 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the one thousand fifty hours in any twelve consecutive month period from the original date of hire limitation, or October 1, 1989, whichever is later, identified in WAC 251-01-415(2) and 251-12-600.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a

higher-level class for a period of less than six consecutive months. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-01-415 (2) and (3) may be made without regard to the rules governing appointment.

(5) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-01-415 (1), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

(6) At the conclusion of a temporary appointment made in accordance with these rules, a permanent employee shall have the right to revert to his/her former position or to an equivalent position.

(7) Each institution shall develop for director approval a procedure which indicates its system for controlling and monitoring exempt positions as identified in chapter 41.06 RCW.

(8) An institution may petition the director in writing for approval of exceptions to these requirements. The director will annually review the appropriateness of exceptions granted and advise the board.

(9) No temporary appointment shall take the place of employees laid off due to lack of work or lack of funds and/or for good faith reorganization for efficiency purposes.

WSR 02-07-055

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed March 14, 2002, 3:48 p.m.]

Date of Adoption: March 18, 2002.

Purpose: To update and clarify the WAC. Proposed amendments will clarify the rules governing permit procedures.

Citation of Existing Rules Affected by this Order: Amending chapter 204-36 WAC, Authorized emergency vehicle permits.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.194.

Adopted under notice filed as WSR 01-18-088 on September 5, 2001.

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 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 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 12, 2002

Ronal W. Serpas

Chief

AMENDATORY SECTION (Amending WSR 90-07-034, filed 3/15/90, effective 4/15/90)

WAC 204-36-030 Permit requirements. (1) Any person, firm, corporation or municipal corporation desiring to have a vehicle registered as an authorized emergency vehicle pursuant to RCW 46.37.194 shall apply for such classification to the state patrol on forms provided by the patrol.

(2) The applicant shall furnish the following information to the patrol:

(a) A description of the specific geographic area in which the vehicle shall be used as an authorized emergency vehicle.

(b) A description of the vehicle, to include, year, make, model, VIN, license number, and registered owner.

(c) A description of the specific purposes for which the vehicle shall be used as an authorized emergency vehicle, funeral escorts, fire response, or other (describe in detail).

~~((e))~~ (d) An explanation of the nature and scope of the duties, responsibilities and authority of the vehicle operator which necessitate the ~~((vehicle's registration as))~~ need for vehicle to have an authorized emergency vehicle permit.

~~((d))~~ (e) A description of the emergency equipment to be used if the permit is granted.

~~((e))~~ (f) A listing of the names, addresses, birthdates, operator's license numbers and other identifying data as may be prescribed on the application form by the patrol, of all persons who will use the vehicle as an authorized emergency vehicle, and a completed applicant fingerprint card.

~~((f))~~ (g) Certification from each jurisdiction identified in (a) of this subsection that the vehicle is to be used as described. Such certification shall be by:

(i) The chief law enforcement officer if the applicant is a law enforcement or security officer, or has funeral home, coroner, ambulance or other nonfire related duties.

(ii) The fire chief if the vehicle is to be used for firefighting purposes.

The certification shall state that a need exists in the jurisdiction for the vehicle to be used as described and that the certifier knows of no reason why the application should be denied.

Note: If the person making application is the chief law enforcement officer or the fire chief of the jurisdiction, certification must be made by the chief executive officer of the political subdivision of the jurisdiction.

Upon satisfactory application the patrol may issue an emergency vehicle permit or permits which, when carried as required, are valid until expiration or cancellation as prescribed in WAC 204-36-070.

AMENDATORY SECTION (Amending WSR 90-07-034, filed 3/15/90, effective 4/15/90)

WAC 204-36-040 Permit limitations. (1) A vehicle registered by the patrol shall not be used as an authorized emergency vehicle except as follows:

(a) Only by the operators named in the original or amended application.

(b) Only with the equipment described in the original or amended application.

(c) Only within the geographic area described in the original or amended application.

(d) Only for the purposes set forth in the original or amended application.

(e) If being used for escort services, may be used only for funeral escorts.

(2) If an authorized emergency vehicle is used for private purposes, or for purposes in an area or by an operator other than as set forth in the application, all emergency equipment which is exposed to public view shall be covered with an opaque hood, and shall not be operated during such period of time.

(3) The issuance of an emergency vehicle permit does not relieve the driver ~~((of))~~ from the ((responsibility for using due care)) duty to drive with regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his disregard for the safety of others and ((caution in the operation of the)) does not grant police authority to the operators of said vehicle. ~~((The))~~ Any inappropriate or misuse of authorized emergency vehicles may result in criminal or civil liability as well as cancellation of the emergency vehicle permit.

AMENDATORY SECTION (Amending WSR 90-07-034, filed 3/15/90, effective 4/15/90)

WAC 204-36-060 Procedure. (1) If the patrol approves the application, it shall first issue a certificate of approval which shall be valid for thirty days, during which time the emergency equipment may be installed. After installation of the emergency equipment, the applicant shall bring the vehicle to a district or detachment office of the Washington state patrol to be examined to determine if it is of an approved type. A Washington state patrol officer shall certify the results of this examination on a form prescribed and provided by the patrol and the applicant shall file the form with the State Patrol, E.S.R. ~~((Section))~~ Unit, General Administration Building, ((Mailstop AS-12, Olympia, Washington 98504)) P.O. Box 42614, Olympia, WA 98504-2614. Upon receipt of such certification, the patrol shall issue a permit, which shall expire one year from the date of issuance thereof.

(2) The patrol may refuse to approve the application, certificate or permit or in the case of an application which lists multiple operators may refuse to approve any single operator if the applicant/operator has been convicted of a felony during the ten years preceding the date of the application provided the felony for which the applicant was convicted directly relates to the specific occupation, trade, vocation, or business for which the certificate or permit is sought.

(3) The certificate of approval and when issued, the permit, including all endorsements for change of conditions as provided in WAC 204-36-030, shall be carried in the authorized emergency vehicle at all times, and shall be displayed on request to any law enforcement officer.

WSR 02-07-056
PERMANENT RULES
WASHINGTON STATE PATROL

[Filed March 15, 2002, 10:12 a.m.]

Date of Adoption: March 18, 2002.

Purpose: To update and clarify the WAC. This WAC chapter contains the tow truck business rules. The purpose of the rules is to regulate the towing industry. The anticipated effect of the amendments will clarify hearing procedures for applicants, business hours, storage, and add some necessary changes in wording.

Citation of Existing Rules Affected by this Order: Amending chapter 204-91A WAC, Towing businesses.

Statutory Authority for Adoption: RCW 46.37.005, 46.55.050, and 46.55.115.

Adopted under notice filed as WSR 01-18-089 on September 5, 2001.

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 9, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 14, 2002

Ronald W. Serpas
Chief

AMENDATORY SECTION (Amending WSR 94-18-083, filed 9/2/94, effective 10/3/94)

WAC 204-91A-010 Authority. This chapter is adopted pursuant to RCW 46.37.005, 46.55.050, and ~~((46.61.567))~~ 46.55.115 which require rules, regulations and equipment standards for tow trucks be made and to provide for the removal from the highway of disabled, abandoned, or damaged motor vehicles, or the removal of vehicles when the driver is intoxicated or otherwise incompetent.

AMENDATORY SECTION (Amending WSR 94-18-083, filed 9/2/94, effective 10/3/94)

WAC 204-91A-030 Definitions. The following definitions shall apply throughout this chapter:

(1) "Patrol" means the Washington state patrol as defined in RCW 43.43.010.

(2) "Chief" means the chief of the Washington state patrol or designee.

(3) "Department" means the Washington state department of licensing.

(4) "Director" means the director of the department of licensing.

(5) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles, or in the disposal of abandoned vehicles.

(7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing or otherwise transporting other vehicles with specific equipment approved by the state patrol.

(8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(9) "Tow truck service" means the towing, moving, transporting, or impounding of vehicles, together with personal effects and cargo, by a registered tow truck operator utilizing equipment approved by the patrol.

(10) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(11) "Place of business" means a building which the registered tow truck operator occupies, either continuously or at regular times, where tow business books and records are kept and tow business is transacted in each assigned tow zone.

(12) "Vehicle storage area" means the approved yard/buildings (primary and secondary) where stored vehicles are kept. The storage areas and fencing will comply with the requirements as established by the department and all local zoning rules and regulations. Both primary and secondary storage areas must be physically located within tow zone assigned to the operator.

(13) "Special event" means any event which causes an unusually large number of impounded vehicles and/or tow calls in a short period of time and is so declared by the district commander or designee.

(14) "Special event storage area" means an area used for temporarily storing vehicles impounded/towed from special events. Approval for such areas shall be obtained from the department, the patrol, and appropriate city and county jurisdictions.

(15) "District commander" means the commanding officer of an area established by the Washington state patrol.

(16) "Inspector" means a commissioned officer of the Washington state patrol who has been designated as a tow truck inspector by the patrol.

(17) "Tow zone" means that specific geographical area designated by the district commander for the removal of vehicles as defined in Title 46 RCW and this chapter.

(18) "Section" means the section designated by the chief of the Washington state patrol to coordinate the tow truck inspection program, maintain tow truck files, and issue letters of appointment.

(19) "Letter of appointment" means a letter issued by the section that authorizes a registered tow truck operator to tow and store vehicles on a rotational or contractual basis, in a specific area, for the Washington state patrol. (~~Effective October 15, 1989,~~) The letter of appointment must have an attached valid contractual agreement listing the maximum rates that will be charged by the operator for services provided as a result of state patrol originated calls.

(20) "Initial tow" means services provided as a result of an original call, on a particular vehicle, that the tow operator receives from the patrol as a result of contract or rotational call list.

(21) "Secondary tow" means towing services from an operator's storage facility or place of business, to another location designated by the owner/agent of a vehicle that was initially towed as a result of call from the patrol.

(22) "Letter of contractual agreement" means the document, attached to the letter of appointment, that specifies the maximum tow rates that may be charged for services provided as a result of state patrol originated calls.

AMENDATORY SECTION (Amending WSR 97-08-021, filed 3/25/97, effective 4/25/97)

WAC 204-91A-060 Application for letter of appointment. (1) An application for a letter of appointment will not be considered or approved (~~until the applicant is qualified as a licensed and registered tow truck operator~~) unless the operator/owner of the towing company can demonstrate that he/she has been a registered tow truck operator for a minimum of two years prior to the date of application with at least one approved "A" or "B" class tow truck. Additional trucks are optional.

Note: An exception may be made if an operator desires a letter of appointment for class "C" tows only. In such situations, only a class "C" truck is required.

Upon request, the section shall advise the applicant of the contents of the department's regulations and of the standards established for the issuance of a letter of appointment.

(2) An application for a letter of appointment to provide towing service for the patrol shall be filed by the applicant with the local state patrol district office on a form prescribed by the patrol. The state patrol may refuse to approve or may revoke a letter of appointment/contract if the applicant, partner, or any employee (~~has been convicted of any class "A" felony, or has within the last ten years been convicted of any lesser felony involving assault, sexual abuse, or theft as defined in RCW 9A.56.030~~) within the last ten years has misrepresented or concealed a fact in obtaining a letter of appointment, violated any state or federal statute or rule regulating the tow industry, or in the last ten years been convicted of any class "A" felony or in the last ten years been

convicted of any lesser felony involving assault, sexual abuse, or theft as defined in the criminal code under which the conviction would have been a felony in the state of Washington at the time of conviction. In the case of a partnership, each partner shall apply on the form prescribed. In the case of a corporation, the patrol may require that each of the present and any subsequent officers, managers, and stockholders holding ten percent or more of the total issued and outstanding stock of the applicant corporation complete an application form. A signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls will be attached to the application.

(3) Only one application per year to tow on the Washington state patrol rotational tow list will be accepted and considered for an applicant who has had their previous application denied or had their letter/contract of appointment revoked. The year shall run from the date of application denial or the date of the letter of appointment's revocation.

(4) The district commander or designee shall complete tow zone portion of the form. He/she will enter "approved" or "disapproved" and will sign the form next to the zone designation. The application and "letter of contractual agreement" will be forwarded to the section.

~~((4))~~ (5) The application form will be assigned a docket number, by the section, which shall be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the section thereafter.

~~((5))~~ (6) The filing of an application for a letter of appointment does not in itself authorize the operator to provide towing services pursuant to this chapter until a letter of appointment has been issued by the section. However, nothing herein shall prohibit the patrol from calling the towing business upon the specific request of a person responsible for a vehicle or his agent.

AMENDATORY SECTION (Amending Order 89-04-ESR, filed 6/23/89)

WAC 204-91A-090 Hearing procedure. (~~The provisions of chapter 1-08 WAC shall govern the conduct of any hearing held pursuant to this chapter.~~) Pursuant to RCW 34.05.482 through 34.05.494, the patrol will use brief adjudicative proceedings where not violative of the law and where protection of the public interest does not require the patrol to give notice and an opportunity to participate to persons other than the parties. The brief adjudicative proceedings may include: Denial of application for a letter of appointment, suspension, or revocation of letter of appointment. The burden of proof in any hearing before the chief shall be on the applicant seeking a letter of appointment, or the person or agency seeking the suspension or revocation of a letter of appointment, or other action by the chief. The chief, after having heard and considered all pertinent evidence, or if the hearing is conducted by an administrative law judge, after having considered a record of a hearing conducted by an administrative law judge duly appointed pursuant to chapter 34.12 RCW, shall make written findings of facts and conclusions based on evidence presented. Oral proceedings shall be

recorded on tape and such tape shall become part of the hearing record.

AMENDATORY SECTION (Amending WSR 89-21-044, filed 10/13/89, effective 11/13/89)

WAC 204-91A-120 Business office hours and records. Business hours for purposes of inspection of records, place of business, and towing equipment shall be 8 a.m. to 5 p.m., excluding weekends and holidays.

(1) When an operator is not open for business and does not have personnel present at the place of business, the operator shall post a clearly visible telephone number at the business location for the purpose of advising the public how to make contact for the release of vehicles or personal property.

The operator will have personnel at the place of business during business hours to answer phone calls. Phones may not be forwarded to an answering service during normal business hours, with the exception of the lunch hour. Lunch hours will be posted and will be consistent on a monthly basis.

(2) The operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a thirty-minute period of time.

(3) All billing invoices shall be consecutively numbered and shall contain the following information:

- (a) Date of service and tow truck operator's name.
- (b) Time of departure in response to the call.
- (c) Time service completed.
- (d) Class of tow truck.

(e) If the towing call is for a Washington state patrol request, another police agency, a private impound, or the result of a private citizen request.

(f) All fees for service shall be itemized.

(g) The date and time the vehicle was released.

Note: Yard cards containing the above information may be used for internal control of vehicles by the operator until the vehicle is released, sold, or otherwise disposed of. Yard cards shall be supplemental to, and shall not replace the invoice required above.

A copy of the invoice shall be filed by invoice number at the business location and a copy of any voided invoice shall be retained in this same file. Another copy of the invoice shall be included with the transaction file items identified in RCW 46.55.150.

AMENDATORY SECTION (Amending Order 89-04-ESR, filed 6/23/89)

WAC 204-91A-130 Personal property handling procedures. All personal belongings and contents in the vehicle and not permanently attached, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal property not being held for evidence purposes by the impounding agency, shall be released to the vehicle's owner or agent by the tow operator without charge, upon demand, during normal business hours of 8:00 a.m. to 5:00 p.m. except for weekends and legal holidays. Release procedures will also follow

guidelines as set forth in chapter 308-61 WAC and chapter 46.55 RCW.

(1) The items of personal property which the state patrol will not accept in response to RCW 46.55.090 include but are not limited to the following:

- (a) Tire chains;
- (b) Spare tire/wheels;
- (c) Used auto parts and/or accessories;
- (d) Seat covers;
- (e) Fuel containers;
- (f) Jacks, lug wrenches;
- (g) Radios, stereos, and other items attached to the vehicle by bolts, screws, or some other manner which incorporates them to the vehicle shall remain with the vehicle;
- (h) Refuse;
- (i) Trash;
- (j) Garbage;
- (k) Open alcohol containers;
- (l) Soiled or mildewed clothing, shoes, blankets, tarps, etc., having no actual value;
- (m) Miscellaneous unofficial papers and other items having no actual value.

(2) Items which must be turned over to the patrol and inventoried include but are not limited to:

- (a) Money;
- (b) Wallets or purses;
- (c) Bank or check books;
- (d) Bank or credit cards;
- (e) Official identification cards, operator's license, or passports;
- (f) Jewelry items;
- (g) Firearms and any type weapon;
- (h) Contraband and/or controlled substances;
- (i) Stocks, bonds, money orders, bank certificates, travelers checks, postage stamps, food stamps, etc.;
- (j) Other items of obvious value.

(3) The tow operator shall not remove or damage any vehicle parts permanently affixed to the vehicle, i.e., trunk locks or door locks.

AMENDATORY SECTION (Amending WSR 97-08-021, filed 3/25/97, effective 4/25/97)

WAC 204-91A-140 Fees. (1) All towing fees shall be based on a flat, hourly rate only and shall apply without regard for the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or holiday. The hourly rate for each class of truck shall be the only charge for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or holidays, if different from the hourly rate, shall be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

(2) The chief of the state patrol shall, prior to October 15 of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates shall be determined after consulting with members of the towing industry, review

of current private towing rates, and such other economic factors as the chief may deem appropriate.

When signed by the chief (or his/her designee) and the tow operator, a contractual agreement to charge no more than the maximum rates shall become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate shall:

(a) Be the only basis used to compute total charges for towing services.

(b) Apply when the call is made by the state patrol, for whatever reason, including but not limited to accidents, incidents, disableds, and impound requests.

(c) Include all ancillary activities such as, but not limited to, removal of glass and debris from the roadway and any other area referred to as the "scene or incident," necessary winching, dolly service, drive line removal, installing chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement (on vehicle to be towed) and standby time.

(d) Be considered to include one person (the driver) per truck. Any charges for additional labor and/or ancillary vehicles (trailers, pickups, etc.), for removing debris, cargo, etc., must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

(e) Be computed from the actual time the truck departs in response to a call until it returns to the starting location or it begins responding to another call minus any down time.* The hourly rate shall be applied to the resulting net time and, after the first hour, shall be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

*Down time includes coffee or meal breaks, personal errands by the operator, and/or any mechanical failure on the truck or equipment.

(3) The basic storage fee:

(a) Shall be calculated on a twenty-four-hour basis clock and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area. Vehicles stored over twelve hours on any given day within the twenty-four-hour clock shall constitute a full day's storage. Vehicles stored for less than twelve hours on any give day, shall be charged for twelve hours of storage; and

(b) Shall be the same for all three and four-wheel vehicles less than twenty feet in length; and

(c) For vehicles or combinations exceeding twenty feet, the storage fee shall be computed by multiplying each twenty feet of vehicle length, or any portion thereof, by the basic storage fee;

(d) For two-wheel motorcycles shall be one-half the basic storage fee for three and four-wheel vehicles.

(4) After hours release fee. If an operator or employee is already present, for other reasons, at the storage facility after business hours when a customer arrives, the vehicle and/or property shall be released as if it were during business hours. No "after hours fee" may be assessed. If the operator or employee is called to the place of business specifically for the

purpose of releasing the vehicle and/or property, an "after hours fee," equivalent to one-half of the maximum Class "A" hourly rate, may be assessed.

(5) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for services listed below shall charge the same lower rate for similar services performed as a result of state patrol originated calls.

(a) Roadside mechanical service, including fuel transfer, tire and belt changes, etc.;

(b) Disabled vehicle tow/transportation;

(c) Storage;

(d) After hours release fees.

Any such price requirement shall not be imposed for unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

AMENDATORY SECTION (Amending WSR 94-18-083, filed 9/2/94, effective 10/3/94)

WAC 204-91A-170 Minimum tow truck equipment standards. All tow/recovery trucks used by a registered tow operator for public or private impounds or in response to patrol requests shall meet the minimum standards as listed in this section.

Note: Equipment standards will be effective one year from the date of adoption.

(1) **Minimum standards:**

(a) All equipment used in conjunction with the tow truck winching system shall have a working load limit at least twenty-five percent more than the working load limit of the wire rope being used. All equipment shall comply with the Washington safety and health administration (WSHA) regulation if applicable.

Note: Industry standards set the working load limit of wire rope at 1/5 of its nominal or breaking strength.

(b) Each wire rope shall be capable of being fully extended from and fully wound onto its drum.

Note: OSHA (1410.179 (h)(2)iii) requires **no less** than two wraps of rope remain on drum when rope is "fully extended." This is to ensure the full load **never** bears on the rope to drum connection.

(c) All wire rope shall be 6 X 19 or 6 X 37 classification graded "extra improved plow steel" (XIP).

Notes: Documentation from the supplier must be kept on file showing the type of wire rope installed and the date of installation for each truck.

6 X 19 wire rope classification includes wire ropes with six strands having wire combinations from fifteen through twenty-six wires per strand but not more than twelve outer wires in each strand.

6 X 37 wire rope classification includes wire ropes with six strands having wire combinations from twenty-seven through forty-nine wires per strand but not more than eighteen outer wires in each strand.

(d) All wire rope shall be in good working order. The following industry standards for **out-of-service** criteria shall apply:

(i) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(ii) Excessive abrasion causing the loss of more than one-third the original diameter of an outside individual wire.

(iii) Evidence of rope deterioration from corrosion.

(iv) Kinking, crushing, or other damage that results in detrimental distortion of the rope structure.

(v) Any evidence of heat damage.

(vi) Any marked reduction in diameter either along the entire main length or in one section.

(vii) Unlaying or opening up of a tucked splice.

(viii) Core protrusion along the entire length.

(ix) End attachments that are cracked, deformed, worn, or loosened.

Note: Hooks must be replaced if the throat opening has increased beyond manufacturer recommendations, the load bearing point has been worn by ten percent, or the hook is twisted by more than ten degrees.

(x) Any indication of strand or wire slippage in end attachments.

(xi) More than one broken wire in the vicinity of fittings.

(e) Wire rope end connections shall be swaged or, if clamped, shall have a minimum of three forged clamps spaced a minimum of six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the cable. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size for the cable being clamped.

Note: Wire rope clamps must be installed and torqued per manufacturer specifications.

(f) All wire rope related equipment, sheaves, etc., must conform to the diameter of the wire rope being used or to the original tow truck equipment manufacturer specifications.

(g) All winching equipment, snatch blocks, etc., shall have permanently affixed durable factory identification, stating working load limit (WLL). If this identification has been removed or is no longer readable, it is criteria for placing the item out-of-service. Equipment may be reinspected by a recognized recertification company. If the equipment is acceptable, it may be reidentified with a working load limit (WLL) and a recertification company identifier.

(h) All block and tackle equipment used in the winching system which shows signs of permanent deformation, significant wear or damage is criteria for placing the item out-of-service.

(i) All "J" hook chain assemblies must only be used with a sling lift system and be grade "7" chain or better.

(j) Safety chains must only be used for the securing of vehicles to the truck. Must be minimum grade "4" chain or meet the original manufacturer's recommendations and be permanently attached to the truck.

(k) Comply with legal lighting, equipment, and license requirements.

(l) Portable tail, stop, and turn signal lights for vehicles being towed.

(m) Have department of licensing registration and truck numbers painted or permanently affixed to both sides of the truck. Have firm's name, city of address, and phone number permanently affixed to both sides of the vehicle. Letters must

be a minimum of three inches high with one-half inch strokes.

(n) Have a revolving/intermittent red light with three hundred sixty degrees visibility. May also be equipped with flashing amber and/or white lights which may be used in conjunction with the red lamps. Must also be equipped with a warning light visible from the driver seat which is energized when the red revolving light or flashing amber lights are activated.

(o) Have a broom, minimum twelve inches wide, handle four feet long.

(p) Have a scoop type shovel, minimum seven inches wide, overall length minimum three feet long and a minimum of a three-gallon bucket for debris.

(q) Be maintained in a reasonably clean condition.

(r) Have two tempered steel pinch bars or equivalent devices, one tapered and one flattened; one at least three feet long and one at least four feet long, with a minimum diameter of three-quarters of an inch.

(s) Have a two-way radio or mobile telephone system capable of communicating with a base station. A citizen band radio does not suffice. A mobile telephone system is acceptable if:

(i) The equipment is of a recognized and established manufacture and is properly installed.

(ii) The equipment is in proper working order and functions correctly throughout the assigned tow areas.

(iii) The equipment does not utilize a siren to signal incoming calls.

(iv) The equipment is used in a correct and lawful manner.

(t) Have one 20 BC rated or two 10 BC rated fire extinguishers.

(u) Axle weight must comply with the requirements of RCW 46.37.351.

(2) **Class "A" tow trucks:** Trucks that are capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles. Class "A" tow trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) A ten thousand minimum manufacturer's gross vehicle weight rating.

(b) Dual tires on the rear axle.

(c) A minimum of one hundred feet of three-eighths inch continuous length XIP wire rope on each drum, measured from the point of attachment at the drum to the hook.

(d) A minimum six-ton boom rating with single or dual booms. Dual winches to control a minimum of two service drums.

(e) A minimum of two snatch blocks.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles that are not otherwise towable.

(h) If equipped with a wheel lift system, it must have a fully extended working load rating of at least three thousand pounds and a seven thousand pound tow rated capacity.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be minimum grade "7" chain with matching fittings.

(3) **Class "B" tow trucks:** Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) Seventeen thousand pounds minimum manufacturer's gross vehicle rating.

(b) Minimum ten-ton boom rating, single or dual booms, with two independent winches and drums.

(c) A minimum of one hundred (~~fifty~~) feet of seven-sixteenths inch continuous length XIP wire rope on each drum, measured from points of attachment at the drum to the hook.

(d) Minimum of four standard release tools (caging stud assemblies).

(e) A minimum of two snatch blocks.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles that are not otherwise towable when the class B tow truck is being used for class A tows.

(h) If equipped with a wheel lift system, it must have a fully extended working load limit of at least six thousand pounds and a twenty thousand pound tow rated capacity when operating as a class B truck. May be equipped with a three thousand pound fully extended working load wheel lift system with a seven thousand pound tow rated capacity if operating as a class A truck.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(4) Class B** trucks are rated at 30,000 GVWR (or more) with air brakes. Class B** trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have a minimum of one hundred fifty feet of seven-sixteenths inch continuous length XIP wire rope on each drum, measured from points of attachment at the drum to the hook.

Class B** trucks shall also meet the requirements of subsection (3)(b), (d), (e), (f), (g), (h), and (i) of this section.

(5) **Class "C" tow trucks and class "C" rotator trucks:** Are trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) A forty thousand pound manufacturer's gross vehicle weight rating or equivalent.

(b) Tandem rear axle truck chassis (both drive axles).

(c) A minimum of twenty-five-ton boom rating with single or dual booms. Dual winches to control a minimum of two service drums.

(d) A minimum of one hundred fifty feet of nine-sixteenths inch continuous length XIP wire rope on each drum

measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) If equipped with a wheel lift system, it must have a fully extended working load limit of at least twelve thousand pounds.

(h) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(i) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(j) A minimum of two snatch blocks.

~~((5))~~ (6) **Class "D" tow trucks:** Trucks that are equipped for and primarily used as "wheel lift" trucks.

Class "D" trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) A wheel lift assemble with a fully extended manufacturer's working load limit of three thousand pounds and a seven thousand pound tow rated capacity.

(b) One winch and drum with one hundred feet of three-eighths inch XIP wire rope meeting class "A" requirements.

(c) One snatch block.

(d) A minimum of one five-foot recovery chain for use in the winching system and must be a minimum of grade "7" chain with matching fittings.

~~((6))~~ (7) **Class "E" tow trucks:** Trucks that are primarily designed and intended to transport other vehicles by loading the vehicle entirely onto the truck. These vehicles may be a flatbed, slide back, tilt bed, or rail design truck. Class "E" trucks shall meet the requirements of subsection (1)(a) through (u) of this section and in addition shall have:

(a) Four securing devices with a minimum working load limit of three thousand nine hundred pounds. The devices may be chain (minimum grade "4"), wire rope, nylon strap, or steel strap. The tie downs shall be attached to the axle or frame member of the transported vehicle both front and rear. All ends shall be secured to the truck bed or rail in a manner that will prevent movement of the transported vehicle. Factory style "T" hook tie-downs may also be used (front and rear).

(b) One snatch block.

(c) Dual tires on the rear axle.

(d) If used in a towing mode (as opposed to carrying), a sling, tow bar, and/or wheel lift assembly can be used and must have a manufacturers' rating appropriate to the vehicle being towed.

(e) Additional minimum requirements include:

(i) Gross vehicle weight rating 14,500

(ii) Purchased tonnage 14,500

(iii) Winch rating 4 ton

(vi) XIP wire rope 50 feet 3/8 inch

(v) One five-foot chain use in the winching system and must be a minimum of grade "7" chain with matching fittings.

(v) Car carrier (bed) 17 feet

Note: Bed may be shorter in a collapsed mode, but must be capable of telescoping to a minimum of seventeen feet.

((7)) **(8) Class "S" tow/recovery trucks:** Tow/recovery trucks that cannot meet the requirements of class "A," "B," "C," "D," or "E" and are not eligible for appropriate waiver as outlined in WAC 204-91A-070(4), may be approved as class "S" (special).

To have a truck designated as class "S" the tow operator must submit a request for approval through the district commander to the section. The written request shall indicate why the truck is needed, what it will be used for, its size, purchased tonnage (if appropriate), capability, and the equipment carried or used with the truck. Gross vehicle weight rating of the class "S" truck will determine the appropriate equipment required.

If the district commander approves the request, the request will be forwarded with recommendations for equipment and/or operation instructions or limitations to the patrol for review and final approval. If approval is granted, the equipment shall be inspected as outlined in WAC 204-91A-040 with reports forwarded in the normal manner.

Note: If the provisions of this section require a change in classification for a previously approved tow truck, such change may be made upon the next annual reinspection. In any case, all tow trucks shall be correctly classified within one year of adoption of these rules.

AMENDATORY SECTION (Amending WSR 94-18-083, filed 9/2/94, effective 10/3/94)

WAC 204-91A-180 Vehicle towing/operator qualifications, restrictions, and requirements. In addition to the requirements contained in WAC 204-91A-170, tow truck operators appointed pursuant to this chapter shall conform to all laws and administrative rules pertaining to the tow industry and shall observe the following practices and procedures:

(1) When called by the patrol, the tow truck operator will dispatch a tow truck, from within the assigned zone, within five minutes during normal business hours. Tow trucks must be registered to and belong to the particular tow business that is called and assigned to that tow zone only. If the officer at the scene deems it necessary, additional assistance may be authorized from a registered tow truck operator outside of the tow zone.

(2) Tow trucks dispatched at the request of the patrol after normal business hours will be on the move within the assigned zone within fifteen minutes after receiving the call.

(3) The tow truck that is dispatched will arrive at the stated location within a reasonable time considering distance, traffic, and weather conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time or if the dispatched truck will be delayed for any reason, the operator shall so advise the patrol stating the reason and estimated time of arrival. In the event the tow truck fails to arrive at the scene within a reasonable time, the patrol will contact another tow operator to respond to the scene and will cancel the original tow.

(5) A tow operator on rotation who is unable to dispatch or arrive within the times stated in subsections (1), (2), (3),

and (4) of this section will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services and/or to provide the requested services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator shall advise the appropriate patrol office when the tow company is temporarily unavailable to respond to rotational calls with a class "A," "B," or "C" tow truck. Unavailability may occur due to conditions such as, but not limited to, other tow truck commitments, tow truck disabled and/or under repair, unforeseen driver shortage due to illness, etc. The period of unavailability may last less than an hour or much longer. The tow operator will give the reason for unavailability and approximately when the company will be available to respond to calls.

The tow company will be removed from the rotational list and will not be called until the operator advises the patrol that the company is once again able to respond to calls with an "A," "B," or "C" class truck. In all such cases, the tow company will resume its normal position on the rotational list without regard to any missed calls or its position prior to being unavailable.

(8) The tow operator will advise the patrol whenever a private call is received for a tow with circumstances that indicate that the tow is for a vehicle which has been involved in an accident, incident, or equipment breakdown on the public roadway. The tow operator also will advise the patrol of all private calls to motor vehicle accidents on private property resulting in bodily injury or death.

(9) The tow operator will notify the patrol before moving any vehicle involved in an accident on a public highway under the jurisdiction of the patrol as defined in the motor vehicle code, Title 46 RCW, or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

Other than a service patrol established and funded by the department of transportation, a tow operator shall not solicit tow or roadside services by patrolling the public roadways searching for disabled vehicles or vehicles involved in a traffic accident.

(10) When the patrol is in charge of an accident scene or other such incident, a tow operator shall not respond to such scene unless his services have been specifically requested by the patrol, the driver/owner, or his agent.

(11) The tow operator shall be available, or will ensure that specific employees are available, twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and nonbusiness hours. A copy will also be sent to the section and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the department, the section, and the patrol district commander ten days before their effective date.

(12) The tow operator will notify the appropriate patrol office of the release of stored vehicles within five working days after the release of such vehicle. Notification to the

patrol will be made in such a manner as prescribed by the section commander.

(13) The operator shall post a current copy of tow and storage rates, on a form approved by the department and the patrol, in the following locations:

(a) At the entrance to the place of business, in a conspicuous location, plainly visible and readable by members of the public, whether the business is open or closed. If, in order to meet this requirement, the rate sheets must be placed in a location, exposed to the elements, they shall be protected so as to remain legible.

(b) Inside the business location, where business is commonly transacted. The rate sheets shall be posted in such manner as to be clearly and plainly visible and readable at all times by customers of the business.

(c) A copy of the current rates will be sent to the department, the section, and the patrol district commander of the district in which the tow operator has applied for a letter of appointment. Notice of any change(s) in service rates will be forwarded to the department, the section, and the district commander of the area ten days before the effective date of the changes. Charges made for towing services arising from calls initiated by the patrol shall be consistent with current posted towing rates and shall be based only upon services listed on the prescribed form.

(d) In the event that an operator has only a class "B" truck and utilizes it for class "A" and "B" type tows, the operator shall file a rate sheet that specifies the rates charged for the different types of tows.

Whenever any operator utilizes a larger truck than the towed vehicle warrants, the operator shall charge fees based on the size of the towed vehicle not the size of the truck used.

Example: A class "C" truck is used, at the operator's discretion, to tow a class "B" size vehicle. The fees charged shall be those for a class "B" truck NOT a class "C."

(14) Charges made for towing services arising from calls initiated by the patrol shall not exceed the maximum rates established by the chief.

(15) Unless other arrangements are made with commissioned patrol personnel at the scene, all impounded vehicles shall be taken to the tow operators nearest approved storage location.

(16) The tow operator will maintain, for three years, records on towed and released vehicles which were towed at the request of the patrol. This record will include, but not be limited to:

(a) An itemized receipt of all charges for the services provided.

(b) An inventory sheet or copy thereof made out by the trooper at the scene of the tow and signed by the operator.

(c) All other records required by the department.

Such records will be available for inspection by the patrol during normal business hours at the operator's place of business.

(17) The tow operator will sign an inventory sheet made out by the patrol officer at the scene.

(18) Tow operators will obtain and maintain current registration as a licensed tow truck operator pursuant to RCW 46.55.020.

(19) Tow operators shall perform towing tasks competently. The standard of competence shall be that quality of work which is accepted as efficient and effective within the towing industry.

(20) No tow operator, employee, or agent shall misappropriate, wrongfully convert to his/her own use, or abuse property belonging to another and entrusted to his/her care or storage.

(21) Tow truck operators will use emergency lights to warn other motorists only when at the scene of accidents, disabled vehicles, and/or recoveries. Such lighting shall not be used when traveling to or from the scene.

Tow truck operators whose duties are performed in areas and under circumstances where they are exposed to the danger of moving vehicles shall wear work vests of highly visible materials, or equivalent distinguishing apparel as outlined in department of labor and industries, WAC 296-155-200(5).

(22) Tow truck operators shall be responsible for cleaning accident/incident scenes of all vehicle glass and debris.

(23) Specific operating restrictions and/or requirements, by truck class, are as follows:

(a) The standard air brake release tools (caging stud assemblies) required to be carried in the class "B" and "C" trucks shall be used, whenever necessary, to preserve potential evidence involving brake equipment or adjustment settings. When an operator is attempting to move a vehicle equipped with locked spring parking brakes that cannot be released by external air supply, the caging assemblies shall be used to release the brake tension. Under no circumstances shall the towed vehicle's brake assemblies or adjustments be moved or disturbed in any way that will prevent later determination of the preaccident or incident settings.

(b) Class "B" trucks in excess of twenty-three thousand pounds gross vehicle weight rating need not carry dollies when towing or recovering heavy vehicles.

(c) Class "D," "E," and "S" trucks shall not be used to respond to initial calls unless specifically authorized by patrol personnel at the scene or by local written policy approved by the district commander.

(d) Class "E" trucks shall:

(i) Have, when used for multiple vehicle towing/recovery (one on bed, one in tow) from the same location, all invoice charges evenly divided between the vehicles so transported;

(ii) Not be operated in excess of either gross vehicle weight rating or purchased tonnage weight limits;

(iii) Be required to carry its portable lights only when used in a towing mode.

(24) Whenever a "special event or overflow" storage lot is approved by the department, the patrol and appropriate city/county jurisdictions, the operator shall maintain personnel at the lot twenty-four hours per day for security and vehicle and/or personal property release. If necessary, reimbursement for such labor shall be part of the contract for the "special event" if appropriate or by amended storage rates with a waiver of the ten-day rate change notice requirement approved by the department and the patrol.

At the conclusion of a "special event or overflow" situation, all vehicles not reclaimed by the owner shall be towed to the operator's regular storage facility and processed in the

normal fashion. No additional fee shall be charged for towing the vehicle from the overflow lot to the regular facility.

(25) All work performed by the operator and/or employee shall be in the most professional and expeditious manner. All invoices and other required forms shall be completed accurately and promptly.

(26) Tow operators shall, when required by the patrol or the department, cause to be displayed on each approved truck, decals indicating truck class, patrol district, and/or assigned tow zone.

WSR 02-07-060
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed March 15, 2002, 12:18 p.m.]

Date of Adoption: March 15, 2002.

Purpose: To allow Washington state to enter into written reciprocity agreements with other jurisdictions to ensure accountability for real estate agents and to better protect the public. Reciprocal agreements would allow real estate licensees from other jurisdictions to become licensed in Washington and Washington licensees to obtain license in the reciprocal jurisdiction. These agreements will eliminate cross border barriers and provide for discipline.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124A-110.

Statutory Authority for Adoption: RCW 18.85.040(1).

Adopted under notice filed as WSR 02-03-058 on January 10, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 15, 2002

Alan E. Rathbun

Assistant Director

AMENDATORY SECTION (Amending WSR 95-03-012, filed 1/5/95, effective 2/5/95)

WAC 308-124A-110 Application for real estate examination, licensed in another jurisdiction. (1) Any person applying for a real estate broker or real estate salesperson examination who is actively licensed in the same or greater

capacity in another jurisdiction and has maintained his or her license in good standing or who was actively licensed in the same or greater capacity in good standing within the preceding six months is eligible to take the Washington law portion of the examination.

(2) Any person applying to take the examination under this section shall submit an examination application approved by the department and shall submit evidence of licensure in another jurisdiction by a license verification form completed by an administrative officer of the licensure authority in such jurisdiction.

(3) After the qualifications for the examination have been verified by the department the candidate shall telephone the testing service up to three days prior to the desired test date to schedule an examination. Candidates requesting a morning or afternoon test session shall be scheduled immediately for an examination and will be provided with a registration number confirming their reservation. On the day of the examination, the candidate shall submit the verified examination application and examination fee by cashier's check, certified check or money order to the testing service approved by the department. Cash or personal checks will not be accepted from candidates.

(4) The director, upon advice of the Washington state real estate commission, may consider entering into written recognition agreements with other jurisdictions which license real estate brokers and salespersons similarly to Washington state. The recognition agreement(s) shall require the other jurisdiction to grant the same licensing process to licensees of Washington state as is offered by Washington state to licensee applicants from other jurisdictions.

WSR 02-07-067
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed March 18, 2002, 12:04 p.m., effective July 1, 2002]

Date of Adoption: March 18, 2002.

Purpose: The reason for the adoption of this rule is to bring the bail bond agents licensing program in compliance with RCW 43.24.086, which requires each professional licensing program to collect revenue equal to the cost of the program, and to increase recordkeeping accountability for increased protection of consumer funds.

Citation of Existing Rules Affected by this Order: Amending WAC 308-19-130 Fees and 308-19-240 Required records.

Statutory Authority for Adoption: RCW 43.24.086.

Other Authority: Chapter 18.185 RCW.

Adopted under notice filed as WSR 02-02-095 on January 2, 2002.

Changes Other than Editing from Proposed to Adopted Version: New original application fees effective July 1, 2002. Renewals: New fees effective for all licenses expiring on or after July 1, 2002.

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

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Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 2, Repealed 0.

Effective Date of Rule: July 1, 2002.

March 18, 2002
 Alan E. Rathbun
 Assistant Director

AMENDATORY SECTION (Amending WSR 93-21-053, filed 10/18/93, effective 11/18/93)

WAC 308-19-130 Bail bond agency, branch office and bail bond agent fees. The following fees for a one-year period shall be charged by business and professions division of the department of licensing:

Title of Fee	Fee
Bail bond agency/branch office:	
Application	\$(800.00) <u>1,000.00</u>
License renewal	((600.00)) <u>800.00</u>
Late renewal with penalty	((900.00)) <u>1,000.00</u>
Certification of records	25.00
Bail bond agent:	
Original license	((200.00)) <u>400.00</u>
License renewal	((150.00)) <u>250.00</u>
Late renewal with penalty	((250.00)) <u>350.00</u>
Certification of records	25.00
Change of qualified agent	<u>200.00</u>

AMENDATORY SECTION (Amending WSR 00-01-061, filed 12/13/99, effective 1/13/00)

WAC 308-19-240 What records are a bail bond agency and branch office required to keep? The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 18.185 RCW, or in these rules:

(1) They shall be maintained in accordance with generally accepted accounting practices.

(2) No person shall make any false or misleading statement, or make false or misleading entry, or willfully fail to make any entry required to be maintained or made, in any such record or document.

(3) No person shall willfully fail to produce any such record or document for inspection by the department.

(4) The minimum records the qualified agent or principal partner of a bail bond agency shall be required to keep are:

- (a) Bank trust account records;
- (b) Duplicate receipt book or receipt journal;
- (c) Prenumbered checks;
- (d) Check register or cash disbursement journal;
- (e) Validated bank deposit slips;
- (f) Reconciled bank monthly statement (client liability vs bank statement);
- (g) All cancelled checks;
- (h) All voided checks;
- (i) "Client information" which includes defendant's name, application, dates of transactions, amount received, amount disbursed, current balance, check number, item(s) covered, indemnitor's agreement, and indemnity agreements, premium receipts, collateral receipt(s), letter(s) of forfeiture or surrender form(s), letter(s) of demand and affidavit(s), if surrendered before a forfeiture has occurred, and any written information or communication that may have influence on the bail bond or collateral placed for the bail bond;

(j) A transaction folder or file containing a copy of all agreements, invoices, billings, and related correspondence for each transaction;

(k) Records or description of all collaterals, securities, or monetary instruments received or held in the bail bond business transactions;

(l) Records of training and/or continuing education for each bail bond agents employed in that agency;

(m) Records of exoneration of all bail bond transactions which include: (i) Court, citation or case number (ii) date of issuance of the bail (iii) the defendant's name, address and telephone number (iv) amount of the bond (vi) name of the court (vii) date of exoneration of the bond.

(5) The above records shall be maintained for a minimum period of three years.

(6) All funds and monetary instruments received by the agency from customers or clients in business transactions shall be deposited into the trust account within three working days of receipt.

(7) All money spent on behalf of a client must be deposited in and disbursed from the agent's collateral trust account, including advances, loans or money from the agency's business account to the collateral trust account to pay expenses.

(8) The bail bond agent must secure an invoice or billing from any party who provides a service on behalf of the defendant and must include the cost for the service, a description of the service provided, and the service provider's name, address, telephone number, and UBI number (Uniform Business Identifier).

(9) Bail bond agents must secure an affidavit from any party who purchases or takes possession of collateral being liquidated. The affidavit must state the name, address and telephone number of the party(ies) acquiring the property along with a complete description of the property, serial num-

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ber or other unique identifying number, and the dollar value of the collateral being liquidated with an explanation of how the dollar value was estimated.

(10) If the bail bond agent or agency provides other services to the indemnitor or client, the firm must provide full disclosure in writing of the agent's relationship with any persons providing such services, and prior disclosure of fees charged. The written disclosure must be maintained in the client's transaction file for a minimum period of three years. For purposes of this section, "other services" shall mean services unrelated to the issuance and posting of bail.

(11) The bail bond agent must provide each indemnitor or client a receipt for all personal property. The bail bond agent shall keep a duplicate of all receipts. The receipt will include:

- (a) Date of receipt;
- (b) Complete description of the property to include serial numbers or other unique identifying numbers;
- (c) Signature of the bail bond agent; and
- (d) A file or case number the receipt relates to.

(12) The bail bond agent shall maintain an individual ledger card to post all bank charges of any nature, including credit card charges. Accrued interest shall be posted to the individual ledger card. If bank charges exceed the interest earned, causing the trust account to be lower than client liability, the bail bond agent shall immediately deposit funds into the trust account to bring the trust account into balance. For purposes of this subsection, "immediately" shall mean within one banking day after the bail bond agent receives notice that the trust account is lower than client liability. All interest accruing on the trust bank account must be withdrawn at least once monthly.

WSR 02-07-068

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 18, 2002, 12:06 p.m., effective July 1, 2002]

Date of Adoption: March 18, 2002.

Purpose: The reason for the adoption of this rule is to bring the security guard licensing program in compliance with RCW 43.24.086, which requires each professional licensing program to collect revenue equal to the cost of the program.

Citation of Existing Rules Affected by this Order: Amending WAC 308-18-150 Fees.

Statutory Authority for Adoption: RCW 43.24.086.

Other Authority: Chapter 18.170 RCW.

Adopted under notice filed as WSR 02-02-096 on January 2, 2002.

Changes Other than Editing from Proposed to Adopted Version: Option 2 is being adopted. New original application fees effective July 1, 2002. Renewals: New fees effective for all licenses expiring on or after July 1, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: July 1, 2002.

March 18, 2002

Alan E. Rathbun

Assistant Director

AMENDATORY SECTION (Amending WSR 98-24-045, filed 11/25/98, effective 1/1/99)

WAC 308-18-150 Private security guard company, private security guard, and armed private security guard fees. The following fees for a one-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Private security guard company:	
Application/examination	\$250.00
Reexamination	25.00
License renewal	250.00
Late renewal with penalty	350.00
Certification	25.00
Private security guard:	
Original license	((53.00)) 65.00
Transfer fee	((20.00)) 30.00
Certified trainer examination/reexamination	25.00
Certified trainer renewal	15.00
License renewal	((25.00)) 45.00
Late renewal with penalty	((30.00)) 65.00
Certification	25.00
Armed private security guard:	
Original license	((24.00)) 30.00
Transfer fee	((20.00)) 30.00
Certified trainer examination/reexamination	25.00

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Title of Fee	Fee
Certified trainer renewal	15.00
License renewal	((25.00)) 60.00
Late renewal with penalty	((30.00)) 75.00
Certification	25.00
<u>Change of principal:</u>	
<u>Unarmed principal</u>	65.00
<u>Armed principal</u>	30.00
<u>Duplicate license</u>	10.00

The game is conducted in accordance with the rules for on-line games found in chapter 315-30 WAC, the general rules found in chapter 315-06 WAC, and this chapter.

(2) To play Lotto Plus, you pick one set of five numbers from "01" to "43" and one number from "01" to "23" for a chance to win a prize, or you can let the computer pick both sets or either set of numbers for you. If you have the computer pick for you, this is called a "quick pick" or "quick play."

NEW SECTION

WAC 315-37-020 How much does a Lotto Plus ticket cost? The price of each Lotto Plus play is \$.50 and is sold in pairs for \$1.00.

NEW SECTION

WAC 315-37-030 What are the prizes for Lotto Plus and the odds of winning the prizes? (1) The prizes and odds for matching numbers in your set(s) of numbers to the numbers drawn by the lottery are as set forth below. The jackpot amount varies due to roll-over and the parimutuel calculation of prizes.

Numbers Matching Winning Numbers In Set of Five	Number Matching Winning Number In Set of One	Prize Amount	Odds (per \$1 play)
5	1	Jackpot	11,069,877
5	0	\$2,000	503,176
4	1	\$500	58,263
4	0	\$25	2,648
3	1	\$15	1,575
3	0	\$3	72
2	1	\$3	131
1	1	\$2	30
0	1	\$1	22
			Overall Odds: 1:10

(2) The holder of a winning ticket may win only one prize per play and shall be entitled only to the highest prize category won by those numbers.

(3) Roll-over feature for the jackpot prize is as follows:

(a) If no player selects winning numbers entitling him or her to the jackpot prize, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) The director shall have the discretion to increase the jackpot prize, in addition to the roll-over specified in (a) of this subsection.

(4) All prize payments are subject to federal income tax withholding requirements and debt checks, pursuant to RCW 67.70.255.

WSR 02-07-073

PERMANENT RULES

WASHINGTON STATE LOTTERY

[Filed March 18, 2002, 2:25 p.m.]

Date of Adoption: March 15, 2002.

Purpose: To establish the rules of a new game, *Lotto Plus*.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 02-03-109 on January 22, 2002.

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 12, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 18, 2002

Mary Jane Ferguson
Rules Coordinator

Chapter 315-37 WAC

LOTTO PLUS

NEW SECTION

WAC 315-37-010 What is Lotto Plus and how do I play? (1) Lotto Plus is an on-line lottery game in which you purchase a computer-generated ticket and try to match your two sets of numbers (one set of five numbers and one set of one number) to the two sets of numbers chosen by the lottery.

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NEW SECTION

WAC 315-37-040 When will Lotto Plus start? Lotto Plus will start on a date designated at the discretion of the director. The start date will be advertised. Lotto Plus will replace Lotto 6 of 49 as described in chapter 315-34 WAC. However, the director may choose at any time to have one or the other of the lotto games (Lotto 6 of 49 as set forth in chapter 315-34 WAC and/or Lotto Plus as set forth in this chapter) run alone or both at the same time.

NEW SECTION

WAC 315-37-050 How are the winning sets of numbers selected? Lottery officials conduct the drawing for the winning sets of numbers, as specified in the general rules for on-line game drawings, WAC 315-30-040. The director has the discretion to specify the means for randomly drawing the winning numbers. Each drawing shall be independent and shall determine, at random, five numbers from "01" through "43," and one number from "01" to "23" which will be the winning sets of numbers. No two of the five numbers in the winning set of five numbers will be identical. The one number in the set of one number may be identical to a number in the set of five numbers. Any drawn numbers will not be declared winning numbers until the drawing is validated by the lottery. The winning numbers shall be used to determine all Lotto Plus winners for that drawing. If a drawing is not validated, another drawing will be conducted to determine the winning sets of numbers. The drawing shall not be invalidated based on the liability of the lottery.

NEW SECTION

WAC 315-37-060 How often are the winning sets of numbers chosen? The Lotto Plus drawing for the winning sets of numbers is held at least once a week and may be held up to once a day, seven days a week, at the discretion of the director of the lottery. The director, in addition, has the discretion to change the drawing schedule or cancel the drawing if it falls on a holiday.

NEW SECTION

WAC 315-37-070 Where can I buy or redeem Lotto Plus tickets? You can buy or redeem Lotto Plus tickets only from a lottery retailer licensed by the director of the lottery to sell on-line, computer generated tickets. You can buy or redeem the tickets during no less than seventeen hours each day, according to a schedule determined by the director of the lottery, but each on-line retailer will sell and redeem tickets only during normal business hours. In redeeming tickets, a retailer may only pay out prizes up to \$600. For prizes over \$600, you must obtain a lottery claim form as described in WAC 315-06-120, and submit your ticket to the lottery by mail or in person. Tickets will be validated and redeemed in accordance with the general rules for on-line games found in chapter 315-30 WAC.

NEW SECTION

WAC 315-37-080 What information is included on a Lotto Plus ticket and playslip? The front of the ticket includes the selection of numbers, amount wagered, drawing date, and validation and reference numbers. The back of the playslip includes an estimate of the probability of purchasing a winning ticket, player instructions, and player information.

NEW SECTION

WAC 315-37-090 How are prizes paid? (1) Every Lotto Plus prize other than the jackpot prize will be paid in a single payment.

(2) The jackpot prize will be paid in accordance with WAC 315-30-030(6); 315-06-120 and the following procedure:

(a) **Cash option:** After a player has claimed a jackpot prize or a share of a jackpot prize, and after the claim has been validated (including a debt check pursuant to WAC 315-06-125), the player may elect to be paid a one-time single cash payment of fifty percent of his or her share of the announced jackpot, provided:

(i) The player must elect this cash option within sixty days of the validation of his or her prize, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date.

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-five annual installment payments.

NEW SECTION

WAC 315-37-100 What happens to unclaimed Lotto Plus prizes? When a player who holds a winning ticket does not claim his or her prize within one hundred eighty days of the drawing in which the prize was won, that prize is retained in the state lottery fund for further use as prizes, as provided for in RCW 67.70.190.

NEW SECTION

WAC 315-37-110 Definitions for Lotto Plus. (1) **Number:** Any play number from "01" to "43" for the set of five numbers and any play number from "01" to "23" for the set of one number.

(2) **Set:** One selection of five numbers, which constitute a set of five numbers, or one selection of one number, which constitutes a set of one number. Each play shall consist of the player's choice of one set of five numbers and one set of one number.

(3) Play slip: A mark-sense game card used by players to select their sets of numbers.

(4) Lotto Plus ticket: A computer-generated receipt showing payment for at least two plays in a Lotto Plus game. Tickets shall be issued by an on-line terminal at locations licensed by the lottery and shall list the sets of numbers that belong to the ticket holder.

(5) Quick pick or quick play: A method for choosing a set of numbers by the use of the random number generator within the on-line computer terminal.

(6) Play: One set of five numbers and one set of one number constitute a play.

NEW SECTION

WAC 315-37-120 Suspension or termination of Lotto Plus. At the discretion of the director, Lotto Plus may be suspended or terminated at any time, to be effective prior to the beginning of sales for any future drawing. The director may suspend or terminate sales only where no sales have been made for the drawing.

WSR 02-07-074

PERMANENT RULES

EXECUTIVE ETHICS BOARD

[Filed March 18, 2002, 2:44 p.m.]

Date of Adoption: February 8, 2002.

Purpose: To amend WAC 292-110-010.

Citation of Existing Rules Affected by this Order:
Amending WAC 292-110-010.

Statutory Authority for Adoption: RCW 42.52.360
(2)(b), 42.52.160(3).

Adopted under notice filed as WSR 02-02-085 on
December 31, 2001.

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 Nongov-
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-
tiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify,
Streamline, or Reform Agency Procedures: New 0,
Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule
Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-
ing: New 0, Amended 0, Repealed 0; or Other Alternative
Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 18, 2002

Brian Malarky

Executive Director

AMENDATORY SECTION (Amending WSR 98-08-054,
filed 3/27/98, effective 4/27/98)

WAC 292-110-010 Use of state resources. ~~((1) State officers and state employees are obligated to conserve and protect state resources for the benefit of the public interest, rather than their private interests. When use of state resources supports organizational effectiveness, is reasonable and of negligible cost, and does not violate an ethics law or this rule, such use would not undermine public trust and confidence. Responsibility and accountability for the appropriate use of state resources ultimately rests with the individual state officer and state employee, or with the state officer or state employee who authorizes such use.~~

~~(2) State officers or state employees may not use state resources including any person, money, or property under the officer's or employee's official control or direction or in his or her custody for private benefit or gain of the officer or employee or any other person. This prohibition does not apply to the use of public resources to benefit another person as part of the officer's or employee's official duties.~~

~~(3) Notwithstanding the prohibition in subsection (2) of this section, a state officer or employee may make occasional but limited use of state resources only if:~~

~~(a) There is no cost to the state; and~~

~~(b) The use of state resources does not interfere with the performance of the officer's or employee's official duties;~~

~~(c) The use is brief in duration and does not disrupt or distract from the conduct of state business due to volume or frequency; and~~

~~(d) The use does not compromise the security or integrity of state information or software;~~

~~(e) An agency may authorize a use that promotes organi-
zational effectiveness or enhances the job-related skills of a
state officer or state employee.~~

~~Example 1: An employee makes a local telephone call or sends an e-mail communication to his home to make sure his children have arrived home safely from school. This is not an ethical violation. There is no cost to the state, and because either the call or the e-mail is brief in duration, it does not interfere with the performance of official duties.~~

~~Example 2: An employee uses her agency computer to send electronic mail to another employee regarding the agenda for an agency meeting that both will attend. She also wishes the other employee a happy birthday. This is not an ethical violation. The personal message is due minimis and improves organi-
zational effectiveness by allowing informal commu-
nication among employees.~~

~~Example 3: Every spring a group of employees meets during lunch to organize an agency softball team. The meeting is held in a conference room that is not needed for agency business during the lunch hour. This is not an ethical violation. There is no cost to the state and the meeting does not interfere with the performance of official duties because it is during a lunch hour.~~

Example 4: An agency determines that an evening class will enhance the job skills of an employee, and allows the employee to use her office computer to do homework. The employee prints her homework using the office printer and her own paper. This is not an ethical violation. The use of the office computer and printer will result in some cost to the state, but the cost is negligible and the employee is using her own paper. Because the class will enhance the employee's job skills, the effectiveness of the organization is improved. Since the activity takes place after working hours, it will not interfere with the performance of the employee's official duties.

(4) Occasional and limited use of state resources does not include the following private uses of state resources:

- (a) Any use for the purpose of conducting an outside business;
- (b) A use for the purpose of supporting, promoting, or soliciting for an outside organization or group unless provided for by law or authorized by an agency head or designee;
- (c) Any campaign or political use;
- (d) Commercial uses such as advertising or selling; or
- (e) An illegal activity.

Example 5: An employee operates an outside business. Everyday she makes or receives five to ten business calls on her state telephone. All of the calls are local calls. This is an ethical violation. The employee is conducting a private business on state time, which is a cost to the state.

Example 6: After working hours, an employee uses the office computer and printer to prepare client billings for a private business using his own paper. This is an ethical violation. Although use of the office computer and printer may result in a negligible cost to the state, conducting a private business is an inappropriate use of state resources.

Example 7: An employee is active in a local PTA organization that holds fund-raising events to send children to the nation's capital. Although a parental contribution is expected, the more a parent raises, the less his or her contribution. An employee uses agency e-mail to solicit contributions for her child. This is an ethical violation. The employee is using state resources to further a private interest and to promote an outside organization.

(5) Use of state resources pursuant to subsections (3) and (4) of this section is subject to the following qualifications and limitations:

(a) A state officer or employee may not use state resources for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Such a use of state resources is not authorized by this rule and is specifically prohibited by RCW 42.52.180, subject to the exceptions in RCW 42.52.180(2).

(b) A state officer or employee may not make private use of any state property which has been removed from state

facilities or other official duty stations, even if there is no cost to the state:

(c) A state officer or employee may not make private use of any state property which is consumable such as paper, envelopes or spare parts, even if the actual cost to the state is due minimis.

(d) A state officer or employee may use computers and electronic mail provided such use conforms to ethical standards under section three of this rule, and the prohibitions contained in section four.

(e) A state officer or employee may not make private use of state computers or other equipment to access computer networks or other data bases including, but not limited to, electronic mail and electronic bulletin boards for personal use unrelated to an official business purpose.

Example 8: Agency equipment includes a video tape player. One night an employee takes the machine home to watch videos of her family vacation. This is an ethical violation. Although there is no cost to the state an employee may not make private use of state equipment removed from state facilities or other official duty station.

Example 9: An employee is assigned to do temporary work in another city away from his or her usual duty station. To perform official duties the employee takes an agency laptop computer. While away, the employee uses the computer to do tax work for a private client. This is an ethical violation. Although it is permissible for an employee to use the laptop at a temporary duty station, it is not permissible for the employee to perform work related to his or her outside business on the laptop.

Example 10: An employee routinely uses the Internet to manage her personal investment portfolio and communicate information to her broker. This is an ethical violation. Use of the Internet is limited to official state business, and there is a cost to the state for the employee's time while he or she conducts personal business.

(6) In general, a state officer or employee may not make private use of state resources and then reimburse the agency so there is no actual cost to the state. However, the board recognizes that in some limited situations, such as officers or employees working at remote locations, a system of reimbursement may be appropriate. Any system of reimbursement must be established by the agency in advance and must result in no cost to the state. To be valid under this rule a reimbursement system must be approved by the board.

(7) Electronic mail, facsimile transmissions, and voice mail are technologies that may create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. An electronic record is reproducible and is therefore not private. Such records may be subject to disclosure under the public disclosure law, or may be disclosed for audit or legitimate state operational or management purposes.

(8) State agencies are encouraged to adopt policies applying these principles to their unique circumstances.

Nothing in this rule is intended to limit the ability of an agency to adopt policies that are more restrictive. However, violation of a more restrictive agency policy by itself will not constitute a violation of RCW 42.52.160, it would constitute a violation of agency policy.) (1) **Statement of principles - stewardship.** The proper stewardship of state resources, including funds, facilities, tools, property, and employees and their time, is a responsibility that all state officers and employees share. Accordingly, state employees may not use state resources for personal benefit or gain or for the benefit or gain of other individuals or outside organizations. Personal benefit or gain may include a use solely for personal convenience, or a use to avoid personal expense. Responsibility and accountability for the appropriate use of state resources ultimately rests with the individual state officer and state employee, or with the state officer or state employee who authorizes such use. Employees and officials are cautioned that their own personal use of state resources should never interfere with another state official or employee, or obligate another employee to make personal use of state resources. In addition, state employees have an affirmative duty to ensure that any personal use of state resources is the most efficient in terms of time and resources.

(2) **Permitted uses.** Use of state resources that is reasonably related to the conduct of official state duties does not violate RCW 42.52.160. In addition, an agency head or designee may authorize a use of state resources that is related to an official state purpose but not directly related to an employee's official duty, for example, conducting an agency combined fund campaign. Such uses shall be specifically authorized in writing and any use shall strictly conform to specific agency guidance.

(3) **Permitted uses - under limited circumstances.** Extensive or repeated personal misuse of state resources, including state time, significantly undermines public trust in state government. Nevertheless, a very limited personal use of state resources that supports organizational effectiveness would not undermine public trust and confidence. An agency may authorize a specific use that promotes organizational effectiveness or enhances the job-related skills of a state officer or state employee. In addition, and notwithstanding the prohibition in RCW 42.52.160(1), but subject to subsection (6) of this section, a state officer or employee may make an occasional but limited use of state resources only if each of the following conditions are met:

- (a) There is little or no cost to the state;
- (b) Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
- (c) The use does not interfere with the performance of the officer's or employee's official duties;
- (d) The use does not disrupt or distract from the conduct of state business due to volume or frequency;
- (e) The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and
- (f) The use does not compromise the security or integrity of state property, information, or software.

(4) **Permitted use of computers and electronic mail, and the Internet.** A state officer or employee may use state

computers and other equipment to access computer networks or other data bases, including the Internet and electronic mail provided such use conforms to ethical standards under subsection (3) of this section, and the use is not otherwise prohibited under subsection (6) of this section. A state officer or employee may use state computers and other equipment to access the Internet only if the officer's or employee's agency has adopted a policy governing Internet access that is consistent with subsections (3) and (6) of this section.

(5) **No expectation of privacy.** Electronic mail, facsimile transmissions, and voice mail are technologies that may create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. An electronic record is reproducible and is therefore not private. Such records may be subject to disclosure under the public disclosure law, or may be disclosed for audit or legitimate state operational or management purposes.

(6) **Prohibited uses.** The state Constitution, state and federal laws, and the Ethics in Public Service Act strictly prohibit certain private activity and certain uses of state resources. Any use of state resources to support such activity clearly undermines public confidence in state government and reflects negatively on state employees generally. This rule explicitly prohibits at all times the following private uses of state resources.

(a) Any use for the purpose of conducting an outside business or private employment;

(b) Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to: A private business, a nonprofit organization, or a political party (unless provided for by law or authorized by an agency head or designee);

(c) Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Such a use of state resources is specifically prohibited by RCW 42.52.180, subject to the exceptions in RCW 42.52.180(2);

(d) Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head. Such a use of state resources is specifically prohibited by RCW 42.17.190, subject to the exceptions in RCW 42.17.190(3);

(e) Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy; and

(f) Any private use of any state property that has been removed from state facilities or other official duty stations, even if there is no cost to the state.

(7) **Reimbursement for personal use.** Establishing a system for reimbursement for private or personal use of state resources undermines the purpose of the Ethics in Public Service Act and imposes significant administrative burdens on state agencies. However, the board recognizes that in some limited situations, such as officers or employees working at remote locations, a system of reimbursement may be appropriate. Any system of reimbursement must be established by the agency in advance and must result in no cost to the state, including administrative costs. To be valid under this rule, the board must approve any reimbursement system implemented by an agency.

(8) Agency policies encouraged. State agencies are encouraged to adopt policies applying these principles to their unique circumstances. Agency policies that are approved by the board qualify for "safe harbor" under WAC 292-120-035. Nothing in this rule is intended to limit the ability of an agency to adopt policies that are more restrictive. However, violation of a more restrictive agency policy by itself will not constitute a violation of RCW 42.52.160, it would constitute a violation of agency policy.

(9) Frequently asked questions and examples. The board maintains a list of frequently asked questions and examples that provide additional guidance regarding this rule. State officers and employees are encouraged to review this document at the board's website www.wa.gov/ethics or to request a copy of the document through the board's office.

Washington State Executive Ethics Board
2425 Bristol Court SW
P.O. Box 40149
Olympia, WA 98504-0149
 Or by electronic mail at: ethics@atg.wa.gov

WSR 02-07-083

PERMANENT RULES

DEPARTMENT OF HEALTH

(Chemical Dependency Professionals)

[Filed March 19, 2002, 3:47 p.m.]

Date of Adoption: February 2, 2002.

Purpose: The proposed rule implements 1998 legislation to further define the retired active credential requirements for chemical dependency professionals.

Citation of Existing Rules Affected by this Order: Amending WAC 246-811-990.

Statutory Authority for Adoption: RCW 18.130.250.

Adopted under notice filed as WSR 01-23-100 on November 21, 2001.

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 2, 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 2, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Mary C. Selecky
 Secretary

RETIRED ACTIVE CREDENTIAL

NEW SECTION

WAC 246-811-081 How may I obtain a retired active credential? A certified chemical dependency professional may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

NEW SECTION

WAC 246-811-082 What is the retired active credential renewal fee? The retired active credential renewal fee is specified in WAC 246-811-990.

AMENDATORY SECTION (Amending WSR 99-13-084, filed 6/14/99, effective 7/15/99)

WAC 246-811-990 How often do I need to renew and what are the costs for certification? (1) Certificates must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for certified chemical dependency professional:

Title of Fee	Fee
Application	\$100.00
Initial certification	125.00
Renewal	125.00
<u>Renewal retired active</u>	<u>62.50</u>
<u>Late renewal retired active</u>	<u>50.00</u>
Late renewal penalty	62.50
Expired certification reissuance	62.50
Duplicate certification	10.00
Certification of certificate	10.00
Wall certificate	10.00

WSR 02-07-084

PERMANENT RULES

DEPARTMENT OF HEALTH

(Chemical Dependency Professionals)

[Filed March 19, 2002, 3:50 p.m.]

Date of Adoption: February 11, 2002.

Purpose: The proposed rules establish continuing competency definitions, requirements, scope and purpose, reporting requirements, and set the audit documentation requirements. The field of chemical dependency is growing and changing rapidly. There is concern that counselors working in this field need to continually seek out opportunities to keep up with current information.

Statutory Authority for Adoption: RCW 18.205.-060(12).

Adopted under notice filed as WSR 01-24-040 on November 28, 2001.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 8, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 8, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

Mary C. Selecky
Secretary

CONTINUING COMPETENCY PROGRAM

NEW SECTION

WAC 246-811-200 What continuing competency definitions should I know? (1) **Continuing education** means a program or course (including distance learning), seminars, or workshops, professional conferences approved by an industry recognized local, state, national, international organization or institution of higher learning.

(2) **Professional development activities** means addiction competencies as outlined in WAC 246-811-047, including: Clinical evaluation, individual counseling, group counseling, counseling family, couples, and significant others, professional and ethical responsibilities, understanding addiction, treatment knowledge, application to practice, professional readiness, treatment planning, referral, service coordination, client, family, and community education, screening, intake, assessment, clinical reports, clinical progress notes, discharge summaries, and other client related data.

(3) **Industry recognized** is any local, state, national, international organization, or institution of higher learning, including, but not limited to, the following organizations:

(a) National Association of Alcoholism and Drug Abuse Counselors (NAADAC);

(b) National Association of Addiction Treatment Providers (NAATP);

(c) International Certification and Reciprocity Consortium (ICRC);

(d) Northwest Indian alcohol/drug specialist certification board;

(e) Chemical dependency counselor certification board;

(f) Institutions of higher learning that are accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; or

(g) Division of alcohol and substance abuse (DASA).

(4) **Distance learning** is industry recognized education obtained to enhance proficiency in one or more of the profes-

sional development activities as outlined in subsection (2) of this section, through sources such as, internet coursework, satellite downlink resources, telecourses, or correspondence courses.

(5) **Agency sponsored training** is training provided by an agency that is **not** limited to people working within that agency and is a professional development activity as outlined in subsection (2) of this section.

(6) **In-service training** is training provided by an agency that is limited to people working within that agency and is a professional development activity as outlined in subsection (2) of this section.

(7) **Continuing competency enhancement plan** is a plan showing the goals the CDP will develop to continue proficiency in their profession. The plan will be based on core competencies as listed in WAC 246-811-047. The plan will be developed on forms provided by the department.

NEW SECTION

WAC 246-811-210 What is the scope and purpose of a continuing competency program? To enhance the professional competency of the CDP. A successful continuing competency program focuses on all aspects of professional practice to ensure that the practitioner is competent to provide safe and quality care to patients. The purpose of the professional development activities is to broaden the experience that a CDP may undertake to maintain competency.

NEW SECTION

WAC 246-811-220 What are the continuing competency program requirements? (1) CDPs must complete an enhancement plan;

(2) CDPs must complete twenty-eight hours of continuing education; and

(3) CDPs must complete twelve hours of other professional development activities as outlined in WAC 246-811-047 and 246-811-200(2).

NEW SECTION

WAC 246-811-230 What is the continuing competency reporting period? CDPs must complete the continuing competency program requirements every two years. CDPs will develop and implement the plan on their 2002 renewal date or upon initial certification. The effective date for reporting the continuing competency program requirements shall begin with the 2004 renewal cycle.

NEW SECTION

WAC 246-811-240 How many continuing education hours are needed? CDPs must complete twenty-eight hours of continuing education every two years. At least fourteen hours must be completed in one or more of the topic areas as described in WAC 246-811-030 (2)(a) through (w). At least four hours must be in professional ethics and law. The addi-

tional ten hours shall be in areas relating to the various phases of their professional career.

NEW SECTION

WAC 246-811-250 What are acceptable programs or courses for continuing education? (1) Programs having a featured instructor, speaker(s) or panel that is industry recognized;

- (2) Distance learning programs;
- (3) Agency sponsored trainings;
- (4) Course work at institutions of higher learning that are accredited by a national or regional accrediting body recognized by the commission on recognition of postsecondary accreditation; or
- (5) In-service training programs limited to seven hours per reporting period.

NEW SECTION

WAC 246-811-260 How do I fulfill the twelve hours of other professional development activities? (1) CDPs may obtain hours through the following:

- (a) Practicum;
- (b) Peer-review including serving on a formal peer review panel or committee, or individual review of a sole provider, where the purpose of the review is to determine whether appropriate treatment was rendered;
- (c) Public presentation including preparing and presenting lectures or education that contribute to the professional competence of a CDP. The CDP may accumulate the same number of hours obtained for continuing education purposes by attendees as required in WAC 246-12-220. The hours for presenting a specific topic lecture or education may only be used for continuing education credit once during each reporting period;
- (d) Publication of writings;
- (e) Other activities as determined by the CDP's supervisor;
- (f) Continuing education; these continuing education hours are in addition to the twenty-eight hours of continuing education as listed in WAC 246-811-240.

(2) All documentation must include the dates the continuing competency activity occurred, and if appropriate, the title of the course, the location of the course, and the name of the instructor.

NEW SECTION

WAC 246-811-270 What is acceptable audit documentation for continuing education, professional development activities, and the enhancement plan? (1) Acceptable documentation must be specific to the program completed and include:

- (a) Transcripts, letters from course instructors, or certificate of completion;
- (b) Written report by the CDP explaining how they achieved the competencies in WAC 246-811-047; or
- (c) Signed agreement between parties involved.

(2) CDPs must comply with the requirements of chapter 246-12 WAC, part 7.

WSR 02-07-085
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed March 19, 2002, 3:52 p.m.]

Date of Adoption: March 15, 2002.

Purpose: The fee schedule for the X-ray compliance program is revised in order to address increased program costs. An inspection follow-up fee is created. The tube fee on bone densitometers and airport baggage cabinet X-ray systems is reinstated.

Citation of Existing Rules Affected by this Order: Amending WAC 246-254-053.

Statutory Authority for Adoption: RCW 43.70.250.

Other Authority: Section 220, chapter 7, Laws of 2001 2nd sp.s.

Adopted under notice filed as WSR 02-04-034 on January 25, 2002.

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.

Effective Date of Rule: Thirty-one days after filing.

Mary Selecky
Secretary

AMENDATORY SECTION (Amending WSR 01-14-048, filed 6/29/01, effective 7/30/01)

WAC 246-254-053 Radiation machine facility registration fees. (1) Radiation machine facility fees apply to each person or facility owning, leasing and using radiation-producing machines.

FEE TYPE	FEE
(a) Annual Base Registration Fee	\$((46)) <u>48</u>
(b) Late registration or re-registration	\$((46)) <u>48</u>
((c)) Penalty for operating without registration	\$46 for each year of unregistered operation
(d)) (c) Tube Fees	See Table 1

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TABLE 1 Radiation Tube Fees		
Group	First Tube	Each Additional Tube
(i) Group A: Dental, Podiatric, Veterinary uses	\$ ((47)) <u>49</u>	\$ ((23.50)) <u>25</u>
(ii) Group B: Hospital, Medical, Chiropractic uses	\$ ((130)) <u>135</u>	\$ ((67.50)) <u>70</u>
(iii) Group C: Industrial, research, and other uses	\$ ((72)) <u>75</u>	\$ ((23.50)) <u>25</u>
(iv) Group D: Electron Microscopes, Mammographic X-ray Machines((- Bone Densitometers, and Airport Baggage Cabinet X-ray Systems)))	NA	NA

(2) X-ray shielding fees (~~(and penalties)~~).

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a \$90 X-ray shielding review fee for each X-ray room plan submitted.

(b) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without submittal of X-ray shielding calculations ((or) and a floor plan ((review)) it will be subject to a shielding design follow-up fee of \$((46 penalty)) 48.

(3) **Radiation safety fee.** If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee of \$~~((2,980))~~ 3,100.

(4) **Consolidation of registration.** Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies.

(5) Inspection fees.

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under the base fee and tube registration fees as described in subsection (1) of this section.

(b) Facilities requiring follow-up inspections due to uncorrected noncompliances must pay an inspection follow-up fee of \$90.

**WSR 02-07-090
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)**

[Filed March 19, 2002, 4:11 p.m., effective April 1, 2002]

Date of Adoption: March 15, 2002.

Purpose: This amended rule adds the 220% FPL standard for the new healthcare for workers with disabilities program. In addition, all standards are increased effective April 1, 2002, based on the standards published in the *Federal Register*, Vol. 67, No. 31.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0075.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090, 74.09.500, and 74.09.510.

Other Authority: Section 1902 (a)(10)(A)(ii)(XV) and (XVI) of the Social Security Act.

Adopted under notice filed as WSR 02-03-097 on January 18, 2002.

Changes Other than Editing from Proposed to Adopted Version: Each federal poverty level (FPL) standard in the adopted rule has been increased as required by federal rule to the level published in the *Federal Register*, Vol. 67, No. 31. In subsection (2) of the adopted rule text, the outdated standards are stricken, and the new standards are underlined.

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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The increase in federal poverty level standards are required to be effective April 1, 2002. The earlier effective date is necessary to protect public health, safety, or welfare.

Effective Date of Rule: April 1, 2002.

March 15, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-056, filed 8/30/01, effective 9/30/01)

WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL). (1) The department bases the income standard upon the Federal Poverty Level (FPL) for the following medical programs:

(a) Children's health program up to one hundred percent of FPL;

(b) Pregnant women's program up to one hundred eighty-five percent of FPL;

(c) Children's categorically needy program up to two hundred percent of FPL; (~~(and)~~)

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(d) Healthcare for workers with disabilities (HWD) up to two hundred twenty percent of FPL; and

(e) The children's health insurance program (CHIP) is over two hundred percent of FPL but under two hundred fifty percent of FPL.

(2) Beginning April 1, (~~2001~~) 2002, the monthly FPL standards are:

FAMILY SIZE	100% FPL	185% FPL	200% FPL	<u>220% FPL</u>	250% FPL
1	\$((746)) <u>739</u>	\$((1325)) <u>1366</u>	\$((1432)) <u>1477</u>	<u>\$1625</u>	\$((1790)) <u>1846</u>
2	\$((968)) <u>995</u>	\$((1790)) <u>1841</u>	\$((1935)) <u>1990</u>	<u>\$2189</u>	\$((2449)) <u>2488</u>
3	\$((1220)) <u>1252</u>	\$((2256)) <u>2316</u>	\$((2439)) <u>2504</u>	<u>\$2754</u>	\$((3048)) <u>3130</u>
4	\$((1471)) <u>1509</u>	\$((2722)) <u>2791</u>	\$((2942)) <u>3017</u>	<u>\$3319</u>	\$((3678)) <u>3771</u>
5	\$((1723)) <u>1765</u>	\$((3187)) <u>3266</u>	\$((3445)) <u>3530</u>	<u>\$3883</u>	\$((4307)) <u>4413</u>
6	\$((1975)) <u>2022</u>	\$((3653)) <u>3741</u>	\$((3949)) <u>4044</u>	<u>\$4448</u>	\$((4936)) <u>5055</u>
7	\$((2226)) <u>2279</u>	\$((4118)) <u>4215</u>	\$((4452)) <u>4557</u>	<u>\$5013</u>	\$((5565)) <u>5696</u>
8	\$((2478)) <u>2535</u>	\$((4584)) <u>4690</u>	\$((4955)) <u>5070</u>	<u>\$5577</u>	\$((6194)) <u>6338</u>
9	\$((2730)) <u>2792</u>	\$((5094)) <u>5165</u>	\$((5459)) <u>5584</u>	<u>\$6142</u>	\$((6823)) <u>6980</u>
10	\$((2981)) <u>3049</u>	\$((5515)) <u>5640</u>	\$((5962)) <u>6097</u>	<u>\$6707</u>	\$((7453)) <u>7621</u>
Add to the ten person standard for each person over ten:					
	\$((252)) <u>257</u>	\$((466)) <u>475</u>	\$((504)) <u>514</u>	<u>\$565</u>	\$((630)) <u>642</u>

(3) There are no resource limits for the programs under this section.

WSR 02-07-091
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed March 19, 2002, 4:12 p.m.]

Date of Adoption: March 15, 2002.

Purpose: The Division of Child Support (DCS) is clarifying the rules regarding confidentiality and disclosure of information contained in DCS records.

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-2105, 388-14A-2110, 388-14A-2115, 388-14A-2120, and 388-14A-2125.

Statutory Authority for Adoption: RCW 26.23.120, 74.08.090.

Adopted under notice filed as WSR 01-21-105 on October 23, 2001.

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 7, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 7, Amended 5, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

March 15, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2105 (~~(Does the)~~) Basic confidentiality rules for the division of child support (~~((keep information about me confidential?))~~). (1) Under RCW 26.23.120, all information and records, concerning persons who owe a support obligation or for whom the division of child support (DCS) provides support enforcement services, are private and confidential.

(2) DCS discloses information and records only (~~(as follows:~~

(a) ~~DCS discloses information and records only to:~~

(i) ~~to a person or entity listed in this section or in RCW 26.23.120, and only for ((the)) a specific purpose ((or purposes stated in)) allowed by state or federal law((;~~

(ii) ~~);~~

(3) DCS may disclose information to:

(a) The person who is the subject of the information or records, unless the information or records are exempt under RCW 42.17.310;

((iii)) (b) Local, state, and federal government agencies for support enforcement and related purposes;

((iv)) (c) A party to a judicial proceeding or a hearing under chapter 34.05 RCW, if the superior court judge or administrative law judge (ALJ) enters an order to disclose. The ~~((ALJ))~~ judge or presiding officer must base the order on a written finding that the need for the information outweighs any reason for maintaining privacy and confidentiality;

((v)) (d) A party under contract with DCS, including a federally recognized Indian tribe, if disclosure ~~((will allow the party to assist in the program's management or operation))~~ is for support enforcement and related purposes;

((vi)) (e) A person or entity, including a federally recognized Indian tribe, when disclosure is necessary to the administration of the child support program or the performance of DCS functions and duties (~~((in))~~) under state and federal law (~~((DCS may publish information about a responsible parent for locate and enforcement purposes));~~

PERMANENT

~~((vii))~~ (f) A person, representative, or entity if the person who is the subject of the information and records consents, in writing, to disclosure;

~~((viii))~~ (g) The office of administrative hearings or the office of appeals for administration of the hearing process under chapter 34.05 RCW. The ALJ or review judge must:

(i) Not include the address of either party in an administrative order, or disclose a party's address to the other party;
~~The review judge and the ALJ must:~~

~~(A))~~;

(ii) State in support orders that the address is known by the Washington state support registry; and

~~((B))~~ (iii) Inform the parties they may obtain the address by submitting a request for disclosure to DCS under ~~(this section.~~

~~(b) The last known address of, or employment information about, a party to a court or administrative order for, or a proceeding involving, child support may be given to another party to the order. The party receiving the information may only use the information to establish, enforce, or modify a support order. Disclosure of address information is subject to the provisions of WAC 388-14A-2110;~~

~~(e) The last known address of natural or adoptive children may be given to a parent having a court order granting that parent visitation rights with, legal custody of or residential time with the parent's natural or adoptive children. The parent may only use this information to enforce the terms of the court order. Disclosure of this information is subject to the provisions of WAC 388-14A-2110;~~

~~(d))~~ WAC 388-14A-2110(2).

(4) DCS may publish information about a noncustodial parent (NCP) for locate and enforcement purposes.

(5) WAC 388-14A-2114(1) sets out the rules for disclosure of address, employment or other information regarding the custodial parent (CP) or the children.

(6) WAC 388-14A-2114(2) sets out the rules for disclosure of address, employment or other information regarding the NCP.

(7) DCS may disclose the Social Security Number of a dependent child to the noncustodial parent (NCP) to enable the NCP to claim the dependency exemption as authorized by the Internal Revenue Service;

~~(e))~~;

(8) DCS may disclose financial records of an individual obtained from a financial institution ~~((may be disclosed))~~ only for the purpose of, and to the extent necessary, to establish, modify, or enforce a child support obligation of that individual.

~~((2))~~ (9) Except as provided elsewhere in chapter 388-14A WAC, chapter 388-01 WAC governs the process of requesting and disclosing information and records.

~~((3))~~ (10) DCS must take timely action on requests for disclosure. DCS must respond in writing within five working days of receipt of the request.

~~((4))~~ (11) If a child is receiving foster care services, ~~((you))~~ the parent(s) must contact ~~((your))~~ their local community services office for disclosure of the child's address information.

~~((5))~~ (12) The rules of confidentiality and penalties for misuse of information and reports that apply to a IV-D

agency employee, also apply to a person who receives information under this section.

~~((6))~~ (13) Nothing in these rules:

(a) Prevents DCS from disclosing information and records when such disclosure is necessary to the performance of its duties and functions as provided by state and federal law;

(b) Requires DCS to disclose information and records obtained from a confidential source.

(14) DCS cannot provide copies of the confidential information form contained in court orders. You must go to court to get access to the confidential information form. DCS may disclose information contained within the confidential information form if disclosure is authorized under RCW 26.23.120, chapter 388-01 WAC, or chapter 388-14A WAC.

(15) DCS may provide a Support Order Summary to the parties to an administrative support order under WAC 388-14A-2116.

NEW SECTION

WAC 388-14A-2107 Are there special rules for requests for whereabouts information? (1) Address information is sometimes referred to as whereabouts information, meaning information giving someone's home, work, school or daycare location.

(2) The last known address of, or employment information about, a party to a court or administrative order for, or a proceeding involving, child support may be given to another party to the order. The party receiving the information may only use the information to establish, enforce, or modify a support order.

(3) The last known address of the natural or adoptive children may be given to a parent having a court order granting that parent visitation rights with, legal custody of or residential time with, the parent's natural or adoptive children. The parent may only use this information to enforce the terms of the court order.

(4) The last known address of a party to an order for child support may be given to another party to the order. The party receiving the information may only use the information to establish a parenting plan for the children covered by the support order.

(5) Disclosure of whereabouts information is subject to the provisions of WAC 388-14A-2114.

(6) Requests from law enforcement agencies are subject to the provisions of RCW 74.04.062.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2110 How do I ~~((find out the address of my children, or of the other parent of my children))~~ make a request for disclosure of DCS public records? (1) You can make a request for disclosure of most DCS records either orally or in writing. If you are requesting whereabouts information, see subsection (2).

(2) You must submit a request for disclosure of a parent or child's address ~~((must be submitted))~~ in writing or in per-

PERMANENT

son, with satisfactory evidence of identity, at any office of the division of child support (DCS)(;

(2)).

(a) If the request is made by your attorney, DCS may waive the provisions regarding submission in person with satisfactory evidence of identity(;

(3)).

(b) If you are unable to appear at a DCS office in person, DCS may waive the provision requiring submission in person if you submit a notarized request for disclosure(;

(4)). DCS can provide a form which contains all the required elements for an address disclosure request.

(c) The person seeking disclosure must attach the following to a request for disclosure of an address:

((a)) (i) A copy of the superior court order on which the request is based. DCS waives this provision if DCS has a true copy of the order on file;

((b)) (ii) A sworn statement by the individual that the order has not been modified; and

((c)) (iii) A statement explaining the purpose of the request and how the requestor intends to use the information.

NEW SECTION

WAC 388-14A-2112 When I make a public disclosure request, do I get the information or records immediately? (1) The division of child support (DCS) must respond to a public disclosure request within five days, under RCW 26.23.120 and WAC 388-01-090.

(2) "Respond" can mean:

(a) Providing the requested documents;

(b) Acknowledging receipt of the request and giving an estimate of how long it will take to provide copies;

(c) Requesting copy and postage fees;

(d) Requesting that you clarify your request if we are not sure what you are asking for;

(e) Notifying you of any other necessary procedural steps, such as notice to the other party or to a third party; or

(f) Denying your request according to WAC 388-01-090(3).

(3) When someone requests address or other whereabouts information, DCS first gives notice as provided in WAC 388-14A-2114, 388-14A-2120, and 388-14A-2115.

NEW SECTION

WAC 388-14A-2114 Does DCS give notice to anyone before releasing information pursuant to a public disclosure request? (1) Prior to disclosing the address of the custodial parent (CP) or a child, DCS mails a notice to the last known address of the CP, except as provided under WAC 388-14A-2115. The notice advises the CP that:

(a) A request for disclosure has been made;

(b) DCS intends to disclose the address after thirty days from the date of the notice, unless:

(i) DCS receives a copy of an order which:

(A) Enjoins disclosure of the address;

(B) Restricts the noncustodial parent's right to contact or visit the CP or a child by imposing conditions to protect the

CP or the child from harm, including, but not limited to, temporary orders for protection under chapter 26.50 RCW; or

(C) States that the health, safety, or liberty of the CP or child would be unreasonably put at risk by disclosure of address or other identifying information; or

(ii) The CP requests an administrative hearing which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to the CP or a dependent child.

(c) In any hearing under this section, either party may participate in the proceeding by telephone, from any prearranged location. The administrative law judge (ALJ) must not disclose the location and phone number.

(2) DCS does not provide notice to the noncustodial parent (NCP) before disclosing NCP's address information to the CP unless NCP has requested prior notice under WAC 388-14A-2120.

(3) Before releasing confidential information concerning someone who is not a party to the case, DCS gives notice to that person according to WAC 388-01-140.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2115 (~~What are the requirements for making an~~) Can the custodial parent waive notice of a request for address ((disclosure request))? (1) ~~(The following provisions apply to a request for disclosure of the address of a party to the order or a dependent child under chapter 388-14A WAC. The division of child support (DCS) does not release the address if:~~

~~(a) The department has determined, under WAC 388-422-0021, that the custodial parent (CP) has good cause for refusing to cooperate;~~

~~(b) The order, on which the request is based, restricts or limits the address requesting party's right to contact or visit the other party or the child by imposing conditions to protect the party or the child from harm;~~

~~(c) An order has been entered finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of the information; or~~

~~(d) DCS has information which gives DCS reason to believe that release of the address may result in physical or emotional harm to the other party or to the children.~~

~~(2) Whenever DCS denies a request for disclosure under subsection (1) of this section, DCS notifies the nonrequesting party that disclosure of the address was requested and was denied.~~

~~(3) Prior to disclosing the address of a party or a child, DCS mails a notice to the last known address of the party whose address is sought, except as provided under subsection (4) of this section. The notice advises the party that:~~

~~(a) A request for disclosure has been made;~~

~~(b) DCS will disclose the address after thirty days from the date of the notice, unless:~~

~~(i) DCS receives a copy of an order which:~~

~~(A) Enjoins disclosure of the address;~~

~~(B) Restricts the address requesting party's right to contact or visit the other party or a child by imposing conditions~~

to protect the party or the child from harm, including, but not limited to, temporary orders for protection under chapter 26.50 RCW; or

~~(C) States that the health, safety, or liberty of a party or child would be unreasonably put at risk by disclosure of address or other identifying information.~~

~~(ii) The party requests an administrative hearing which ultimately results in a decision that release of the address is reasonably anticipated to result in harm to a party or a dependent child;~~

~~(iii) In any hearing under this section, either party may participate in the proceeding by telephone, from any prearranged location. The administrative law judge (ALJ) must not disclose the location and phone number.~~

~~(4) DCS is not required to mail a notice prior to disclosure if:~~

~~(a) The requesting party presents a facially valid warrant or a judicial finding that:~~

~~(i) The other party will likely flee to avoid service of process; or~~

~~(ii) The other party will likely flee and that:~~

~~(A) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of a child whose address is requested to the requesting party; and~~

~~(B) The custody order has not been altered, changed, modified, superseded, or dismissed; and~~

~~(C) A child was taken or enticed from the address requesting party's physical custody without that party's consent; and~~

~~(D) The address requesting party has not subsequently assented to being deprived of physical custody of the children; and~~

~~(E) The address requesting party is making reasonable efforts to regain physical custody of the child.~~

~~(b) The records of DCS contain a written authorization for address release under WAC 388-14A-2125)) Any party to a support order may authorize the division of child support (DCS) to release his or her address to the other party with no prior notice.~~

(2) An authorization to release an address must be:

(a) In writing;

(b) Notarized; and

(c) Effective for any period designated by the party up to three years, or until DCS is notified in writing that the party has revoked the authorizations, whichever is sooner.

NEW SECTION

WAC 388-14A-2116 How do I request a support order summary from DCS? (1) If you are a party to an administrative support order, you may request a support order summary from the division of child support (DCS). The support order summary includes the following information:

(a) The noncustodial parent's residential address, employer's address, Social Security Number; date of birth, and driver's license number; and

(b) The custodial parent's social security number.

(2) DCS provides the most current information DCS has available in the support order summary.

(3) DCS must provide notice to the noncustodial parent (NCP) prior to releasing his or her residential and employer address information if the NCP has requested that he or she be provided notice before DCS releases the address information, as provided in WAC 388-14A-2120.

(4) Nonaddress information contained in the Support Order Summary may be released without notice to the other party to the support order.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2120 (~~What happens at a hearing on an objection to disclosure of my address~~) **Can the non-custodial parent request notice before DCS releases address information to the custodial parent?** (1) (~~In any administrative hearing requested under WAC 388-14A-2115~~) (3)(b)(ii):

~~(a) The parent requesting address disclosure and the other party to the order or action are independent parties in the hearing;~~

~~(b) Either party may participate by telephone, provided the party:~~

~~(i) States in the request for hearing that participation will be by telephone; or~~

~~(ii) Advises the office of administrative hearings (OAH) at least five calendar days prior to the scheduled hearing that participation will be by telephone; and~~

~~(iii) Provides OAH with a telephone number where the party can be reached for the hearing, at least five calendar days before the scheduled hearing.~~

~~(e) The administrative law judge (ALJ) must not disclose the location or phone number from which the party is appearing;~~

~~(d) The initial burden of proof is on the party requesting address disclosure, to show that the address request is for a purpose for which chapter 388-14A WAC specifically permits disclosure;~~

~~(e) If the party requesting address disclosure:~~

~~(i) Fails to meet this burden, the ALJ enters an order denying the address request;~~

~~(ii) Establishes that the address was requested for a purpose for which disclosure is permitted, the other party must then show that it is reasonable to anticipate that physical or emotional harm to the party or a child will result from release of the address. The party objecting to address release:~~

~~(A) May show reasonable fear of harm by any form of evidence admissible under chapter 34.05 RCW; and~~

~~(B) Is not required to provide supporting evidence required by WAC 388-422-0020, to establish a reasonable fear of harm.~~

~~(f) If either party fails to appear, the ALJ enters an order on default:~~

~~(i) If the party objecting to disclosure fails to appear, the order requires DCS to release the address unless the record contains documentary evidence which provides the basis for a finding that physical or emotional harm will likely result from release of the address;~~

~~(ii) If the address requesting party fails to appear, the default order denies the request for address information.~~

~~(g) OAH arranges the attendance of the parties by telephone or other procedure showing due regard for the safety of the parties and the children;~~

~~(h) DCS issues a final response to the disclosure request within five working days of the exhaustion of administrative remedies.~~

~~(2) If the custodial parent (CP) requests a hearing under this section in response to a department initiated review of the support order for modification, both parties to the support order are independent parties in the address disclosure hearing.)~~ The notice and hearing process in WAC 388-14A-2114 and 388-14A-2140 do not apply to requests for address information of the noncustodial parent (NCP).

(2) The NCP may request notice before whereabouts info is released to the custodial parent by notifying the division of child support (DCS), either orally or in writing.

(3) Once an NCP has submitted a request for notice, DCS follows the notice and hearing provisions in WAC 388-14A-2114 and 388-14A-2140 when it receives a request for address information.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-2125 ((How do I give)) Can DCS ((permission to give my address to the other parent)) ever release address information without ((going through the)) notice ((procedures of WAC 388-14A-2115))? (1) ((Any party to a support order may authorize)) The division of child support (DCS) ((to release his or her address to the other party with no prior notice.

(2) An authorization to release an address must be:

(a) In writing;

(b) Notarized; and

(c) Effective for any period designated by the party up to three years or until DCS is notified in writing that the party has revoked the authorization, whichever is sooner)) does not follow the notice and hearing process of WAC 388-14A-2114 and 388-14A-2140 if:

(a) Disclosure is denied under WAC 388-14A-2135;

(b) The CP has provided a written release as provided in WAC 388-14A-2115;

(c) The NCP has not filed a written request as provided in WAC 388-14A-2120; or

(d) A court order requires DCS to release the address information.

(2) DCS is not required to mail a notice prior to disclosure if the requesting party presents a facially valid warrant or a judicial finding that:

(a) The other party will likely flee to avoid service of process; or

(b) The other party will likely flee and that:

(i) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of a child whose address is requested to the requesting party; and

(ii) The custody order has not been altered, changed, modified, superseded, or dismissed; and

(iii) A child was taken or enticed from the address requesting party's physical custody without that party's consent; and

(iv) The address requesting party has not subsequently assented to being deprived of physical custody of the children; and

(v) The address requesting party is making reasonable efforts to regain physical custody of the child.

NEW SECTION

WAC 388-14A-2130 What if I object to the release of my address? When a party objects to a notice mailed under WAC 388-14A-2114, the division of child support may:

(1) Deny disclosure if the objection provides information based on which DCS would have denied disclosure under WAC 388-14A-2135; or

(2) Request that the office of administrative hearings (OAH) set the case for an administrative hearing under WAC 388-14A-2140.

NEW SECTION

WAC 388-14A-2135 When might DCS deny a request for address information without going through the notice and hearing process? (1) The division of child support (DCS) denies a request for address information without going through the notice process under WAC 388-14A-2114 if:

(a) The department has determined, under WAC 388-422-0021, that the custodial parent (CP) has good cause for refusing to cooperate;

(b) The order, on which the request is based, restricts or limits the address requesting party's right to contact or visit the other party or the child by imposing conditions to protect the party or the child from harm;

(c) An order has been entered finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of the information; or

(d) DCS has information which gives DCS reason to believe that release of the address may result in physical or emotional harm to the other party or to the children.

(2) Whenever DCS denies a request for disclosure under subsection (1) of this section, DCS notifies the nonrequesting party that disclosure of the address was requested and was denied.

NEW SECTION

WAC 388-14A-2140 What happens at a hearing on objection to disclosure of address information? In any administrative hearing requested under WAC 388-14A-2114 (1)(b)(ii):

(1) The parent requesting address disclosure and the other party to the order or action are independent parties in the hearing.

(2) The office of administrative hearings (OAH) sets the hearing as a phone hearing;

(3) Each party must provide OAH with a telephone number where the party can be reached for the hearing, at some time before the scheduled hearing.

(4) The administrative law judge (ALJ) must not disclose the location or phone number from which either party is appearing.

(5) The ALJ may, upon good cause shown, convert the hearing to an in-person hearing for the party requesting disclosure.

(6) The initial burden of proof is on the party requesting address disclosure, to show that the address request is for a purpose for which chapter 388-14A WAC specifically permits disclosure.

(7) If the party requesting address disclosure:

(a) Fails to meet this burden, the ALJ enters an order denying the address request;

(b) Establishes that the address was requested for a purpose for which disclosure is permitted, the other party must then show that it is reasonable to anticipate that physical or emotional harm to the party or a child will result from release of the address. The party objecting to address release:

(i) May show reasonable fear of harm by any form of evidence admissible under chapter 34.05 RCW; and

(ii) Is not required to provide supporting evidence required by WAC 388-422-0020, to establish a reasonable fear of harm.

(8) If either party fails to appear, the ALJ enters an order on default:

(a) If the party objecting to disclosure fails to appear, the order requires DCS to release the address unless the record contains documentary evidence which provides the basis for a finding that physical or emotional harm will likely result from release of the address;

(b) If the address requesting party fails to appear, the default order denies the request for address information.

(9) OAH arranges the attendance of the parties by telephone or other procedure showing due regard for the safety of the parties and the children.

(10) DCS issues a final response to the disclosure request within five working days of the exhaustion of administrative remedies, including any late appeal periods.

(11) If the custodial parent (CP) requests a hearing under this section in response to a department initiated review of the support order for modification, both parties to the support order are independent parties in the address disclosure hearing.

WSR 02-07-004
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-41—Filed March 7, 2002, 11:36 a.m.]

Date of Adoption: March 6, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-23500L; and amending WAC 220-56-235.

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 population of yelloweye rockfish in coastal waters has greatly decreased and a very limited harvest quota has been established by the Pacific Fishery Management Council. This regulation is needed to comply with federal regulation which prohibit the retention of this species in adjacent coastal waters. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 6, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-23500M Possession limits—Bottom-fish. Notwithstanding the provisions of WAC 220-56-235, effective immediately until further notice it is unlawful to fish for or possess yelloweye rockfish in those waters of Catch Record Card Areas 1 through 4. The daily limit for rockfish in Catch Record Card Areas 1 through 4 is ten of which no more than two may be canary rockfish.

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 220-56-23500L Possession limits—Bottom-fish (01-285)

WSR 02-07-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-44—Filed March 8, 2002, 11:14 a.m.]

Date of Adoption: March 8, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-33-01000J and 220-33-01000K; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The commercial allocation of spring chinook has not been achieved, and impacts to ESA-listed stocks is within the management guidelines. The mainstem Columbia River season is a demonstration commercial fishery using results from testing in 2001. Harvestable numbers of hatchery salmon are available. The use of small mesh nets, short soak times, and recovery boxes will aid in the survival of spring chinook that are released. An interim management agreement signed in 2001 provides allocation of ESA impacts to upriver spring chinook to non-Indian fisheries, and Washington and Oregon Fish and Wildlife Commissions have provided guidance on sharing of impacts between commercial and recreational fishers. Impacts in this fishery are consistent with the management agreement and the biological opinion provided by the National Marine Fisheries Service. This rule is consistent with actions of the Columbia River Compact of March 7, 2002, and conforms Washington and Oregon state rules. The select area fisheries in Blind Slough/Knappa Slough and Tongue Point/South Channel are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. This rule is consistent with actions of the Columbia River Compact hearings of January 31, 2002, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 8, 2002

J. P. Koenings
Director

by Larry Peck

NEW SECTION

WAC 220-33-0100K Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Area: SMCRA 1A, 1B, 1C, 1D, 1E.

Dates: 5:00 a.m. to 7:00 p.m. March 8, 2002

6:00 p.m. March 10 to 6:00 p.m. March 11, 2002

6:00 p.m. March 12 to 6:00 p.m. March 13, 2002

6:00 p.m. March 14 to 6:00 p.m. March 15, 2002

6:00 p.m. March 17 to 6:00 p.m. March 18, 2002

6:00 p.m. March 19 to 6:00 p.m. March 20, 2002

Gear: 5 1/2 inch maximum mesh, single wall gill net. Net length not to exceed 150 fathoms. Mono-filament gill nets are allowed. Gill nets that are fished from sunset to sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

Allowable Sale: Adipose fin-clipped salmon with a healed scar at the site, sturgeon, shad.

Sanctuaries: Grays River, Gnat Creek, Elokomina-A, Abernathy Creek, Cowlitz River, Kalama-A, Lewis-A, Washougal, Sandy.

A) Miscellaneous Regulations:

1) At least one fisher on each boat must possess a tangle net certificate issued by either WDFW or ODFW. The certificate must be displayed to WDFW or ODFW employees, fish and wildlife enforcement officers, or other peace officers upon request.

2) Soak times, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

3) Each boat will be required to have an two operable recovery boxes or one box with two chambers, on board. The

flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW and ODFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

4) All non-legal sturgeon, non-adipose fin-clipped salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

5) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

6) All fish placed in recovery boxes must be released to the river prior to landing or docking.

7) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

B) Tangle net permit. Any individual meeting the qualifications of RCW 77.65.040(2) may obtain a tangle net certificate by attending and completing an WDFW- or ODFW-sponsored workshop concerning live captive commercial fishing techniques. A tangle net certificate shall expire on December 31, 2002. No individual may obtain more than one tangle net certificate between January 1 and December 31, 2002.

C) Nothing in this section sets any precedent for any fishery after the 2002 spring chinook fishery. The fact that an individual may hold a tangle net certificate in spring 2002 does not entitle the certificate holder to participate in any other fishery. If WDFW authorizes a tangle net fishery in spring 2003 or at any other time, WDFW may establish qualifications and requirements that are different from those established for 2002. In particular, WDFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the east-

ern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Blind Slough and Knappa Slough

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on headline.

Dates:

7:00 p.m. April 18 to 7:00 a.m. April 19, 2002

7:00 p.m. April 25 to 7:00 a.m. April 26, 2002

7:00 p.m. April 30 to 7:00 a.m. May 1, 2002

7:00 p.m. May 2 to 7:00 a.m. May 3, 2002

7:00 p.m. May 7 to 7:00 a.m. May 8, 2002

7:00 p.m. May 9 to 7:00 a.m. May 10, 2002

7:00 p.m. May 14 to 7:00 a.m. May 15, 2002

7:00 p.m. May 16 to 7:00 a.m. May 17, 2002

7:00 p.m. May 21 to 7:00 a.m. May 22, 2002

7:00 p.m. May 23 to 7:00 a.m. May 24, 2002

7:00 p.m. May 28 to 7:00 a.m. May 29, 2002

7:00 p.m. May 30 to 7:00 a.m. May 31, 2002

7:00 p.m. June 4 to 7:00 a.m. June 5, 2002

7:00 p.m. June 6 to 7:00 a.m. June 7, 2002

7:00 p.m. June 11 to 7:00 a.m. June 12, 2002

7:00 p.m. June 13 to 7:00 a.m. June 14, 2002

Allowable Sale: Salmon, sturgeon, shad

3) Tongue Point/South Channel Select Area

Area: Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10".

All open waters are under concurrent jurisdiction.

Dates:

7:00 p.m. April 18 to 5:00 a.m. April 19, 2002

7:00 p.m. April 25 to 5:00 a.m. April 26, 2002

7:00 p.m. April 30 to 5:00 a.m. May 1, 2002

7:00 p.m. May 2 to 5:00 a.m. May 3, 2002

7:00 p.m. May 7 to 5:00 a.m. May 8, 2002

7:00 p.m. May 9 to 5:00 a.m. May 10, 2002

7:00 p.m. May 14 to 5:00 a.m. May 15, 2002

7:00 p.m. May 16 to 5:00 a.m. May 17, 2002

7:00 p.m. May 21 to 5:00 a.m. May 22, 2002

7:00 p.m. May 23 to 5:00 a.m. May 24, 2002

7:00 p.m. May 28 to 5:00 a.m. May 29, 2002

7:00 p.m. May 30 to 5:00 a.m. May 31, 2002

7:00 p.m. June 4 to 5:00 a.m. June 5, 2002

7:00 p.m. June 6 to 5:00 a.m. June 7, 2002

7:00 p.m. June 11 to 5:00 a.m. June 12, 2002

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Legal gear restricted to a maximum length of 250 fathoms and weight on headline not to exceed 2 pounds on any one fathom within Tongue Point Basin.

In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the headline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with headline in excess of 2 pounds per fathom.

Allowable Sale: Salmon, sturgeon and shad.

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 220-33-01000J Columbia River gillnet seasons below Bonneville. (02-33)

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. June 14, 2002:

WAC 220-33-01000K Columbia River gillnet seasons below Bonneville.

WSR 02-07-011

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-45—Filed March 8, 2002, 11:19 a.m.]

Date of Adoption: March 8, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100L and 220-32-05100M; 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: Modifies tribal winter season to prohibit sale of salmon. The tribes want to reserve the first salmon for ceremonial purposes. Fisheries are consistent with their interim management agreement and the biological opinion. Rule is consistent with action of the Columbia River compact on January 31, 2002, and March 7, 2002. 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.

Effective Date of Rule: Immediately.

March 8, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-32-05100M Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, walleye, shad, carp, or sturgeon under the following provisions:

1) Open Periods: Immediately through 4:00 p.m. March 21, 2002.

2) Open Areas: SMCRA 1F, 1G and 1H

3) Gear: No mesh restriction on gillnets. Hoop nets, dip bag nets, and rod and reel with hook and line.

4) Allowable sale includes: salmon, steelhead, walleye, shad, carp, and sturgeon. Sturgeon between 4 feet and 5 feet in length may be sold. Effective 6:00 p.m. March 9 through 4:00 p.m. March 21, 2002, sale of salmon is prohibited.

5) 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.

6) 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100L Columbia River salmon seasons above Bonneville Dam. (02-20)

The following section of the Washington Administrative Code is repealed effective 4:01 p.m. March 21, 2002:

WAC 220-32-05100M Columbia River salmon seasons above Bonneville Dam.

WSR 02-07-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-43—Filed March 8, 2002, 11:23 a.m., effective March 27, 2002, 12:01 p.m.]

Date of Adoption: March 7, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000N; and amending WAC 220-56-360.

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: Test results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and 3. Washington Department of Health has certified clams from this beach to be safe for human consumption. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 27, 202 [2002], 12:01 p.m.

March 7, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-36000N Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 p.m. March 27 through 11:59 p.m. March 28, 2002, razor clam digging is allowed in Razor Clam Area 1, Razor Clam Area 2 and that portion of Razor Clam Area 3 that is between the Copalis River and the southern boundary of the Quinault Indian Nation (Grays Harbor

County). Digging is allowed from 12:01 p.m. to 11:59 p.m. only.

(2) Effective 12:01 p.m. March 29 through 11:59 p.m. March 29, 2002, razor clam digging is allowed in Razor Clam Area 1, Razor Clam Area 2 and that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian Nation (Grays Harbor County). Digging is allowed from 12:01 p.m. to 11:59 p.m. only.

(3) Effective 12:01 a.m. March 30 through 11:59 a.m. March 30, 2002, razor clam digging is allowed in all of Razor Clam Areas 1 and 2 and that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian Nation and that portion of Razor Clam Area 3 that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County). Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(4) Effective 12:01 a.m. March 31 through 11:59 a.m. March 31, 2002, razor clam digging is allowed in all of Razor Clam Areas 1 and that portion of Razor Clam Area 3 that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County). Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(5) Effective 12:01 a.m. April 12 through 11:59 a.m. April 17, 2002, razor clam digging is allowed in all of Razor Clam Areas 1 and 2 and that portion of Razor Clam Area 3 that is between the Grays Harbor North Jetty and the southern boundary of the Quinault Indian Nation and that portion that is between Olympic National Park South Beach Campground access road (Kalaloch area, Jefferson County) and Browns Point (Kalaloch area, Jefferson County). Digging is allowed from 12:01 a.m. to 11:59 a.m. only.

(6) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 p.m. April 17, 2002:

WAC 220-56-36000N Razor clams—Areas and seasons.

WSR 02-07-015
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Rehabilitative Services Administration)
 [Filed March 8, 2002, 4:51 p.m., effective March 11, 2002]

Date of Adoption: March 8, 2002.

Purpose: The department is amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-

805-740 and 388-805-750, and implementing new WAC 388-805-035 and 388-805-040, regulating opiate substitution treatment programs. An emergency WAC adoption will modify rules to begin recognizing Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration (SAMHSA) certification standards, and implement the requirements of SSB 5417, an act relating to opiate substitution treatment programs effective July 22, 2001.

Citation of Existing Rules Affected by this Order: Amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740, and 388-805-750.

Statutory Authority for Adoption: Chapter 70.96A RCW and chapter 242, Laws of 2001.

Other Authority: 42 Code of Federal Regulations (C.F.R.), Part 8.

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 CSAT, SAMHSA adopted 42 C.F.R., Part 8, Certification of Opioid Treatment Programs January 17, 2001, effective May 18, 2001, regulating opiate substitution treatment programs. SSB 5417, an act relating to opiate substitution treatment programs was effective July 22, 2001.

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 2, Amended 11, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 11, 2002.

March 1, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-08 issue of the Register.

WSR 02-07-019

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 02-46—Filed March 11, 2002, 1:29 p.m., effective March 19, 2002, 12:01 a.m.]

Date of Adoption: March 7, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900X; 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 Yakima/Klickitat Fisheries Project managers (WDFW, Yakima Nation and Bonneville Power Administration) will use the two main gravel pit ponds at Easton to acclimate and release 357,000 marked coho smolts (migrant juveniles) this spring. A recreational fishing closure is needed to prevent disruption of the acclimation process. There

is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 19, 2002, 12:01 a.m.

March 7, 2002

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules—Easton Ponds (Kittitas Co.) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. March 19, 2002 through 11:59 p.m. June 7, 2002 it is unlawful to fish in those waters of Easton Ponds 1 and 2.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 8, 2002:

WAC 232-28-61900X Exceptions to statewide rules—Easton Ponds (Kittitas Co.)

**WSR 02-07-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-47—Filed March 12, 2002, 11:22 a.m., effective March 16, 2002, 12:01 a.m.]

Date of Adoption: March 11, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25000D; and amending WAC 220-56-250.

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 current regulation opens these waters on April 1, 2002. Recent action by the federal government set an opening date for the 2002 personal use fishery at March 16, 2002. This regulation is needed to comply with federal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 16, 2002, 12:01 a.m.

March 11, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-25000D Lingcod—Areas and seasons. Notwithstanding the provisions of WAC 220-56-250, effective 12:01 a.m. March 16, 2002 until further notice, it is lawful to fish for and possess lingcod for personal use in Catch Record Card Areas 1, 2 and 3.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 1, 2002:

WAC 220-56-25000D Lingcod—Areas and seasons.

**WSR 02-07-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-49—Filed March 13, 2002, 10:09 a.m., effective March 17, 2002, 12:01 p.m.]

Date of Adoption: March 12, 2002.

Purpose: Amend commercial and personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600D and 220-56-33000E; and amending WAC 220-52-046 and 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is necessary to continue the closures for softshell crab from previous emergency rule and closes the Admiralty Inlet and south Whidbey Island area and the Bellingham Bay portion of 21A. Crab fishing closes for personal use in all of Marine Area 9 and the Bellingham Bay portion of Marine Area 7 due to softshell crab. 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 2, 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 Mak-

EMERGENCY

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 17, 2002, 12:01 p.m.

March 12, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-04600E Crab fishery—Areas and seasons. Notwithstanding the provisions of WAC 220-52-046, it will be unlawful to fish for Dungeness Crab for commercial purposes as provided herein:

(1) Effective immediately until further notice commercial crab harvest is closed in all waters of Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D, and that portion of 26A, north of a line that extends from Possession Point eastward to the Shipwreck located .8 nautical miles north of Picnic Point.

(2) Effective 12:01 p.m. March 17, 2002 until further notice, commercial crab harvest is closed in all waters of Marine Fish-Shellfish Catch Reporting Areas 25D, 25B, that portion of 26A south and west of a line that extends from Possession Point eastward to the Shipwreck located .8 nautical miles north of Picnic Point, and that portion of 21A south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and north of a line that extends from Carter Point on the southern tip of Lummi Island to Whiskey Rock south of Chuckanut Bay.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 p.m. March 17, 2002:

WAC 220-52-04600D Crab fishery—Seasons and areas. (02-26)

NEW SECTION

WAC 220-56-33000F Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, it is unlawful to fish for crab for personal use as provided herein:

(1) Effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Marine Areas 8-1, 8-2 and 12, and that portion of Marine Area 9 south and east of a line that extends from Foulweather Bluff to Olele Point.

(2) Effective 12:01 p.m. March 17, 2002 until further notice, it is unlawful to fish for crab for personal use in all waters of Marine Area 9, and those waters of Marine Area 7 south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and north of a line that extends from Carter Point on the southern tip of Lummi Island to Whiskey Rock south of Chuckanut Bay.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 p.m. March 17, 2002:

WAC 220-56-33000E Crab—Areas and seasons. (02-29)

WSR 02-07-044 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-50—Filed March 14, 2002, 9:46 a.m., effective March 15, 2002, 6:00 p.m.]

Date of Adoption: March 14, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100M and 220-32-05100N; 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: The sturgeon guideline in John Day Pool is projected to be achieved by March 15th. This rule is consistent with action of the Columbia River Compact on March 13, 2002. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 15, 2002, 6:00 p.m.

March 14, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-32-05100N Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provi-

sions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, walleye, shad, carp, or sturgeon under the following provisions:

1) Open Periods: 6:00 p.m. March 15 through 4:00 p.m. March 21, 2002.

2) Open Areas: SMCRA 1F and 1G

3) Gear: No mesh restriction on gillnets. Hoop nets, dip bag nets, and rod and reel with hook and line.

4) Allowable sale includes: salmon, steelhead, walleye, shad, carp, and sturgeon. Sturgeon between 4 feet and 5 feet in length may be sold. Effective immediately through 4:00 p.m. March 21, 2002, sale of salmon is prohibited.

5) 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.

6) 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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. March 15, 2002:

WAC 220-32-05100M	Columbia River salmon seasons above Bonneville Dam. (02-45)
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The following section of the Washington Administrative Code is repealed effective 4:01 p.m. March 21, 2002:

WAC 220-32-05100N	Columbia River salmon seasons above Bonneville Dam.
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**WSR 02-07-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-55—Filed March 14, 2002, 2:53 p.m., effective March 14, 2002, 11:59 p.m.]

Date of Adoption: March 14, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300V; and amending WAC 220-52-073.

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: There has been no commercial sea urchin landings since February 28, 2002. Contacts have

been made with members of the Sea Urchin/Sea Cucumber Advisory Board and industry representatives. Indications from these contacts is that the industry has no interest in harvesting the remaining sea urchin share at this time.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 14, 2002, 11:59 p.m.

March 14, 2002

J. P. Koenings

Director

by Larry Peck

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These proposed rule amendments would relieve and otherwise avoid employee frustrations and disputes over pay issues thereby significantly contributing to their morale and safety, making adoption of proposed rule amendments in time for the 2002 fire season important to the public health, safety and general welfare.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Effective Date of Rule: Immediately.

March 14, 2002

E. C. Matt

Secretary

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. March 14, 2002:

WAC 220-52-07300V Sea urchins. (02-24)

WSR 02-07-052

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed March 14, 2002, 3:41 p.m.]

Date of Adoption: March 14, 2002.

Purpose: The intent of the proposed modifications is to make it easier to understand the administration of overtime and call-back penalty pay when Department of Natural Resources' employees are performing emergency duty under an incident command system for long hours and, in some cases, days or weeks at a time. This proposal would allow miscellaneous leave to be approved in consideration of employees' need to recuperate after extended periods of emergency work under an incident command system. The modification to WAC 356-15-090(6) is housekeeping in nature.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-090, 356-15-100, 356-15-110, and 356-18-120.

Statutory Authority for Adoption: RCW 41.06.150.

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

AMENDATORY SECTION (Amending WSR 97-24-038, filed 11/26/97, effective 1/1/98)

WAC 356-15-090 Schedule change and compensation. (1) The agency shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the agency changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the agency deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency initiates a scheduled change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition period.

(a) The transition period starts at the beginning of the shift of the previous schedule which would have begun a new five-consecutive-day work cycle.

(Example: An eight-to-five Tuesday through Saturday employee changes to a Sunday-Thursday schedule beginning on Sunday. The transition period starts at eight a.m. on the last Tuesday of the old schedule, and runs until eight a.m. on the first Tuesday under the new schedule.)

(b) If, during the transition period, the employee must work more than five of the seven workdays, then the work in excess of forty non-overtime hours will be paid at overtime rates.

(c) If, during the transition period, the schedule change causes an employee to begin work on an earlier day of the workweek or at an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees having the following responsibilities: Highway snow, ice, and avalanche control, grain inspection, horticulture inspection; and in the departments of natural resources or corrections, performing emergency response duty under an Incident Command System, defined in RCW 38.52.010, including controlling forest fires, or performing work in a fire camp in support of fire crews, "hoot owl," forest fuels management and aerial applications.

(a) Therefore: For ~~((non-forest fire))~~ personnel in scheduled work period positions whose work is not performed under an Incident Command System, the agency shall not be bound by the above scheduled shift change notice requirement if the agency notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the agency shall pay affected employees the overtime rate for all hours worked outside the original sched-

ule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (7) of this section.

(b) For ~~((forest fire control and fire camp support))~~ personnel in scheduled work period positions whose work is performed under an Incident Command System, the above schedule change notice requirement shall not apply if the agency notifies affected employees in writing that they are subject to contingency scheduling when they enter the position or not less than 30 days prior to implementation.

~~((When an employee's forest fire contingency schedule requires him or her to change working hours from the previous schedule, the agency shall pay the affected employee the overtime rate for all hours worked outside the previous schedule for the employee's first shift of the new contingency schedule.~~

~~When such employees have completed the first eight hours of their assigned contingency shift (10 hours in the case of 10-40 work schedule employees), they shall receive overtime rates for all subsequent work performed until released from duty for a period of five consecutive hours.))~~

Such employees, in the department of natural resources, performing emergency work who are receiving overtime compensation for work which meets subsection (1)(a) through (d) of WAC 356-15-030 and who continue working at the end of one workday into the next workday shall continue to receive overtime compensation thereafter until relieved from duty for a period of at least five consecutive hours or until released from further emergency work, whichever occurs first.

(b) In the department of corrections, ~~((division of prisons))~~ office of correctional operations, the agency and the employees may agree that employees sent to forest fire camps in charge of inmate fire fighters for a period of twenty four hours or more will be on "extended duty assignment." Employees on extended duty assignment will be considered to be on continuous duty from the time they commence such duty including travel time to the fire, until they are released from duty including travel time for return to their nonfire duty station.

(a) During the extended duty assignment, all time will be paid as work time, except that the employer may deduct up to eight hours of nonwork time each day for sleep, plus up to three hours for meals, provided that:

(i) The employee has no responsibility during time deducted for meal periods.

(ii) The time deducted for sleep includes a period of five continuous hours which are not interrupted by a call to work.

(iii) No sleep time shall be deducted if the employer does not furnish adequate sleeping facilities. Adequate sleeping facilities are those which are usual and customary for forest fire camps.

(b) Scheduled work period employees shall be entitled to call back pay to the extent described in WAC 356-15-100 and 356-15-110 for a maximum of one payment, equal to three straight-time hours, at the commencement of an extended duty assignment. No call-back payment shall be made for any work during the hours of an extended duty assignment, or the transition back to the regular work schedule.

(c) The beginning of each work week on extended duty assignment shall be unchanged from the last previous work week on the employee's regular work schedule. All compensable hours of work on extended duty assignment shall be at overtime rates except eight in any work day. All compensable hours on a holiday shall be at overtime rates.

(d) There are no scheduled days off during an extended duty assignment. However, compensable hours on a holiday, and all compensable hours in excess of forty straight time hours in any workweek (including hours worked within the same workweek either before or after the extended duty assignment), shall be paid at overtime rates.

(e) During an extended duty assignment, all hours are duty hours; there is no eligibility for standby pay.

(f) Employees whose regular scheduled work shift entitles them to shift premium for their full shift, or a portion thereof, shall be paid shift premium as follows:

(i) Employees whose regular schedules are all night shifts will continue to receive night shift premium for all paid hours of the extended duty assignment.

(ii) Employees whose regular schedules call for some, but less than four hours of, night shift work each day will continue to receive the same number of hours at shift premium during each workday of the extended duty assignment.

(iii) Employees whose regular schedules call for some, but not all, full night shifts each week will receive shift premium for all paid hours on those same days during the extended duty assignment.

(7) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight-time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

(8) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-100 Call-back for work preceding or following a scheduled workshift. (1) Scheduled work

period employees shall be notified prior to their scheduled quitting time either to return to work after departing the worksite or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

(3) In the department of corrections institutions bargaining unit, lack of such notice as provided in subsection (1) of this section shall not result in penalty of three hours of pay at the basic salary when such change in an employee's start time of their next scheduled workshift is a result of the employee signing up on a volunteer overtime sheet.

(4) In the Department of Natural Resources and in lieu of (1) above, employees dispatched to emergency response duty under an Incident Command System, defined in RCW 38.52.010, will be paid a single callback penalty payment equivalent to three (3) hours of straight time pay if they begin to perform emergency work after their schedule quitting time on a scheduled work day. This provision applies separately to each emergency incident unless responding to more than one emergency incident from the same camp.

AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-110 Call-back for work on scheduled days off or holidays. (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status

or on a contingency schedule as provided in WAC 356-15-090(5).

(4) Only the provisions provided in subsection (1)(b) of this section shall apply to employees within the department of corrections institutions bargaining unit when the employee has volunteered to work such time on an overtime sign-up sheet.

(5) In the Department of Natural Resources and in lieu of (1) above, employees dispatched to emergency response duty under an Incident Command System, defined in RCW 38.52.010, will be paid a callback penalty payment equivalent to three (3) hours of straight time pay for the first scheduled day off on which they perform emergency work after dispatch to an incident. Thereafter, a callback penalty payment equivalent to one (1) hour of straight time pay will be paid for each subsequent day off on which they perform emergency work on the same incident. This provision applies separately to each emergency incident unless responding to more than one incident from the same camp.

AMENDATORY SECTION (Amending WSR 89-21-055 (Order 332), filed 10/16/89, effective 12/1/89)

WAC 356-18-120 Miscellaneous leave. (1) Leave with pay may be allowed to permit an employee to take an examination for a state position, receive assessment from the employee advisory service, serve as a member of a jury, or perform other civil duties. In the Department of Natural Resources, leave with pay equivalent to one regular workshift may be allowed for the purpose of rest and recuperation after ten consecutive calendar days performing emergency work under an Incident Command System, defined in RCW 38.52.010.

(2) Employees on miscellaneous leave shall receive their basic salary and, in addition, shall be allowed to retain any compensation paid to them by their civil duty employer.

WSR 02-07-053
EMERGENCY RULES
PERSONNEL RESOURCES BOARD

[Filed March 14, 2002, 3:42 p.m.]

Date of Adoption: March 14, 2002.

Purpose: The purpose of this rule is to deal with incumbent status for positions converted by the Washington Personnel Resources Board from exempt to classified.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In December 2001, the Washington Personnel Resources [Board] (WPRB) issued a decision determining that several positions of the Washington Horse Racing Commission (WHRC) do not meet the exemp-

tion criteria in WAC 356-06-020 and therefore, are in the classified civil service.

Since the issuance of the WPRB decision, Department of Personnel staff has been working with the WHRC and other interested parties regarding issues dealing with the transition. It has taken a considerable amount of time in determining classification and compensation issues, and development of rules to allow the transition.

The WHRC starts hiring employees in the spring and is in full operation by summer. Therefore, at a special Washington Management Service hearing held on March 14, 2002, the director adopted a proposal regarding classification and compensation. In order to allow the transition of employees into classified service to be effective at the same time, these rules need to be adopted on an emergency basis.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 14, 2002

E. C. Matt

Director

NEW SECTION

WAC 356-56-070 Incumbent status for positions converted by the board from exempt to classified. (1) When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington management service will be in accordance with subsections (2) through (9) of this section.

(2) The incumbent shall not be required to meet any additional agency selection requirements in order to be placed into the converted position.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the Washington management review period that the agency requires to obtain permanent status shall not be required to complete a review period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the established review period shall be required to complete the remaining portion of the Washington management service review period.

(4) Incumbents whose salary is higher than the range of consideration or band assigned to the Washington manage-

ment service shall retain their current salary, which will be administered as a Y-rate in accordance with WAC 356-14-075.

(5) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(6) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(7) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency is entitled to a presumption that its calculations are accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(8) The director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the director's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within 30 calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(9) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Title 356 WAC and Title 358 WAC.

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.

WSR 02-07-054
EMERGENCY RULES
PERSONNEL RESOURCES BOARD

[Filed March 14, 2002, 3:43 p.m.]

Date of Adoption: March 14, 2002.

Purpose: The purpose of this rule is to deal with incumbent status for positions converted by the Washington Personnel Resources Board from exempt to classified.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In December 2001, the Washington Personnel Resources [Board] (WPRB) issued a decision determining that several positions of the Washington Horse Racing Commission (WHRC) do not meet the exemption criteria in WAC 356-06-020 and therefore, are in the classified civil service.

Since the issuance of the WPRB decision, Department of Personnel staff has been working with the WHRC and other interested parties regarding issues dealing with the transition. It has taken a considerable amount of time in determining classification and compensation issues, and development of rules to allow the transition.

The WHRC starts hiring employees in the spring and is in full operation by summer. Therefore, at its March 14, 2002, board meeting, the WPRB adopted a proposal regarding classification and compensation. In order to allow the transition of employees into classified service to be effective at the same time, these rules need to be adopted on an emergency basis.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 14, 2002

E. C. Matt

Secretary

NEW SECTION

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the probationary period established for their Washington general service classification shall not be required to complete the pro-

bationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the board on or before the 15th of the month shall be set at the first day of that month. The PID for incumbents placed in positions converted by the board after the 15th of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited will all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The board will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the board will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the board's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within 30 calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Title 356 WAC and Title 358 WAC.

WSR 02-07-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-42—Filed March 15, 2002, 2:45 p.m., effective April 1, 2002,
12:01 a.m.]

Date of Adoption: March 15, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900W; 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: Agreement has been reached with Dry Falls State Park (Washington State Parks Department) to allow angler access to Dry Falls Lake about four weeks earlier than normal. This allows added recreational fishing opportunity for Washington anglers. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 1, 2002, 12:01 a.m.

March 15, 2002

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules—Dry Falls Lake (Grant County) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 1, 2002 through 11:59 p.m. April 26, 2002, it is lawful to fish for gamefish in those waters of Dry Falls Lake.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 27, 2002.

WAC 232-28-61900W Exceptions to statewide rules—Dry Falls Lake

WSR 02-07-065

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed March 15, 2002, 3:55 p.m.]

Date of Adoption: February 15, 2002.

Purpose: The proposed rules explain the requirements an individual must meet to be eligible for extended unemployment benefits. These include defining what work is considered suitable, the minimum job search requirements an individual must meet, and the penalties that an individual will incur for failing to accept or apply for suitable work.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-16-033, 192-16-036, 192-16-040, 192-16-042, 192-16-045, and 192-16-047.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: On December 21, 2001, the United States Department of Labor notified the department that the state qualifies for extended unemployment benefits because of a rising unemployment rate. The extended benefit period began on January 6, 2002, and the department filed emergency regulations to inform workers of the requirements they must meet to be eligible for extended benefits. Changes to these emergency rules are necessary to ensure payments to claimants are consistent with the requirements of federal and state law.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 6, 2002
Dr. Sylvia P. Mundy
Commissioner

NEW SECTION

WAC 192-240-030 Job search requirements to receive regular shareable or extended benefits—RCW 50.22.020(5). (1) To be eligible for regular shareable or extended benefits, you must show evidence of a systematic and sustained effort to find work. Your efforts must be of a quality and frequency that clearly indicate you are making sincere efforts to immediately return to gainful employment.

(a) At a minimum, your efforts must include at least four job search contacts with employers during each week you claim benefits.

(b) If you are a member in good standing of a referral union, you must make three employer contacts each week in addition to contacting your union and complying with the union's requirements. You do not have to look for work that would jeopardize your union membership, but must look for other work you are capable of doing. However, if you have been identified by the department as having good prospects of returning to work within four weeks because you have an extremely favorable position on the union out-of-work list, contact with your union each week fulfills the job search requirements of this section.

(2) Every week you file a claim for regular shareable or extended benefits, you must report your job search contacts to the department. For each job search contact you must report the date of the contact, the employer or union involved and its place of business, the method of contact, the type of work sought, and the results of the contact.

(3) You must keep a record or log of your job search contacts which contains the information required by WAC 192-180-015.

(4) The department may review your job search activities at any time. You must provide the department with a copy of your job search log upon request. Employer contacts will be verified by the department as needed.

(5) The department will consider you to have met the job search requirements of this section and of RCW 50.22.020(5) for any week in which you participate in a training program that is approved by the commissioner.

(6) The job search requirements under this section and RCW 50.20.020(5) are waived for any week in which you are unable to conduct a job search because you are serving on jury duty. See RCW 50.20.117.

NEW SECTION

WAC 192-240-045 Moving to a state in an extended benefit period. RCW 50.22.030(2) provides that you are only eligible for two weeks of extended benefit payments if you live in a state that is not in an extended benefit period. If you subsequently move to a state that is in an extended benefit period, you may be eligible for further extended benefit

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payments under RCW 50.22.020 beginning with the first full week in which you reside in that state.

NEW SECTION

WAC 192-240-040 Penalties. (1) If you claim regular shareable or extended benefits during a week in which you failed to accept any offer of work, or failed to accept a referral or apply for any work as directed by the department:

(a) Benefits will be denied under RCW 50.20.080 if the work was suitable as defined by RCW 50.20.100 and RCW 50.20.110, and you did not have good cause for failing to apply for or accept work;

(b) If benefits are denied as provided in subsection (1)(a), you will also be denied benefits as provided in RCW 50.22.020;

(c) Benefits will be denied under only RCW 50.22.020 if the work was suitable as provided in that statute and WAC 192-240-020, but did not meet the provisions of RCW 50.20.100 and RCW 50.20.080.

(2) If you claim regular shareable or extended benefits during a week in which you failed to meet the job search requirements of WAC 192-240-030, benefits will be denied under RCW 50.22.020, except as provided in subsection (4).

(3) A denial of benefits under RCW 50.22.020 starts the week in which the failure occurs, and continues indefinitely until you show that:

(a) You have worked in at least four weeks; and

(b) You have earned at least four times your weekly benefit amount. The employment does not need to be covered by Title 50 RCW.

(4) If you fail to meet the job search requirements of WAC 192-240-030 because you are hospitalized for treatment of an emergency or life-threatening condition, benefits will be denied under RCW 50.20.010(3). The denial period is only for the week or weeks in which the hospitalization occurred.

Reasons for this Finding: Five hundred hatchery spring chinook are anticipated to return to the Ringold Springs Rearing Facility (RSRF) this spring. The sport fishing season will begin earlier than past years, to allow anglers to take full advantage of the last returning spring chinook run to Ringold and to provide additional opportunity to harvest hatchery steelhead remaining from the 2001/2002 run. This is the final return year of hatchery spring chinook to the facility. Mitchell Act funding for the spring chinook rearing program at RSRF was terminated in 1999, therefore none of these fish are needed for broodstock purposes. National Marine Fisheries Service has given approval to continue a hatchery steelhead sport fishery in the Ringold Area Bank Fishery boundaries. The fishery will be monitored to assess chinook and 2002/2003 steelhead run impacts. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 1, 2002, 12:01 a.m.

March 15, 2002

J. P. Koenings

Director

by Larry Peck

WSR 02-07-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-48—Filed March 15, 2002, 4:10 p.m., effective April 1, 2002, 12:01 a.m.]

Date of Adoption: March 15, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Y; 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.

NEW SECTION

WAC 232-28-61900Y Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 1, 2002 through June 15, 2002, in those waters of the Columbia River adjacent to Ringold Hatchery (in Franklin County north of Pasco) from the WDFW markers 1/4 mile downstream of the Ringold irrigation wasteway outlet to the markers 1/2 mile upstream of Spring Creek, the daily limit is two salmon, minimum size 12 inches in length or two hatchery steelhead (hatchery steelhead are identified by a missing adipose or ventral fin and a healed scar in the location of the missing fin), minimum size 20 inches in length, or a combination of one such salmon and one such steelhead. Any steelhead with either a radio tag wire protruding from the mouth or a disc tag attached near the dorsal fin must be released. Fishing is only from the hatchery side (east bank) and only from the bank.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 16, 2002:

WAC 232-28-61900Y Exceptions to statewide rules—Columbia River.

**WSR 02-07-075
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-56—Filed March 19, 2002, 9:11 a.m., effective March 24, 2002, 12:01 a.m.]

Date of Adoption: March 19, 2002.

Purpose: Personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600E and 220-56-33000F; and amending WAC 220-52-046 and 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is necessary to continue the closures for softshell crab from previous emergency rules and closes the San Juan Islands for the protection of softshell crab. 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 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 24, 2002, 12:01 a.m.

March 19, 2002

J. P. Koenings

Director

by Larry Peck

is unlawful to fish for Dungeness Crab for commercial purposes as provided herein:

(1) Effective immediately until further notice commercial crab harvest is closed in all waters of Marine Fish-Shellfish Catch Reporting Areas 24A, 24B, 24C, 24D, 25B, 25D, 26A and that portion of 21A south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and north of a line that extends from Carter Point on the southern tip of Lummi Island to Whiskey Rock south of Chuckanut Bay.

(2) Effective 12:01 a.m. March 24, 2002 until further notice, commercial crab harvest is closed in all waters of Marine Fish-Shellfish Catch and Reporting Area 22A.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 24, 2002:

WAC 220-52-04600E Crab fishery—Seasons and areas. (02-49)

NEW SECTION

WAC 220-56-33000G Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, it is unlawful to fish for crab for personal use as provided herein:

(1) Effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Marine Areas 8-1, 8-2, 9, 12, and those waters of Marine Area 7 south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and north of a line that extends from Carter Point on the southern tip of Lummi Island to Whiskey Rock south of Chuckanut Bay.

(2) Effective 12:01 a.m. March 24, 2002 until further notice, it is unlawful to fish for crab for personal use in the San Juan Islands portion of Marine Area 7 west and south of line that extends from the Anacortes ferry dock at Shannon Point, northward to the southeastern tip of Sinclair Island, thence from the northernmost tip of Sinclair Island to Lawrence Point on Orcas Island, follows the northern shoreline around Orcas Island to Steep Point on the southwestern tip of Orcas Island, thence to Limestone Point on San Juan Island and then to Green Point on the eastern tip of Spieden Island and from the western tip of Spieden Island true west to the International Boundary.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 24, 2002:

WAC 220-56-33000F Crab—Areas and seasons. (02-49)

NEW SECTION

WAC 220-52-04600F Crab fishery—Areas and seasons. Notwithstanding the provisions of WAC 220-52-046, it

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WSR 02-07-076
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-57—Filed March 19, 2002, 9:13 a.m.]

Date of Adoption: March 19, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-355.

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 adjust the size limit for clams in Quilcene Bay to conform to current state/tribal agreements. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 19, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-35500B Clams—Unlawful acts. Notwithstanding the provisions of WAC 220-56-355, effective immediately until further notice, in state-owned tidelands in Quilcene Bay, it is unlawful to possess Manila, native little-neck, cockle, or butter clams taken for personal use which measure less than 1-1/4 inches across the longest dimension of the shell.

WSR 02-07-092
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-58—Filed March 19, 2002, 4:52 p.m.]

Date of Adoption: March 19, 2002.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-07300W; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of red sea urchins exist in the areas described. Prohibition of all diving one day prior to scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 19, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07300W Sea urchins. Notwithstanding the provisions of WAC 220-52-073, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on March 20, 21, and 22, 2002. The maximum daily landing of red sea urchins for a vessel in Sea Urchin Districts 1 and 2 is 7,000 pounds. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in largest test diameter exclusive of the spines).

(a) District 1 and 2 - 4.0 minimum to 5.5 maximum inches.

(2) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources on March 19, 2002.

REPEALER

The following section of the Washington Administrative Code is repealed effective March 23, 2002:

WAC 220-52-07300W Sea urchins.

WSR 02-07-093
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-61—Filed March 19, 2002, 4:54 p.m.]

Date of Adoption: March 19, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000I; and amending WAC 220-44-050.

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: These rules were adopted by the Pacific Fisheries Management Council, and provide for harvest of available stocks of bottom fish, while reserving brood stock for future fisheries. There is insufficient time to promulgate permanent rules and to provide for a fishery.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 19, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-44-05000J Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice: (1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 67, No. 45, published March 7, 2002. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-050001 Coastal bottomfish catch limits. (02-19)

WSR 02-07-094
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-59—Filed March 19, 2002, 4:55 p.m., effective March 20, 2002, 6:00 p.m.]

Date of Adoption: March 19, 2002.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000K and 220-33-01000L; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The commercial allocation of spring chinook has not been achieved, and impacts to ESA-listed stocks are within the management guidelines for this fishery, and an extension is warranted. The mainstem Columbia River season is a demonstration commercial fishery using results from testing in 2001. Harvestable numbers of hatchery salmon are available. The use of small mesh nets, short soak times, and recovery boxes will aid in the survival of spring chinook that are released. An interim management agreement signed in 2001 provides allocation of ESA impacts to upriver spring chinook to non-Indian fisheries, and Washington and Oregon Fish and Wildlife Commissions have provided guidance on sharing of impacts between commercial and recreational fishers. Impacts in this fishery are consistent with the management agreement and the biological opinion provided by the National Marine Fisheries Service. This rule is consistent with actions of the Columbia River Compact of March 19, 2002, and conforms Washington and Oregon state rules. The select area fisheries in Blind Slough/Knappa Slough and Tongue Point/South Channel are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Several stocks of salmon have been released from net pens in these select areas to provide for fisheries. All salmon returning to these net pens are harvestable. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the interim management agreement. This rule is consistent with actions of the Columbia River Compact hearings of January 31, 2002, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: March 20, 2002, 6:00 p.m.

March 19, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-33-01000L Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Area: SMCRA 1A, 1B, 1C, 1D, 1E.

Dates: 6:00 p.m. March 20 to 6:00 p.m. March 22, 2002

Gear: 5 1/2 inch maximum mesh, single wall gill net.

Net length not to exceed 150 fathoms. Mono-filament gill nets are allowed. Gill nets that are fished from sunset to sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

Allowable Sale: Adipose fin-clipped salmon with a healed scar at the site, sturgeon, shad.

Sanctuaries: Grays River, Gnat Creek, Elokomin-A, Abernathy Creek, Cowlitz River, Kalama-A, Lewis-A, Washougal, Sandy.

A) Miscellaneous Regulations:

1) At least one fisher on each boat must possess a tangle net certificate issued by either WDFW or ODFW. The certificate must be displayed to WDFW or ODFW employees, fish and wildlife enforcement officers, or other peace officers upon request.

2) Soak times, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

3) Each boat will be required to have an two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will

be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is a least 1 1/2 inches in diameter.

The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW and ODFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

4) All non-legal sturgeon, non-adipose fin-clipped salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

5) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

6) All fish placed in recovery boxes must be released to the river prior to landing or docking.

7) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

B) Tangle net permit. Any individual meeting the qualifications of RCW 77.65.040(2) may obtain a tangle net certificate by attending and completing an WDFW- or ODFW-sponsored workshop concerning live captive commercial fishing techniques. A tangle net certificate shall expire on December 31, 2002. No individual may obtain more than one tangle net certificate between January 1 and December 31, 2002.

C) Nothing in this section sets any precedent for any fishery after the 2002 spring chinook fishery. The fact that an individual may hold a tangle net certificate in spring 2002 does not entitle the certificate holder to participate in any other fishery. If WDFW authorizes a tangle net fishery in spring 2003 or at any other time, WDFW may establish qualifications and requirements that are different from those established for 2002. In particular, WDFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

2) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the east-

ern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Blind Slough and Knappa Slough

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

Dates:

7 PM April 18 to 7 AM April 19, 2002

7 PM April 25 to 7 AM April 26, 2002

7 PM April 30 to 7 AM May 1, 2002

7 PM May 2 to 7 AM May 3, 2002

7 PM May 7 to 7 AM May 8, 2002

7 PM May 9 to 7 AM May 10, 2002

7 PM May 14 to 7 AM May 15, 2002

7 PM May 16 to 7 AM May 17, 2002

7 PM May 21 to 7 AM May 22, 2002

7 PM May 23 to 7 AM May 24, 2002

7 PM May 28 to 7 AM May 29, 2002

7 PM May 30 to 7 AM May 31, 2002

7 PM June 4 to 7 AM June 5, 2002

7 PM June 6 to 7 AM June 7, 2002

7 PM June 11 to 7 AM June 12, 2002

7 PM June 13 to 7 AM June 14, 2002

Allowable Sale: Salmon, sturgeon, shad

3) Tongue Point/South Channel Select Area

Area: Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank.

South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10".

All open waters are under concurrent jurisdiction.

Dates:

7 PM April 18 to 5 AM April 19, 2002

7 PM April 25 to 5 AM April 26, 2002

7 PM April 30 to 5 AM May 1, 2002

7 PM May 2 to 5 AM May 3, 2002

7 PM May 7 to 5 AM May 8, 2002

7 PM May 9 to 5 AM May 10, 2002

7 PM May 14 to 5 AM May 15, 2002

7 PM May 16 to 5 AM May 17, 2002

7 PM May 21 to 5 AM May 22, 2002

7 PM May 23 to 5 AM May 24, 2002

7 PM May 28 to 5 AM May 29, 2002

7 PM May 30 to 5 AM May 31, 2002

7 PM June 4 to 5 AM June 5, 2002

7 PM June 6 to 5 AM June 7, 2002

7 PM June 11 to 5 AM June 12, 2002

Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Legal gear restricted to a maximum length of 250 fathoms and weight on leadline not to exceed 2 pounds on any one fathom within Tongue Point Basin.

In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

Allowable Sale: Salmon, sturgeon and shad.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. March 20, 2002:

WAC 220-33-01000K Columbia River gillnet seasons below Bonneville. (02-44)

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. June 14, 2002:

WAC 220-33-01000L Columbia River gillnet seasons below Bonneville.

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

**WSR 02-07-095
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-52—Filed March 19, 2002, 4:56 p.m., effective May 17, 2002, 4:30 a.m.]

Date of Adoption: March 19, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-12-16800B; and amending WAC 232-12-168.

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 reduce excessive predation of kokanee salmon and cutthroat trout in Lake Chelan. Limiting the abundance of top-level predatory fish such as lake trout and chinook salmon has been identified as an important and desirable fish management strategy for Lake Chelan. By allowing a fishing contest, and a larger than normal monetary prize, more anglers will be attracted to the lake and harvest of these predatory fish will increase. The timing of the contest (May 17 - 19, 2002) will correlate well with new regulations

beginning (May 1, 2002) that encourage harvest of lake trout. Collectively, the contest, the larger than average prize value, and the new regulations should have a synergistic effect that will reduce predation of kokanee salmon and cutthroat. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 17, 2002, 4:30 a.m.

March 19, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-12-16800B Fishing contests Notwithstanding the provisions of WAC, 232-12-168; It is lawful for the Lake Chelan Sportsmen's Association to conduct a fishing contest for lake trout and landlocked chinook salmon in those waters of Lake Chelan and offer a total prize value in excess of \$1,000 for either species. Hours of the fishing contest are:

- May 17, 2002 4:30 a.m. to 8:30 p.m.
- May 18, 2002 4:30 a.m. to 8:30 p.m.
- May 19, 2002 4:30 a.m. to 10:00 a.m.

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 10:01 a.m. May 19, 2002.

WAC 232-12-16800B Fishing contests

**WSR 02-07-096
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-51—Filed March 19, 2002, 4:57 p.m.]

Date of Adoption: March 19, 2002.

Purpose: Amend personal-use fishing rules.

EMERGENCY

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900T and 232-28-61900Z; 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 2001/2002 wild winter steelhead runs for the Skagit, Snohomish, Stillaguamish, and Puyallup River systems are forecasted to be below escapement needs. Predicted wild steelhead run sizes for the river systems are anticipated to be between approximately 60 and 83% of wild steelhead escapement requirements. Closures will eliminate potential hooking mortality and disturbance of spawning fish. Hatchery steelhead fisheries continue to be allowed by National Marine Fisheries Service in the Upper Columbia Evolutionary Significant Unit. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 19, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900Z Exceptions to statewide rules—Snohomish River, Snoqualmie River, Skykomish River (mainstem), Tokul Creek, Stillaguamish River (mainstem), North Fork Stillaguamish River, Puyallup River, Carbon River, Skagit River, Fisher Slough, Columbia River (mainstem), Okanogan River and Similkameen River. Notwithstanding the provisions of WAC 232-28-619, effective immediately:

Snohomish River From mouth including all channels, sloughs and inter-connected waterways upstream to the U.S. Highway 2 bridge: Open immediately through March 31, 2002, release all steelhead.

Snoqualmie River From U.S. Highway 2 bridge, including all channels, sloughs and inter-connected waterways upstream to the confluence of the Skykomish and Snoqualmie rivers, all channels: Closed to fishing immediately through March 31, 2002.

Snoqualmie River From mouth to Snoqualmie Falls: Closed to fishing immediately through March 31, 2002.

Skykomish River (Mainstem) From mouth to the forks: Closed to fishing immediately through April 30, 2002.

Tokul Creek From mouth to posted cable boundary marker approximately 700 feet upstream of the mouth: Closed to fishing immediately through March 31, 2002.

Stillaguamish River (Mainstem) All sloughs downstream of Warm Beach-Stanwood Highway: Release all steelhead immediately through May 31, 2002.

Stillaguamish River (North Fork) From mouth to Swede Heaven Bridge: Closed to fishing immediately through May 31, 2002.

Puyallup River From 11th Street Bridge upstream to Soldier's Home Bridge in Orting: Closed to fishing immediately through March 31, 2002.

Carbon River From mouth to Highway 162 Bridge: Closed to fishing immediately through March 31, 2002.

Skagit River From mouth to Memorial Highway Bridge, Hwy. 536 at Mt. Vernon:
 • Closed to fishing immediately through April 12, 2002.
 • Open April 13, 2002 through April 31, 2002, release all steelhead.

Fisher Slough From Memorial Highway Bridge, Hwy. 536 at Mt. Vernon to Dalles Bridge at Concrete: Closed to fishing immediately through March 31, 2002.

Fisher Slough From mouth to Highway 530 Bridge: Closed to fishing immediately through May 31, 2002.

Columbia River Main stem from Highway 395 Bridge at Pasco upstream to the Old Hanford town site wooden power line towers upstream from Ringold Hatchery: Open to fish for and possess up to two hatchery steelhead per day immediately through March 31, 2002. Except:
 • Any steelhead with either a radio tag wire protruding from the mouth or a disc tag attached near the dorsal fin must be released.

Okanogan River Mouth upstream: Open to fish for and possess up to two hatchery steelhead

EMERGENCY

per day immediately through March 31, 2002. Except:

- Any steelhead with either a radio tag wire protruding from the mouth or a disc tag attached near the dorsal fin must be released.
- Selective gear rules apply for steelhead
- Closed from Zosel Dam downstream to one-quarter mile below the railroad trestle.
- Closed immediately through March 31, 2002, those waters between the Highway 97 Bridge at Omak and a line across the river 500 feet above Omak Creek.

Similkameen River

Mouth to 400 feet below Enloe Dam: Open to fish for and possess up to two hatchery steelhead per day immediately through March 31, 2002. Except:

- Any steelhead with either a radio tag wire protruding from the mouth or a disc tag attached near the dorsal fin must be released.
- Selective gear rules apply for steelhead, except it is lawful to use white-fish gear.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900T Exceptions to statewide rules—Snohomish River, Snoqualmie River, Skykomish River (mainstem), Tokul Creek, Stillaguamish River (mainstem), North Fork Stillaguamish River, Puyallup River, Carbon River, Skagit River, Fisher Slough, Nooksack River (mainstem, North Fork, Middle Fork, South Fork), Columbia River (mainstem), Okanogan River and Similkameen River. (02-34)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 1, 2002:

WAC 232-28-61900Z Exceptions to statewide rules—Snohomish River, Snoqualmie River, Skykomish River (mainstem), Tokul Creek, Stillaguamish River (mainstem), North Fork Stillaguamish River, Puyallup River, Carbon River, Skagit

River, Fisher Slough, Columbia River (mainstem), Okanogan River and Similkameen River.

WSR 02-07-120
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE

[Filed March 20, 2002, 11:54 a.m.]

Date of Adoption: March 15, 2002.

Purpose: Adoption of regulatory mechanisms necessary to prevent citrus longhorned beetle establishment in the state. Currently there are no rules in place specific to the nonnative insect citrus longhorned beetle and closely related species. Establishment and/or spread of this pest would cause significant environmental and economic loss to the state.

Statutory Authority for Adoption: Chapter 17.24 RCW.

Other Authority: Chapter 15.13 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Citrus longhorned beetle is an exotic pest which has escaped into a wooded area of Tukwila, Washington. It attacks and kills otherwise health[y] hardwood trees, and it is extremely difficult to control. If the insect is not eradicated, it will be extremely harmful from both an economic and an environmental standpoint. Left to itself, the beetle is likely to spread slowly, affording time to eradicate it. However, any movement of live hardwood trees or other untreated wood containing concealed beetles presents a significant risk of rapidly spreading them beyond our ability to eradicate them. Such items are commonly dumped or moved at this time of year, and this emergency rule is intended to confine these items to a restricted area.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 15, 2002
 William E. Brookreson
 Director

EMERGENCY

LONGHORNED BEETLE QUARANTINE

NEW SECTION

WAC 16-470-800 Establishing quarantine for longhorned beetles of the genus *Anoplophora*. Beetles of the genus *Anoplophora* include the citrus longhorned beetle (*Anoplophora chinensis*) and the Asian longhorned beetle (*Anoplophora glabripennis*). There are no species of *Anoplophora* native to North America. These beetles are serious pests in their native ranges in Asia and are highly invasive species which have entered and may become established in Washington State. The establishment of any species of *Anoplophora* beetle in Washington would cause reduction in native vegetation and ornamental plants and great economic loss to the forestry, nursery and agricultural industries of the state. The director of agriculture, pursuant to authorities in RCW 17.24 and RCW 15.13, has determined that the regulation and exclusion of all life stages of beetles of the genus *Anoplophora* and of any potentially infested host material is necessary to protect the environmental quality, forests and agricultural crops of the state of Washington.

NEW SECTION

WAC 16-470-810 Prohibiting possession, transportation or distribution of living beetles of the genus *Anoplophora*. Possession of any living life stage of any beetle of the genus *Anoplophora*, including but not limited to citrus longhorned beetle (*Anoplophora chinensis*) and Asian longhorned beetle (*Anoplophora glabripennis*), is prohibited. Transportation or distribution of any living life stage of any beetle of the genus *Anoplophora* into or between points within the state of Washington is prohibited. Any *Anoplophora* beetle eggs, larvae, pupae, or adults should be killed at the site of discovery. Trained employees of the department are available to assist the public in identifying *Anoplophora* beetle life stages and can be reached at toll-free telephone number (800) 443-6684 or email pestprogram@agr.wa.gov.

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

NEW SECTION

WAC 16-470-820 What is the area under quarantine for citrus longhorned beetle? The boundaries of the area under order are within the City of Tukwila in King County. The area under order consists of all properties lying primarily within a circle with a radius of a half mile, centered at the property immediately southwest of the intersection of Macadam Rd. S. and S. 144th St. Any property on the border of the circle, which lies at least 50% outside the circle, is excluded from the area under quarantine for citrus longhorned beetle. A map of the area under quarantine can be obtained through a request to the department at toll-free number (800) 443-6684 or email pestprogram@agr.wa.gov.

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

NEW SECTION

WAC 16-470-830 Prohibition on moving living plants from the area under quarantine for citrus longhorned beetle. (1) All species of the following genera of plants are declared to be potential host plants for citrus longhorned beetle:

- (a) Acer (maple)
- (b) Albizzia (silk tree)
- (c) Alnus (alder)
- (d) Betula (birch)
- (e) Camellia
- (f) Carya (hickory, pecan)
- (g) Castanea (chestnut)
- (h) Citrus (orange, lemon)
- (i) Cryptomeria (Japanese cedar)
- (j) Elaeagnus (wild olive)
- (k) Fagus (beech)
- (l) Ficus (fig)
- (m) Fraxinus (ash)
- (n) Hibiscus (rose of sharon, mallow)
- (o) Ilex (holly)
- (p) Juglans (walnut)
- (q) Lindera (spicebush)
- (r) Maackia (amur)
- (s) Malus (apple, crabapple)
- (t) Morus (mulberry)
- (u) Photinia
- (v) Platanus (sycamore, plane tree)
- (w) Populus (poplar)
- (x) Prunus (cherry, peach, apricot, plum)
- (y) Pyracantha (firethorn)
- (z) Pyrus (pear)
- (aa) Quercus (oak)
- (bb) Rhus (sumac)
- (cc) Robinia (locust)
- (dd) Rosa (rose)
- (ee) Rubus (blackberry, raspberry)
- (ff) Salix (willow)
- (gg) Sophora (pagoda tree)
- (hh) Stransvaesia
- (ii) Styrax (snowbell tree)
- (jj) Ulmus (elm)

(2) The following species are declared to be potential host plants for citrus longhorned beetle:

- (a) Eriobotrya japonicus
- (b) Fortunella marginata
- (c) Poncirus trifoliata

(3) Movement of living potential host plants with a diameter of greater than one quarter inch at soil level from the area under quarantine for citrus longhorned beetle to outside the area is prohibited, unless a permit has been issued by the department pursuant to WAC 16-470-870 below.

NEW SECTION

WAC 16-470-840 Prohibition on moving wood and prunings from the area under quarantine for citrus longhorned beetle. (1) The following articles are declared to be potential host material for citrus longhorned beetle, and their

movement or transportation from the area under quarantine is prohibited:

- (a) untreated hardwood grown within the area under quarantine
 - (b) firewood from hardwood species
 - (c) deadwood, stumps, tree trunks and similar portions of trees from hardwood species
 - (d) prunings
- (2) Lumber not grown in the area under quarantine, softwood (that is, wood from coniferous plants such as pine or Douglas fir), fruit, nuts, leaves, wreaths, finished wood products such as furniture, and wood chipped to a maximum size of five eighths of an inch are excluded from this section.

NEW SECTION

WAC 16-470-850 Exemption for articles in transit.

Articles declared in WAC 16-470-830 and WAC 16-470-840 to be potential host material for citrus longhorned beetle are exempt from the requirements of WAC 16-470-820 through WAC 16-470-870 if all the following conditions are met:

- (1) The articles originate outside the quarantine area for citrus longhorned beetle,
- (2) They enter the quarantine area for citrus longhorned beetle as an incidental portion of transportation to a location outside the quarantine area, and
- (3) They are not unloaded or parked overnight within the quarantine area for citrus longhorned beetle.

NEW SECTION

WAC 16-470-860 Disposal of articles regulated under longhorned beetle quarantine. Any regulated articles that are in violation of this longhorned beetle quarantine are subject to destruction or other disposition in a manner prescribed by the department.

NEW SECTION

WAC 16-470-870 Special permits - longhorned beetle. The department may issue special permits for actions otherwise forbidden under provisions of WAC 16-470-800 through WAC 16-470-860. These special permits shall be conditioned to minimize the risk of spreading longhorned beetle.



OFFICE OF THE CODE REVISER
 Quarterly Rule-Making Report
 Covering Registers 02-01 through 02-06

Type of Activity	New	Amended	Repealed
ACCOUNTANCY, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	24	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	24	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	4	24	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Rules Adopted as Emergency Rules	5	0	0
Number of Rules Proposed for Permanent Adoption	27	6	65
Number of Sections Adopted at Request of a Nongovernmental Entity	5	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
BELLEVUE COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	12	11	0
BUILDING CODE COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	24	29	90
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	5	28	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	0	0
Number of Sections Adopted on the Agency's own Initiative	10	1	90
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	24	29	90
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
CASCADIA COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	26	0	0
Number of Rules Proposed for Permanent Adoption	26	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	26	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	26	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	26	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CLARK COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	28	0	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	28	0	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CLOVER PARK TECHNICAL COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	5	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

COUNTY ROAD ADMINISTRATION BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	0

CRIMINAL JUSTICE TRAINING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	1	0
Number of Sections Adopted on the Agency's own Initiative	1	1	0
Number of Sections Adopted using Negotiated Rule Making	1	2	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	4	0	0

ECOLOGY, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	23	12	8
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	105	5	0
Number of Rules Withdrawn	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	9	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	8
Number of Sections Adopted on the Agency's own Initiative	23	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	9	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EDUCATION, STATE BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	47	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	7	47	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	7	47	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EMPLOYMENT SECURITY DEPARTMENT

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	7	0	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	7	0	6
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

ENVIRONMENTAL HEARINGS OFFICE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	10	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	10	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	10	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EXECUTIVE ETHICS BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	5	9
Number of Rules Proposed for Permanent Adoption	2	4	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	4	9
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	5	9
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FISH AND WILDLIFE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	16	1
Number of Rules Adopted as Emergency Rules	57	0	56
Number of Rules Proposed for Permanent Adoption	7	20	0
Number of Rules Withdrawn	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	1	0
Number of Sections Adopted on the Agency's own Initiative	63	16	58
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FOREST PRACTICES BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	4	0
Number of Rules Adopted as Emergency Rules	1	5	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	18	0
Number of Sections Adopted on the Agency's own Initiative	0	15	0
Number of Sections Adopted using Negotiated Rule Making	0	5	0
Number of Sections Adopted using Other Alternative Rule Making	0	14	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	5	0

GAMBLING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	0
Number of Rules Proposed for Permanent Adoption	0	14	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	6	0
Number of Sections Adopted using Negotiated Rule Making	0	6	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH CARE AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	0	0

HEALTH, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	27	5
Number of Rules Proposed for Permanent Adoption	5	11	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	12	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	11	1
Number of Sections Adopted on the Agency's own Initiative	4	14	3
Number of Sections Adopted using Negotiated Rule Making	0	3	0
Number of Sections Adopted using Other Alternative Rule Making	4	23	5
Number of Sections Adopted using Pilot Rule Making	0	0	0

HIGHER EDUCATION COORDINATING BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HORSE RACING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	2	0
Number of Rules Withdrawn	1	0	0

INSURANCE COMMISSIONER, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

INTERAGENCY COMMITTEE, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

JUDICIAL CONDUCT, COMMISSION ON

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LABOR AND INDUSTRIES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	229	4	51
Number of Rules Proposed for Permanent Adoption	60	57	39
Number of Rules Withdrawn	33	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	191	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	40	2	17
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	2	0
Number of Sections Adopted on the Agency's own Initiative	191	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	226	4	51
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
LICENSING, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	83	22
Number of Rules Proposed for Permanent Adoption	2	37	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	49	11
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	8	0
Number of Sections Adopted on the Agency's own Initiative	1	38	11
Number of Sections Adopted using Negotiated Rule Making	5	28	2
Number of Sections Adopted using Other Alternative Rule Making	0	16	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
LIQUOR CONTROL BOARD			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	5	23	3
LOTTERY, WASHINGTON STATE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	12	0	0
NATURAL RESOURCES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	5	0
PERSONNEL, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	3	0
Number of Rules Proposed for Permanent Adoption	0	11	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PILOTAGE COMMISSIONERS, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC DISCLOSURE COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	30	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	30	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	30	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	14	0
Number of Rules Withdrawn	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	13	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

RETIREMENT SYSTEMS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	20	60	17
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	19	58	17
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	6	14	13
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	13	43	4
Number of Sections Adopted on the Agency's own Initiative	2	1	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

REVENUE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	10	0
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	4	0
Number of Sections Adopted on the Agency's own Initiative	1	10	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	12	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SECRETARY OF STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	8	21
Number of Rules Proposed for Permanent Adoption	11	28	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	7
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	8	20
Number of Sections Adopted on the Agency's own Initiative	0	0	1
Number of Sections Adopted using Negotiated Rule Making	8	8	13
Number of Sections Adopted using Other Alternative Rule Making	0	0	7
Number of Sections Adopted using Pilot Rule Making	0	0	0

SHORELINE COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	1

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	85	46	47
Number of Rules Adopted as Emergency Rules	0	7	9
Number of Rules Proposed for Permanent Adoption	55	27	11
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	64	35	46
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	2	7	1
Number of Sections Adopted in Order to Comply with Federal Statute	7	6	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	20	7	0
Number of Sections Adopted on the Agency's own Initiative	62	14	57
Number of Sections Adopted using Negotiated Rule Making	0	4	0
Number of Sections Adopted using Other Alternative Rule Making	84	49	60
Number of Sections Adopted using Pilot Rule Making	0	0	0

TRANSPORTATION, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	0	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

UNIVERSITY OF WASHINGTON

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	7	0
Number of Rules Adopted as Emergency Rules	50	3	0
Number of Rules Proposed for Permanent Adoption	27	8	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	51	9	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	51	10	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	51	10	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

UTILITIES AND TRANSPORTATION COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	4	4
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	4	4
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

WASHINGTON STATE PATROL

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	23	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	23	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	23	0	0
Number of Sections Adopted on the Agency's own Initiative	23	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
TOTALS FOR THE QUARTER:			
Number of Permanent Rules Adopted	460	470	278
Number of Rules Adopted as Emergency Rules	169	21	71
Number of Rules Proposed for Permanent Adoption	359	293	141
Number of Rules Withdrawn	39	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	10	37	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	383	239	96
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	42	10	18
Number of Sections Adopted in Order to Comply with Federal Statute	13	20	13
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	80	130	33
Number of Sections Adopted on the Agency's own Initiative	503	243	240
Number of Sections Adopted using Negotiated Rule Making	14	56	15
Number of Sections Adopted using Other Alternative Rule Making	428	278	214
Number of Sections Adopted using Pilot Rule Making	4	0	0

WSR 02-07-001
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
(State Capitol Committee)
[Memorandum—March 5, 2002]

Following is the **State Capitol Committee** meeting date, time and location:

- Date:** Thursday, March 28, 2002
Time: 10:00 a.m. to 12:00 p.m.
Location: General Administration Building, Room 207

If you have any questions, please contact Janet Anderson at (360) 902-0955.

WSR 02-07-002
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Beef Commission)
[Memorandum—March 5, 2002]

Change in May 2002 Meeting Date

This is to notify you that the May 9, 2002, meeting date of the Washington State Beef Commission has been changed to May 30. The location remains the same.

Should you have questions, please contact Rosalee Mohney at (206) 444-2902.

WSR 02-07-003
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Memorandum—March 7, 2002]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, March 21, 2002, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 02-07-005
RULES OF COURT
STATE SUPREME COURT
[February 7, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF APR 8(g)) NO. 25700-A-726

The Washington State Bar Association having recommended the adoption of the proposed APR 8(g), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the provisions of GR 9 (i)(5), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 7th day of February, 2002.

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	Alexander, C.J.
Smith, J.	Sanders, J.
Johnson, J.	Bridge, J.
Madsen, J.	Chambers, J.
Ireland, J.	Owens, J.

**SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
APR 8. SPECIAL ADMISSIONS**

- (a) **In General.** [No change].
- (b) **Exception for Particular Action or Proceeding.** [No change].
- (c) **Exception for Indigent Representation.** [No change].
- (d) **Exception for Educational Purposes.** [No change].
- (e) **Exception for Emeritus Membership.** [No change].
- (f) **Exception for House Counsel.** [No change].

(g) **Exception for Military Lawyers.** A lawyer admitted to the practice of law in a state or territory of the United States or of the District of Columbia, who is a full-time active duty military officer serving in the office of a Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard, a Naval Legal Service Office or a Trial Service Office, located in the State of Washington, may, upon application and approval, appear as a lawyer and practice law before the courts of this state in any matter, litigation, or administrative proceeding, subject to the following conditions and limitations set forth in this rule. The applicant must be of good moral character and shall apply by (i) filing an application in the form and manner that may be prescribed by the Board of Governors; (ii) presenting satisfactory proof of admission to the practice of law and current good standing as a member of the bar in any state or territory of the United States or the District of Columbia; (iii) complying with training requirements as set forth below; and (iv) furnishing whatever additional information or proof that may be required in the course of processing the application.

- (1) To qualify for admission to practice under this rule, an applicant must, prior to admission, complete at least 15 credit hours of approved continuing legal education on Washington practice, procedure, and professional responsibility.
- (2) Military lawyers admitted to practice pursuant to this rule are not, and shall not represent themselves to be members of the Washington State Bar Association.
- (3) The applicant's right to practice under this rule: (i) may be terminated by the Supreme Court at any time with or without cause, or (ii) shall be terminated when the military lawyer ends active duty military service in this state. The lawyer admitted under this rule and his or her supervisory Staff Judge Advocate or his or her Commanding Officer are

responsible to advise the Washington State Bar Association of any change in status of the lawyer that may affect his or her right to practice law under this rule.

(4) Military lawyers admitted pursuant to the rule may represent active duty military personnel in enlisted grades E-I through E-4 and their dependents in noncriminal matters to the extent such representation is permitted by the supervisory Staff Judge Advocate or Commanding Officer, Naval Legal Service Office or Commanding Officer, Trial Service Office. Other active duty military personnel and their dependants may be represented if approved by the Service Judge Advocate General or his or her designee.

(5) Military lawyers admitted pursuant to this section may not demand or receive any compensation from clients in addition to the military pay to which they are already entitled.

(6) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Lawyer Discipline, the Admission to Practice Rules, and to all other laws and rules governing lawyers admitted to the bar of this state. Jurisdiction shall continue whether or not the lawyer retains the right to practice in Washington and irrespective of the residence of the lawyer.

Reviser's note: The brackets and enclosed material in the text above occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 02-07-006
RULES OF COURT
STATE SUPREME COURT**

[March 6, 2002]

IN THE MATTER OF THE ADOPTION OF THE) ORDER
AMENDMENTS TO RPC 1.2, RPC 4.2, RPC 4.3,) NO. 25700-A-727
NEW RPC 6.5, NEW CR 4.2, NEW CRLJ 4.2, CR)
11, CrRLJ 11 (BY DESIGNATING EXISTING CR)
11 AND CRLJ 11 AS CR 11(a) AND CRLJ 11(a))
AND BY ADDING NEW CR 11(b) AND NEW)
CRLJ 11(b)) NEW CR 70.1 AND NEW CRLJ 70.1)

The Washington State Bar Association and Access to Justice Board having recommended the adoption of the proposed amendments to RPC 1.2, RPC 4.2, RPC 4.3, New RPC 6.5, New CR 4.2, New CRLJ 4.2, CR 11, CrRLJ 11 (by designating existing CR 11 and CRLJ 11 as CR 11(a) and CRLJ 11(a) and by adding New CR 11(b) and New CRLJ 11(b)) New CR 70.1 and New CRLJ 70.1, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(f), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The purpose statement, as required by GR 9(d), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 90 days from the date published in the Washington Reports. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of March 2002.

Gerry L. Alexander
Chief Justice

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 02-08 issue of the Register.

WSR 02-07-007
RULES OF COURT
STATE SUPREME COURT

[March 6, 2002]

IN THE MATTER OF THE ADOPTION OF THE) ORDER
PROPOSED NEW SET OF ENFORCEMENT) NO. 25700-A-728
OF LAWYER CONDUCT (ELC), AND)
AMENDMENTS TO GR 1, APR 3(c), APR 8,)
APR 9, APR 11 (REGULATION 101), APR)
12.1(c), APR 14, APR 16(c), APR 17(a), APR)
18(c), NEW APR 20, NEW APR 21, NEW APR)
21.1, NEW APR 21.2, NEW APR 21.3, NEW)
APR 21.4, NEW APR 21.5, NEW APR 21.6, RPC)
1.2, RPC 1.14(c), RPC 5.5, RPC 8.1, RPC 8.4)
AND RPC 8.5)

The Washington State Bar Association having recommended the adoption of the proposed New Set of Enforcement of Lawyer Conduct (ELC), and amendments to GR 1, APR 3(c), APR 8, APR 9, APR 11 (regulation 101), APR 12.1(c), APR 14, APR 16(c), APR 17(a), APR 18(c), New APR 20, New APR 21, New APR 21.1, New APR 21.2, New APR 21.3, New APR 21.4, New APR 21.5, New APR 21.6, RPC 1.2, RPC 1.14(c), RPC 5.5, RPC 8.1, RPC 8.4 and RPC 8.5, and the Court having approved the proposed new rules and amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(f), the proposed new rules and amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(d), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 90 days from the date published in the Washington Reports. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of March 2002.

Gerry L. Alexander
Chief Justice

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 02-09 issue of the Register.

WSR 02-07-008
RULES OF COURT
STATE SUPREME COURT

[March 6, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO NEW ARLJ) NO. 25700-A-729
13)

The District and Municipal Court Judges' Association having recommended the adoption of the proposed New ARLJ 13 and the Court having approved the proposed new rule for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(f), the proposed new rule as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The purpose statement, as required by GR 9(d), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 90 days from the date published in the Washington Reports. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of March 2002.

Gerry L. Alexander
Chief Justice

GR 9 Cover Sheet

Proposed Amendment to Administrative Rules for Courts of Limited Jurisdiction

New ARLJ

Creating a New Rule Requiring that All Limited Jurisdiction Courts to Electronically Record All Proceedings

Background—This proposed new rule is the result of a recommendation contained in the Courts of Limited Jurisdiction Assessment Survey Report—1995-1997 (Commonly known as the Wilson Report) that all limited jurisdiction courts electronically record all proceedings.

Purpose—The proposed new rule recognizes that an accurate record of all proceedings is an important characteristic of a professional judiciary. Requiring that all proceed-

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ings be recorded is expected to contribute to the respect, dignity, and ultimate independence of courts.

Washington State Bar Association Action—The proposal has not been submitted the WSBA.

Supporting Material—Courts of Limited Jurisdiction Assessment Survey Report—1995-1997.

Spokesperson—Judge Christopher E. Culp
President, DMCJA

Hearing—A hearing is not requested.

Reviser's note: The spelling error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

**NEW ARLJ 13
LIMITED JURISDICTION COURTS ARE REQUIRED TO RECORD
ALL PROCEEDINGS ELECTRONICALLY**

a) **Generally.** All limited jurisdiction courts shall make an electronic record of all proceedings and retain the record for at least as long as the record retention schedule dictates.

b) **Nonelectronic Record in Emergency.** In the event of an equipment failure or other situation making an electronic recording impossible, the court may order the proceeding to be recorded by nonelectronic means. The nonelectronic record must be made at the court's expense, and in the event of an appeal, any necessary transcription of the non-electronic record must be made at the court's expense.

**WSR 02-07-009
RULES OF COURT
STATE SUPREME COURT**

[March 6, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO GR 15,) NO. 25700-A-730
NEW GR 28, CR 47, CrR 6.8, CRLJ 38,)
CrRLJ 6.8, CR 43, CRLJ 43, CR 51, CrR)
6.15, CRLJ 51 AND CrRLJ 6.15)

The Washington State Jury Commission having recommended the adoption of the proposed amendments to GR 15, NEW GR 28, CR 47, CrR 6.8, CRLJ 38, CrRLJ 6.8, CR 43, CRLJ 43, CR 51, CrR 6.15, CRLJ 51 AND CrRLJ 6.15, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(f), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(d), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 90 days from the date published in the Washington Reports. Comments may be sent to the following addresses:

P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of March 2002.

Gerry L. Alexander
Chief Justice

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 02-09 issue of the Register.

**WSR 02-07-013
INTERPRETIVE STATEMENT
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 8, 2002, 2:19 p.m.]**

Descriptive Statement Pursuant to RCW 34.05.230(4)

Subject: Securities Act Interpretive Statement SAIS-22. Investment Adviser Fee Sharing.

To receive a copy of SAIS-22, contact Cheryl Pearson, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, (360) 902-8760, cpearson@dfi.wa.gov.

William M. Beatty
General Counsel

**WSR 02-07-017
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—March 11, 2002]**

**Eastern Washington University
BOARD OF TRUSTEES**

**ANNOUNCEMENT
of
Open Public Meetings**

**March 12, 2002
Cheney, WA 99004**

Academic Affairs Committee, 8:00 - 10:00 a.m. in PUB 323.

Student Affairs Committee, 10:00 a.m. - 12:00 p.m. in PUB 357.

BOT Joint Committee meeting, 12:00 - 3:00 p.m. in PUB 261.

Diversity Open Forum, 3:00 - 5:00 p.m. in the PUB Multipurpose Room.

Business and Finance Committee, 6:00 - 9:00 p.m. in PUB 261.

Business that will be conducted at these meetings consists of the usual committee work that takes place prior to the

board of trustees meeting. The Diversity Open Forum is a campus-wide meeting to plan the process to implement the diversity initiative that was adopted by the board of trustees in January.

WSR 02-07-022
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 11, 2002, 4:13 p.m.]

In accordance with RCW 34.05.230(12), enclosed is a list of Policy and Interpretive Statements issued by the department for January and February 2002.

If you have questions or need additional information, please call Christine Swanson at (360) 902-4216.

Insurance Services Division

Insurance Services Interim Policy #30.10 "Transcutaneous Electrical Nerve Stimulator (TENS) Contract" has been amended. The information contained in the policy was changed to reflect the terms of the department's current contract with the vendor. Information was provided to medical providers in Provider Bulletin 01-11 published in November 2001 and effective on January 1, 2002. This policy was issued on January 1, 2002.

Contact Linda Norris, mailstop 4310, phone (360) 902-4999.

Specialty Compliance Services Division

Employment Standards Administrative Policies. The following are new policies on how the Department of Labor and Industries interprets the Employment Standards WACs and RCWs. These policies are effective as of the date of print, January 2, 2002, and supersede all previous interpretations and guidelines.

Minimum Wage Act Applicability

- ES.A.1 Minimum Wage Act Applicability, chapter 49.46 RCW, chapter 296-128 WAC.
- ES.A.2 Definition of Wage, RCW 49.46.010(2).
- ES.A.3 Minimum Hourly Wage, RCW 49.46.020, chapters 296-126, 296-125, 296-131 WAC.
- ES.A.4 Special Education Student Minimum Wage Exemption, RCW 49.46.060, chapter 296-128 WAC.
- ES.A.5 Payment of Wages Less Than Minimum Wage—Employer's Liability, RCW 49.46.090.
- ES.A.6 Collective Bargaining Agreements, RCW 49.46.110, 49.12.187.
- ES.A.7 More Favorable Laws, RCW 49.46.120.
- ES.A.8.1 Overtime, RCW 49.46.130, chapters 296-126, 296-128 WAC.
- ES.A.8.2 "How to Calculate Overtime" Worksheet.
- ES.A.10.1 Retail/Service Establishment Commission Overtime Exception, RCW 49.46.130(3).
- ES.A.10.2 Frequently Asked Questions Retail/Service Establishment Commission Sales Exception.
- ES.A.10.3 Examples of Retail Sales and Service Establishments.

Deductions and Termination Wages

- ES.B.1 Payment of Final Wages and Deductions Upon Termination, RCW 49.48.010, chapter 296-126 WAC.
- ES.B.2 Deductions from Wages, Failure to Pay Wages, Rebates, Penalties, RCW 49.52.050, [49.52]-060, [49.52].070.

Industrial Welfare Act Related Acts

- ES.C.1 Applications, Exemptions and Interpretations, chapter 49.12 RCW, chapter 296-126 WAC.
- ES.C.2 Hours Worked, chapter 49.12 RCW, WAC 296-126-002(8).
- ES.C.3 Commissions, Piecework and Minimum Wage Requirements, WAC 296-126-021.
- ES.C.5 Payment Interval, WAC 296-126-023, 296-131-010.
- ES.C.6 Meal and Rest Periods, chapter 49.12 RCW, WAC 296-126-092.
- ES.C.7 Employee Access to Personnel File, RCW 49.12.240, [49.12].250, [49.12].260.
- ES.C.8.1 Employee Wearing Apparel and Uniforms, RCW 49.12.450.
- ES.C.8.2 Frequently Asked Questions about Employee Wearing Apparel.
- ES.C.9 Variances from Industrial Welfare Act, chapter 49.12 RCW.
- ES.C.10 Family Care Act, RCW 49.12.270-[49.12.]295, chapter 296-130 WAC.
- ES.D.1 Recordkeeping and Access to Payroll Records (nonagricultural employment), RCW 49.12.050, chapter 296-126 WAC, RCW 49.46.040, 49.46.070, chapter 296-128 WAC.
- ES.D.2 Recordkeeping and Access to Payroll Records (agricultural employment), chapter 49.30 RCW, chapter 296-131 WAC.

Contact Elaine Fischer, phone (360) 902-5552, mailstop 44510.

Apprenticeship

The Washington State Apprenticeship and Training Council (WSATC) conducted a review of its RCWs and WACs throughout the past two years (2000 and 2001) with the assistance of an advisory committee of Washington apprenticeship partners. These changes were the result of a 1999 United States Department of Labor Audit, which identified several provisions in the RCWs and WACs which were either inconsistent with or in conflict with federal regulation. In response to this audit, several changes to the RCWs and WACs were considered, proposed, and adopted. The RCW changes took effect on July 22, 2001, and the WAC changes took effect on January 17, 2002. During the WAC/RCW review process all of the policies created by the WSATC were reviewed and the necessary policies (where appropriate) were incorporated into the rule so that the rules accurately reflected WSATC practice.

The apprenticeship council issued a new policy (WSATC 02-01-01) to address an inconsistency that now exists in the rules that took effect on January 17, 2001, between WAC 296-05-300 and 296-05-007 relating to when

referrals are required to be directed to the Office of Administrative Hearings. The new policy defers to WAC 296-05-300 (6) and not WAC 296-05-007 thereby allowing the council to have the discretion to either adjudicate matters themselves (i.e. objections with proposed standards or proposed amendments to existing standards) or refer such matters to the Office of Administrative Hearings. The rules are currently being amended to address this inconsistency. This policy was issued on January 18, 2002.

Contact Josh Swanson, phone (360) 902-6411, mailstop 44400.

WISHA Services Division

WISHA Regional Directive (WRD) #5.30 "Delayed Enforcement of New Recordkeeping Requirements," has been amended. This policy provides guidance to WISHA enforcement and consultation staff whenever they must consider the application of the WISHA recordkeeping requirements. This revised WRD includes clarification the federal Occupational Safety and Health Administration requested regarding the need to encourage employers to comply with the new recordkeeping policy as quickly as possible. This policy was issued on January 21, 2002.

Contact Marcia Benn, phone (360) 902-5503, mailstop 44648.

Christine Swanson
Legislative and
Governmental Affairs Office

**WSR 02-07-030
RULES OF COURT
STATE SUPREME COURT**

[March 11, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CrR 4.2(g),) NO. 25700-A-730
CrRLJ 4.2(g) AND JuCR 7.7)

The Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g), CrRLJ 4.2(g) and JuCR 7.7, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 11th day of March 2002.

Alexander, C.J.

Smith, J.

Sanders, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Ireland, J.

Owens, J.

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 02-09 issue of the Register.

**WSR 02-07-031
RULES OF COURT
STATE SUPREME COURT**

[March 11, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RAP 16.5) NO. 25700-A-731
AND RAP 16.19)

The Supreme Court Commissioner having recommended the adoption of the proposed amendments to RAP 16.5 and RAP 16.19, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 11th day of March 2002.

Alexander, C.J.

Smith, J.

Sanders, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Ireland, J.

Owens, J.

RAP 16.5

PERSONAL RESTRAINT PETITION—WHERE TO SEEK RELIEF

(a) **Court of Appeals.** A personal restraint petition should be filed with the Court of Appeals.

(b) **Supreme Court.** (1) If a personal restraint petition is filed in the Supreme Court, the Supreme Court will ordinarily transfer the petition to the Court of Appeals. If the petition is not transferred, the duties ordinarily assigned under this title to the "Chief Judge" may be performed by the Commissioner. (2) If a petition is not transferred to the Court

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of Appeals, or has been transferred from the Court of Appeals to the Supreme Court, the determinations ordinarily made by the "Chief Judge" under rules 16.11 and 16.13 may be made by a commissioner.

RULES OF COURT
RULE 16.9

PERSONAL RESTRAINT PETITION—RESPONSE TO PETITION

The respondent must serve and file a response within 30 days after the petition is served, unless the time is extended by the commissioner or clerk for good cause shown, serve and file a response to the petition or unless the court can determine without requiring a response that the petition should be dismissed under RCW 10.73.140. The response must answer the allegations in the petition. The response must state the authority for the restraint of petitioner by respondent and, if the authority is in writing, include a conformed copy of the writing. If an allegation in the petition can be answered by reference to a record of another proceeding, the response should so indicate and include a copy of those parts of the record which are relevant. Respondent should also identify in the response all material disputed questions of fact.

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.

WSR 02-07-032
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
TECHNICAL COLLEGE
[Memorandum—March 11, 2002]

Pursuant to RCW 42.30.075, we are hereby notifying you of the following amended date when the Lake Washington Technical College board of trustees is scheduled to hold a regular meeting in April.

Instead of holding a meeting on Monday, April 1, 2002, the board of trustees will meet on Monday, April 8, 2002.

Appropriate advertising of this meeting change will take place ten days prior to the meeting. Work sessions begin at 6 p.m. in Room W302E at the college; the regular meeting agenda begins at 7 p.m. in Room W305 at the college.

WSR 02-07-033
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
[Memorandum—March 13, 2002]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

2405 East College Way
Mount Vernon, WA 98273
Friday, March 8, 2002
4:00 p.m.

Mount Vernon Campus - Board Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Friday, March 8, 2002, at 4:00 p.m.** This meeting is being held as an executive session to evaluate the qualifications of applicants for public employment. Action may be taken, if necessary, as a result of items discussed.

WSR 02-07-034
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE
[Memorandum—March 11, 2002]

Pursuant to RCW 42.30.075, the following is the schedule for District 22 Tacoma Community College board of trustees meeting for the 2002 calendar year.

- January 17
- February 21
- March 20 (special meeting starting at 2:30 p.m.)
- March 21
- April 18 (meeting location changed to Rhodes Center, 949 Market Street, Tacoma)
- May 16
- June 20
- July 12-13 (Board Retreat, Seattle)
- August (no meeting scheduled)
- September 12
- October 17
- November 21
- December 19

All meetings of the board of trustees will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. The meetings begin at 4:00 p.m. and are held in the Learning Resource Center, Building 7, Baker Room, unless otherwise noted.

If you need any other information, you may call Cathie Bitz at (253) 566-5101 or send an e-mail at cbitz@tcc.ctc.edu.

WSR 02-07-039
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
[Memorandum—March 13, 2002]

The Department of Licensing is responsible for the administration and enforcement of the law pertaining to

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driver training schools as set forth in chapter 46.82 RCW. The director shall be assisted in the duties and responsibilities of this chapter by the Drivers Training Advisory Committee. The Driver's Training School Advisory Committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The department will hold a meeting on April 8, 2002, beginning at 9:30 a.m. The meeting will be held at the Highways-Licenses Building. Future meeting dates will be scheduled at that time based on committee member schedules and availability.

WSR 02-07-040

**NOTICE OF PUBLIC MEETINGS
UTILITIES AND TRANSPORTATION
COMMISSION**

[Memorandum—March 13, 2002]

**NOTICE OF CHANGE IN PUBLIC
OPEN MEETING DATE
(May 24, 2002)**

**NOTICE OF CANCELLATION OF PUBLIC
OPEN MEETING DATE
(May 29, 2002)**

Due to schedule conflicts, the Washington Utilities and Transportation Commission will cancel its regular meeting of Wednesday, May 22, 2002, and reschedule it to **Friday, May 24, 2002, beginning at 9:30 a.m., in the Commission's Main Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA.**

The commission has also decided to **cancel** its regular meeting on **Wednesday, May 29, 2002**. The next regularly scheduled meeting will be **Friday, June 14, 2002**.

WSR 02-07-042

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 13, 2002, 4:17 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-07 MAA.
Subject: Change in reimbursement for schedule II drugs.
Effective Date: Dates of service on and after April 1, 2002.

Document Description: **Effective with dates of services on or after April 1, 2002**, the Medical Assistance Administration (MAA) will reimburse pharmacy providers for Schedule II drugs at 89% of average wholesale price (AWP), plus the appropriate dispensing fee. Replacement pages J.1 and J.2 for MAA's Prescription Drug Program Billing Instructions included with memo.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

March 5, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-07-057

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—March 14, 2002]

At the March 11, 2002, board meeting, the Skagit Valley College board of trustees voted to change the meeting time of regularly scheduled board meetings to 5:00 p.m. An exception to this will be the June 13, 2002, meeting held at the San Juan Center in Friday Harbor; that board meeting will begin at 1:00 p.m.

WSR 02-07-058

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—March 15, 2002]

NOTICE OF SPECIAL MEETING

**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE**

2405 East College Way
Mount Vernon, WA 98273
Wednesday, March 13, 2002
5:00 p.m.

Mount Vernon Campus - Annex
Conference Room

Chairperson, Mr. Jess del Bosque, has called a special meeting of the board of trustees for **Wednesday, March 13, 2002, at 5:00 p.m.** This meeting will convene into executive session to evaluate the qualifications of applicants for public employment. Upon conclusion of the executive session, final action may be taken in open session regarding the hiring of the executive vice-president/interim president, if necessary.

WSR 02-07-059
DEPARTMENT OF HEALTH
 (Division of Drinking Water)
 [Filed March 15, 2002, 11:20 a.m.]

The program guidelines for the drinking water state revolving fund have been jointly revised by the Department of Health, Division of Drinking Water; the Public Works Board, and its administrative agent, the Department of Community, Trade and Economic Development. Following is a copy of the revised guidelines for the 2002 application cycle. In accordance with RCW 34.05.230, these guidelines are to be filed with the code reviser.

March 4, 2002

NOTICE OF ADOPTION OF GUIDELINES

Title of Guidelines: Drinking Water State Revolving Fund 2002 Guidelines and Loan Application.

Effective Date: New: September 30, 1997; Revision: March 4, 2002.

Issuing Agency/Division: Jointly managed by:

1. Department of Health (DOH). Environmental Health Programs - Division of Drinking Water.
2. Washington State Public Works Board and its administrative agent, the Washington State Community, Trade and Economic Development (CTED) - Office of Community Development.

Description: The DWSRF program guidelines are revised annually and contain information and requirements specific to the current funding cycle.

Background: In August 1996, congress reauthorized the Safe Drinking Water Act that included the establishment of a drinking water state revolving fund (DWSRF). Each state receives a portion of the annual appropriation in the form of a capitalization grant. The DWSRF provides low interest loans to help publicly owned and privately owned not-for-profit and for-profit water systems to make improvements to water systems to increase public health protection. The Washington state legislature directed (RCW 70.119A.170) DOH and CTED to administer the DWSRF program in Washington under published guidelines, until state rules are adopted. The guidelines are based on the federal and state law along with other regulations. They provide program information regarding the application process for the loan application, and describe what will be required if a loan is awarded.

Contact: Peter Beaton, Division of Drinking Water, Headquarters, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3150, Internet Peter.Beaton@doh.wa.gov.

Gregg Grunenfelder
 Director

WSR 02-07-070
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—March 18, 2002]

The board of trustees of Bellingham Technical College will hold a study session to discuss budgetary matters, mar-

keting, and resource development on Monday, March 18, 2002, 12:00 p.m. to 6:00 p.m., at 2825 Roeder Avenue, Bellingham, WA. Call 738-3105 ext. 334 for information.

WSR 02-07-078
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER

[Memorandum—March 13, 2002]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, March 19, 2002, at 2:00 p.m.** in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-07-079
NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE

[Memorandum—March 15, 2002]

2002 BOARD OF TRUSTEES MEETING SCHEDULE
(AMENDED 3/13/02*)

The board of trustees of The Evergreen State College will hold regular meetings on the following dates in **2002**, at **9:00 a.m. in Room 3112 of the Daniel J. Evans Library Building on the Evergreen State College Campus (unless otherwise specified)**. *This schedule was amended March 13, 2002, to include a work session on Wednesday, June 13 from 1:30 - 5:00 p.m.

As submitted November 26, 2001 BOARD MEETING DATES	As submitted November 26, 2001 ADJACENT ACTIVITY	AMENDED 3/13/02
<u>All meetings begin at 9 a.m. unless otherwise noted</u>	<u>Educational/planning sessions begin at 10 a.m. unless otherwise noted</u>	
Wednesday, January 9, 2002	Educational/planning session on Tuesday, January 8, 2002	
Wednesday, March 13, 2002	Educational/planning session on Tuesday, March 12 on the TESC Tacoma campus	
Wednesday, May 8, 2002	Educational/planning session on Tuesday, May 7	
Thursday, June 13, 2002		Add work session: 1:30 - 5:00 p.m. on June 13
Wednesday, July 10, 2002	Executive session evaluation for presidential review at 3:00 p.m. on July 9	

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Wednesday, September 18, 2002		
Wednesday, November 13, 2002	Educational/planning session on Tuesday, November 12	

Notices of special meetings called, if any, will be published on campus and in the local newspapers.

WSR 02-07-088
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed March 19, 2002, 4:07 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 210 - Revised February 2002.
 Subject: The DCS criminal justice project.
 Effective Date: February 27, 2002.

Document Description: This notice replaces the previous version of CN 202 and updates changes made to the DCS criminal justice project.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sshille@dshs.wa.gov.

March 14, 2002
 Stephanie E. Schiller

WSR 02-07-089
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed March 19, 2002, 4:08 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-08 MAA.
 Subject: Disease management program.
 Effective Date: April 1, 2002.

Document Description: **Effective April 1, 2002, the Medical Assistance Administration (MAA) will implement a Disease Management (DM) program that provides additional resources to eligible clients' current medical care.** This numbered memorandum provides detailed information about the DM program and client eligibility requirements.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on

Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

March 11, 2002
 E. A. Myers, Manager
 Rules and Publications Section

WSR 02-07-105
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—March 20, 2002]

Eastern Washington University
BOARD OF TRUSTEES
ANNOUNCEMENT
 of
Special Meeting
2:00 p.m.
March 19, 2002
Spokane Center, Room 206
705 West 1st
Spokane, WA 99201

The board of trustees will hold a special meeting on Tuesday, March 19, at 2:00 p.m. The board will adjourn into executive session under RCW 42.30.110 (1)(g) for the purpose of reviewing the performance of a public employee. No final action will be taken during this executive session.

WSR 02-07-106
DEPARTMENT OF ECOLOGY
 [Filed March 20, 2002, 10:12 a.m.]

Department of Ecology
Public Notice of National Pollutant Discharge Elimination System (NPDES) Aquatic Pesticide Permit Issuance and Draft Review for Nuisance Plant and Algae Permit Workshops and Hearing Scheduled

Ecology Issues Two Aquatic Pesticide General Permits April 3, 2002

March 2001, the Ninth Circuit Court found in *Headwaters v. Talent Irrigation District*, 243 F.3d 526 (9th Cir. 2001) that applications of aquatic herbicides were subject to Clean Water Act provisions for the discharge of pollutants to waters of the United States. The state of Washington Department of Ecology (ecology) had been providing water quality oversight for many aquatic pesticide applications though administrative orders; they will now be given CWA coverage through NPDES permits.

On April 3, 2002, ecology will issue two general permits for aquatic pesticide applications made throughout the state. The general permits will provide coverage for

- aquatic weed control in irrigation systems; and
- mosquito larvae control.

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Ecology issued these two general permits for draft public review on February 3, 2002, through a notice to the state register and a direct mailing to over four hundred recipients including potential permittees, agencies with jurisdiction or interest in aquatic pest control, tribes, environmental groups and other interested parties. Ecology held public workshops followed by hearings for the permits on March 12, 2002, at the Hal Holms Community Center in Ellensburg, Washington. The public comment period ended on March 22 for the mosquito control permit and on March 12 for the irrigation system maintenance permit. Copies of the final permits and fact sheets will include a response to the comments received during the public comment period. Copies of the final permit documents can be obtained through ecology's webpages http://www.ecy.wa.gov/programs/wq/herbicides/mpdes_develp.html or by contacting ecology's aquatic pesticide permit lead; contact information is provided below.

Public Notice of Issuance of Draft Nuisance Plant and Algae Permit

Ecology has tentatively determined to issue a general permit for the application of herbicides to control nuisance weeds and algae in surface waters of the state of Washington. The use of herbicides and algaecides is subject to the provisions of integrated pest management plans (IPMs) and further restricted in salmonid bearing waters. Monitoring is required and conducted by the permittee. Copies of the permit documents are available on ecology webpages: <http://www.ecy.wa.gov/programs/wq/herbicides/index.html> or by contacting ecology's aquatic pest control permit lead; contact information is provided below.

Workshop and Hearing Scheduled on May 14 at Ecology Headquarters in Olympia

A workshop will be held the first hour of the time allotted so that ecology staff can provide an overview of the proposed permit documents. A hearing will immediately follow the workshop and ecology will receive public comments during the hearing.

The nuisance plant and algae permit hearing is scheduled from 1:30 p.m. to 4 p.m. on Tuesday, May 14, at Ecology Headquarters, 600 Desmond Drive, Olympia, WA, in Auditorium Room ROA-36. The public comment period for this permit is open from April 3 to midnight on May 14, 2002. Comments on the nuisance plant and algae draft permit documents can be sent to Kathleen Emmett, Aquatic Pest Control Permit Lead, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, or e-mail Kathleen at kemm461@ecy.wa.gov.

Questions or requests for more information can be directed to Kathleen at the above addresses or call her at (360) 407-6478.

WSR 02-07-119

DEPARTMENT OF ECOLOGY

[Filed March 20, 2002, 11:42 a.m.]

PUBLIC NOTICE

**PUBLIC HEARINGS AND INFORMATIONAL WORKSHOPS
REVISED INDUSTRIAL STORMWATER GENERAL PERMIT
AVAILABLE FOR REVIEW AND PUBLIC COMMENT**

Introduction: The Washington State Department of Ecology is hosting a series of informational workshops and public hearings on its proposal to reissue the industrial stormwater general permit. The draft permit is proposed to replace the existing permit that was issued and subsequently appealed. Revising and reissuing the industrial stormwater general permit is part of a settlement agreement to resolve the appeal. The revised permit also incorporates changes required by the Environmental Protection Agency (EPA) Stormwater Phase 2 Regulations.

The proposed permit provides coverage for industries located in Washington state, statewide, that discharge stormwater associated with industrial activities. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of wastewater. A discharge of stormwater associated with industrial activities is a discharge of wastewater. Ecology first issued its baseline stormwater general permit on November 18, 1992, covering both industrial and construction activities. When reissued in 1995, the industrial stormwater general permit no longer included construction activities (covered under separate construction general permit). Permits must be reissued at least every five years and the industrial stormwater general permit was reissued without substantive change by Ecology on October 4, 2000; with an expiration date of November 18, 2005. Ecology is now proposing to revoke the existing permit and replace it. The replacement permit is now available for review and comment. Ecology is intending to make the new permit effective July 5, 2002.

Most industrial activities that discharge stormwater either directly or indirectly to surface water are required to obtain permit authorization for their discharge unless they apply for and receive a "No Exposure" certificate. Specifically, facilities listed in the Code of Federal Regulations (C.F.R.) at 40 C.F.R. Subpart 122.26 (b)(14)(i-xi, excluding x), Stormwater Discharges, are included for coverage under the proposed permit. A more complete listing of facilities and applicable Standard Industrial Codes (SIC) can be found in the proposed permit in Appendix #1-Section C, categories 1-9 and 11.

Permit Requirements: The proposed general permit addresses the legal requirements and controls the discharge of pollutants to protect the water quality of ground water and surface water in our state. A general permit is like an individual wastewater discharge permit except that it addresses a group of facilities as a whole. A single permit is developed that implements standard stormwater management, treatment, monitoring, and reporting requirements for all permit holders covered under the general permit. Interested persons are encouraged to obtain a copy of the proposed permit and

fact sheet and/or attend a workshop and hearing described below.

- The proposed permit includes some significant revisions and additions. These changes include:
- Light industry must apply for a "No Exposure" certificate or for the permit.
- There is no exemption for municipally owned or operated facilities.
- Stormwater sampling, analysis, and reporting is required.
- Mixing zones are defined.
- Discharges to impaired waters (waters subject to TMDL or listed under Section 303(d) of the Clean Water Act) are addressed.
- Compliance with water quality standards is clearly required.

The proposed permit includes requirements that increase costs associated with the permit. As before, small businesses will have a proportionately greater economic impact than large businesses. However, there is little mitigation that that can be effected without violating requirements of state or federal water pollution control laws. A small business impact analysis is available.

General Permit Issuance: Ecology expects to issue the revised general permit on June 5, 2002. The reissued permit becomes effective thirty days after issuance. The final permit may, however, be modified based on the comments received and if changes represent a substantial departure from the scope or conditions in the original draft permit, another public notice of draft and comment period may ensue. When issued, a copy of the notice of issuance and ecology's responses to the comments will be sent to all persons who submit written comment or give public testimony.

How to Request Copies of the Proposed Permit: The permit, fact sheet, and small business impact analysis may be downloaded from the Internet: <http://www.ecy.wa.gov/programs/wq/stormwater/> or you may request a copy of the proposed permit, fact sheet and small business impact analysis by contacting Keith Johnson:

- Through the address noted below
- By phone (360) 407-6442, fax (360) 407-6426
- By e-mail KJOH461@ecy.wa.gov

Where to Submit Written Comments: Ecology is seeking public comment on the proposed industrial stormwater general permit. Comments should reference specific text followed by proposed modification or concern when possible. Comments may address technical issues, accuracy and completeness of information, the scope of facilities proposed for coverage, adequacy of environmental protection and permit conditions, or any other concern that would result from issuance of this permit. If you wish to comment on the proposed permit, send your written comments to Keith Johnson, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Written comments must be received by ecology no later than **5:00 p.m., Friday, May 17, 2002**. Comments may also be made by attending and testifying at one of the public hearings listed below.

Public Workshop/Hearing: Six public workshops and hearings on the proposed permit are scheduled. The purpose of the workshop is to explain the general permit, answer questions, and discuss your ideas and concerns before formal testimony begins. The purpose of the hearing is to provide interested parties an opportunity to state for the record their opinions and comments on the proposed general permit. The informational workshops will all begin at 1:30 p.m. and the formal public hearing to provide testimony will begin at 3:00 p.m. The workshops and hearings will be held on the following dates at locations noted. Additional information on the meeting location may be obtained from the Internet or by contacting Keith Johnson (see above): Workshop: 1:30 p.m. to 3:00 p.m.

Public Hearing: 3:00 p.m. until completion of testimony but no later than 4:30 p.m.

May 6, 2002

Bates Technical College
Auditorium - Downtown Campus
1101 South Yakima Avenue
Tacoma, WA

May 7, 2002

Department of Social and Health Services
The Skagit and Snohomish Rooms
900 East College Way
Mount Vernon, WA

May 9, 2002

Spokane County Cooperative Extension
Meeting Room B
North 222 Havana
Spokane, WA

May 10, 2002

Washington State Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, WA

May 13, 2002

Washington State Department of Ecology
Northwest Regional Office
3190 - 160th Avenue S.E.
Bellevue, WA

May 14, 2002

Department of Social and Health Services
DCS Conference Room
5411 East Mill Plain - Town Plaza Mall
Vancouver, WA

Ecology is an equal opportunity agency. If you have special accommodation needs or require the fact sheet and proposed permit in an alternative format, please contact Keith Johnson at (360) 407-6442 or TDD (only) (360) 407-6006.



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 #
4-25-410	AMD	02-04-064	16-154-090	REP-P	02-04-109	16-158-040	REP-P	02-04-109
4-25-520	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-158-050	REP-P	02-04-109
4-25-540	AMD	02-04-064	16-154-110	REP-P	02-04-109	16-158-060	REP-P	02-04-109
4-25-610	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-158-080	REP-P	02-04-109
4-25-620	AMD	02-04-064	16-154-180	REP-P	02-04-109	16-158-090	REP-P	02-04-109
4-25-626	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-158-100	REP-P	02-04-109
4-25-630	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-158-110	REP-P	02-04-109
4-25-631	AMD	02-04-064	16-156-005	REP-P	02-04-109	16-158-120	REP-P	02-04-109
4-25-640	AMD-W	02-04-062	16-156-010	REP-P	02-04-109	16-158-130	REP-P	02-04-109
4-25-640	PREP	02-04-063	16-156-020	REP-P	02-04-109	16-158-135	REP-P	02-04-109
4-25-660	AMD	02-04-064	16-156-030	REP-P	02-04-109	16-158-150	REP-P	02-04-109
4-25-710	PREP	02-04-063	16-156-035	REP-P	02-04-109	16-162-010	REP-P	02-04-109
4-25-710	AMD	02-04-064	16-156-040	REP-P	02-04-109	16-162-025	REP-P	02-04-109
4-25-720	AMD	02-04-064	16-156-050	REP-P	02-04-109	16-162-030	REP-P	02-04-109
4-25-721	AMD	02-04-064	16-156-060	REP-P	02-04-109	16-162-034	REP-P	02-04-109
4-25-730	AMD	02-04-064	16-156-070	REP-P	02-04-109	16-162-036	REP-P	02-04-109
4-25-735	NEW	02-04-064	16-157	AMD-C	02-07-117	16-162-037	REP-P	02-04-109
4-25-745	AMD	02-04-064	16-157-010	NEW-P	02-04-109	16-162-040	REP-P	02-04-109
4-25-746	AMD	02-04-064	16-157-020	NEW-P	02-04-109	16-162-045	REP-P	02-04-109
4-25-750	AMD	02-04-064	16-157-030	NEW-P	02-04-109	16-162-050	REP-P	02-04-109
4-25-752	NEW	02-04-064	16-157-100	NEW-P	02-04-109	16-162-070	REP-P	02-04-109
4-25-756	NEW	02-04-064	16-157-110	NEW-P	02-04-109	16-162-100	REP-P	02-04-109
4-25-783	AMD	02-04-064	16-157-120	NEW-P	02-04-109	16-164-010	REP-P	02-04-109
4-25-790	AMD	02-04-064	16-157-200	NEW-P	02-04-109	16-164-020	REP-P	02-04-109
4-25-791	AMD	02-04-064	16-157-210	NEW-P	02-04-109	16-164-035	REP-P	02-04-109
4-25-792	AMD	02-04-064	16-157-220	NEW-P	02-04-109	16-164-037	REP-P	02-04-109
4-25-793	NEW	02-04-064	16-157-230	NEW-P	02-04-109	16-164-040	REP-P	02-04-109
4-25-795	AMD	02-04-064	16-157-240	NEW-P	02-04-109	16-164-050	REP-P	02-04-109
4-25-820	AMD	02-04-064	16-157-250	NEW-P	02-04-109	16-164-055	REP-P	02-04-109
4-25-830	AMD	02-04-064	16-157-255	NEW-P	02-04-109	16-164-060	REP-P	02-04-109
4-25-910	AMD	02-04-064	16-157-260	NEW-P	02-04-109	16-164-070	REP-P	02-04-109
16-104	PREP	02-06-050	16-157-270	NEW-P	02-04-109	16-164-080	REP-P	02-04-109
16-154-010	REP-P	02-04-109	16-157-275	NEW-P	02-04-109	16-164-085	REP-P	02-04-109
16-154-030	REP-P	02-04-109	16-157-280	NEW-P	02-04-109	16-164-090	REP-P	02-04-109
16-154-040	REP-P	02-04-109	16-157-290	NEW-P	02-04-109	16-164-100	REP-P	02-04-109
16-154-050	REP-P	02-04-109	16-158-010	REP-P	02-04-109	16-164-110	REP-P	02-04-109
16-154-053	REP-P	02-04-109	16-158-020	REP-P	02-04-109	16-228-1231	AMD	02-04-041
16-154-060	REP-P	02-04-109	16-158-027	REP-P	02-04-109	16-228-1235	NEW-E	02-06-048
16-154-070	REP-P	02-04-109	16-158-028	REP-P	02-04-109	16-228-1235	NEW-P	02-07-080
16-154-080	REP-P	02-04-109	16-158-030	REP-P	02-04-109	16-228-12351	NEW-E	02-06-048

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16-228-12352	NEW-E	02-06-048	16-662-105	AMD-X	02-07-121	132H-120-420	AMD-P	02-03-106
16-228-12352	NEW-P	02-07-080	16-695-070	AMD-P	02-07-122	132H-120-440	AMD-P	02-03-106
16-228-1237	NEW-E	02-06-048	16-752	PREP	02-05-089	132H-120-450	AMD-P	02-03-106
16-228-1237	NEW-P	02-07-080	36- 12-010	REP	02-03-069	132H-140	PREP	02-05-051
16-228-12371	NEW-E	02-06-048	36- 12-011	AMD	02-03-069	132H-152-135	PREP	02-03-104
16-228-12371	NEW-P	02-07-080	36- 12-020	AMD	02-03-069	132H-410-010	NEW-P	02-03-107
16-228-1238	NEW-P	02-07-080	36- 12-030	AMD	02-03-069	132H-410-020	NEW-P	02-03-107
16-301-025	PREP	02-05-083	36- 12-040	AMD	02-03-069	132H-410-030	NEW-P	02-03-107
16-301-045	PREP	02-05-083	36- 12-050	AMD	02-03-069	132H-410-040	NEW-P	02-03-107
16-301-050	PREP	02-05-083	36- 12-060	REP	02-03-069	132H-410-050	NEW-P	02-03-107
16-302-091	PREP	02-05-083	36- 12-070	AMD	02-03-069	132H-410-060	NEW-P	02-03-107
16-302-125	PREP	02-05-083	36- 12-080	REP	02-03-069	132H-410-070	NEW-P	02-03-107
16-302-250	PREP	02-05-083	36- 12-100	AMD	02-03-069	132H-410-080	NEW-P	02-03-107
16-302-260	PREP	02-05-083	36- 12-110	AMD	02-03-069	132H-410-090	NEW-P	02-03-107
16-302-330	PREP	02-05-083	36- 12-120	REP	02-03-069	132H-410-100	NEW-P	02-03-107
16-302-385	PREP	02-05-083	36- 12-130	AMD	02-03-069	132H-410-110	NEW-P	02-03-107
16-302-390	PREP	02-05-083	36- 12-140	AMD	02-03-069	132H-450-010	NEW-P	02-05-053
16-302-410	PREP	02-05-083	36- 12-150	AMD	02-03-069	132N-144-010	REP	02-04-068
16-302-435	PREP	02-05-083	36- 12-160	REP	02-03-069	132N-144-020	REP	02-04-068
16-302-440	PREP	02-05-083	36- 12-170	AMD	02-03-069	132N-150-010	NEW	02-04-068
16-302-490	PREP	02-05-083	36- 12-190	AMD	02-03-069	132N-150-020	NEW	02-04-068
16-302-545	PREP	02-05-083	36- 12-200	AMD	02-03-069	132N-150-030	NEW	02-04-068
16-302-685	PREP	02-05-083	36- 12-210	REP	02-03-069	132N-150-040	NEW	02-04-068
16-303-200	PREP	02-03-127	36- 12-220	REP	02-03-069	132N-150-050	NEW	02-04-068
16-303-210	PREP	02-03-127	36- 12-240	AMD	02-03-069	132N-150-060	NEW	02-04-068
16-303-230	PREP	02-03-127	36- 12-250	AMD	02-03-069	132N-150-070	NEW	02-04-068
16-303-250	PREP	02-03-127	36- 12-260	AMD	02-03-069	132N-150-080	NEW	02-04-068
16-303-250	PREP	02-05-083	36- 12-270	AMD	02-03-069	132N-150-090	NEW	02-04-068
16-303-300	PREP	02-03-127	36- 12-280	AMD	02-03-069	132N-150-100	NEW	02-04-068
16-303-310	PREP	02-03-127	36- 12-285	NEW	02-03-069	132N-150-110	NEW	02-04-068
16-303-317	PREP	02-03-127	36- 12-290	AMD	02-03-069	132N-150-120	NEW	02-04-068
16-303-320	PREP	02-03-127	36- 12-300	AMD	02-03-069	132N-150-130	NEW	02-04-068
16-303-330	PREP	02-03-127	36- 12-310	AMD	02-03-069	132N-150-140	NEW	02-04-068
16-303-340	AMD	02-05-082	36- 12-320	AMD	02-03-069	132N-150-150	NEW	02-04-068
16-319-041	AMD	02-05-081	36- 12-330	REP	02-03-069	132N-150-160	NEW	02-04-068
16-324	PREP	02-03-132	36- 12-340	REP	02-03-069	132N-150-170	NEW	02-04-068
16-325-015	AMD-X	02-04-020	36- 12-350	REP	02-03-069	132N-150-180	NEW	02-04-068
16-403-141	AMD-P	02-07-118	36- 12-360	AMD	02-03-069	132N-150-190	NEW	02-04-068
16-403-142	AMD-P	02-07-118	36- 12-363	REP	02-03-069	132N-150-200	NEW	02-04-068
16-403-190	PREP	02-03-128	36- 12-364	AMD	02-03-069	132N-150-210	NEW	02-04-068
16-403-190	AMD-P	02-07-118	36- 12-465	AMD	02-03-069	132N-150-220	NEW	02-04-068
16-403-280	AMD-P	02-07-118	44- 10	PREP	02-06-046	132N-150-230	NEW	02-04-068
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16-470-800	NEW-E	02-07-120	130- 14-010	AMD-P	02-03-131	132N-150-250	NEW	02-04-068
16-470-810	NEW-P	02-06-131	130- 14-010	AMD	02-06-043	132N-150-260	NEW	02-04-068
16-470-810	NEW-E	02-07-120	130- 14-030	AMD-P	02-03-131	132N-150-270	NEW	02-04-068
16-470-820	NEW-P	02-06-131	130- 14-030	AMD	02-06-043	132N-150-280	NEW	02-04-068
16-470-820	NEW-E	02-07-120	130- 14-050	AMD-P	02-03-131	132U- 52	PREP	02-06-104
16-470-830	NEW-P	02-06-131	130- 14-050	AMD	02-06-043	132U-120	PREP	02-06-103
16-470-830	NEW-E	02-07-120	130- 14-060	AMD-P	02-03-131	132Z-116-005	NEW-P	02-03-089
16-470-840	NEW-P	02-06-131	130- 14-060	AMD	02-06-043	132Z-116-005	NEW-E	02-04-061
16-470-840	NEW-E	02-07-120	132G-104-010	AMD-P	02-06-127	132Z-116-010	NEW-P	02-03-089
16-470-850	NEW-P	02-06-131	132G-104-020	AMD-P	02-06-127	132Z-116-010	NEW-E	02-04-061
16-470-850	NEW-E	02-07-120	132G-104-030	REP-P	02-06-127	132Z-116-020	NEW-P	02-03-089
16-470-860	NEW-P	02-06-131	132H-106-030	AMD-P	02-05-052	132Z-116-020	NEW-E	02-04-061
16-470-860	NEW-E	02-07-120	132H-120-030	AMD-P	02-03-106	132Z-116-030	NEW-P	02-03-089
16-470-870	NEW-P	02-06-131	132H-120-050	AMD-P	02-03-106	132Z-116-030	NEW-E	02-04-061
16-470-870	NEW-E	02-07-120	132H-120-200	AMD-P	02-03-106	132Z-116-040	NEW-P	02-03-089
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16-532-025	NEW-P	02-06-130	132H-120-300	AMD-P	02-03-106	132Z-116-050	NEW-P	02-03-089
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132Z-116-060	NEW-E	02-04-061	173-222-040	REP-X	02-07-038	173-303-071	AMD-E	02-04-030
132Z-116-070	NEW-P	02-03-089	173-222-040	REP-W	02-07-098	173-312-010	AMD	02-05-070
132Z-116-070	NEW-E	02-04-061	173-222-040	REP-X	02-07-099	173-312-020	AMD	02-05-070
132Z-116-080	NEW-P	02-03-089	173-222-050	REP-X	02-07-038	173-312-040	AMD	02-05-070
132Z-116-080	NEW-E	02-04-061	173-222-050	REP-W	02-07-098	173-312-050	AMD	02-05-070
132Z-116-090	NEW-P	02-03-089	173-222-050	REP-X	02-07-099	173-312-060	AMD	02-05-070
132Z-116-090	NEW-E	02-04-061	173-222-060	REP-X	02-07-038	173-312-070	AMD	02-05-070
132Z-116-100	NEW-P	02-03-089	173-222-060	REP-W	02-07-098	173-312-080	AMD	02-05-070
132Z-116-100	NEW-E	02-04-061	173-222-060	REP-X	02-07-099	173-312-090	AMD	02-05-070
132Z-116-110	NEW-P	02-03-089	173-222-070	REP-X	02-07-038	173-312-100	AMD	02-05-070
132Z-116-110	NEW-E	02-04-061	173-222-070	REP-W	02-07-098	173-401	PREP	02-05-011
132Z-116-200	NEW-P	02-03-089	173-222-070	REP-X	02-07-099	173-422	PREP	02-05-071
132Z-116-200	NEW-E	02-04-061	173-222-080	REP-X	02-07-038	173-434	PREP	02-07-097
132Z-116-210	NEW-P	02-03-089	173-222-080	REP-W	02-07-098	180- 24	PREP	02-06-052
132Z-116-210	NEW-E	02-04-061	173-222-080	REP-X	02-07-099	180- 25	PREP	02-06-053
132Z-116-220	NEW-P	02-03-089	173-222-090	REP-X	02-07-038	180- 26	PREP	02-06-054
132Z-116-220	NEW-E	02-04-061	173-222-090	REP-W	02-07-098	180- 27	PREP	02-06-055
132Z-116-230	NEW-P	02-03-089	173-222-090	REP-X	02-07-099	180- 29	PREP	02-06-056
132Z-116-230	NEW-E	02-04-061	173-222-100	REP-X	02-07-038	180- 31	PREP	02-06-057
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132Z-116-240	NEW-E	02-04-061	173-222-100	REP-X	02-07-099	180- 33	PREP	02-06-059
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132Z-116-250	NEW-E	02-04-061	173-222-110	REP-W	02-07-098	180- 39	PREP	02-06-061
132Z-116-260	NEW-P	02-03-089	173-222-110	REP-X	02-07-099	180- 40	PREP	02-06-062
132Z-116-260	NEW-E	02-04-061	173-224-015	REP-X	02-07-038	180- 41	PREP	02-06-063
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132Z-116-270	NEW-E	02-04-061	173-224-015	REP-X	02-07-099	180- 46	PREP	02-06-065
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132Z-116-280	NEW-E	02-04-061	173-224-020	REP-W	02-07-098	180- 72	PREP	02-06-067
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132Z-116-300	NEW-E	02-04-061	173-224-030	AMD-P	02-06-091	180- 77	PREP	02-06-068
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132Z-116-400	NEW-E	02-04-061	173-224-040	REP-W	02-07-098	180- 77-020	AMD	02-04-018
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173-158-070	AMD-P	02-06-040	173-224-060	REP-W	02-07-098	180- 77-080	AMD	02-04-018
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173-222-015	REP-X	02-07-038	173-224-100	REP-X	02-07-099	180- 77A-030	AMD	02-04-018
173-222-015	REP-W	02-07-098	173-224-110	REP-X	02-07-038	180- 77A-033	AMD	02-04-018
173-222-015	REP-X	02-07-099	173-224-110	REP-W	02-07-098	180- 77A-037	AMD	02-04-018
173-222-020	REP-X	02-07-038	173-224-110	REP-X	02-07-099	180- 77A-040	AMD	02-04-018
173-222-020	REP-W	02-07-098	173-224-120	REP-X	02-07-038	180- 77A-057	AMD	02-04-018
173-222-020	REP-X	02-07-099	173-224-120	REP-W	02-07-098	180- 77A-165	AMD	02-04-018
173-222-030	REP-X	02-07-038	173-224-120	REP-X	02-07-099	180- 77A-180	AMD	02-04-018
173-222-030	REP-W	02-07-098	173-226-090	AMD	02-05-055	180- 77A-195	AMD	02-04-018

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180- 78A	PREP	02-06-070	192-240-015	NEW-E	02-03-074	212- 12-340	NEW-E	02-03-060
180- 78A-209	AMD	02-04-018	192-240-020	NEW-E	02-03-074	212- 12-350	NEW-E	02-03-060
180- 78A-220	AMD	02-04-014	192-240-025	NEW-E	02-03-074	212- 12-360	NEW-E	02-03-060
180- 78A-255	AMD	02-04-014	192-240-030	NEW-E	02-03-074	212- 12-370	NEW-E	02-03-060
180- 78A-261	AMD	02-04-014	192-240-030	NEW-E	02-07-065	212- 12-380	NEW-E	02-03-060
180- 78A-264	AMD	02-04-014	192-240-035	NEW-E	02-03-074	212- 12-390	NEW-E	02-03-060
180- 78A-270	AMD	02-04-018	192-240-040	NEW-E	02-03-074	212- 12-400	NEW-E	02-03-060
180- 78A-505	PREP	02-06-051	192-240-040	NEW-E	02-07-065	212- 12-410	NEW-E	02-03-060
180- 79A	PREP	02-06-071	192-240-045	NEW-E	02-07-065	212- 12-420	NEW-E	02-03-060
180- 79A-030	AMD	02-04-015	204- 36-030	AMD	02-07-055	220- 16-410	AMD-W	02-05-035
180- 79A-117	AMD	02-04-018	204- 36-040	AMD	02-07-055	220- 20-016	PREP	02-06-107
180- 79A-130	AMD	02-04-018	204- 36-060	AMD	02-07-055	220- 20-075	NEW	02-05-046
180- 79A-140	AMD	02-04-018	204- 91A-010	AMD	02-07-056	220- 32-05100K	REP-E	02-04-073
180- 79A-150	AMD	02-04-018	204- 91A-030	AMD	02-07-056	220- 32-05100L	NEW-E	02-04-073
180- 79A-206	PREP	02-05-061	204- 91A-060	AMD	02-07-056	220- 32-05100L	REP-E	02-04-073
180- 79A-211	AMD	02-04-018	204- 91A-090	AMD	02-07-056	220- 32-05100L	REP-E	02-07-011
180- 79A-250	PREP	02-05-060	204- 91A-120	AMD	02-07-056	220- 32-05100M	NEW-E	02-07-011
180- 81	PREP	02-06-072	204- 91A-130	AMD	02-07-056	220- 32-05100M	REP-E	02-07-011
180- 82	PREP	02-06-073	204- 91A-140	AMD	02-07-056	220- 32-05100M	REP-E	02-07-044
180- 82-105	AMD	02-04-018	204- 91A-170	AMD	02-07-056	220- 32-05100N	NEW-E	02-07-044
180- 82-202	AMD	02-04-018	204- 91A-180	AMD	02-07-056	220- 32-05100N	REP-E	02-07-044
180- 82-322	AMD	02-04-018	208-472	AMD	02-04-094	220- 33-01000I	NEW-E	02-04-077
180- 82-346	AMD	02-04-016	208-472-010	AMD	02-04-094	220- 33-01000I	REP-E	02-04-077
180- 82-350	AMD	02-04-018	208-472-012	REP	02-04-094	220- 33-01000J	NEW-E	02-05-056
180- 82A-002	NEW	02-04-013	208-472-015	AMD	02-04-094	220- 33-01000J	REP-E	02-05-056
180- 82A-200	NEW	02-04-013	208-472-020	AMD	02-04-094	220- 33-01000J	REP-E	02-07-010
180- 82A-202	NEW	02-04-013	208-472-025	AMD	02-04-094	220- 33-01000K	NEW-E	02-07-010
180- 82A-204	NEW	02-04-013	208-472-030	NEW	02-04-094	220- 33-01000K	REP-E	02-07-010
180- 82A-206	NEW	02-04-013	208-472-035	NEW	02-04-094	220- 33-01000K	REP-E	02-07-094
180- 82A-215	NEW	02-04-013	208-472-041	REP	02-04-094	220- 33-01000L	NEW-E	02-07-094
180- 83	PREP	02-06-074	208-472-045	REP	02-04-094	220- 33-01000L	REP-E	02-07-094
180- 85	PREP	02-06-075	208-472-050	REP	02-04-094	220- 33-04000N	REP-E	02-04-072
180- 85-035	AMD	02-04-017	208-472-060	REP	02-04-094	220- 33-04000P	NEW-E	02-04-072
180- 85-075	AMD	02-04-017	208-472-065	REP	02-04-094	220- 33-04000P	REP-E	02-04-072
180- 85-075	PREP	02-06-081	208-472-070	REP	02-04-094	220- 33-04000P	REP-E	02-04-102
180- 86	PREP	02-06-076	208-472-075	REP	02-04-094	220- 33-04000Q	NEW-E	02-04-102
180- 86-020	PREP	02-03-084	208-472-080	REP	02-04-094	220- 33-04000Q	REP-E	02-04-102
180- 86-055	PREP	02-03-084	212- 12-001	PREP	02-07-018	220- 33-04000Q	REP-E	02-06-036
180- 87	PREP	02-06-077	212- 12-005	PREP	02-07-018	220- 33-04000R	NEW-E	02-06-036
180- 90	PREP	02-06-078	212- 12-010	PREP	02-07-018	220- 33-04000R	REP-E	02-06-036
180- 95	PREP	02-06-079	212- 12-011	PREP	02-07-018	220- 44-05000H	REP-E	02-04-060
180- 96	PREP	02-06-080	212- 12-015	PREP	02-07-018	220- 44-05000I	NEW-E	02-04-060
182- 12-230	NEW-P	02-05-078	212- 12-020	PREP	02-07-018	220- 44-05000I	REP-E	02-07-093
192- 16-033	REP-E	02-03-074	212- 12-025	PREP	02-07-018	220- 44-05000J	NEW-E	02-07-093
192- 16-033	PREP	02-07-064	212- 12-030	PREP	02-07-018	220- 52-04000F	REP-E	02-03-068
192- 16-033	REP-E	02-07-065	212- 12-035	PREP	02-07-018	220- 52-04600A	REP-E	02-03-024
192- 16-036	REP-E	02-03-074	212- 12-040	PREP	02-07-018	220- 52-04600B	NEW-E	02-03-024
192- 16-036	PREP	02-07-064	212- 12-044	PREP	02-07-018	220- 52-04600B	REP-E	02-03-050
192- 16-036	REP-P	02-07-065	212- 12-200	NEW-E	02-03-060	220- 52-04600C	NEW-E	02-03-050
192- 16-040	REP-E	02-03-074	212- 12-210	NEW-E	02-03-060	220- 52-04600C	REP-E	02-04-093
192- 16-040	PREP	02-07-064	212- 12-220	NEW-E	02-03-060	220- 52-04600D	NEW-E	02-04-093
192- 16-040	REP-P	02-07-065	212- 12-230	NEW-E	02-03-060	220- 52-04600D	REP-E	02-07-037
192- 16-042	REP-E	02-03-074	212- 12-240	NEW-E	02-03-060	220- 52-04600E	NEW-E	02-07-037
192- 16-042	PREP	02-07-064	212- 12-250	NEW-E	02-03-060	220- 52-04600E	REP-E	02-07-075
192- 16-042	REP-P	02-07-065	212- 12-260	NEW-E	02-03-060	220- 52-04600F	NEW-E	02-07-075
192- 16-045	REP-E	02-03-074	212- 12-270	NEW-E	02-03-060	220- 52-07300Q	REP-E	02-03-025
192- 16-045	PREP	02-07-064	212- 12-280	NEW-E	02-03-060	220- 52-07300R	NEW-E	02-03-025
192- 16-045	REP-P	02-07-065	212- 12-290	NEW-E	02-03-060	220- 52-07300R	REP-E	02-03-067
192- 16-047	REP-E	02-03-074	212- 12-300	NEW-E	02-03-060	220- 52-07300S	NEW-E	02-03-067
192- 16-047	PREP	02-07-064	212- 12-310	NEW-E	02-03-060	220- 52-07300S	REP-E	02-03-090
192- 16-047	REP-P	02-07-065	212- 12-320	NEW-E	02-03-060	220- 52-07300T	NEW-E	02-03-090
192-240-010	NEW-E	02-03-074	212- 12-330	NEW-E	02-03-060	220- 52-07300T	REP-E	02-04-035

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220- 52-07300U	NEW-E	02-04-035	230- 12-045	NEW-P	02-07-081	246-215-150	AMD-P	02-04-091
220- 52-07300U	REP-E	02-04-078	230- 12-050	AMD-P	02-07-081	246-224	AMD-P	02-07-021
220- 52-07300V	NEW-E	02-04-078	230- 12-330	AMD-P	02-06-038	246-224-0001	NEW-P	02-07-021
220- 52-07300V	REP-E	02-07-046	230- 12-340	AMD-P	02-06-038	246-224-001	REP-P	02-07-021
220- 52-07300W	NEW-E	02-07-092	230- 20-111	REP-P	02-07-081	246-224-0010	NEW-P	02-07-021
220- 52-07300W	REP-E	02-07-092	230- 20-125	REP-P	02-07-081	246-224-0020	NEW-P	02-07-021
220- 56-23500L	NEW-E	02-03-002	230- 20-230	REP-P	02-07-081	246-224-0030	NEW-P	02-07-021
220- 56-23500L	REP-E	02-07-004	230- 20-244	AMD	02-06-006	246-224-0040	NEW-P	02-07-021
220- 56-23500M	NEW-E	02-07-004	230- 20-246	AMD	02-06-006	246-224-0050	NEW-P	02-07-021
220- 56-25000D	NEW-E	02-07-025	230- 20-249	AMD	02-06-006	246-224-0060	NEW-P	02-07-021
220- 56-25000D	REP-E	02-07-025	230- 30-033	AMD	02-06-007	246-224-0070	NEW-P	02-07-021
220- 56-27000L	REP-E	02-06-036	230- 30-045	AMD	02-06-007	246-224-0080	NEW-P	02-07-021
220- 56-27000M	NEW-E	02-06-036	230- 30-072	AMD	02-06-007	246-224-0090	NEW-P	02-07-021
220- 56-27000M	REP-E	02-06-036	230- 30-106	AMD-P	02-06-038	246-224-010	REP-P	02-07-021
220- 56-28200D	NEW-E	02-06-017	230- 40-800	AMD-P	02-07-081	246-224-0100	NEW-P	02-07-021
220- 56-28200D	REP-E	02-06-017	230- 40-897	REP-P	02-07-081	246-224-0110	NEW-P	02-07-021
220- 56-28500B	NEW-E	02-05-010	232- 12-011	AMD-P	02-06-122	246-224-0120	NEW-P	02-07-021
220- 56-33000D	NEW-E	02-03-051	232- 12-014	AMD-P	02-06-122	246-224-020	REP-P	02-07-021
220- 56-33000D	REP-E	02-05-001	232- 12-16800B	NEW-E	02-07-095	246-224-050	REP-P	02-07-021
220- 56-33000E	NEW-E	02-05-001	232- 12-16800B	REP-E	02-07-095	246-224-060	REP-P	02-07-021
220- 56-33000E	REP-E	02-07-037	232- 12-253	NEW	02-05-021	246-224-070	REP-P	02-07-021
220- 56-33000F	NEW-E	02-07-037	232- 28-02220	AMD-P	02-06-124	246-224-090	REP-P	02-07-021
220- 56-33000F	REP-E	02-07-075	232- 28-02240	AMD-P	02-06-124	246-224-100	REP-P	02-07-021
220- 56-33000G	NEW-E	02-07-075	232- 28-248	AMD-P	02-06-124	246-229-0001	NEW-P	02-07-021
220- 56-35000J	REP-E	02-06-035	232- 28-266	AMD-P	02-06-121	246-229-001	REP-P	02-07-021
220- 56-35000K	NEW-E	02-06-035	232- 28-273	AMD-P	02-06-121	246-229-0010	NEW-P	02-07-021
220- 56-35500B	NEW-E	02-07-076	232- 28-277	AMD-P	02-06-125	246-229-0020	NEW-P	02-07-021
220- 56-36000L	NEW-E	02-03-053	232- 28-278	AMD-P	02-06-126	246-229-0030	NEW-P	02-07-021
220- 56-36000L	REP-E	02-03-053	232- 28-279	AMD-P	02-06-123	246-229-0040	NEW-P	02-07-021
220- 56-36000L	REP-E	02-04-039	232- 28-42500C	NEW-E	02-03-052	246-229-0050	NEW-P	02-07-021
220- 56-36000M	NEW-E	02-04-039	232- 28-42500C	REP-E	02-03-052	246-229-0060	NEW-P	02-07-021
220- 56-36000M	REP-E	02-04-039	232- 28-61900D	REP-E	02-05-075	246-229-0070	NEW-P	02-07-021
220- 56-36000N	NEW-E	02-07-012	232- 28-61900H	REP-E	02-03-014	246-229-0080	NEW-P	02-07-021
220- 56-36000N	REP-E	02-07-012	232- 28-61900I	NEW-E	02-03-022	246-229-0090	NEW-P	02-07-021
220- 56-38000C	REP-E	02-06-035	232- 28-61900I	REP-E	02-03-022	246-229-0100	NEW-P	02-07-021
220- 56-38000D	NEW-E	02-06-035	232- 28-61900J	NEW-E	02-03-023	246-229-020	REP-P	02-07-021
220- 74-020	AMD-P	02-06-109	232- 28-61900K	NEW-E	02-03-014	246-229-030	REP-P	02-07-021
220- 77-020	AMD	02-06-018	232- 28-61900L	NEW-E	02-03-015	246-229-050	REP-P	02-07-021
220- 77-040	AMD	02-06-018	232- 28-61900L	REP-E	02-03-015	246-229-060	REP-P	02-07-021
220- 77-09000A	NEW-E	02-04-069	232- 28-61900M	NEW-E	02-03-066	246-229-070	REP-P	02-07-021
220- 77-09000A	REP-E	02-04-089	232- 28-61900N	NEW-E	02-04-019	246-229-080	REP-P	02-07-021
220- 77-09000B	NEW-E	02-04-089	232- 28-61900N	REP-E	02-04-019	246-229-090	REP-P	02-07-021
220-130-040	AMD-W	02-02-089	232- 28-61900P	NEW-E	02-04-103	246-229-100	REP-P	02-07-021
222- 10-040	AMD-P	02-05-087	232- 28-61900Q	NEW-E	02-05-007	246-229-110	REP-P	02-07-021
222- 10-041	AMD-P	02-05-087	232- 28-61900R	NEW-E	02-05-008	246-254-053	AMD-P	02-04-034
222- 16-050	AMD-E	02-05-086	232- 28-61900R	REP-E	02-05-008	246-254-053	AMD	02-07-085
222- 16-050	PREP	02-07-023	232- 28-61900S	NEW-E	02-05-010	246-254-070	AMD	02-04-025
222- 21-010	AMD	02-05-084	232- 28-61900T	NEW-E	02-05-075	246-254-080	AMD	02-04-025
222- 21-020	AMD	02-05-084	232- 28-61900T	REP-E	02-07-096	246-254-090	AMD	02-04-025
222- 21-045	AMD	02-05-084	232- 28-61900U	REP-E	02-03-022	246-254-100	AMD	02-04-025
222- 21-050	AMD	02-05-084	232- 28-61900U	NEW-E	02-06-100	246-254-120	AMD	02-04-025
222- 21-061	NEW	02-05-084	232- 28-61900U	REP-E	02-06-100	246-272	PREP	02-03-137
226- 01-040	AMD-X	02-03-038	232- 28-61900V	NEW-E	02-06-099	246-338-020	PREP	02-03-138
226- 01-050	AMD-X	02-03-038	232- 28-61900V	REP-E	02-06-099	246-338-990	PREP	02-03-138
226- 12-080	AMD-X	02-03-038	232- 28-61900W	NEW-E	02-07-061	246-650	PREP	02-03-136
226- 16-160	AMD-X	02-03-038	232- 28-61900W	REP-E	02-07-061	246-650	PREP-W	02-04-024
226- 20-010	AMD-X	02-03-038	232- 28-61900X	NEW-E	02-07-019	246-790-010	AMD-P	02-07-020
230- 02-145	REP-P	02-07-081	232- 28-61900X	REP-E	02-07-019	246-790-050	AMD-P	02-07-020
230- 02-205	AMD-S	02-03-077	232- 28-61900Y	NEW-E	02-07-066	246-790-065	AMD-P	02-07-020
230- 04-064	AMD-P	02-06-037	232- 28-61900Y	REP-E	02-07-066	246-790-070	AMD-P	02-07-020
230- 04-202	AMD-W	02-02-090	232- 28-61900Z	NEW-E	02-07-096	246-790-080	AMD-P	02-07-020
230- 08-255	AMD-P	02-06-037	232- 28-61900Z	REP-E	02-07-096	246-790-085	AMD-P	02-07-020

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246-790-090	AMD-P	02-07-020	292-120-030	AMD	02-04-003	296- 52	AMD	02-03-125
246-790-100	AMD-P	02-07-020	292-120-035	NEW	02-04-003	296- 52-401	REP	02-03-125
246-790-120	AMD-P	02-07-020	296- 05-007	AMD-X	02-04-004	296- 52-405	REP	02-03-125
246-790-130	AMD-P	02-07-020	296- 05-300	AMD-X	02-04-004	296- 52-409	REP	02-03-125
246-811-081	NEW	02-07-083	296- 05-316	AMD-X	02-04-004	296- 52-413	REP	02-03-125
246-811-082	NEW	02-07-083	296- 05-402	AMD-X	02-04-004	296- 52-417	REP	02-03-125
246-811-200	NEW	02-07-084	296- 150C	PREP	02-04-106	296- 52-419	REP	02-03-125
246-811-210	NEW	02-07-084	296- 150F	PREP	02-04-106	296- 52-421	REP	02-03-125
246-811-220	NEW	02-07-084	296- 150M	PREP	02-04-106	296- 52-423	REP	02-03-125
246-811-230	NEW	02-07-084	296- 150P	PREP	02-04-106	296- 52-425	REP	02-03-125
246-811-240	NEW	02-07-084	296- 150R	PREP	02-04-106	296- 52-429	REP	02-03-125
246-811-250	NEW	02-07-084	296- 150V	PREP	02-04-106	296- 52-433	REP	02-03-125
246-811-260	NEW	02-07-084	296- 17	PREP	02-07-102	296- 52-437	REP	02-03-125
246-811-270	NEW	02-07-084	296- 17-35203	AMD-P	02-03-123	296- 52-441	REP	02-03-125
246-811-990	AMD	02-07-083	296- 17-52140	AMD-P	02-03-123	296- 52-445	REP	02-03-125
246-826-100	AMD	02-06-115	296- 17-52141	AMD-P	02-03-123	296- 52-449	REP	02-03-125
246-826-300	NEW	02-06-115	296- 17-52150	AMD-P	02-03-123	296- 52-453	REP	02-03-125
246-826-301	NEW	02-06-115	296- 17-52151	AMD-P	02-03-123	296- 52-457	REP	02-03-125
246-826-302	NEW	02-06-115	296- 200A	PREP	02-04-106	296- 52-461	REP	02-03-125
246-826-303	NEW	02-06-115	296- 20-135	AMD-P	02-05-076	296- 52-465	REP	02-03-125
246-840-020	PREP	02-04-033	296- 23-220	AMD-P	02-05-076	296- 52-469	REP	02-03-125
246-840-030	PREP	02-04-033	296- 23-230	AMD-P	02-05-076	296- 52-477	REP	02-03-125
246-840-040	PREP	02-04-033	296- 24	PREP	02-04-107	296- 52-481	REP	02-03-125
246-840-050	PREP	02-04-033	296- 24	PREP	02-04-108	296- 52-485	REP	02-03-125
246-840-060	PREP	02-04-033	296- 24-012	AMD-X	02-05-077	296- 52-487	REP	02-03-125
246-840-070	PREP	02-04-033	296- 24-14001	AMD-X	02-05-077	296- 52-489	REP	02-03-125
246-840-080	PREP	02-04-031	296- 24-23003	AMD-X	02-05-077	296- 52-493	REP	02-03-125
246-840-090	PREP	02-04-031	296- 24-405	REP-P	02-07-100	296- 52-497	REP	02-03-125
246-840-700	AMD	02-06-117	296- 24-40501	REP-P	02-07-100	296- 52-501	REP	02-03-125
246-840-705	AMD	02-06-117	296- 24-40503	REP-P	02-07-100	296- 52-505	REP	02-03-125
246-840-710	AMD	02-06-117	296- 24-40505	REP-P	02-07-100	296- 52-509	REP	02-03-125
246-840-715	REP	02-06-117	296- 24-40507	REP-P	02-07-100	296- 52-510	REP	02-03-125
246-843-015	REP-X	02-06-116	296- 24-40509	REP-P	02-07-100	296- 52-550	REP	02-03-125
246-851-150	AMD-C	02-04-090	296- 24-40511	REP-P	02-07-100	296- 52-552	REP	02-03-125
246-851-160	AMD-C	02-04-090	296- 24-40513	REP-P	02-07-100	296- 52-555	REP	02-03-125
246-851-250	AMD-C	02-04-090	296- 24-40515	REP-P	02-07-100	296- 52-600	NEW-W	02-06-102
246-851-300	AMD-C	02-04-090	296- 24-51009	AMD-X	02-05-077	296- 52-60005	NEW	02-03-125
246-851-310	AMD-C	02-04-090	296- 24-51011	AMD-X	02-05-077	296- 52-60010	NEW	02-03-125
246-851-330	AMD-C	02-04-090	296- 24-51015	AMD-X	02-05-077	296- 52-60015	NEW	02-03-125
246-851-520	AMD-C	02-04-090	296- 24-60205	AMD-X	02-05-077	296- 52-60020	NEW	02-03-125
246-883-020	AMD-X	02-07-086	296- 24-63499	AMD-X	02-05-077	296- 52-60025	NEW-W	02-06-102
246-918-990	AMD	02-05-009	296- 24-67513	AMD-X	02-05-077	296- 52-60030	NEW	02-03-125
246-919-990	AMD	02-05-009	296- 24-67515	AMD-X	02-05-077	296- 52-60035	NEW	02-03-125
246-976-935	AMD	02-04-045	296- 28-001	REP-P	02-07-101	296- 52-60040	NEW-W	02-06-102
250- 66-030	AMD	02-05-006	296- 28-005	REP-P	02-07-101	296- 52-60045	NEW	02-03-125
251- 01-240	AMD-P	02-04-081	296- 28-010	REP-P	02-07-101	296- 52-60050	NEW	02-03-125
251- 01-240	AMD	02-07-051	296- 28-015	REP-P	02-07-101	296- 52-60055	NEW	02-03-125
251- 12-073	REP-P	02-04-079	296- 28-020	REP-P	02-07-101	296- 52-60060	NEW	02-03-125
251- 12-073	REP	02-07-048	296- 28-025	REP-P	02-07-101	296- 52-60065	NEW	02-03-125
251- 17-200	AMD-P	02-04-080	296- 28-030	REP-P	02-07-101	296- 52-60070	NEW-W	02-06-102
251- 17-200	AMD	02-07-050	296- 28-035	REP-P	02-07-101	296- 52-60075	NEW	02-03-125
251- 19-120	AMD-P	02-04-081	296- 28-040	REP-P	02-07-101	296- 52-60080	NEW	02-03-125
251- 19-120	AMD	02-07-051	296- 28-045	REP-P	02-07-101	296- 52-60085	NEW	02-03-125
259- 04-010	AMD	02-06-014	296- 28-050	REP-P	02-07-101	296- 52-60090	NEW	02-03-125
259- 04-050	AMD	02-06-014	296- 32-240	AMD-P	02-05-080	296- 52-60095	NEW	02-03-125
259- 04-070	AMD	02-06-014	296- 32-250	AMD-X	02-05-077	296- 52-60100	NEW	02-03-125
260- 36-040	AMD-P	02-05-029	296- 32-280	AMD-X	02-05-077	296- 52-60105	NEW	02-03-125
260- 48-930	NEW-P	02-05-028	296- 33-010	NEW	02-06-024	296- 52-60110	NEW-W	02-06-102
260- 48-930	NEW-W	02-05-033	296- 400A	PREP	02-04-106	296- 52-60115	NEW	02-03-125
260- 70-650	AMD-P	02-05-030	296- 401B	PREP	02-04-106	296- 52-60120	NEW	02-03-125
260- 70-660	PREP	02-05-027	296- 45-52530	AMD-P	02-05-080	296- 52-60125	NEW	02-03-125
292-110-010	AMD	02-07-074	296- 46A	PREP	02-04-106	296- 52-60130	NEW	02-03-125

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296- 52-61005	NEW	02-03-125	296- 52-66055	NEW	02-03-125	296- 52-68055	NEW	02-03-125
296- 52-61010	NEW	02-03-125	296- 52-66060	NEW	02-03-125	296- 52-68060	NEW	02-03-125
296- 52-61015	NEW	02-03-125	296- 52-67005	NEW-W	02-06-102	296- 52-68065	NEW	02-03-125
296- 52-61020	NEW	02-03-125	296- 52-67010	NEW	02-03-125	296- 52-68070	NEW-W	02-06-102
296- 52-61025	NEW	02-03-125	296- 52-67015	NEW-W	02-06-102	296- 52-68075	NEW	02-03-125
296- 52-61030	NEW	02-03-125	296- 52-67020	NEW	02-03-125	296- 52-68080	NEW	02-03-125
296- 52-61035	NEW	02-03-125	296- 52-67025	NEW	02-03-125	296- 52-68085	NEW	02-03-125
296- 52-61040	NEW	02-03-125	296- 52-67030	NEW	02-03-125	296- 52-69005	NEW	02-03-125
296- 52-61045	NEW	02-03-125	296- 52-67035	NEW	02-03-125	296- 52-69010	NEW	02-03-125
296- 52-61050	NEW	02-03-125	296- 52-67040	NEW	02-03-125	296- 52-69015	NEW	02-03-125
296- 52-62005	NEW	02-03-125	296- 52-67045	NEW	02-03-125	296- 52-69020	NEW	02-03-125
296- 52-62010	NEW	02-03-125	296- 52-67050	NEW	02-03-125	296- 52-69025	NEW	02-03-125
296- 52-62020	NEW-W	02-06-102	296- 52-67055	NEW	02-03-125	296- 52-69030	NEW	02-03-125
296- 52-62025	NEW	02-03-125	296- 52-67060	NEW	02-03-125	296- 52-69035	NEW	02-03-125
296- 52-62030	NEW	02-03-125	296- 52-67065	NEW	02-03-125	296- 52-69040	NEW	02-03-125
296- 52-62035	NEW	02-03-125	296- 52-67070	NEW	02-03-125	296- 52-69045	NEW	02-03-125
296- 52-62040	NEW	02-03-125	296- 52-67075	NEW	02-03-125	296- 52-69050	NEW	02-03-125
296- 52-62045	NEW	02-03-125	296- 52-67080	NEW	02-03-125	296- 52-69055	NEW	02-03-125
296- 52-63005	NEW	02-03-125	296- 52-67085	NEW	02-03-125	296- 52-69060	NEW	02-03-125
296- 52-63010	NEW	02-03-125	296- 52-67090	NEW	02-03-125	296- 52-69065	NEW	02-03-125
296- 52-63015	NEW-W	02-06-102	296- 52-67095	NEW	02-03-125	296- 52-69070	NEW	02-03-125
296- 52-63020	NEW	02-03-125	296- 52-67100	NEW	02-03-125	296- 52-69075	NEW-W	02-06-102
296- 52-63025	NEW	02-03-125	296- 52-67105	NEW	02-03-125	296- 52-69080	NEW	02-03-125
296- 52-63030	NEW	02-03-125	296- 52-67110	NEW	02-03-125	296- 52-69085	NEW	02-03-125
296- 52-64005	NEW	02-03-125	296- 52-67115	NEW	02-03-125	296- 52-69090	NEW	02-03-125
296- 52-64010	NEW-W	02-06-102	296- 52-67120	NEW-W	02-06-102	296- 52-69095	NEW	02-03-125
296- 52-64015	NEW-W	02-06-102	296- 52-67125	NEW	02-03-125	296- 52-69100	NEW-W	02-06-102
296- 52-64020	NEW	02-03-125	296- 52-67130	NEW	02-03-125	296- 52-69105	NEW	02-03-125
296- 52-64025	NEW-W	02-06-102	296- 52-67135	NEW	02-03-125	296- 52-69110	NEW	02-03-125
296- 52-64030	NEW	02-03-125	296- 52-67140	NEW	02-03-125	296- 52-69115	NEW	02-03-125
296- 52-64035	NEW	02-03-125	296- 52-67145	NEW	02-03-125	296- 52-69120	NEW	02-03-125
296- 52-64040	NEW	02-03-125	296- 52-67150	NEW-W	02-06-102	296- 52-69125	NEW	02-03-125
296- 52-64045	NEW	02-03-125	296- 52-67155	NEW-W	02-06-102	296- 52-700	NEW	02-03-125
296- 52-64050	NEW	02-03-125	296- 52-67160	NEW	02-03-125	296- 52-70005	NEW	02-03-125
296- 52-64055	NEW	02-03-125	296- 52-67165	NEW	02-03-125	296- 52-70010	NEW	02-03-125
296- 52-64060	NEW-W	02-06-102	296- 52-67170	NEW	02-03-125	296- 52-70015	NEW	02-03-125
296- 52-64065	NEW	02-03-125	296- 52-67175	NEW-W	02-06-102	296- 52-70020	NEW	02-03-125
296- 52-64070	NEW-W	02-06-102	296- 52-67180	NEW	02-03-125	296- 52-70025	NEW	02-03-125
296- 52-64075	NEW	02-03-125	296- 52-67185	NEW	02-03-125	296- 52-70030	NEW	02-03-125
296- 52-64080	NEW	02-03-125	296- 52-67190	NEW	02-03-125	296- 52-70035	NEW	02-03-125
296- 52-64085	NEW	02-03-125	296- 52-67195	NEW	02-03-125	296- 52-70040	NEW	02-03-125
296- 52-64090	NEW	02-03-125	296- 52-67200	NEW	02-03-125	296- 52-70045	NEW	02-03-125
296- 52-64095	NEW	02-03-125	296- 52-67205	NEW-W	02-06-102	296- 52-70050	NEW	02-03-125
296- 52-64100	NEW	02-03-125	296- 52-67210	NEW	02-03-125	296- 52-70055	NEW	02-03-125
296- 52-650	NEW	02-03-125	296- 52-67215	NEW	02-03-125	296- 52-70060	NEW	02-03-125
296- 52-65005	NEW	02-03-125	296- 52-67220	NEW	02-03-125	296- 52-70065	NEW	02-03-125
296- 52-65010	NEW	02-03-125	296- 52-67225	NEW	02-03-125	296- 52-70070	NEW	02-03-125
296- 52-65015	NEW	02-03-125	296- 52-67230	NEW	02-03-125	296- 52-70075	NEW-W	02-06-102
296- 52-65020	NEW	02-03-125	296- 52-67235	NEW	02-03-125	296- 52-70080	NEW	02-03-125
296- 52-65025	NEW	02-03-125	296- 52-67240	NEW	02-03-125	296- 52-70085	NEW	02-03-125
296- 52-65030	NEW	02-03-125	296- 52-67245	NEW	02-03-125	296- 52-710	NEW	02-03-125
296- 52-660	NEW	02-03-125	296- 52-67250	NEW-W	02-06-102	296- 52-71005	NEW-W	02-06-102
296- 52-66005	NEW	02-03-125	296- 52-68005	NEW-W	02-06-102	296- 52-71010	NEW-W	02-06-102
296- 52-66010	NEW	02-03-125	296- 52-68010	NEW	02-03-125	296- 52-71015	NEW	02-03-125
296- 52-66015	NEW	02-03-125	296- 52-68015	NEW	02-03-125	296- 52-71020	NEW	02-03-125
296- 52-66020	NEW	02-03-125	296- 52-68020	NEW	02-03-125	296- 52-71025	NEW	02-03-125
296- 52-66025	NEW-W	02-06-102	296- 52-68025	NEW	02-03-125	296- 52-71030	NEW-W	02-06-102
296- 52-66030	NEW	02-03-125	296- 52-68030	NEW	02-03-125	296- 52-71035	NEW	02-03-125
296- 52-66035	NEW	02-03-125	296- 52-68035	NEW-W	02-06-102	296- 52-71040	NEW	02-03-125
296- 52-66040	NEW	02-03-125	296- 52-68040	NEW	02-03-125	296- 52-71045	NEW	02-03-125
296- 52-66045	NEW	02-03-125	296- 52-68045	NEW	02-03-125	296- 52-71050	NEW-W	02-06-102
296- 52-66050	NEW	02-03-125	296- 52-68050	NEW	02-03-125	296- 52-71055	NEW	02-03-125

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-71060	NEW	02-03-125	296-155-703	NEW-P	02-06-114	296-860-100	NEW-P	02-07-101
296-52-71065	NEW	02-03-125	296-155-704	NEW-P	02-06-114	296-860-10005	NEW-P	02-07-101
296-52-71070	NEW-W	02-06-102	296-155-705	REP-P	02-06-114	296-860-10010	NEW-P	02-07-101
296-52-71075	NEW	02-03-125	296-155-706	NEW-P	02-06-114	296-860-10020	NEW-P	02-07-101
296-52-71080	NEW	02-03-125	296-155-707	NEW-P	02-06-114	296-860-10025	NEW-P	02-07-101
296-52-71085	NEW-W	02-06-102	296-155-708	NEW-P	02-06-114	296-860-10030	NEW-P	02-07-101
296-52-71090	NEW	02-03-125	296-155-709	NEW-P	02-06-114	296-860-10040	NEW-P	02-07-101
296-52-71095	NEW	02-03-125	296-155-710	REP-P	02-06-114	296-860-10050	NEW-P	02-07-101
296-52-71100	NEW	02-03-125	296-155-711	NEW-P	02-06-114	296-860-10060	NEW-P	02-07-101
296-52-71105	NEW	02-03-125	296-155-714	NEW-P	02-06-114	296-860-10070	NEW-P	02-07-101
296-52-720	NEW	02-03-125	296-155-715	REP-P	02-06-114	296-860-10100	NEW-P	02-07-101
296-52-725	NEW	02-03-125	296-155-716	NEW-P	02-06-114	308-12-010	AMD-P	02-04-114
296-62	PREP	02-04-107	296-155-717	NEW-P	02-06-114	308-12-031	AMD-P	02-04-114
296-62-07302	AMD-X	02-05-077	296-155-720	REP-P	02-06-114	308-12-050	AMD-P	02-04-114
296-62-07304	AMD-X	02-05-077	296-155-72401	NEW-P	02-06-114	308-12-081	AMD-P	02-04-114
296-62-07312	AMD-X	02-05-077	296-155-72402	NEW-P	02-06-114	308-12-085	AMD-P	02-04-114
296-62-07314	AMD-X	02-05-077	296-155-72403	NEW-P	02-06-114	308-12-115	AMD-P	02-04-114
296-62-07421	AMD-X	02-05-077	296-155-72404	NEW-P	02-06-114	308-12-150	AMD-P	02-04-114
296-62-07501	AMD-X	02-05-077	296-155-72405	NEW-P	02-06-114	308-12-210	AMD-P	02-04-114
296-62-07527	AMD-X	02-05-077	296-155-72406	NEW-P	02-06-114	308-12-220	AMD-P	02-04-114
296-62-07540	AMD-X	02-05-077	296-155-960	AMD-X	02-05-077	308-12-230	AMD-P	02-04-114
296-62-11021	AMD-P	02-07-100	296-305-04001	AMD-X	02-05-077	308-12-240	AMD-P	02-04-114
296-62-14105	AMD-X	02-05-077	296-305-05003	AMD-X	02-05-077	308-12-320	AMD-P	02-04-114
296-62-14110	AMD-X	02-05-077	296-307	PREP	02-04-107	308-12-321	REP-P	02-04-114
296-62-14155	AMD-X	02-05-077	296-307-039	AMD-X	02-05-077	308-12-322	REP-P	02-04-114
296-62-14171	AMD-X	02-05-077	296-307-08009	AMD-X	02-05-077	308-12-323	REP-P	02-04-114
296-78-56501	AMD	02-03-124	296-307-14520	PREP	02-07-103	308-12-324	REP-P	02-04-114
296-78-56505	AMD	02-03-124	296-800	PREP	02-04-107	308-12-325	REP-P	02-04-114
296-78-71015	AMD-P	02-07-100	296-835-100	NEW-P	02-07-100	308-12-330	NEW-P	02-04-114
296-79-140	AMD-X	02-05-077	296-835-110	NEW-P	02-07-100	308-13-005	AMD-P	02-04-113
296-96	PREP	02-04-106	296-835-11005	NEW-P	02-07-100	308-13-005	AMD	02-07-047
296-104	PREP	02-04-105	296-835-11010	NEW-P	02-07-100	308-13-020	AMD-P	02-04-113
296-150M-0020	AMD	02-03-048	296-835-11015	NEW-P	02-07-100	308-13-020	AMD	02-07-047
296-150M-0049	NEW	02-03-048	296-835-11020	NEW-P	02-07-100	308-13-024	AMD-P	02-04-113
296-150M-0140	AMD	02-03-048	296-835-11025	NEW-P	02-07-100	308-13-024	AMD	02-07-047
296-150M-0302	NEW	02-03-048	296-835-11030	NEW-P	02-07-100	308-13-036	NEW-P	02-04-113
296-155-110	AMD-P	02-05-080	296-835-11035	NEW-P	02-07-100	308-13-036	NEW	02-07-047
296-155-165	AMD-P	02-05-080	296-835-11040	NEW-P	02-07-100	308-13-050	AMD-P	02-04-113
296-155-200	AMD-P	02-05-080	296-835-11045	NEW-P	02-07-100	308-13-050	AMD	02-07-047
296-155-24525	AMD-X	02-05-077	296-835-11050	NEW-P	02-07-100	308-13-100	AMD-P	02-04-113
296-155-441	AMD-X	02-05-077	296-835-120	NEW-P	02-07-100	308-13-100	AMD	02-07-047
296-155-525	AMD-X	02-05-077	296-835-12005	NEW-P	02-07-100	308-15-040	PREP	02-05-079
296-155-530	AMD-X	02-05-077	296-835-12010	NEW-P	02-07-100	308-15-140	PREP	02-05-079
296-155-601	NEW-P	02-05-080	296-835-12015	NEW-P	02-07-100	308-17-150	AMD-P	02-03-130
296-155-602	NEW-P	02-05-080	296-835-12020	NEW-P	02-07-100	308-17-310	PREP	02-07-069
296-155-603	NEW-P	02-05-080	296-835-12025	NEW-P	02-07-100	308-17-320	PREP	02-07-069
296-155-604	NEW-P	02-05-080	296-835-12030	NEW-P	02-07-100	308-18-150	AMD-P	02-02-096
296-155-605	AMD-P	02-05-080	296-835-12035	NEW-P	02-07-100	308-18-150	AMD	02-07-068
296-155-606	NEW-P	02-05-080	296-835-12040	NEW-P	02-07-100	308-19-130	AMD-P	02-02-095
296-155-607	NEW-P	02-05-080	296-835-12045	NEW-P	02-07-100	308-19-130	AMD	02-07-067
296-155-608	NEW-P	02-05-080	296-835-12050	NEW-P	02-07-100	308-19-240	AMD-P	02-02-095
296-155-609	NEW-P	02-05-080	296-835-12055	NEW-P	02-07-100	308-19-240	AMD	02-07-067
296-155-610	AMD-P	02-05-080	296-835-12060	NEW-P	02-07-100	308-20-010	AMD	02-04-012
296-155-611	NEW-P	02-05-080	296-835-12065	NEW-P	02-07-100	308-20-030	REP	02-04-012
296-155-612	NEW-P	02-05-080	296-835-130	NEW-P	02-07-100	308-20-040	AMD	02-04-012
296-155-615	AMD-P	02-05-080	296-835-13005	NEW-P	02-07-100	308-20-045	REP	02-04-012
296-155-655	AMD-P	02-05-080	296-835-13010	NEW-P	02-07-100	308-20-080	AMD	02-04-012
296-155-66405	AMD-X	02-05-077	296-835-13015	NEW-P	02-07-100	308-20-090	AMD	02-04-012
296-155-66411	AMD-X	02-05-077	296-835-13020	NEW-P	02-07-100	308-20-105	AMD	02-04-012
296-155-700	REP-P	02-06-114	296-835-13025	NEW-P	02-07-100	308-20-107	AMD	02-04-012
296-155-701	NEW-P	02-06-114	296-835-13030	NEW-P	02-07-100	308-20-110	AMD	02-04-012
296-155-702	NEW-P	02-06-114	296-835-140	NEW-P	02-07-100	308-20-120	AMD	02-04-012

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308- 20-122	NEW	02-04-012	308- 93-740	AMD	02-05-058	314- 02-050	REP-P	02-04-115
308- 20-130	REP	02-04-012	308- 93-750	AMD	02-05-058	314- 02-055	AMD-P	02-04-115
308- 20-150	REP	02-04-012	308- 93-760	AMD	02-05-058	314- 02-115	AMD-P	02-04-115
308- 20-155	REP	02-04-012	308- 93-770	AMD	02-05-058	314- 02-125	AMD-P	02-04-115
308- 20-171	REP	02-04-012	308- 94-050	AMD-P	02-07-024	314- 02-130	AMD-P	02-04-115
308- 20-172	REP	02-04-012	308- 96A-046	PREP	02-05-002	314- 11-015	AMD-P	02-04-110
308- 20-210	AMD-P	02-04-088	308- 96A-050	PREP	02-05-002	314- 11-020	AMD-P	02-04-110
308- 20-310	REP	02-04-012	308- 96A-056	PREP	02-05-002	314- 11-025	AMD-P	02-04-110
308- 20-590	REP	02-04-012	308- 96A-057	PREP	02-05-002	314- 11-030	AMD-P	02-04-110
308- 56A-030	PREP	02-05-019	308- 96A-073	PREP	02-05-002	314- 11-035	AMD-P	02-04-110
308- 56A-040	PREP	02-05-019	308- 96A-074	PREP	02-05-002	314- 11-040	AMD-P	02-04-110
308- 56A-056	PREP	02-05-019	308- 96A-080	PREP	02-05-020	314- 11-045	AMD-P	02-04-110
308- 56A-060	PREP	02-05-019	308- 96A-085	PREP	02-05-020	314- 11-060	AMD-P	02-04-110
308- 56A-070	PREP	02-05-015	308- 96A-090	PREP	02-05-020	314- 11-065	AMD-P	02-04-110
308- 56A-075	PREP	02-05-015	308- 96A-095	PREP	02-05-020	314- 11-070	AMD-P	02-04-110
308- 56A-110	PREP	02-05-019	308- 96A-098	AMD-P	02-07-014	314- 11-072	NEW-P	02-04-110
308- 56A-115	PREP	02-05-019	308- 96A-101	PREP	02-03-086	314- 11-095	AMD-P	02-04-110
308- 56A-140	PREP	02-05-018	308- 96A-110	PREP	02-03-086	314- 16-190	REP-P	02-04-115
308- 56A-150	PREP	02-05-018	308- 96A-136	PREP	02-03-086	314- 16-196	REP-P	02-04-115
308- 56A-160	PREP	02-05-018	308- 96A-161	AMD-P	02-07-014	314- 21-005	NEW-P	02-04-112
308- 56A-200	PREP	02-05-018	308- 96A-201	AMD-P	02-05-057	314- 21-015	NEW-P	02-04-112
308- 56A-210	PREP	02-05-019	308- 96A-205	AMD-P	02-07-036	314- 21-025	NEW-P	02-04-112
308- 56A-215	PREP	02-05-018	308- 96A-206	AMD-P	02-07-036	314- 60-040	AMD-P	02-04-111
308- 56A-250	PREP	02-05-016	308- 96A-207	AMD-P	02-05-057	315- 06-040	AMD-P	02-07-072
308- 56A-265	PREP	02-05-016	308- 96A-208	AMD-P	02-05-057	315- 10	PREP	02-05-048
308- 56A-270	PREP	02-05-016	308- 96A-220	AMD-P	02-07-036	315- 20-010	AMD-C	02-03-108
308- 56A-275	PREP	02-05-016	308- 96A-275	AMD-P	02-07-014	315- 37-010	NEW-P	02-03-109
308- 56A-295	PREP	02-05-019	308- 96A-306	AMD	02-04-002	315- 37-010	NEW	02-07-073
308- 56A-300	PREP	02-05-014	308- 96A-311	AMD	02-04-002	315- 37-020	NEW-P	02-03-109
308- 56A-305	PREP	02-05-014	308- 96A-312	AMD	02-04-002	315- 37-020	NEW	02-07-073
308- 56A-310	PREP	02-05-014	308- 96A-313	AMD	02-04-002	315- 37-030	NEW-P	02-03-109
308- 56A-315	PREP	02-05-014	308- 96A-314	AMD	02-04-002	315- 37-030	NEW	02-07-073
308- 56A-320	PREP	02-05-014	308- 96A-316	AMD	02-04-002	315- 37-040	NEW-P	02-03-109
308- 56A-325	PREP	02-05-014	308- 96A-530	PREP	02-05-002	315- 37-040	NEW	02-07-073
308- 56A-330	PREP	02-05-014	308-100-140	AMD	02-04-076	315- 37-050	NEW-P	02-03-109
308- 56A-500	AMD-P	02-07-035	308-124A-110	AMD-P	02-03-058	315- 37-050	NEW	02-07-073
308- 56A-530	NEW-P	02-07-035	308-124A-110	AMD	02-07-060	315- 37-060	NEW-P	02-03-109
308- 56A-640	PREP	02-05-013	308-124A-460	AMD	02-03-057	315- 37-060	NEW	02-07-073
308- 56A-640	PREP	02-05-017	308-124A-600	AMD	02-03-080	315- 37-070	NEW-P	02-03-109
308- 66	PREP	02-04-059	308-124A-605	NEW	02-03-080	315- 37-070	NEW	02-07-073
308- 90-040	AMD	02-05-073	308-124B-150	AMD	02-03-054	315- 37-080	NEW-P	02-03-109
308- 90-070	AMD	02-05-073	308-124H-014	NEW	02-03-055	315- 37-080	NEW	02-07-073
308- 90-080	AMD	02-05-073	308-124H-025	AMD	02-03-055	315- 37-090	NEW-P	02-03-109
308- 90-090	AMD	02-05-073	308-124H-061	AMD	02-03-056	315- 37-090	NEW	02-07-073
308- 90-100	AMD	02-05-073	308-124H-062	AMD	02-03-056	315- 37-100	NEW-P	02-03-109
308- 90-110	AMD	02-05-073	308-125-085	AMD-P	02-04-083	315- 37-100	NEW	02-07-073
308- 90-130	AMD	02-05-073	308-125-120	AMD	02-03-011	315- 37-110	NEW-P	02-03-109
308- 90-140	AMD	02-05-073	308-125-200	AMD	02-03-012	315- 37-110	NEW	02-07-073
308- 90-150	AMD	02-05-073	308-330-305	AMD	02-04-075	315- 37-120	NEW-P	02-03-109
308- 90-160	AMD	02-05-073	308-330-307	AMD	02-04-075	315- 37-120	NEW	02-07-073
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308- 93-250	REP	02-04-001	308-330-464	AMD	02-04-075	332- 30-115	AMD-P	02-03-111
308- 93-270	AMD	02-04-001	308-330-481	AMD	02-04-075	332- 30-139	AMD-P	02-03-111
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356-18-112	AMD	02-07-049	388-14A-2025	PREP	02-03-010	388-15-113	NEW-P	02-03-118
356-18-120	AMD-E	02-07-052	388-14A-2080	PREP	02-03-010	388-15-117	NEW-P	02-03-118
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356-26-130	AMD	02-03-063	388-14A-2107	NEW	02-07-091	388-15-125	NEW-P	02-03-118
356-26-140	AMD-P	02-04-080	388-14A-2110	AMD	02-07-091	388-15-129	NEW-P	02-03-118
356-26-140	AMD	02-07-050	388-14A-2112	NEW	02-07-091	388-15-130	REP-P	02-03-118
356-30-025	AMD-S	02-04-082	388-14A-2114	NEW	02-07-091	388-15-131	REP-P	02-03-118
356-30-025	AMD	02-07-049	388-14A-2115	AMD	02-07-091	388-15-132	REP-P	02-03-118
356-30-065	AMD-S	02-04-082	388-14A-2116	NEW	02-07-091	388-15-133	NEW-P	02-03-118
356-30-065	AMD	02-07-049	388-14A-2120	AMD	02-07-091	388-15-134	REP-P	02-03-118
356-30-067	AMD-S	02-04-082	388-14A-2125	AMD	02-07-091	388-15-135	NEW-P	02-03-118
356-30-067	AMD	02-07-049	388-14A-2130	NEW	02-07-091	388-15-141	NEW-P	02-03-118
356-30-140	AMD-S	02-04-082	388-14A-2135	NEW	02-07-091	388-15-194	PREP-W	02-05-066
356-30-140	AMD	02-07-049	388-14A-2140	NEW	02-07-091	388-15-202	PREP	02-04-096
356-30-331	AMD-P	02-04-080	388-14A-3130	AMD-P	02-03-096	388-15-202	PREP-W	02-05-064
356-30-331	AMD	02-07-050	388-14A-3130	AMD	02-06-098	388-15-202	PREP-W	02-05-065
356-56-070	NEW-E	02-07-053	388-14A-3800	PREP	02-03-010	388-15-202	PREP-W	02-05-066
363-116-185	AMD-E	02-06-001	388-14A-3810	PREP	02-03-010	388-15-203	PREP	02-04-096
365-120-080	AMD	02-05-012	388-14A-3925	AMD-P	02-03-096	388-15-203	PREP-W	02-05-065
365-220-005	NEW	02-07-026	388-14A-3925	AMD	02-06-098	388-15-203	PREP-W	02-05-066
365-220-010	NEW	02-07-026	388-14A-4000	PREP	02-03-010	388-15-204	PREP	02-04-096
365-220-015	NEW	02-07-026	388-14A-4300	PREP	02-03-010	388-15-204	PREP-W	02-05-066
365-220-020	NEW	02-07-026	388-14A-4301	PREP	02-03-010	388-15-205	PREP-W	02-05-065
365-220-025	NEW	02-07-026	388-14A-4302	PREP	02-03-010	388-15-205	PREP-W	02-05-066
365-220-030	NEW	02-07-026	388-14A-4303	PREP	02-03-010	388-15-207	PREP-W	02-05-064
365-220-035	NEW	02-07-026	388-14A-4304	PREP	02-03-010	388-15-214	PREP-W	02-05-064
365-220-040	NEW	02-07-026	388-14A-5520	AMD-P	02-03-096	388-15-215	PREP-W	02-05-064
365-220-045	NEW	02-07-026	388-14A-5520	AMD	02-06-098	388-15-219	PREP-W	02-05-064
365-220-050	NEW	02-07-026	388-14A-5525	AMD-P	02-03-096	388-15-600	PREP-W	02-05-064
365-220-055	NEW	02-07-026	388-14A-5525	AMD	02-06-098	388-15-620	PREP-W	02-05-064
365-220-060	NEW	02-07-026	388-14A-5530	AMD-P	02-03-096	388-15-630	PREP-W	02-05-064
365-220-065	NEW	02-07-026	388-14A-5530	AMD	02-06-098	388-15-880	PREP-W	02-05-064
365-220-070	NEW	02-07-026	388-15	AMD-P	02-03-118	388-15-890	PREP-W	02-05-064
365-220-075	NEW	02-07-026	388-15-001	NEW-P	02-03-118	388-71-0410	PREP	02-04-096
365-220-080	NEW	02-07-026	388-15-005	NEW-P	02-03-118	388-71-0410	PREP-W	02-05-066
365-220-085	NEW	02-07-026	388-15-009	NEW-P	02-03-118	388-71-0430	PREP	02-04-096
365-220-090	NEW	02-07-026	388-15-011	NEW-P	02-03-118	388-71-0435	PREP	02-04-096
365-220-095	NEW	02-07-026	388-15-013	NEW-P	02-03-118	388-71-0440	PREP	02-04-096
365-220-100	NEW	02-07-026	388-15-017	NEW-P	02-03-118	388-71-0440	PREP-W	02-05-066
365-220-105	NEW	02-07-026	388-15-021	NEW-P	02-03-118	388-71-0445	PREP	02-04-096
365-220-110	NEW	02-07-026	388-15-025	NEW-P	02-03-118	388-71-0445	PREP-W	02-05-066
365-220-115	NEW	02-07-026	388-15-029	NEW-P	02-03-118	388-71-0450	PREP	02-04-096
365-220-120	NEW	02-07-026	388-15-033	NEW-P	02-03-118	388-71-0500	PREP	02-04-096
365-220-125	NEW	02-07-026	388-15-037	NEW-P	02-03-118	388-71-0515	PREP	02-04-096
365-220-130	NEW	02-07-026	388-15-041	NEW-P	02-03-118	388-71-0600	PREP	02-04-096
365-220-135	NEW	02-07-026	388-15-045	NEW-P	02-03-118	388-71-0820	PREP	02-04-096
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365-220-145	NEW	02-07-026	388-15-053	NEW-P	02-03-118	388-76-540	PREP	02-04-096
365-220-150	NEW	02-07-026	388-15-057	NEW-P	02-03-118	388-76-61510	AMD-P	02-03-117
365-220-155	NEW	02-07-026	388-15-061	NEW-P	02-03-118	388-76-640	REP-P	02-03-117
365-220-160	NEW	02-07-026	388-15-065	NEW-P	02-03-118	388-76-64005	NEW-P	02-03-117
365-220-165	NEW	02-07-026	388-15-069	NEW-P	02-03-118	388-76-64010	NEW-P	02-03-117
365-220-170	NEW	02-07-026	388-15-073	NEW-P	02-03-118	388-76-64015	NEW-P	02-03-117
365-220-175	NEW	02-07-026	388-15-077	NEW-P	02-03-118	388-76-64020	NEW-P	02-03-117
365-220-180	NEW	02-07-026	388-15-081	NEW-P	02-03-118	388-76-64025	NEW-P	02-03-117
365-220-185	NEW	02-07-026	388-15-085	NEW-P	02-03-118	388-76-64030	NEW-P	02-03-117
365-220-190	NEW	02-07-026	388-15-089	NEW-P	02-03-118	388-76-64035	NEW-P	02-03-117
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388-97-043	AMD-P	02-07-116	388-148-0060	PREP	02-06-083	388-290-0225	PREP	02-04-097
388-97-07005	AMD-P	02-07-116	388-148-0065	PREP	02-06-083	388-290-0230	PREP	02-04-097
388-97-07040	AMD-P	02-07-116	388-148-0120	PREP	02-06-083	388-290-0240	PREP	02-04-097
388-97-07050	AMD-P	02-07-116	388-148-0125	PREP	02-06-083	388-290-0245	PREP	02-04-097
388-97-076	AMD-P	02-07-116	388-148-0220	PREP	02-06-083	388-290-0270	PREP	02-04-097
388-97-160	AMD-P	02-07-116	388-148-0260	PREP	02-06-083	388-310-0600	AMD	02-04-058
388-97-162	AMD-P	02-07-116	388-148-0345	PREP	02-06-083	388-310-0800	AMD-P	02-07-112
388-97-180	AMD-P	02-07-116	388-148-0350	PREP	02-06-083	388-400-0030	AMD-E	02-04-095
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388-97-203	NEW-P	02-07-116	388-148-0520	PREP	02-06-083	388-406	PREP	02-03-091
388-97-204	NEW-P	02-07-116	388-148-0542	PREP	02-06-083	388-410-0020	AMD-P	02-03-100
388-97-205	AMD-P	02-07-116	388-148-0560	PREP	02-06-083	388-410-0020	AMD	02-06-090
388-97-260	AMD-P	02-07-116	388-148-0585	PREP	02-06-083	388-410-0025	AMD-P	02-03-100
388-97-285	AMD-P	02-07-116	388-148-0630	PREP	02-06-083	388-410-0025	AMD	02-06-090
388-97-35040	AMD-P	02-07-116	388-148-0700	PREP	02-06-083	388-410-0030	AMD-P	02-03-100
388-97-565	AMD-P	02-07-116	388-148-0720	PREP	02-06-083	388-410-0030	AMD	02-06-090
388-97-570	AMD-P	02-07-116	388-148-0722	PREP	02-06-083	388-410-0033	NEW-P	02-03-100
388-97-575	AMD-P	02-07-116	388-148-0725	PREP	02-06-083	388-410-0033	NEW	02-06-090
388-97-580	AMD-P	02-07-116	388-148-0785	PREP	02-06-083	388-416-0035	PREP	02-07-111
388-97-585	AMD-P	02-07-116	388-148-0880	PREP	02-06-083	388-424-0010	AMD	02-03-008
388-97-595	AMD-P	02-07-116	388-148-0892	PREP	02-06-083	388-434-0010	AMD-S	02-05-068
388-97-605	NEW-P	02-07-116	388-148-0995	PREP	02-06-083	388-434-0015	NEW-S	02-05-068
388-97-610	NEW-P	02-07-116	388-148-1020	PREP	02-06-083	388-434-0020	NEW-S	02-05-068
388-97-615	NEW-P	02-07-116	388-148-1070	PREP	02-06-083	388-434-0025	NEW-S	02-05-068
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388-97-625	NEW-P	02-07-116	388-148-1077	PREP	02-06-083	388-450-0070	AMD	02-03-020
388-97-630	NEW-P	02-07-116	388-148-1078	PREP	02-06-083	388-450-0140	AMD-P	02-03-021
388-97-635	NEW-P	02-07-116	388-148-1079	PREP	02-06-083	388-450-0140	AMD	02-06-089
388-97-640	NEW-P	02-07-116	388-148-1115	PREP	02-06-083	388-450-0210	AMD	02-03-009
388-97-645	NEW-P	02-07-116	388-148-1120	PREP	02-06-083	388-452-0005	PREP	02-03-091
388-97-650	NEW-P	02-07-116	388-150-090	PREP	02-06-087	388-466-0010	REP	02-04-057
388-97-655	NEW-P	02-07-116	388-151-020	AMD-P	02-03-095	388-466-0120	NEW	02-04-057
388-97-660	NEW-P	02-07-116	388-151-090	PREP	02-06-087	388-466-0140	NEW	02-04-057
388-97-665	NEW-P	02-07-116	388-151-097	AMD-P	02-03-095	388-472-0005	PREP	02-03-091
388-97-670	NEW-P	02-07-116	388-151-230	AMD-P	02-03-095	388-474	PREP	02-03-094
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388-97-680	NEW-P	02-07-116	388-155-320	AMD-P	02-03-095	388-474-0005	AMD-P	02-07-115
388-97-685	NEW-P	02-07-116	388-290-0010	PREP	02-04-097	388-474-0010	AMD-P	02-07-115
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388-98-015	REP-P	02-07-116	388-290-0050	PREP	02-04-097	388-478-0070	AMD-P	02-06-096
388-98-020	REP-P	02-07-116	388-290-0055	PREP	02-04-097	388-478-0075	AMD-P	02-03-097
388-98-300	REP-P	02-07-116	388-290-0080	PREP	02-04-097	388-478-0075	AMD	02-07-090
388-98-320	REP-P	02-07-116	388-290-0085	PREP	02-04-097	388-478-0080	AMD-P	02-06-096
388-98-330	REP-P	02-07-116	388-290-0095	PREP	02-04-097	388-490-0005	PREP	02-03-091
388-98-340	REP-P	02-07-116	388-290-0105	PREP	02-04-097	388-501-0213	PREP	02-07-110
388-98-700	REP-P	02-07-116	388-290-0120	PREP	02-04-097	388-513-1365	PREP	02-07-109
388-98-750	REP-P	02-07-116	388-290-0125	PREP	02-04-097	388-515-1505	AMD	02-05-003
388-98-810	REP-P	02-07-116	388-290-0130	PREP	02-04-097	388-517-0300	AMD-P	02-07-114
388-98-830	REP-P	02-07-116	388-290-0135	PREP	02-04-097	388-523-0100	AMD-P	02-06-097
388-98-870	REP-P	02-07-116	388-290-0145	PREP	02-04-097	388-523-0110	NEW-P	02-06-097
388-98-890	REP-P	02-07-116	388-290-0150	PREP	02-04-097	388-523-0120	NEW-P	02-06-097
388-110-020	PREP	02-04-096	388-290-0155	PREP	02-04-097	388-523-0130	NEW-P	02-06-097
388-110-210	PREP	02-04-096	388-290-0160	PREP	02-04-097	388-530	PREP	02-03-093
388-110-230	PREP	02-04-096	388-290-0165	PREP	02-04-097	388-530	PREP-W	02-03-116
388-148	PREP	02-06-083	388-290-0180	PREP	02-04-097	388-531-0050	AMD-X	02-05-042
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388-534-0100	AMD-P	02-03-099	388-825-236	PREP	02-07-107	415-104-011	PREP	02-05-025
388-534-0100	AMD	02-07-016	388-825-238	PREP	02-07-107	415-104-011	PREP	02-06-041
388-534-0200	NEW-P	02-03-099	388-825-240	PREP	02-07-107	415-104-0111	PREP	02-05-025
388-534-0200	NEW	02-07-016	388-825-242	PREP	02-07-107	415-104-0111	PREP	02-06-041
388-535-1245	NEW-P	02-07-113	388-825-244	PREP	02-07-107	415-104-0112	PREP	02-05-025
388-535-1300	REP-P	02-07-113	388-825-246	PREP	02-07-107	415-104-0112	PREP	02-06-041
388-540	PREP	02-06-086	388-825-248	PREP	02-07-107	415-104-0113	PREP	02-05-025
388-544	PREP	02-06-085	388-825-250	PREP	02-07-107	415-104-0113	PREP	02-06-041
388-550	PREP	02-03-092	388-825-252	PREP	02-07-107	415-104-0114	PREP	02-05-025
388-550	PREP-W	02-03-115	388-825-254	PREP	02-07-107	415-104-0114	PREP	02-06-041
388-550	PREP	02-06-084	388-825-256	PREP	02-07-107	415-104-0115	PREP	02-05-025
388-550	PREP	02-06-088	390	PREP	02-04-049	415-104-0115	PREP	02-06-041
388-561-0100	PREP	02-07-109	390-05-200	AMD	02-03-018	415-104-0117	PREP	02-05-025
388-805-005	AMD-E	02-07-015	390-05-205	AMD	02-03-018	415-104-0117	PREP	02-06-041
388-805-030	AMD-E	02-07-015	390-12-040	AMD	02-03-018	415-104-0118	PREP	02-05-025
388-805-035	NEW-E	02-07-015	390-13-010	AMD	02-03-018	415-104-0118	PREP	02-06-041
388-805-040	NEW-E	02-07-015	390-13-100	AMD	02-03-018	415-104-0120	PREP	02-05-025
388-805-065	AMD-E	02-07-015	390-14-025	AMD	02-03-018	415-104-0120	PREP	02-06-041
388-805-145	AMD-E	02-07-015	390-14-045	AMD	02-03-018	415-104-0121	PREP	02-05-025
388-805-205	AMD-E	02-07-015	390-16-032	AMD	02-03-018	415-104-0121	PREP	02-06-041
388-805-300	AMD-E	02-07-015	390-16-033	AMD	02-03-018	415-104-0122	PREP	02-05-025
388-805-710	AMD-E	02-07-015	390-16-038	AMD	02-03-018	415-104-0122	PREP	02-06-041
388-805-720	AMD-E	02-07-015	390-16-050	AMD	02-03-018	415-104-0125	PREP	02-05-025
388-805-730	AMD-E	02-07-015	390-16-060	AMD	02-03-018	415-104-0125	PREP	02-06-041
388-805-740	AMD-E	02-07-015	390-16-105	AMD	02-03-018	415-108-010	PREP	02-06-041
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388-825-035	PREP	02-05-088	390-20-111	AMD	02-03-018	415-108-458	AMD	02-03-120
388-825-035	PREP-W	02-07-087	390-20-120	AMD	02-03-018	415-108-464	AMD	02-03-120
388-825-035	PREP	02-07-107	390-20-125	AMD	02-03-018	415-108-465	AMD	02-03-120
388-825-040	PREP	02-05-088	390-20-130	AMD	02-03-018	415-108-466	AMD	02-03-120
388-825-040	PREP-W	02-07-087	390-24-200	AMD	02-03-018	415-108-480	AMD	02-03-120
388-825-040	PREP	02-07-107	392-122-900	AMD	02-04-023	415-108-491	AMD	02-03-120
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388-825-045	PREP-W	02-07-087	392-139-312	NEW-W	02-05-031	415-108-640	AMD	02-03-120
388-825-045	PREP	02-07-107	392-140-605	AMD	02-05-036	415-108-679	AMD	02-03-120
388-825-050	PREP	02-07-107	392-140-609	AMD	02-05-036	415-108-690	AMD	02-03-120
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388-825-080	PREP	02-07-107	392-140-625	AMD	02-05-036	415-108-815	NEW	02-03-120
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388-825-200	PREP	02-07-107	392-300-050	AMD	02-06-044	415-110-0102	PREP	02-06-041
388-825-205	PREP	02-07-107	392-300-055	AMD	02-06-044	415-110-0103	PREP	02-05-025
388-825-210	PREP	02-07-107	392-300-060	AMD	02-06-044	415-110-0103	PREP	02-06-041
388-825-220	PREP	02-07-107	415-02-130	AMD	02-03-120	415-110-0104	PREP	02-05-025
388-825-222	PREP	02-07-107	415-10-010	AMD	02-03-120	415-110-0104	PREP	02-06-041
388-825-224	PREP	02-07-107	415-10-020	AMD	02-03-120	415-110-0108	PREP	02-05-025
388-825-226	PREP	02-07-107	415-10-030	AMD	02-03-120	415-110-0108	PREP	02-06-041
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415-110-0111	PREP	02-05-025	434-230-140	NEW-P	02-03-134	434-240-240	AMD-P	02-03-134
415-110-0111	PREP	02-06-041	434-230-140	NEW	02-07-029	434-240-240	AMD	02-07-029
415-110-815	NEW	02-03-120	434-236-025	NEW-P	02-03-133	434-240-250	AMD-P	02-03-133
415-110-910	AMD	02-03-120	434-236-025	NEW	02-07-028	434-240-250	AMD	02-07-028
415-111-100	AMD	02-03-120	434-236-030	AMD-P	02-03-133	434-240-320	AMD-P	02-03-133
415-111-110	AMD	02-03-120	434-236-030	AMD	02-07-028	434-240-320	AMD	02-07-028
415-111-310	AMD	02-03-120	434-236-040	REP-P	02-03-133	434-253-043	NEW-P	02-03-134
415-111-400	NEW	02-03-120	434-236-040	REP	02-07-028	434-253-043	NEW	02-07-029
415-111-410	NEW	02-03-120	434-236-050	REP-P	02-03-133	434-253-045	NEW-P	02-03-134
415-111-440	NEW	02-03-120	434-236-050	REP	02-07-028	434-253-045	NEW	02-07-029
415-111-450	NEW	02-03-120	434-236-055	NEW-P	02-03-133	434-253-047	NEW-P	02-03-134
415-112-015	PREP	02-05-025	434-236-055	NEW	02-07-028	434-253-047	NEW	02-07-029
415-112-015	PREP	02-06-041	434-236-060	AMD-P	02-03-133	434-253-049	NEW-P	02-03-134
415-112-0151	PREP	02-05-025	434-236-060	AMD	02-07-028	434-253-049	NEW	02-07-029
415-112-0151	PREP	02-06-041	434-236-070	AMD-P	02-03-133	434-261-005	AMD-P	02-03-134
415-112-0154	PREP	02-05-025	434-236-070	AMD	02-07-028	434-261-005	AMD	02-07-029
415-112-0154	PREP	02-06-041	434-236-080	AMD-P	02-03-133	434-261-070	AMD-P	02-03-134
415-112-0156	PREP	02-05-025	434-236-080	AMD	02-07-028	434-261-070	AMD	02-07-029
415-112-0156	PREP	02-06-041	434-236-090	AMD-P	02-03-134	434-261-075	NEW-P	02-03-134
415-112-0157	PREP	02-05-025	434-236-090	AMD	02-07-029	434-261-075	NEW	02-07-029
415-112-0157	PREP	02-06-041	434-236-100	AMD-P	02-03-133	434-261-085	NEW-P	02-03-134
415-112-0158	PREP	02-05-025	434-236-100	AMD	02-07-028	434-261-085	NEW	02-07-029
415-112-0158	PREP	02-06-041	434-236-110	AMD-P	02-03-133	434-262-020	AMD-P	02-03-133
415-112-0159	PREP	02-05-025	434-236-110	AMD	02-07-028	434-262-020	AMD	02-07-028
415-112-0159	PREP	02-06-041	434-236-140	AMD-P	02-03-133	434-262-150	AMD-P	02-03-134
415-112-0160	PREP	02-05-025	434-236-140	AMD	02-07-028	434-262-150	AMD	02-07-029
415-112-0160	PREP	02-06-041	434-236-180	AMD-P	02-03-133	458- 16-560	PREP	02-07-077
415-112-0161	PREP	02-05-025	434-236-180	AMD	02-07-028	458- 18-220	AMD	02-03-039
415-112-0161	PREP	02-06-041	434-236-210	REP-P	02-03-133	458- 20-151	PREP	02-04-054
415-112-0162	PREP	02-05-025	434-236-210	REP	02-07-028	458- 20-252	PREP	02-06-030
415-112-0162	PREP	02-06-041	434-240-010	AMD-P	02-03-133	458- 20-260	AMD-W	02-02-088
415-112-0163	PREP	02-05-025	434-240-010	AMD	02-07-028	458- 20-260	AMD-P	02-06-032
415-112-0163	PREP	02-06-041	434-240-020	AMD-P	02-03-133	458- 20-265	PREP	02-06-030
415-112-0165	PREP	02-05-025	434-240-020	AMD	02-07-028	458- 30-262	AMD	02-03-040
415-112-0165	PREP	02-06-041	434-240-025	REP-P	02-03-133	458- 30-590	AMD	02-03-041
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415-113-0301	PREP	02-06-041	434-240-090	AMD	02-07-028	461- 08-355	AMD	02-06-009
415-113-0302	PREP	02-06-041	434-240-120	AMD-P	02-03-133	461- 08-500	AMD	02-06-010
415-113-0303	AMD	02-03-120	434-240-120	AMD	02-07-028	461- 08-505	AMD	02-06-010
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415-113-0305	PREP	02-06-041	434-240-150	AMD-P	02-03-133	468- 38-390	AMD-P	02-03-049
415-113-0306	PREP	02-06-041	434-240-150	AMD	02-07-028	468- 38-390	AMD	02-06-106
415-113-0307	PREP	02-06-041	434-240-160	REP-P	02-03-133	468-300-010	AMD-P	02-05-062
415-113-0308	PREP	02-06-041	434-240-160	REP	02-07-028	468-300-020	AMD-P	02-05-062
415-113-0309	PREP	02-06-041	434-240-190	AMD-P	02-03-133	468-300-040	AMD-P	02-05-062
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478-117-020	NEW-E	02-04-087	478-118-240	NEW-E	02-06-042			
478-117-030	NEW-P	02-03-085	478-118-250	NEW-E	02-06-042			
478-117-030	NEW-E	02-04-087	478-118-260	NEW-E	02-06-042			
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478-117-040	NEW-E	02-04-087	478-118-280	NEW-E	02-06-042			
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478-117-050	NEW-E	02-04-087	478-118-410	NEW-E	02-06-042			
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478-117-200	NEW-E	02-04-087	480-93-240	NEW	02-03-016			
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