

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.

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of September 1997 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

Mary F. Gallagher Dilley
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Code Reviser

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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

1996 - 1997

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10
97-11	Apr 23	May 7	May 21	Jun 4	Jun 24
97-12	May 7	May 21	Jun 4	Jun 18	Jul 8
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97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
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97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

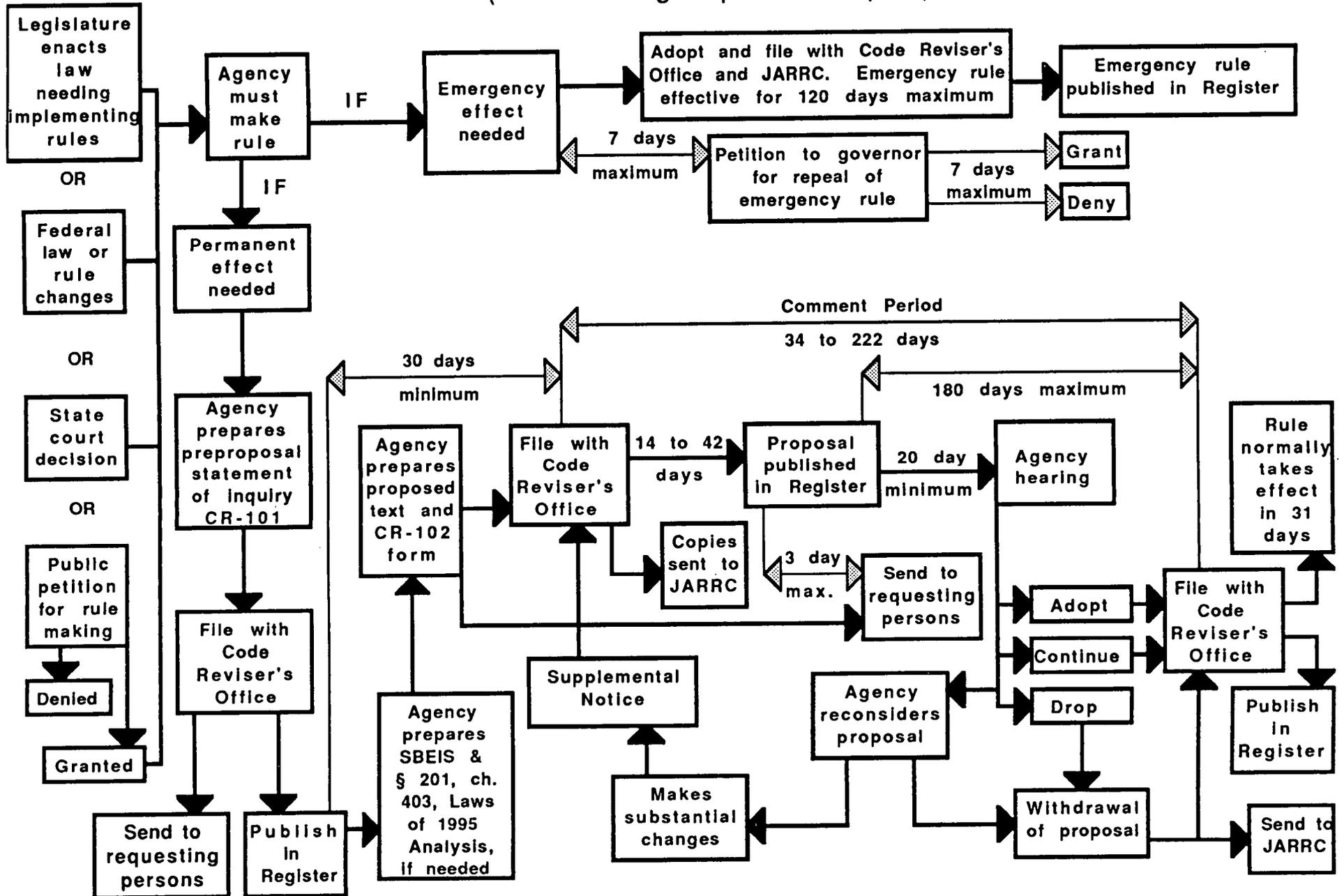
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 97-17-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 8, 1997, 3:17 p.m.]

Subject of Possible Rule Making: Time periods for steps of initial assessment, investigation, and adjudication of complaints against credentialed health care professionals and enforcement mechanisms for the timelines.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.095(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is no regulation of the amount of time that may pass during initial assessment, investigation, and adjudication of complaints. Credential holders may be adversely affected by complaints unresolved for an unlimited period of time. Persons making complaints have no guarantee of when they may expect assessment and resolution of the complaint. The public may not have timely protection against unsafe practitioners. There is a statutory requirement for these rules.

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

Process for Developing New Rule: Informal written and oral input from the disciplining boards and commissions, from license holders through their attorneys and professional associations, from department staff, and from the assistant attorney generals who work with health profession regulation. Workgroups composed of department staff, board and commission members, and assistant attorney generals. Written feedback on draft proposals and draft rules from disciplining boards and commissions, from license holders through their attorneys and professional associations, from department staff, from the assistant attorney generals who work with health profession regulation, and from complainants. Public meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margaret Gilbert, Department of Health, P.O. Box 47860, Olympia, WA 98504-7860, (360) 664-3066, FAX (360) 753-0657. Interested persons will be asked for written comment on drafts. Time and place of public meetings will be announced.

August 8, 1997
 Bruce Miyahara
 Secretary

WSR 97-17-022
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 11, 1997, 3:58 p.m.]

Subject of Possible Rule Making: Chapter 392-121 WAC, Basic education funding—Staff mix component.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1997-99 Biennial Appropriations Act required that special education certificated instructional staff be included in the calculation of basic

education certificated instructional staff mix. The same act did not include special education certificated instructional staff in the K-12 compliance or K-3 enhancement ratios.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631.

August 11, 1997
 Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 97-17-023
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 11, 1997, 3:59 p.m.]

Subject of Possible Rule Making: Chapter 392-127 WAC, Certificated instructional staff ratio (46:1000) compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1997-99 Biennial Appropriations Act required that special education certificated instructional staff be included in the calculation of basic education certificated instruction staff mix. The same act did not include special education certificated instructional staff in the K-12 compliance or K-3 enhancement ratios.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631.

August 11, 1997
 Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 97-17-024
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 11, 1997, 4:00 p.m.]

Subject of Possible Rule Making: Chapter 392-140 WAC, K-3 enhancement ratio component.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1997-99 Biennial Appropriations Act required that special education certificated instructional staff be included in the calculation of basic education certificated instructional staff mix. The same act did not include special education certificated instructional staff in the K-12 compliance or K-3 enhancement ratios.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631.

August 11, 1997
 Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 97-17-030
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed August 12, 1997, 4:31 p.m.]

Subject of Possible Rule Making: Manner of conducting a raffle.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205, 9.46.075, and 9.46.093.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment provides a way for nonprofit organizations to sell raffle tickets at a discount.

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

Process for Developing New Rule: Petition.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Frank Miller, Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; Ben Bishop, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7640; or Soojin Kim, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 #310; on September 12, 1997, at the Holiday Inn Sea Tac, 17338 International Boulevard, SeaTac, WA 98188, (206) 248-1000; on October 10, 1997, at the Icicle Inn/Best

Western, 505 Highway 2, Leavenworth, WA 98826, (509) 548-8000; and on November 14, 1997, at the Shilo Inn, 707 Ocean Shore Boulevard, Ocean Shores, WA 98569, (360) 289-4600.

August 11, 1997
 Soojin Kim
 Rules Coordinator

WSR 97-17-046
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed August 14, 1997, 4:33 p.m.]

Subject of Possible Rule Making: Repeal of chapters 480-35, 480-69, and 480-150 WAC. Docket No. A-970591.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission has identified these chapters as no longer necessary and therefore proposes that the chapters be repealed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The functions addressed in chapters 480-35 WAC, Limousines and chapter 480-69 WAC, Track scales, have been transferred to other agencies, and the subject of chapter 480-150 WAC involves a federal program that is no longer in effect.

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. These chapters appear to have no present function and are proposed for repeal. Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 753-6451, FAX (360) 586-1150. Persons may submit comments, as specified below, or may ask to be included on the commission's list of interested persons for the proceeding. Questions may be addressed to Bob Wallis at (360) 664-1142 or e-mail bobw@wutc.wa.gov.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. A-970591, not later than **Tuesday, September 9, 1997.**

August 14, 1997
 Terrence Stapleton
 for Steve McLellan
 Secretary

WSR 97-17-047
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed August 14, 1997, 4:35 p.m.]

Subject of Possible Rule Making: Update of commission rules in chapter 480-04 WAC, Public access to informa-

tion and records, chapter 480-09 WAC, Procedure, and chapter 480-11 WAC, SEPA procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 34.05.010 and other sections in chapter 34.05 RCW, RCW 42.17.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission periodically reviews its organizational and procedural rules for continuing accuracy; to respond to problems or questions that have arisen; and to make changes that might be needed to forestall potential problems. The commission's goal in this proceeding is to improve the operation and understanding of these chapters. The commission also asks commenters to consider the standards set out in Executive Order 97-02 and comment upon the rules' need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness.

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; and interested persons will be asked for suggestions and comments, and invited to participate in at least one workshop for the purpose of considering proposed changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Commission staff has prepared a list of possible questions, and suggestions for possible rule changes that are available from the commission record center upon request or on the commission's web site at <http://www.washington.edu/wutc/>. This list is neither final nor exclusive and any suggestions on listed sections or any others are invited, particularly in the form of written comments.

Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 753-6451, FAX (360) 586-1150. Persons may submit comments, as specified below, or may ask to be included on the commission's list of interested persons for the proceeding. Questions may be addressed to Bob Wallis at (360) 664-1142 or e-mail bobw@wutc.wa.gov.

Written Comments: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. A-970591, not later than **Tuesday, September 9, 1997**. All commenters are asked, but not required, to file an original and ten copies of their written comments. The commission also requests, but does not require, that comments be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the docket number of this proceeding and the commenter's name and type of software used. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described below and in any other workshop that may be scheduled. The commission will provide written notice of any additional preproposal workshops to all commenters and to any other persons specifically asking to receive notice in this rule-making proceeding.

Notice of Workshop: A workshop will be held on **Tuesday, September 16, 1997**, beginning at 1:30 p.m., in Room 108 of the Commission's Headquarters Office, 1300 South Evergreen Park Drive S.W., Olympia, WA. Persons who intend to attend this meeting are requested to advise the Commission Record Center no later than **Tuesday, September 9, 1997**, that they will be attending, so that alternative room arrangements may be made if attendance is larger than the capacity of the scheduled room.

August 14, 1997
Terrence Stapleton
for Steve McLellan
Secretary

WSR 97-17-058

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed August 18, 1997, 8:18 a.m.]

Subject of Possible Rule Making: WAC 446-20-500 Sex and kidnapping offender registration; 446-20-510 History retention; and 446-20-525 Change of address form. Amend these sections to bring them into compliance with the state law, SSB 5621, chapter 113, Laws of 1997, Registration of criminals who have victimized children, dated July 27, 1997.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 70.48.470, and 72.09.330.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment will add kidnapping offenses to the sex offender registration as indicated by SSB 5621, chapter 113, Laws of 1997, dated July 27, 1997.

Process for Developing New Rule: In order to ensure rule complies with state law.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Toni Korneder, Washington State Patrol, Identification Section, P.O. Box 42633, Olympia, WA 98504-2633, phone (360) 705-5101, FAX (360) 664-9461.

August 15, 1997
Annette M. Sandberg
Chief

WSR 97-17-059

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed August 18, 1997, 8:19 a.m.]

Subject of Possible Rule Making: Amending sections of chapter 204-90 WAC, Minimum requirements for construction and equipment of special motor vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.005 [46.37.005] and 46.37.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments are needed to update the WAC and bring it into compliance with the laws and new technology.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Highway Traffic Safety Administration (NHTSA) and Society of Automotive Engineers (SAE) are the standards that have been researched for these amendments.

Process for Developing New Rule: Negotiated rule making; and meetings were held, and input solicited from people working in the business of rebuilding and customizing special built vehicles.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Morton, Washington State Patrol, ESR Unit, P.O. Box 42635, Olympia, WA 98504-2635, phone (360) 412-8934, FAX (360) 493-9090.

August 15, 1997
Annette M. Sandberg
Chief

WSR 97-17-065

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed August 18, 1997, 3:23 p.m.]

Subject of Possible Rule Making: Chapter 180-36 WAC, Central purchasing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.335.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To change existing rules to grant greater autonomy and flexibility to local school boards regarding central purchasing of real and personal property.

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

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

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

August 13, 1997
Larry Davis
Executive Director

WSR 97-17-066

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed August 18, 1997, 3:25 p.m.]

Subject of Possible Rule Making: Chapter 180-34 WAC, Real property sales contracts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.335.120(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To change existing rules to grant greater autonomy and flexibility to local school boards regarding sales of school district surplus real property.

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

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

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

August 13, 1997
Larry Davis
Executive Director

WSR 97-17-067

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 18, 1997, 3:27 p.m.]

Subject of Possible Rule Making: Chapter 392-140 WAC, K-3 staff enhancement funding component.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Biennial Operating Appropriations Act and RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Former rules WAC 392-140-450 through 392-140-497 were inadvertently repealed August 22, 1996. These rules must be in effect for the 1996-97 and later school years.

Process for Developing New Rule: Readopt rules previously adopted February 1996. Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631.

August 18, 1997
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 97-17-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 [Filed August 19, 1997, 11:25 a.m.]

Subject of Possible Rule Making: Rules governing HIV/AIDS, especially those adopted in direct response to the AIDS Omnibus Law of 1988.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The following sections of chapter 70.24 RCW provide authority: RCW 70.24.130 and 70.24.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature directed the Board of Health to adopt rules on HIV/AIDS. The HIV/AIDS epidemic has changed over the past decade, ranging from the anticipated peaking of anticipated AIDS cases to the gratifying advances in medical therapy which interrupt vertical transmission of HIV infection and now slow progression of disease. This review is intended to assure rules are consistent with current public health needs and priorities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal: Department of Health and Human Services - Process of coordination generally involves (1) commenting on proposed federal rules and (2) revising state rules in response to federal legislation/rules. State: Other state agencies such as the Department of Social and Health Services, the Office of the Superintendent of Public Instruction, and the Department of Labor and Industries may have rules regarding HIV/AIDS, but generally those are quite limited and specific to the population they serve.

Process for Developing New Rule: (1) Existing HIV/AIDS mailing lists and publications such as the Washington State Responds will be used to notify stakeholders that the Department of Health is interested in receiving comments on rules that should be amended. These lists include local health jurisdictions, community-based organizations, and others.

(2) As pre-preparation, comments have already been solicited from local health jurisdictions.

(3) The Department of Health staff will review all comments received and conduct an internal review. Based on this input, specific changes to WAC will be proposed, and public meetings held starting in the first quarter of 1998.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Peppert, Office of HIV/AIDS Prevention and Education, Washington State Department of Health, P.O. Box 47840, Olympia, WA 98504-7840, phone (360) 586-0427, FAX (360) 586-5525.

August 18, 1997
 S. I. Beck
 Executive Director
 State Board of Health

WSR 97-17-092
PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION
 [Filed August 20, 1997, 8:36 a.m.]

Subject of Possible Rule Making: On-line game rules.

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 is considering proposing rules for a new on-line game within the next six months.

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 Michael Aoki-Kramer, Rules Coordinator, at (360) 586-6583, FAX (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

August 19, 1997
 Merritt D. Long
 Director

WSR 97-17-093
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION
 [Filed August 20, 1997, 8:38 a.m.]

Subject of Possible Rule Making: At its meeting on August 19, 1997, the commission voted to hold a public hearing and possibly adopt a rule adjusting for inflation the code values referenced in RCW 42.17.241(2), see WSR 97-15-114.

In addition to affecting the personal financial affairs reports filed by state and local officials and candidates, a change to the code values referenced in RCW 42.17.241(2) will also impact the reporting forms filed pursuant to RCW 42.17.180; namely, the annual L-3 lobbyist employer report and the C-7 form filed by entities other than PACs that make contributions or independent expenditures regarding state office campaigns or state-wide ballot measures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The L-3 and C-7 reporting forms are formally adopted by the commission as administrative rules based on the requirements of RCW 42.17.180. If RCW 42.17.241(2) is changed by rule, that change affects the information that RCW 42.17.180 requires to be reported on the L-3 and the C-7. Therefore, it is probable that the L-3 and C-7 forms will have to be amended to reflect the adjustments that will likely be made to RCW 42.17.241(2) by rule.

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

Process for Developing New Rule: The commission maintains a mailing list of persons who have expressed interest in disclosure issues over the past few years. The agency will mail a copy of the proposed rule-making notice (CR-102) to these persons, including business and labor representatives as well as government officials and others who have asked to be kept informed about matters that come before the commission.

August 20, 1997
Mary A. Martin Toohey
Assistant Director

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The commission will discuss whether it will move ahead with proposed rule making amending the L-3 and C-7 report at its meeting on September 23, 1997. Persons wishing to submit written comments should do so by Friday, September 19, 1997, to Vicki Rippie, Assistant Director, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504, FAX (360) 753-1112. The public is welcome to attend the meeting. Contact Vicki Rippie at (360) 586-4838 for additional information.

August 20, 1997
Melissa Warheit
Executive Director

WSR 97-17-094

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed August 20, 1997, 9:30 a.m.]

Subject of Possible Rule Making: To establish a quarantine on an infestation of yellow nutsedge (*Cyperus esculentus*) on a parcel of land located in Thurston County, Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 17.10 RCW, Noxious weeds—Control boards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Yellow nutsedge is a serious noxious weed of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. Because yellow nutsedge is highly invasive, left unchecked the spread of this Class B weed would entail great economic loss to agricultural industries in the state of Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Noxious Weed Control Board establishes the noxious weed list which includes yellow nutsedge. The state Noxious Weed Control Board requested this rule be adopted.

Process for Developing New Rule: After attempting to secure voluntary compliance with the state noxious weed statute, both the state Noxious Weed Control Board and the Thurston County Noxious Weed Control Board have requested this quarantine.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting K. Diane Dolstad, Plant Protection Program Manager, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2071, FAX (360) 902-2094, e-mail ddolstad@agr.wa.gov; or Lisa Lantz, Executive Secretary, Washington State Noxious Weed Control Board, 1851 South Central Place, Suite 211, Kent, WA 98031-7507, phone (253) 872-2972; or Rick Johnson, Noxious Weed Coordinator, Thurston County Noxious Weed Control Board, 3054 Carpenter Road S.E., Olympia, WA 98503, phone (360) 786-5576, FAX (360) 754-2975.

WSR 97-17-001
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Filed August 6, 1997, 3:51 p.m.]

Original Notice.

Title of Rule: WAC 136-15-010 and 136-15-050.

Purpose: Revises RCW 36.81.121 to allow submittal of the six-year transportation program by the county at any time prior to the adoption of the budget.

Other Identifying Information: HB 1525 and SB 5502.

Statutory Authority for Adoption: RCW 36.81.121.

Summary: Changes submittal dates of the six-year transportation program.

Reasons Supporting Proposal: Adoption of HB 1525 during 1997 legislative session, chapter 188, Laws of 1997.

Name of Agency Personnel Responsible for Drafting: Chris Mudgett, Olympia, (360) 753-5989; Implementation: Karen Pendleton, Olympia, (360) 753-5989; and Enforcement: Eric Berger, Olympia, (360) 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment will revise current WACs to allow submittal of the six-year transportation program by the county at any time prior to the adoption of the budget.

Proposal Changes the Following Existing Rules: Changes submittal dates for six-year program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No effect on small business.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: County Road Administration, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, on October 31, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by October 15, 1997, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, FAX (360) 586-0386, by October 15, 1997.

Date of Intended Adoption: October 31, 1997.

August 6, 1997

Eric A. Berger
Executive Director

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-15-010 Purpose. The laws of the state of Washington (RCW 36.81.121) require the preparation and annual updating of a six-year comprehensive transportation program. The program shall be adopted by the county legislative authority (~~(before July 1 of each year)~~) at any time before adoption of the annual budget and shall include all anticipated road and bridge construction projects, capital ferry expenditures, paths and trails projects and any other specified capital outlays for the following six-year period. The purpose of this chapter is to implement these statutory requirements with assurance that the program is based on a

realistic assessment of available funding during the program period.

AMENDATORY SECTION (Amending Order 68, filed 7/25/88)

WAC 136-15-050 Adoption and submittal of six-year program. A six-year program shall be adopted by resolution of the county legislative authority after appropriate public hearing (~~(before July 1 of each year)~~) at any time before adoption of the annual budget. The resolution of adoption shall include reference to availability of a priority array as required by WAC 136-14-050, and of an engineer's bridge condition report as required by WAC 136-20-060. Within 30 days of adoption, the county legislative authority shall submit the six-year program to the county road administration board.

WSR 97-17-002
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
 [Filed August 6, 1997, 3:53 p.m.]

Original Notice.

Title of Rule: Title 136 WAC, the rural arterial program.

Purpose: Amending eligibility for rural arterial programs. Revises provisions of chapter 36.79 RCW relating to rural arterials and collectors.

Other Identifying Information: Adoption of HB 1500 during the 1997 legislative session, chapter 81, Laws of 1997.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Summary: Revising eligibility for the rural arterial programs.

Name of Agency Personnel Responsible for Drafting: Chris Mudgett, Olympia, (360) 753-5989; Implementation: Karen Pendleton, Olympia, (360) 753-5989; and Enforcement: Eric Berger, Olympia, (360) 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment will revise eligibility for all rural arterials and collectors be eligible for RATA funding.

Proposal Changes the Following Existing Rules: Changes major and minor arterials to rural arterials.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No effect on small business.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: County Road Administration Board, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, on October 31, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by October 15, 1997, TDD (800) 833-6384, or (360) 753-5989.

PROPOSED

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, FAX 586-0386, by October 15, 1997.

Date of Intended Adoption: October 31, 1997.

August 6, 1997

Eric A. Berger
Executive Director

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-100-030 Major collectors and minor collectors. The statute specifies that rural arterials (~~(classified as major)~~) and collectors (~~(and rural arterials classified as minor collectors)~~) shall be eligible for RATA funding. In developing project priorities and in approving RAP projects the CRABoard shall prioritize all prospectus applications to determine the priority rating of each proposed project in each region in relation to all other proposed projects in each region.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-110-010 Purpose. RCW 36.79.030 and 36.79.040 provides that rural arterial trust account (RATA) funds available for expenditure by the CRABoard shall be apportioned to the five regions for expenditure upon county arterials in rural areas in the following manner:

(1) One-third in the ratio which the land area of the rural areas of each region bears to the total land area of all rural areas of the state;

(2) Two-thirds in the ratio which the mileage of county (~~(major and minor)~~) arterials and collectors in rural areas of each region bears to the total mileage of county (~~(major and minor)~~) arterials and collectors in all rural areas of the state. This chapter describes how this statutory language will be implemented by the CRABoard.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-110-030 Computation of road mileage ratio. The ratio which the mileage of county (~~(major and minor)~~) arterials and collectors in rural areas of each region bears to the total mileage of county (~~(major and minor)~~) arterials and collectors in all rural areas of the state shall be computed from information shown in the county road log maintained by the CRABoard as of July 1 of each odd-numbered year.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-150-010 Purpose. RCW 36.79.140 provides that only those counties that, during the preceding twelve months, have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account (RATA); provided, however, that counties with a population of (~~(5,000 or more but)~~) less than 8,000 shall be exempt from this requirement. This chapter

describes how this statutory language will be implemented by the CRABoard.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement. In those counties where diverted road levy has been budgeted for traffic law enforcement, and which have a RAP project awaiting approval by the CRABoard, the county sheriff will be required to submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, provided that counties with a population of (~~(5,000 or more but)~~) less than 8,000 shall be exempt from this requirement.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-150-023 Identifying eligible counties. Counties eligible to receive RATA funds shall be:

(1) Those in which there has been no diversion of the county road levy;

(2) Those in which the actual expenditures for traffic law enforcement have been equal to, or greater than, the amount of diverted road levy budgeted for traffic law enforcement;

(3) Those with a population of (~~(5,000 or more but)~~) less than 8,000; and

(4) Those expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-200-010 Purpose. RCW 36.79.020 provides that rural arterial trust account (RATA) funds shall be expended for the construction and improvement of county (~~(major and minor)~~) arterials and collectors in rural areas. This chapter describes the manner in which the (~~(major and minor)~~) rural arterial and collector designations are made. The source document is entitled: *Guidelines: For Amending Urban Boundaries, Functional Classification, and/or Federal Aid Systems*, August 1990, by WSDOT, and includes all subsequent amendments.

AMENDATORY SECTION (Amending Order 63-P, filed 10/15/86)

WAC 136-200-040 Functional classification verification. Each RAP project application submitted in accordance with WAC 136-160-020 shall show the functional classification of the road or roads included in the project. Prior to project approval the CRABoard shall verify that the road on which the RAP project is requested is classified as a (~~(major or minor)~~) rural arterial or collector.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-210-010 Purpose. RCW 36.79.060(2) provides that the CRABoard shall adopt reasonably uniform design standards for county (~~(major and minor)~~) rural

arterials and collectors that meet the requirements for trucks transporting commodities. This chapter describes how this statutory requirement will be implemented by the CRABoard.

WSR 97-17-021
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed August 11, 1997, 8:43 a.m.]

Original Notice.

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

Title of Rule: WAC 388-49-360, 388-49-380, and 388-49-385.

Purpose: To change work registration and food stamp employment and training program participation rules to comply with a Federal Food and Consumer Service clarification that "over 50" means on the 50th birthday. To correct a WAC citation. To clarify that after serving the period of disqualification, persons may reestablish eligibility if they are receiving unemployment compensation or participating in WorkFirst.

Statutory Authority for Adoption: RCW 74.05.510.

Statute Being Implemented: Section 6 of HR 3734 (Public Law 104-193).

Summary: To comply with a Federal Food and Consumer Service clarification that "over 50" means on the 50th birthday. To correct WAC 388-49-335 to read WAC 388-49-355. To clarify that after serving the period of disqualification, persons may reestablish eligibility if they are receiving unemployment compensation or participating in WorkFirst.

Reasons Supporting Proposal: State legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Monahan, Division of Assistance Programs, (360) 413-3250.

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

Rule is necessary because of federal law, Section 6, HR 3734, Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-49-360 changes the food stamp employment and training work registration and participation age from 51 to 50. WAC 388-49-380 changes the reference WAC 388-49-335 to 388-49-355. WAC 388-49-385 clarifies that after serving the period of disqualification, persons may reestablish eligibility if they are receiving unemployment compensation or participating in WorkFirst, or exempt food stamp work registration and/or participation.

Proposal Changes the Following Existing Rules: Amends WAC 388-49-360, 388-49-380, and 388-49-385.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply to this rule.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii), exempt because the rule pertains to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 12, 1997, phone (360) 902-0750, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 8, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-09-012, filed 4/4/97, effective 5/5/97)

WAC 388-49-360 Work registration and food stamp employment and training (FSE&T) program participation. (1) Unless exempt, the department shall register for work and require participation in the food stamp employment and training (FSE&T) program persons:

- (a) Ages sixteen through fifty-nine with dependents;
- (b) Ages sixteen and seventeen out of school, not heads-of-households; and
- (c) Ages (~~fifty-one~~) fifty through fifty-nine without dependents.

(2) Registration happens at certification and once every twelve months thereafter.

(3) The department shall exempt from work registration and participation in the FSE&T program persons who are:

(a) Sixteen and seventeen years of age who are not heads of households who are:

- (i) Attending school; or
- (ii) Enrolled in a program under temporary assistance for needy families (TANF), a program under Job Training Partnership Act (JTPA), a program under section 236 of the Trade Act of 1974, or other state or local employment and training programs at least half time;

(b) Physically or mentally unfit for employment;

(c) Responsible for the care of a dependent child under six years of age or of an incapacitated person;

(d) Applying for or receiving unemployment compensation (UC);

(e) Participating in an employment and training program under TANF;

(f) Employed or self-employed thirty hours or more per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty. This shall include migrant and seasonal farmworkers under contract or agreement with an employer;

(g) Enrolled as a student as defined in WAC 388-49-330; or

(h) Regularly participating in a drug addiction or alcoholic treatment and rehabilitation program.

PROPOSED

(4) The department shall register for work and exempt from participation in the FSE&T program persons who:

- (a) Participate in a refugee assistance program;
- (b) Reside in an exempt area;
- (c) Reside one hour or more travel distance from available FSE&T services;
- (d) Do not have a mailing address or message telephone;
- (e) Have a temporary incapacity expected to last sixty or more days; or
- (f) Have dependent care needs that exceed the maximum amount payable by the department. The exemption shall continue until:

- (i) A suitable program service is available; or
- (ii) Circumstances change and monthly dependent care costs no longer exceed the department reimbursement limit.

(5) The department shall accept an applicant's statement concerning the employability of each member of the household unless the information is questionable. The department shall verify any claim for exemption the department determines questionable.

AMENDATORY SECTION (Amending WSR 97-09-012, filed 4/4/97, effective 5/5/97)

WAC 388-49-380 Voluntary quit. (1) The department shall consider a person ineligible who:

(a) Voluntarily quits his or her most recent job without good cause if:

(i) The employment involved twenty hours or more per week or provided weekly earnings equivalent to the federal minimum wage by twenty hours;

(ii) The quit occurred within sixty days prior to application or any time thereafter; and

(iii) At the time of the voluntary quit, the ~~((person))~~ person was required to register for work as provided under WAC 388-49-360 (with exception of subsection (3)(d) and (e) of this section), or the person is nonexempt under WAC ~~((388-49-335))~~ 388-49-355; or

(b) Is an employee of the federal, state, or local government who participated in a strike against such government and is dismissed from his or her job because of participation in the strike.

(2) Good cause for voluntarily quitting employment includes the following:

(a) Circumstances included under WAC 388-49-366(2);

(b) The employment is unsuitable as defined under WAC 388-49-370;

(c) Discrimination by an employer based on age, race, sex, color, religious belief, national origin, political belief, marital status, or the presence of any sensory, mental, or physical disability or other reasons in RCW 49.60.180;

(d) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(e) Acceptance by the person of employment or enrollment of at least half time in any recognized school, training program, or institution of higher education including fulfillment of the provisions under WAC 388-49-330, requiring the person to leave employment;

(f) Acceptance by any other household member of employment or enrollment at least half time in any recog-

nized school, training program, or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring any other member to leave employment;

(g) Resignations by persons under sixty years of age recognized by the employer as retirement;

(h) Acceptance of a bona fide offer of employment of twenty hours or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the person, subsequently either does not materialize or results in employment of twenty hours or less a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(i) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work.

(3) A household where a person voluntarily quits his or her most recent job shall not be ineligible if the circumstances of the employment involve:

(a) Changes in employment status resulting from reduced hours of employment while working for the same employer;

(b) Termination of a self-employment enterprise; or

(c) Resignation from a job at the demand of an employer.

(4) The person shall have primary responsibility for providing verification of good cause for voluntary quit. If the household and the department are unable to obtain verification, the department shall not deny the household access to the program.

(5) If a quit was without good cause, the person is disqualified:

(a) For the first quit, one month and until the person complies with subsection (7) of this section;

(b) For the second quit, three months and until the person complies with subsection (7) of this section; and

(c) For the third or subsequent quit, six months and until the person complies with subsection (7) of this section.

(6) For persons residing in exempt areas under WAC 388-49-360(4), a disqualification ends when a person:

(a) Has served the one, three, or six month portion of the disqualification penalty; and

(b) Complies with subsection (7)(a) of this section.

(7) The person may re-establish eligibility after the disqualification, if otherwise eligible, and the person:

(a) Secures new employment;

(b) In nonexempt areas, is participating in the food stamp employment and training program;

(c) Is participating in workfare; ~~((or))~~

(d) Is receiving unemployment compensation;

(e) Is participating in workfirst; or

(f) Becomes exempt ~~((other than under WAC 388-49-360(3)(d) and (e)))~~ from work registration and/or participation.

(8) If a disqualified person moves from the household and joins another household, the department shall consider the person as an ineligible household member of the new household for the remainder of the disqualification period.

AMENDATORY SECTION (Amending WSR 97-09-012, filed 4/4/97, effective 5/5/97)

WAC 388-49-385 Food stamp workfare. (1) Workfare is a program available to persons eighteen ~~((through))~~ to fifty years of age without dependents, that gives persons the opportunity to maintain eligibility for food stamp benefits.

(2) Workfare consists of:

(a) For the first month, job search activities or unpaid work with a public or private nonprofit agency; and

(b) Subsequent months, unpaid work with a public or private nonprofit agency.

(3) The department determines the hours that a person must participate in unpaid work with a public or private nonprofit agency.

(4) Workfare hours when added to compensated hours worked may not exceed thirty hours a week.

(5) The department shall pay for a person's actual expenses, up to the department limit, that are necessary for the person to participate in workfare.

WSR 97-17-039
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed August 14, 1997, 9:55 a.m.]

Original Notice.

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

Title of Rule: WAC 388-55-030 Refugee cash assistance—Treatment of income and resources.

Purpose: Federal regulations at 45 CFR 400.61 and 400.102 require that consideration of income and resources for the refugee cash assistance (RCA) and refugee medical assistance (RMA) programs be based on aid to families with dependent children (AFDC) regulations at 45 CFR 233.20 (a)(3) through (11). Under federal welfare reform, AFDC was replaced by temporary assistance for needy families (TANF) program. States may establish TANF income and resource rules that are more liberal than those which were required under federal AFDC rules. The department's RCA and RMA income and resource rules are tied to its TANF (formally AFDC) rules by reference with exceptions noted to ensure compliance with federal regulations. Effective August 1, 1997, the department is changing income and resource rules for Washington's TANF program in response to state welfare reform legislation, EHB 3901 (1997). Because the new TANF rules create income and resource exemptions which exceed those allowed under federal AFDC rules, this issuance is necessary to ensure that the department's RCA/RMA income and resource rules continue to conform to federal AFDC rules as required by federal regulations.

Statutory Authority for Adoption: RCW 74.040.050 [74.04.050], 74.08.090.

Statute Being Implemented: EHB 3901 (1997), 45 CFR 400.61, 400.102, 233.20 (a)(3)-(11).

Reasons Supporting Proposal: State legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Brinkman, Lacey Government Center, (360) 413-3091.

Name of Proponent: Department of Social and Health Services.

Rule is necessary because of federal law, 45 CFR 400.61, 400.102, 233.20 (a)(3)-(11).

Explanation of Rule, its Purpose, and Anticipated Effects: Specify how eligibility requirements for refugee cash assistance differ from TANF. The income exemption will be less than for TANF recipients.

Proposal Changes the Following Existing Rules: Changes exempt resource values for vehicles and savings accounts for recipients.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Affects only recipients of public assistance. This rule change does not impact small businesses. It only affects applicants and recipients of refugee cash assistance.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts the Department of Social and Health Services rules that relate only to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 12, 1997, phone (360) 902-0750, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: September 24, 1997.

August 14, 1997
Edith M. Rice, Chief
Office of Legal Affairs

AMENDATORY SECTION (Amending Order 3944, filed 2/9/96, effective 3/11/96)

WAC 388-55-030 Treatment of income and resources. (1) The ~~((department shall treat the))~~ income and resources of ~~((an applicant or recipient of))~~ RCA/RMA ~~((in accordance with provisions))~~ clients shall be treated according to the rules in chapters 388-216 WAC ~~((AFDC resources;))~~ and ~~((chapter))~~ 388-218 WAC, ~~((AFDC income))~~ except that RCA/RMA clients do not qualify for:

(a) The fifty percent gross earned income disregard allowed under WAC 388-218-1440. Instead, the first ninety dollars of an RCA/RMA client's monthly gross earned income shall be disregarded;

(b) The three thousand dollar savings account exemption allowed to recipients under WAC 388-216-2650;

(c) The exemption for a motor vehicle used to transport a physically disabled household member under WAC 388-216-2500; and

(d) The five thousand dollar vehicle equity value exemption under WAC 388-216-2650. Instead, the equity

August 14, 1997
William E. Brookreson
Assistant Director

value exemption for a used and useful vehicle owned by an RCA/RMA client is one thousand five hundred dollars.

~~(2) ((With the exception of the thirty dollar and one third earned income disregard, adult refugee recipients shall be eligible for earned income exemptions as specified in WAC 388-218-1420, regardless of assistance unit composition.~~

~~(3))~~ The department shall not consider resources which are unavailable, including property remaining in other countries, in determining eligibility for RCA/RMA.

~~((4))~~ (3) The income of a refugee dependent child shall be treated as specified in WAC 388-218-1410.

WSR 97-17-043
WITHDRAWAL OF PROPOSED RULES
HORSE RACING COMMISSION

[Filed August 14, 1997, 2:17 p.m.]

The Washington Horse Racing Commission wishes to withdraw the filing under WSR 97-04-060, regarding chapter 260-24 WAC.

Patty Sorby
Rules Coordinator

WSR 97-17-063
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed August 18, 1997, 10:45 a.m.]

Continuance of WSR 97-11-084.

Preproposal statement of inquiry was filed as WSR 96-15-138.

Title of Rule: New chapter 16-573 WAC, Canola and Rapeseed Commission.

Purpose: Establish a commodity commission to represent canola and rapeseed growers in the state of Washington with the authority to collect assessments to carry out activities in promotion, research, public information programs, establishing grades and standards, and to take necessary action to prevent unfair trade practices.

Statutory Authority for Adoption: RCW 15.65.050.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The new rule will create the Canola and Rapeseed Commission consisting of an eight member board to carry out activities in the promotion, research, public information programs, establishing grades and standards and to take necessary action to prevent unfair trade practices.

Reasons Supporting Proposal: Agricultural industry groups may petition the director of agriculture to form an agricultural commodity commission in compliance with chapter 15.65 RCW. The issuance of a marketing order must be approved by a vote of the growers. The cost of all programs in marketing and research conducted by the commission are borne by the affected producers.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington, 2nd Floor, Olympia, WA, (360) 902-1928.

Date of Intended Adoption: January 31, 1997 [1998].

WSR 97-17-068
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed August 18, 1997, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-14-045.

Title of Rule: WAC 388-215-1630 Assistance units—Consolidation.

Purpose: To combine multiple temporary assistance for needy families (TANF) assistance units living with a single caretaker relative or relative married couple into one consolidated assistance unit.

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

Statute Being Implemented: RCW 74.04.005 and 74.04.050.

Summary: Both sibling and nonsibling children will be included in the same TANF assistance unit when living in the same home and being cared for by the same relative.

Reasons Supporting Proposal: It equalizes the treatment of sibling and nonsibling children in terms of grant payment. It will save the state's TANF program a considerable amount of money that can be used to serve more clients.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, WorkFirst Division, (360) 413-3093.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-215-1630 Assistance units—Consolidation, combines multiple assistance units into one consolidated assistance unit when they live in the home of a single caretaker relative or relative married couple. It will equalize the treatment of sibling and nonsibling children in terms of grant payment and it will save state TANF program dollars. A consolidated assistance unit will receive less cash assistance than the same number of persons in multiple assistance units.

Proposal Changes the Following Existing Rules: Currently, nonsibling children cannot be included in an assistance unit with sibling children even though living in the same household and being cared for by the same relative. Separate assistance units are established for the nonsibling children. This rule change will allow nonsibling children to be included in the same assistance unit with siblings in such living arrangements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not affect small businesses.

PROPOSED

RCW 34.05.328 does not apply to this rule adoption. Rules of the Department of Social and Health Services relating only to client medical or financial eligibility are exempt under RCW 34.05.328.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Department of Social and Health Services, Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-215-1630 Assistance units—Consolidation.

(1) All assistance units established according to the rules in WAC 388-215-1600, 388-215-1610 and 388-215-1620, containing children who live in the home of the same caretaker relative or relative married couple (see WAC 388-215-1050 for the meaning of living in the home) will be combined into one consolidated assistance unit.

(2) Children do not have to be full, half, or adopted brothers or sisters to be part of the same consolidated assistance unit.

(3) When the caretaker relative has income or resources that make the consolidated assistance unit ineligible for cash benefits, the department shall terminate assistance for the caretaker relative and any children for whom they are financially responsible and continue assistance for the nonsibling children.

WSR 97-17-069
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed August 18, 1997, 3:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-080.

Title of Rule: WAC 388-215-1620 Assistance units—Excluded persons, WAC 388-215-1650 Assistance to a minor, WAC 388-215-1660 Unmarried pregnant or parenting teens under age eighteen—Required living arrangement, and WAC 388-215-1670 Unmarried pregnant or parenting teens under age eighteen—Required school attendance.

Purpose: To comply with the state requirement in EHB 3901 (1997) that temporary assistance for needy families (TANF) be denied to unmarried pregnant or parenting teens

under age 18 who are (1) not living with an adult relative or in a department-approved living arrangement, and (2) not progressing towards completion of a high school education or equivalent. It also excludes an adult parent from receiving TANF with a minor child when living with the other parent who is an unmarried teen and the living arrangement has not been approved by the department.

Statutory Authority for Adoption: RCW 74.08.090 and 74.12.255.

Statute Being Implemented: RCW 74.12.255 and section 503, chapter 58, Laws of 1997.

Summary: State rules for the TANF program require that TANF cash assistance be denied to unmarried pregnant or parenting teens under age 18 who are not living in a department-approved living arrangement or progressing towards the attainment of a high school diploma. It also excludes an adult parent from receiving TANF with the eligible child when living with the other parent (unmarried teen) in an inappropriate living arrangement that includes elements of child rape.

Reasons Supporting Proposal: (1) It is required by state law. (2) Current TANF assistance unit rules encourage the continued exploitation of underage girls by adult males by allowing the adult father of a needy child to receive benefits even though the teen mother is denied benefits because the living arrangement is determined inappropriate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, WorkFirst Division, Lacey, Washington, (360) 413-3093.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-215-1620 Assistance units—Excluded persons, 388-215-1650 Assistance to a minor, 388-215-1660 Unmarried pregnant or parenting teens under age eighteen—Required living arrangement, and 388-215-1670 Unmarried pregnant or parenting teens under age eighteen—Required school [attendance]. To comply with state requirement in EHB 3901 (1997) that TANF be denied to unmarried pregnant or parenting teens under 18 who are (1) not living in a department-approved living arrangement, and (2) not progressing towards a high school diploma. It also excludes an adult parent from receiving TANF with a minor child when residing with the other parent (unmarried teen) if the living arrangement is determined inappropriate, which includes situations where elements of child rape exist.

Proposal Changes the Following Existing Rules: Prior to this rule change, there were no living arrangement or school attendance requirements for unmarried pregnant teens as factors of eligibility for TANF. An adult parent who resided with their child and the other parent (unmarried teen) would still be included in the assistance unit with the child even though elements of child rape existed between the parents.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. Rules of the Department of Social and Health Services

PROPOSED

relating only to client medical or financial eligibility are exempt under RCW 34.05.328.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Department of Social and Health Services, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3799, filed 10/26/94, effective 11/26/94)

WAC 388-215-1620 Assistance unit—Excluded persons ((~~excluded due to factors not related to need~~)). The department shall ((~~exclude from the assistance unit those persons~~)) not count people ineligible due to ((~~factors not related to~~)) program requirements other than need when deciding how many people are in an assistance unit. Exclusions include, but are not limited to:

- (1) A recipient of SSI benefits;
- (2) ((~~A child~~)) Children under eighteen who ((~~is~~)) are not deprived of parental support or care as defined under WAC 388-215-1300 through 388-215-1390;
- (3) ((~~An~~)) Aliens who do not meet ((~~ing~~)) the citizenship and alienage requirements (see WAC 388-215-1200);
- (4) Adopted children receiving Title IV-E, state or local adoption assistance ((~~if inclusion of such children and their income~~)) when including them will result in a decrease in benefits to the assistance unit;
- (5) Children who receive Title IV-E, state and local foster care maintenance payments except as provided for under WAC 388-215-1100 and 388-215-1120;
- (6) ((~~A person under sanction for noncooperation with:~~))
 - (a) The job opportunities and basic skills training (JOBS) program (see WAC 388-215-1520); or
 - (b) The department's division of child support (see WAC 388-215-1400);
- (7) A child who does not live with a relative of specified degree as defined under WAC 388-215-1060 and 388-215-1080;
 - (7) An adult parent in a two-parent household when:
 - (a) The other parent is unmarried and under the age of eighteen; and
 - (b) The department determines the living arrangement is not appropriate under WAC 388-215-1660.

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

AMENDATORY SECTION (Amending WSR 97-06-076, filed 2/28/97, effective 3/31/97)

WAC 388-215-1650 Assistance to a minor ((~~child~~)).
(1) ((~~A minor is a person seventeen years of age and younger.~~))

((~~2) Under state law, (chapter 74.13 RCW, Child welfare services), the department shall protect and care for homeless, dependent, or neglected children or children in danger of becoming delinquent.~~))

((~~3) If a minor applies for assistance for himself or herself, the department shall determine eligibility for AFDC as required under this chapter. If an unmarried pregnant minor is requesting an abortion, parental consent is not required. The decision to proceed with an abortion rests solely with the minor. Involvement and/or consultation with parents in reaching this decision should be a matter of individual case judgment.~~))

((~~4) Prior to authorizing assistance for a minor, the department shall determine the parent's ability to financially support and willingness to contribute. See WAC 388-506-0610 (1) and (2) for responsibility for medical care. Parental contact is not required when the minor applicant))~~ Minors may apply for TANF from the department.

((~~2) The department will inform a minor applicant that it will contact the minor's parent or guardian to ask whether they are willing to contribute to the support of the minor before authorizing assistance, unless the minor:~~))

- (a) Is married; or
 - (b) ((~~Is~~)) In the military ((~~service~~)); or
 - (c) ((~~Has been declared~~)) Is emancipated by a court ((~~of competent jurisdiction prior to the application for assistance~~)); or
 - (d) Is applying for medical assistance related to pregnancy.
- ((~~5) The minor's emancipation status is not an eligibility factor. The identification of emancipation status is necessary to determine if there is parental responsibility for support.~~))

((~~6) The department shall inform the minor applicant that there will be communication with the minor's parents during the eligibility determination process in order to determine the parents' willingness to contribute to the support of the minor.~~))

((~~7) If a minor parent and his or her child live with such minor's parent or parents, the department shall establish the assistance unit of the minor according to WAC 388-215-1600 through 388-215-1610. If the minor parent's parent is not included in the assistance unit of the minor parent, the department shall consider the income of such parent available to meet the needs of the minor parent as specified under WAC 388-218-1660 and 388-218-1680.~~))

((~~8) If a minor parent's))~~ (3) When the legal guardian has a court-ordered responsibility ((~~for the~~)) to support ((~~of such~~)) a minor parent, the department ((~~shall treat such legal~~)) will use the guardian's income ((~~, with respect to determining the availability of such income to meet the needs of the minor parent, the same as the income of a minor parent's parent as specified in subsection (7) of this section.~~))

((~~9) The department shall require an unmarried minor parent who has not completed a high school education (or its equivalent), and whose youngest child is at least twelve~~))

weeks old, to participate in educational activities leading to the attainment of a high school diploma or its equivalent, or participate in an alternative educational or training program that has been approved by the department. The following conditions apply:

(a) "Participate" means maintaining satisfactory attendance as required by the school or program in which the minor parent is enrolled.

(b) No TANF benefits will be issued for a minor parent who is not participating as required above. The eligibility of the minor parent's child is not affected by this rule.

(c) The income of a minor parent who is disqualified under this section shall be allocated under WAC 388-218-1640 as if the minor parent were ineligible due to sanction or noncooperation)) to figure the amount of the grant according to WAC 388-218-1670.

AMENDATORY SECTION (Amending WSR 97-09-029, filed 4/10/97, effective 5/11/97)

WAC 388-215-1660 Unmarried ((minor parents)) pregnant or parenting teens under age eighteen—Required ((to live with adult relative or legal guardian)) living arrangement. (1) ~~((The department shall deny))~~ To be eligible for cash assistance ~~((to))~~, an unmarried ~~((minor parent, by excluding the needs of that individual in determining the need and payment amount of the assistance unit, if that individual and that individual's child do not reside in one of the living situations described in subsection (2) of this section))~~ pregnant or parenting teen under age eighteen and the teen parent's child must:

(a) Live in a home approved by the department; and

(b) Have a protective payee as required by WAC 388-265-1275.

(2) ~~((An unmarried minor parent and the minor parent's child must live in either:~~

~~((a)))~~ The department will approve the home of a parent, legal guardian, or other adult relative ~~((of the minor parent; or~~

~~((b)))~~, as defined under RCW 74.15.020(4), of the pregnant or parenting teen, unless:

(a) The pregnant or parenting teen has no living parent, legal guardian, or other adult relative that can be located, or if the parent, legal guardian, or other adult relative does not meet applicable state criteria to act as the individual's legal guardian or otherwise does not want the pregnant or parenting teen to reside with them; or

(b) The pregnant or parenting teen or teen parent's child is being or has been subjected to serious physical, emotional or sexual harm, abuse or exploitation in the home of the parent, legal guardian, or other adult relative; or

(c) Substantial evidence exists of an act or failure to act by the parent, legal guardian, or other adult relative that presents an imminent or serious harm to the pregnant or parenting teen or teen parent's child if they resided there; or

(d) The department determines that it is in the best interest of the teen parent's child or the pregnant teen to waive the requirement of living in the home of a parent, legal guardian, or other adult relative.

(3) If the home of a parent, legal guardian, or other adult relative is not available or suitable, the department will approve:

(a) A facility or home licensed under ~~((RCW))~~ chapter 74.15 RCW that provides a supportive and supervised living arrangement requiring residents to learn parenting skills~~((;))~~; or

(b) A maternity home~~((;))~~; or

(c) Other ~~((appropriate))~~ adult-supervised living arrangement~~((;))~~; or

(d) The client's current or proposed living arrangement if the department determines it is appropriate~~((; if:~~

(i) The minor parent has no living parent, legal guardian, or other adult relative that can be located, or if the parent, legal guardian, or other adult relative does not meet applicable state criteria to act as the individual's legal guardian or otherwise does not want the minor parent to reside with them; or

(ii) The minor parent or minor parent's child is being or has been subjected to serious physical, emotional or sexual harm, abuse or exploitation in the home of the parent, legal guardian, or other adult relative; or

(iii) Substantial evidence exists of an act or failure to act by the parent, legal guardian, or other adult relative that presents an imminent or serious harm to the minor parent or minor parent's child if they resided there; or

(iv) The department determines that it is in the best interest of the minor child to waive the requirement in subsection (2)(a) of this section.

(3) For the purposes of this section, an unmarried minor parent's living arrangement is not appropriate if, at the time of the minor parent's eligibility determination, the other natural parent of the minor parent's child:

(a) Resides in the home;

(b) Is at least eighteen years of age; and

(c) The minor parent and the adult parent meet the age criteria for the offenses of rape of a child in the first, second or third degree as set forth in RCW 9A.44.073, 9A.44.076 and 9A.44.079.

(4) The income of a minor parent who is denied benefits under this section shall be allocated under WAC 388-218-1640 as if the minor parent were ineligible due to sanction or noncooperation)).

(4) The department will never approve a home that includes the other natural parent of the teen's child or unborn when:

(a) The unmarried pregnant or parenting teen is under age sixteen; and

(b) The other parent is eighteen or older and meets the age criteria for the offenses of rape of a child in the first, second, or third degree as set forth in RCW 9A.44.073, 9A.44.076 and 9A.44.079.

(5) If an unmarried pregnant or parenting teen is disqualified because of this rule:

(a) No child in the assistance unit will be disqualified; and

(b) If the teen parent has income, the department will use it to figure the amount of the child's grant according to WAC 388-218-1640.

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

NEW SECTION

WAC 388-215-1670 Unmarried pregnant or parenting teens under age eighteen—Required school attendance. (1) In order to receive assistance, an unmarried pregnant or parenting teen under age eighteen who has not completed a high school education or General Equivalency Diploma (GED) must participate in educational activities leading to the attainment of a high school diploma or GED.

(2) A teen parent with a child under twelve weeks old is exempt from this rule.

(3) The school or program in which the unmarried pregnant or parenting teen is enrolled will set standards for satisfactory attendance that the teen has to meet.

(4) If an unmarried pregnant or parenting teen is disqualified because of this rule:

(a) No one else in the assistance unit is disqualified; and

(b) If the teen parent has income, the department will use it to figure the amount of the child's grant according to WAC 388-218-1640.

WSR 97-17-070
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed August 18, 1997, 4:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-14-046.

Title of Rule: Chapter 388-310 WAC, WorkFirst program.

Purpose: EHB 3901 (1997) and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Act of 1996 repealed the job opportunities and basic skills training program and replaced it with the Washington WorkFirst program. Chapter 388-310 WAC provides rules for the operation of the WorkFirst program.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.050.

Statute Being Implemented: Chapter 58, Part III, Laws of 1997.

Summary: Chapter 388-310 WAC establishes broad regulations governing the treatment of TANF eligible persons with regard to their personal responsibilities to be engaged in work or work activities as a condition of full benefit receipt. The rule establishes criteria for who must participate in WorkFirst; decision making regarding the activities in which the person will be required to participate; what penalties will be imposed if a person refuses to participate as required; and acknowledges the impact on and involvement of Native Americans in WorkFirst.

Reasons Supporting Proposal: State legislation directs the department to establish the WorkFirst program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue Langley, WorkFirst Division, (360) 413-3241.

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: Chapter 388-310 WAC establishes broad regulations governing the treatment of TANF eligible persons with regard to their personal responsibilities to be engaged in work or work activities as a condition of full benefit receipt. The purpose of the rule is to establish the criteria for: Determining who must participate in WorkFirst; decision making regarding the activities in which the person will be required to participate; determining which employers may participate in wage subsidy program; ensuring that current employees and WorkFirst participants considered employees for specific purposes are provided labor standards protections; imposing sanctions in participants who refuse to participate in WorkFirst without adequate reason; and acknowledging the impact on and involvement of Native Americans in WorkFirst.

The effect of this rule will be an increase in the number of families who leave assistance due to earnings, a reduction in the overall amount of payments made to families due to earnings, and protection for vulnerable populations.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impose new or additional regulations on any businesses.

RCW 34.05.328 does not apply to this rule adoption. This section does not apply to Department of Social and Health Services rules regarding financial or medical eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

Chapter 388-310 WAC
WorkFirst

NEW SECTION

WAC 388-310-0100 WorkFirst—Authority and purpose. (1) The WorkFirst program is established under Title 74 RCW.

(2) The goals of WorkFirst are to:

(a) Reduce poverty by helping those receiving temporary assistance for needy families (TANF) assistance get and keep jobs;

(b) Sustain the independence of those who become employed by helping them keep jobs; and

(c) Protect children and other vulnerable residents.

NEW SECTION

WAC 388-310-0200 WorkFirst—Definitions. Except as otherwise specified, the terms used in this chapter, 388-310 WAC, shall have the same meaning as applied to the TANF program, and terms defined under chapter 388-22 WAC.

"**Component**" means a WorkFirst work activity. WorkFirst components are:

(1) **Paid employment** in the private or public sector which may be either:

(a) Unsubsidized; or

(b) Subsidized by the department, its agent, or another publicly funded program, and includes on-the-job training, work-study, and wage subsidy programs.

(2) **Work experience** which is unpaid work for a private nonprofit organization, public agency, or tribal government;

(3) **Community service** which is:

(a) Unpaid work for a charitable nonprofit organization, public agency, or tribal government; or

(b) An activity which would benefit the participant, the participant's family, or the participant's community or tribe, as determined by the department on a case-by-case basis.

(4) **Job search** includes assistance in preparing to search for work;

(5) **Vocational educational training** includes job skills training directly related to employment;

(6) **Basic education activities** which are high school completion, GED certification preparation, and may include adult basic education or English as a second language training;

(7) **Specialized services**, such as substance abuse assessment and treatment and family violence counseling, to assist the participant to become employable or to become eligible for assistance programs other than TANF when provided through appropriate department programs and services;

(8) Providing child care services to an individual who is participating in a community service program.

"**Department**" means the department of social and health services (DSHS).

"**Pre-employment training**" means job skills training which has an immediate outcome of unsubsidized employment with an hourly wage greater than the local entry level wage.

"**Satisfactory progress**" means a participant in secondary or vocational education has achieved and is maintaining a grade point average and credits or mastery of competencies sufficient to complete the course in the prescribed time for the curriculum.

NEW SECTION

WAC 388-310-0300 WorkFirst—Participation exemptions. (1) The department will determine the exempt status of all TANF recipients who are sixteen years of age and older and all custodial parents under eighteen years of age.

(2)(a) A person is exempt from WorkFirst participation requirements if the person is needed in the home to personally provide care for a child under twelve months of age. The person may use this exempt status for a total of twelve

months during the person's sixty-month lifetime limit for assistance.

(3) Unless determined exempt under subsection (2) of this section, the TANF recipient must participate in WorkFirst. Persons who are exempt may volunteer to participate and will not be subject to sanction for subsequent refusal.

NEW SECTION

WAC 388-310-0400 WorkFirst—Participation requirements. (1) Participants are required to participate in job search as the first WorkFirst activity unless temporarily deferred. The department may defer a participant from immediate job search if the participant is:

(a) Working twenty or more hours a week;

(b) Is an unmarried custodial parent under the age of eighteen or a dependent child who is sixteen or seventeen years of age who has not completed high school or GED; or

(c) Experiencing personal or family circumstances which prevents the person's immediate participation in job search.

(2) Participants who are temporarily deferred must participate in an evaluation of their employability from the department.

(3) The department may sanction a person who is nonexempt and who refuses to participate in the employability evaluation under WAC 388-310-0600.

(4) Persons approved by the department or a Tribal JOBS program for post-secondary education or training program prior to the effective date of this chapter will be permitted to continue in the program under WorkFirst until June 30, 1998.

NEW SECTION

WAC 388-310-0500 WorkFirst—Job search. (1) The purpose of job search is to provide the participant with the opportunity to learn and use skills and abilities needed to find and keep employment. Job search activities include:

(a) Classroom instruction on job finding techniques and employer expectations;

(b) Structured, consistent, and monitored efforts of the person to discover job openings and apply for available or potentially available employment; and

(c) Self-directed efforts of the person to find and obtain employment.

(2) A participant must meet the published standards of job search participation established in each region or community service office to include such elements as:

(a) Attendance at workshops and other group activities;

(b) Hours of participation in group activities and individual job search; and

(c) Number of employer contacts per week.

(3) A person's participation in job search must be of a quality and frequency that would clearly indicate that the individual is making sincere efforts to immediately obtain any employment.

(4) Participants may seek pre-employment training as an activity equivalent to seeking employment.

(5) The department may not require a participant to participate in job search for an extended period of time without evaluating the person's employability under WAC 388-310-0600.

NEW SECTION

WAC 388-310-0600 WorkFirst—Evaluation of employability. (1) A participant's employability will be evaluated by the department when:

(a) The person has not obtained paid, unsubsidized employment at the conclusion of job search; or

(b) The person was not referred for immediate job search.

(2) The purpose of the employability evaluation process is to determine:

(a) The reasons why a person is unable to find work in the local labor market; and

(b) Which WorkFirst components, support services, or child care services are needed by the participant to become employed in the shortest time possible.

(3) The evaluation will be focused on factors related to the person's ability to find and retain employment in the local labor market. These factors include, but are not limited to:

(a) The person's education level, employment strengths, and employment history;

(b) Factors which interfere with the person's ability to become employed including high levels of unemployment in the person's locale; and

(c) The participant's personal or family circumstances which the department determines to be relevant.

(4) Information gathered in the evaluation will be the basis for the participant's individual responsibility plan.

NEW SECTION

WAC 388-310-0700 WorkFirst—Individual responsibility plan. (1) The purpose of the individual responsibility plan is to set forth:

(a) The responsibility of the participant to participate as required in the WorkFirst components included in the plan;

(b) The obligations of the department to provide services needed by the person in order to participate.

(2) The department will involve the participant in the development and decision-making process for component assignment. The component will be selected on the basis of whether the activity will provide the person with the work experience, job skills, substance abuse assessment and treatment, or other service necessary to be employed in the shortest possible time.

(3) The plan may include services needed to stabilize personal or family circumstances which impede the person's employment prospects. These services may include substance abuse treatment, physical or mental health evaluation and treatment, family counseling, or family violence counseling and housing search, acquisition, and stabilization assistance.

(4) The plan includes the following:

(a) The WorkFirst component, to include job search, in which the person is required to participate for what period of time and for how many hours a week;

(b) Any specific requirements relating to the person's participation in the component;

(c) The services the department has determined are necessary for the person to participate in the component which may include provision of direct component cost funding, support services and child care subsidies.

(e) The participant's acknowledgement of their obligations to become and remain employed as quickly as possible.

(5) The department will review the elements in a participant's individual responsibility plan component as necessary to ensure that the plan continues to meet the person's employability needs.

(6) The participant will sign and receive a copy of their individual responsibility plan at the time the plan is developed and whenever the plan is modified.

NEW SECTION

WAC 388-310-0800 WorkFirst—Support service and component cost funding. (1) The purpose of support service and component cost funding is to ensure that participants have access to necessary goods or services which cannot be paid for by the participant or other funding sources.

(2) The department or its agent will fund support services requested by participants when it is determined that the person would be prevented from participation in the component if the person fails to receive the requested service.

(3) Support services which may be fund include:

(a) Employment related needs such as work clothing or uniforms, tools, equipment, relocation expenses, or fees;

(b) Transportation costs such as mileage reimbursement, public transportation vouchers, and care repair;

(c) Professional services such as certification or diagnostic testing, counseling or medical examinations or services;

(d) Personal needs such as clothing appropriate for job search or other component activities; and

(e) Special needs such as accommodations for employment.

(4) If the department determines that services are necessary and the department does not make available funds or an in-kind benefit sufficient to meet the need, the participant is not subject to sanction under WAC 388-310-1700 for refusing to participate in the specific component for which the needed services was not provided.

(5) The department will provide support services and direct component cost funding to support components approved prior to the effective date of this chapter if the participant is making satisfactory progress toward completion of the activity.

(6) WorkFirst participants are eligible for child care subsidy payments under chapter 388-290 WAC.

(7) No funds available to carry out the WorkFirst program may be used to assist, promote, or deter religious activity.

(8) The department may establish maximum funding limits for support services.

(9) If the person does not qualify for sufficient student financial aid to meet the cost of tuition, books, supplies and fees for vocational education activities the department may provide funding for these direct component costs. This funding will only be provided if the person is participating in a component included on the person's individual responsibility plan.

(10) Tribal programs may provide support services in a specialized manner in order to address specific needs that Indians may have due to location or employment needs.

(11) A participant will lose eligibility for direct costs or support services if the person:

- (a) Fails to meet the definition of satisfactory progress in WAC 388-310-0200; or
- (b) Has ceased to participate in a component included on the individual responsibility plan.

NEW SECTION

WAC 388-310-0900 WorkFirst—Basic education.

(1) Basic education includes high school completion and classes to prepare for and testing to acquire GED certification and may include adult basic education (ABE) or English as a second language (ESL) training if:

- (a) The ABE or ESL is needed by the person to meet the current standards of the local labor market; and
- (b) The activity is combined with paid or unpaid employment or job search.

(2) The department may require a nonexempt custodial parent eighteen years of age or older who lacks a high school diploma or GED certification to participate in basic education if such education is needed by the person to meet the current standards of the local labor market.

(3) The department may require the person to combine participation in educational activities with another WorkFirst component activity to total twenty hours a week of participation if the person is not engaged in basic education for at least twenty hours a week under subsection (2) of this section.

NEW SECTION

WAC 388-310-1000 WorkFirst—Vocational education. (1) Vocational education is training in a specific occupation provided by a technical school or community college administered or certified by the state, or provided by a regionally certified tribal college. It may not exceed twelve months in length with respect to any individual. It also includes job skills training and pre-employment training in specific skills offered through community-based organizations, businesses and tribal governments.

(2) The department may include vocational education on the individual responsibility plan when the person:

- (a) Is employed twenty or more hours a week in subsidized or unsubsidized employment; or
- (b) Lacks job skills presently in demand in the local labor market and vocational education can provide the person with such skills; and

(c) Would not be able to acquire the skills needed to obtain employment though available openings in:

- (i) Work experience under WAC 388-310-1100; or
- (ii) On-the-job training under WAC 388-300-1200.

(3) A nonexempt TANF recipient may participate in vocational education or other post-secondary education or training activities not included on their individual responsibility plan on their own if the person is meeting WorkFirst hourly participation rate requirements. The department must allow the person to arrange the hours of their WorkFirst participation in a manner that does not interfere with completion of the self-initiated education or training activity.

NEW SECTION

WAC 388-310-1100 WorkFirst—Work experience.

(1) Work experience (WEX) is unpaid work with a private nonprofit organization, federal, state, local or tribal government or district. Entities providing WEX unpaid employment positions to WorkFirst participants must be in compliance with all applicable state and federal health and safety standards.

(2) The purpose of WEX is to provide the participant with:

- (a) Instruction in essential work practices;
- (b) A chance for the person to exercise or expand work skills.

(3) A WEX participant may also be required to conduct a self-directed job search.

(4) If the participant is offered paid employment while participating in WEX, the person is required to accept the paid employment.

(5) A person's assignment to a specific WEX activity may not exceed six months in length without a departmental review of whether the person requires more time to gain the skills and abilities which were established as the desired outcome of the WEX assignment.

NEW SECTION

WAC 388-310-1200 WorkFirst—On-the-job training. (1) On-the-job training (OJT) is job skills training provided by an employer at the employer's place of business. It may include some classroom training release time.

(2) A participant may be eligible for OJT employment if:

- (a) The person lacks skills which are in demand in the local labor market; and
- (b) There are employers in the area able to provide the training.

(3) An employer providing OJT may be reimbursed for up to fifty percent of the total gross wages for regular hours of work and pre-approved release time for training.

NEW SECTION

WAC 388-310-1300 WorkFirst—Wage subsidy programs. (1) On a case-by-case basis the department may use a TANF recipient's grant to provide a wage subsidy to an eligible employer who hires the participant in subsidized employment under a wage subsidy programs.

(2) A participant is limited to nine TANF payment months of subsidized employment through a wage subsidy program job.

(3) The department may require a person to accept employment under a wage subsidy program if unsubsidized employment is not available in the local labor market.

(4) The following categories of employers will be considered for wage subsidy programs:

- (a) Private for-profit businesses;
- (b) Federal, state or local governmental agencies;
- (c) Private nonprofit businesses, charities, and educational institutions;
- (d) Businesses operated by tribal organizations; and
- (e) Tribal governments.

(5) Only those employers which demonstrate a commitment to WorkFirst program goals by retaining subsidized employees in unsubsidized employment or by taking actions which enable a participant to move into other unsubsidized employment will be considered for further subsidized employees.

(6) All wages from a wage subsidy program job will be considered as earnings for all purposes.

(7) A family's TANF case will be suspended until the subsidy period ends if the participant's earnings from employment under a wage subsidy program would make the person's family ineligible for TANF. The time a person is employed in a wage subsidy program job will count as time on assistance for the purposes of the sixty-month lifetime limit for TANF.

NEW SECTION

WAC 388-310-1400 WorkFirst—Community service program. (1) The department may require nonexempt TANF recipients to participate in community service if the person is not engaged in some other WorkFirst components.

(2) Community service is:

(a) Unpaid work performed for a charitable nonprofit organization, federal, state, local, or tribal government or district such as the work performed by volunteer workers; or

(b) An activity approved by the department which benefits the person, the person's family, or the person's community or tribe. These activities may include traditional activities that perpetuate tribal culture and customs.

(3) Activities which may be approved by the department under subsection (2)(b) of this section as part of the individual responsibility plan include:

(a) Caring for a disable family member;

(b) Grandparents caring for grandchildren;

(c) Active participation in a drug or alcohol assessment or treatment program approved by the department; or

(d) Active participation in pursuing Supplemental Security Income eligibility.

(4) The participant must notify the department of any community service activity the person finds or develops on their own.

NEW SECTION

WAC 388-310-1500 WorkFirst—Employment conditions. (1) Participants will not be required to accept paid or unpaid employment or engage in an activity in which an employer-employee relationship exists which:

(a) Is not covered by industrial insurance under Title 51 RCW;

(b) Is available because of a labor dispute;

(c) Has working hours or other conditions which interfere with the participant's bona fide religious beliefs or observations;

(d) Involves conditions which are in violation of federal, state or tribal health and safety standards; or

(e) Has unreasonable work demands or conditions, such as working without getting paid on schedule with regard to paid work.

(2) Participants will not be required to accept paid employment when the conditions of employment or the employer:

(a) Pays less than the federal, state, or tribe minimum wage, whichever is higher;

(b) Does not provide unemployment compensation coverage under Title 50 RCW, unless the employee is exempt under section 7873 of the Internal Revenue Code because the person is a treaty fishing rights related worker;

(c) Requires the person to resign from or refrain from joining a legitimate labor organization; or

(d) Does not provide benefits to participants equal to those provided to other similarly employed workers.

(3) Participants will not be required to participate in unpaid work components, which are work experience and community service, for more hours that would equal the family's TANF grant divided by state or federal minimum wage, whichever is higher. For two-parent families in which both parent are nonexempt, the combined hours of required participation in unpaid work may not exceed the family's TANF grant divided by the higher of the state or federal minimum wage.

NEW SECTION

WAC 388-310-1600 WorkFirst—Determination of reasons for nonparticipation. (1) The following actions on the part of a participant will be considered as a refusal to participate in WorkFirst:

(a) Refusal of a bona fide offer of employment;

(b) Not fulfilling the participation requirements associated with components on the individual responsibility plan including not participating in a drug or alcohol assessment or not attending drug or alcohol treatment programs when certified under the division of alcohol and substance abuse as drug or alcohol dependent;

(c) Failure to provide information requested by department necessary for development of the individual responsibility plan; or

(d) Not appearing for one or more appointments scheduled by the department or its agency without notifying the department or its agent of the reason within a period of time accepted by local employers for failure to report to work.

(2) When a participant refuses to participate in WorkFirst:

(a) The participant will have the opportunity to further explain their reason for refusing to participate; and

(b) The department will make a determination of the adequacy of the person's reasons for refusing to participate. The department may make the determination based on available information if the participant does not provide information as requested.

(3) The department will not sanction the person as a result of the refusal to participate when the participant clearly demonstrates or provides evidence that the refusal is based on an adequate reason. Adequate reasons include but are not limited to:

(a) Urgent personal or family circumstances are interfering with participation which include but are not limited to:

(i) Threatened or actual family violence issues;

(ii) Eviction or immediate legal problems;

(iii) Injury or illness of the person or of a family member which requires the presence of the person who has refused to participate; or

(iv) Death of a significant person in the participant's life.

(b) Breakdown in support services such as transportation or in child care arrangements necessary for the person to participate and the person had no readily accessible alternative;

(c) The participant is unable to locate formal or informal child care for a child under the age of six years for whom they personally provide care and the department fails to provide such care

(d) The participant is unable to locate other care services for an incapacitated individual living in the same home as a dependent child and the department fails to provide such care;

(e) Determination by a licensed health professional that a physical, mental, or emotional condition is interfering with the person's required participation; or

(f) The person did not receive a notice of appointment or program requirement or the person's refusal to participate was due to a misunderstanding of program requirements.

NEW SECTION

WAC 388-310-1700 WorkFirst—Sanctions. (1) A person who is determined by the department to be refusing to participate in a component included on the person's individual responsibility plan for reasons other than those described under WAC 388-310-1600 may be sanctioned.

(2) Imposition of sanction will affect the family's TANF grant as follows:

(a) For the month a person is sanctioned the family's TANF grant amount (less any other required deductions) will be reduced by the participant's share.

(b) For second and subsequent months of continuous sanction status a protective payee will be established for reduced grant amount received by the assistance unit.

(c) For the third and subsequent months of continuous sanctions status the family's grant will be reduced by a total of forty percent and the protective payee will continue.

(3) The department will restore the full TANF grant amount retroactive to the day the participant begins participation in the component specified on the person's individual responsibility plan if the person meets participation requirements for the component for a minimum of two weeks.

NEW SECTION

WAC 388-310-1800 WorkFirst—Displacement of regular employees. (1) The department shall take all reasonable steps to ensure that a person is not required to participate in subsidized employment or unpaid work activities which:

(a) Result in the displacement of any currently employed worker including partial displacement, such as reduction in hours of overtime or nonovertime work, reduction in wages, or employment benefits;

(b) Impair existing contracts for services or collective bargaining agreements;

(c) Result in the employment or assignment of a participant or the filling of a position when:

(i) Any other person is on layoff from the same or a substantially equivalent job within the same organizational unit; or

(ii) An employer has created a vacancy for the purpose of hiring a WorkFirst participant by terminating any regular employee or otherwise reduced its workforce.

(d) Infringe on promotional opportunities of any currently employed person.

(2) The department will terminate wage subsidy program or OJT payments to an employer if the employer's worksite or operation becomes involved in a strike, lockout, or bona fide labor dispute.

(3) When a wage subsidy program or OJT agreement has been terminated and payment to the employer discontinued due to displacement of a regular employee, the WorkFirst participant's continued employment with that employer is at the sole discretion of the person and the employer.

(4) A regular employee (or the employee's representative) of an employer which has hired a WorkFirst participant into a subsidized or unpaid work activity who believes the participant's work activity violates any of the provision under this section has the right to:

(a) A grievance procedure under WAC 388-200-1100; and

(b) A fair hearing under chapter 388-08 WAC.

NEW SECTION

WAC 388-310-1900 WorkFirst—Services for Indian tribal members and other American Indians. (1) The department will refer Indian TANF applicants and recipients to the person's tribe for comparable WorkFirst services when:

(a) The tribal government operates a federally-approved Tribal TANF program; and

(b) The person is included in the population and service area identified by the tribal government in the plan.

(2) All other Indian TANF recipients have equitable access to WorkFirst program components and services under this chapter.

WSR 97-17-071
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Filed August 18, 1997, 4:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-09-086.

Title of Rule: WAC 232-12-227 Hunter education training program requirements.

Purpose: Clarifying language is required to ensure uniform implementation of regulation.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.32.155.

Summary: The amendment clarifies the existing administrative regulation by (1) specifying training requirements for an initial hunting license purchase, (2) accepting any previous year's hunting license, and (3) eliminating the requirement for a hunter education certificate number on a previous year's hunting license.

PROPOSED

Reasons Supporting Proposal: Hunter education training is required only for first-time license buyers born after January 1, 1972. Clarifying language will help eliminate questions and confusion at the time of license purchase.

Name of Agency Personnel Responsible for Drafting and Implementation: Sandi Snell, Assistant Director, Outreach and Education, Olympia, (360) 902-2229; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment simplifies and clarifies license purchase requirements for Washington state hunters.

Proposal Changes the Following Existing Rules: To amend WAC 232-12-227 Hunter education training program requirements, simplifies and clarifies the intent of the regulation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

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

Hearing Location: Best Western Ellensburg Inn, 1700 Canyon Road, Ellensburg, WA, on October 3, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by September 19, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Mik Mikitik, Hunter Education, Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 586-1662, by September 30, 1997.

Date of Intended Adoption: October 3, 1997.

August 15, 1997
Sandi Snell
Assistant Director
Outreach and Education

AMENDATORY SECTION (Amending Order 94-146, filed 1/4/95, effective 1/4/95)

WAC 232-12-227 Hunter education training program requirements. (1) The director may designate a state coordinator for the purpose of administering the hunter education program. The state coordinator shall be responsible for the certification of volunteer instructors and the development of instructional materials, training aids, operating policies and procedures necessary to comply with the provisions of this section and RCW 77.32.155.

(2) It is unlawful for any person born after January 1, 1972, to obtain an initial hunting license in the state of Washington without having completed a department-approved course involving at least ten hours of instruction in conservation, safety and sportsmanship.

(3) Upon satisfactory completion of these requirements, each student shall be issued a certificate of accreditation signed by an authorized instructor or the state coordinator.

(4) It is unlawful for a license dealer to issue a hunting license for a person born after January 1, 1972, unless a

hunter education certificate or a Washington hunting license for ~~((the))~~ a preceding year ~~((containing the hunter education certificate number))~~ issued to said person is presented at the time of purchase.

WSR 97-17-078
PROPOSED RULES
HOUSING FINANCE COMMISSION

[Filed August 19, 1997, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-14-025.

Title of Rule: Tax credit program.

Purpose: Provide procedures pursuant to which the commission will allocate or award tax credits.

Statutory Authority for Adoption: RCW 43.180.040(3).

Statute Being Implemented: RCW 43.180.050.

Summary: The proposed rule establishes the framework of the commission's tax credit program.

Reasons Supporting Proposal: The proposed rule provides applicants to the commission's tax credit program with clear direction regarding the fundamental principles under which tax credits will be allocated or awarded by the commission.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Fitzgerald, 1000 Second Avenue, Suite 2700, Seattle, WA 98104, (206) 287-4421.

Name of Proponent: Washington State Housing Finance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Washington State Housing Finance Commission has been designated as the state agency in Washington responsible for implementing the tax credit program authorized under Section 42 of the Internal Revenue Code of 1986, as amended. The commission's plan for allocating or awarding tax credits has been approved by the governor of the state of Washington. The proposed rule establishes the framework for the commission's tax credit program and will provide applicants to the tax credit program with clear direction regarding the principles by which the commission will allocate or award tax credits.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.061, because the proposed rule implements the requirements of Section 42 of the Internal Revenue Code of 1986, as amended, the proposed rule does not in and of itself impose any burden on small businesses in an industry and a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Under RCW 34.05.328 (5)(b)(iii), because these rules would be "rules of other Washington state agencies" not listed in subsection (5)(a)(i), section 201, chapter 403, Laws of 1995, does not apply.

Hearing Location: Yakama Indian Nation Cultural Heritage Center, Highway 97, 100 Spilyi Loop, Toppenish, WA 98948, on September 25, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Paul Fitzgerald by September 18, 1997, (206) 464-7139.

Submit Written Comments to: 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, FAX (206) 587-5113, by September 24, 1997.

Date of Intended Adoption: September 25, 1997.

August 18, 1997
Paul Fitzgerald
Director
Tax Credit Division

NEW SECTION

WAC 262-01-130 Tax credit program. (1) Applicants for tax credit shall submit a completed application in the form prescribed by the commission and the required application fee by the deadline set by the commission each year. The commission will not accept additional information or material changes to an application except as allowed during a prescribed correction period.

(2) As part of its application, each applicant shall submit, among other things:

(a) Its federal identification number or, if the applicant is an individual, its Social Security number;

(b) Evidence that it has control of all land necessary for completion of the project;

(c) If applicable, a relocation plan for residents approved by the appropriate governmental authority;

(d) Evidence that the project is consistent with the applicable state or local consolidated plan;

(e) A written commitment to notify the relevant local public housing authority of the availability of units in the project;

(f) Evidence of the financial capacity and experience of the development team; and

(g) Evidence of the experience of the property management team.

(3)(a) The commission will rank projects proposed by tax credit applicants based upon the degree to which they meet the criteria set forth by the commission in subsection (5) of this section. The commission may decline to consider a project that fails to meet minimum standards established by the commission for such an evaluation.

(b) Notwithstanding applicant characterization, the commission may determine the scope of or otherwise define a "project" or "projects" for purposes of ranking applications and reserving and allocating tax credit.

(4) In order to qualify to receive tax credit, a project shall meet the requirements of the code. At a minimum, a project shall:

(a) Be rent restricted;

(b) Have:

(i) Twenty percent of the units set aside for individuals whose income is fifty percent or less of area median gross income; or

(ii) Forty percent of the units set aside for individuals whose income is sixty percent or less of area median gross income;

(c) Be constructed for use by the general public;

(d) Be used on other than a transient basis; and

(e) Include separate and complete facilities for living, sleeping, eating, cooking and sanitation.

(5) For the purposes of ranking projects and allocating credit dollar amounts, the commission will give preference to projects serving the lowest income tenants and to projects obligated to serve low-income tenants for the longest periods. In determining housing priorities, the commission will give weight to those projects which, among other things:

(a) Are located in areas of special need as demonstrated by location, population, income levels, availability of affordable housing and public housing waiting lists;

(b) Set aside units for special needs populations, such as large households, the elderly, the homeless and/or the disabled;

(c) Preserve federally assisted projects as low-income housing units;

(d) Rehabilitate buildings for residential use;

(e) Are smaller projects;

(f) Have received written authorization to proceed as a United States Department of Agriculture - Rural Housing Service multifamily new construction project approved by the commission;

(g) Are historic properties;

(h) Are sponsored by local nonprofit organizations;

(i) Are located in targeted areas;

(j) Leverage public resources;

(k) Maximize the use of credits; and

(l) Demonstrate a readiness to proceed.

(6)(a) The commission will reserve at least ten percent of the state housing credit ceiling for a calendar year for projects in which qualified nonprofit organizations have an ownership interest and materially participate in the development and operation of the projects throughout the compliance period, all as described in the code. A qualified nonprofit organization is an organization described in section 501 (c)(3) or (4) of the code, which is determined by the commission not to be affiliated with or controlled by a for-profit organization and one of whose exempt purposes includes the fostering of low-income housing.

(b) The commission may also reserve a portion or portions of its state housing credit ceiling for other types of projects or sponsors.

(7) The commission will determine the amount of tax credit necessary for the project's financial feasibility and viability as a qualified low-income housing project. The commission will not allocate or award to a project more than the minimum amount of tax credit required to ensure a project's financial feasibility and viability.

(8) The commission may:

(a) Restrict the maximum amount of development costs on a per unit basis;

(b) Limit the maximum rehabilitation contingency and the maximum construction contingency;

(c) Restrict the maximum annual amount of tax credit for each low-income housing unit;

(d) Prohibit funding project reserves with equity derived from tax credit;

(e) Establish a maximum amount of credit an applicant may receive;

(f) Establish a maximum amount of tax credit a project may receive;

(g) Establish maximum developer fees and consultant fees; and

(h) Limit the amount of contractor's profit and overhead.

The commission may also limit the amount of credit received or establish other limits for other reasons.

(9)(a) As a condition of receiving tax credit, an applicant shall enter into agreements with the commission, in forms acceptable to the commission, which contain the terms under which the commission reserves credit for a project and, if applicable, provides a carryover allocation for a project.

(b) As a condition to receiving tax credit, an owner shall enter into an extended use agreement with the commission, in a form acceptable to the commission, which restricts the use of the project for a minimum of thirty years and which describes the applicable commitments and covenants made by the owner. The extended use agreement shall be recorded in a first lien position as a restrictive covenant running with the land.

(10) In order to qualify for a carryover allocation, an applicant shall demonstrate, among other things, that:

(a) The applicant has either acquired the land or has a long term lease on the land;

(b) The applicant's basis in the project (as of the close of the calendar year of the tax credit allocation) is more than ten percent of the applicant's reasonably expected basis in the project; and

(c) The applicant has received a conditional commitment for financing.

(11) An applicant that has received a carryover allocation of tax credit shall demonstrate to the commission's satisfaction that the applicant has made substantial progress towards completion of the project.

(12) An applicant shall demonstrate to the commission's satisfaction substantial compliance with all contractual obligations to the commission before the commission issues an Internal Revenue Service low-income housing credit certificate.

(13) Unless the commission makes an exception, a transfer of an interest in a project shall require the prior approval of the commission. A transfer or assignment without the commission's prior approval may result in a cancellation of tax credit for a project.

(14) To participate in the tax credit program, an applicant shall pay all required commission fees and comply with all applicable requirements and deadlines. Failure to do so may result in disqualification or cancellation of the project, application or tax credit reservation, allocation or award.

(15) For purposes of awarding tax credit, certain rules in this section do not apply to tax credit projects financed with tax-exempt bonds.

(16)(a) The commission may perform on-site inspections of projects, interview residents, review residents' applications and financial information, and review an applicant's or an owner's books and records. The applicant or owner shall provide the commission with all requested documentation, including periodic reports and certificates; shall provide the commission access to the project; and shall retain records as required by the code and the extended use agreement.

(b) The commission will monitor compliance of the projects receiving credit with the code and with contractual commitments to the commission. The commission will

notify the Internal Revenue Service when instances of noncompliance come to its attention.

WSR 97-17-079
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 19, 1997, 10:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-12-071.

Title of Rule: First aid.

Purpose: First aid, chapter 296-24 WAC, General safety and health standards, in response to requests from the business and emergency health care community, a first aid task force comprised of emergency medical care representatives and business, labor, and Department of Labor and Industries representatives was formed. The task force met for over a year to draft and reach consensus on these new rules. The primary difference between the proposed rules vs. the existing rules is that they are performance-based rules rather than specification rules. However, nonmandatory appendices have been included to provide guidance to business in development of first aid plans. In addition, the new rules have been "clear rule written" for clarity and ease of presentation. The proposed rules give the employer greater flexibility in ensuring that first aid services are readily available to all employees. The significant changes include:

- A new requirement to prepare a first aid response plan,
- Changes in the information to be covered in first aid training,
- Less rigidity in the requirements for who must be trained,
- Less rigidity in the requirements for the contents of first aid kits,
- Elimination of the requirement for a first aid room for employers with more than 200 employees,
- Requiring successful completion of first aid training (which includes CPR) every two years instead of one year for CPR and three years for first aid.

Existing WAC Sections Proposed to be Repealed:

WAC 296-24-060 First aid training and certification.

This section is proposed to be repealed and will be replaced by the four new sections indicated below:

WAC 296-24-06125 How many employees must be trained in first aid?

WAC 296-24-06130 What must first aid training cover?

WAC 296-24-06135 How often must employees complete first aid training?

WAC 296-24-06140 How must an employer document first aid training?

WAC 296-24-065 First aid kit. This section is proposed to be repealed and replaced by a new section, **WAC 296-24-06145** How must an employer store first aid supplies?

WAC 296-24-067 First aid station. This section is proposed to be repealed and replaced by a new section, **WAC 296-24-06150** Which employers must have first aid stations?

WAC 296-24-070 First aid room. This section is proposed to be repealed and will not be replaced by a new section. First aid rooms will no longer be required in the General Safety Standards.

Proposed New Sections:

WAC 296-24-061 First aid requirements. This new section identifies that the requirements in the WAC 296-24-061 section series pertain to first aid.

WAC 296-24-06105 What work places does this rule apply to? This new section states that the rule applies to all work places except for the specific ones listed and identified by rule title and chapter number.

WAC 296-24-06110 What is the purpose of this rule? This new section describes the purpose of the standard and replaces similar language found at the beginning of current section WAC 296-24-060.

WAC 296-24-06115 What definitions apply to this section? This new section gives definitions of several words or terms used in the standard. The current standard has no word or phrase definitions.

WAC 296-24-06120 What are the requirements for a first aid response plan? This new section requires employers to prepare a first aid response plan which addresses first aid training, first aid kits, emergency medical services availability and availability of first aid trained employees. This is a new requirement not found in the current standard.

WAC 296-24-06125 How many employees must be trained in first aid? This new section requires employers:

- Determine how many employees must be trained in first aid,
- To assess their workplace based on six listed factors, and
- To use that assessment to determine how many employees must be first aid trained.

WAC 296-24-06130 What must first aid training cover? This new section identifies the 17 core elements that must, at a minimum, be included in first aid training. It includes some of the same elements of the existing standard and some new elements.

WAC 296-24-06135 How often must employees complete first aid training? This new section requires that the first aid training occur every two years and that employees demonstrate skill and knowledge in the core elements outlined in WAC 296-24-06130.

WAC 296-24-06140 How must employers document first aid training? This new section requires employers to document first aid training with training rosters, certificates, or successful completion cards.

WAC 296-24-06145 How must an employer store first aid supplies? This new section requires that first aid supplies:

- Be readily available,
- Be stored in protective containers,
- Are appropriate to the workplace setting, and
- Can be moved to injured employees.

This section allows the employer to determine the contents of the kit depending on the occupational setting rather than specifying in detail the contents as required in the current standard.

WAC 296-24-06150 Which employers must have first aid stations? This new section requires:

- That a first aid station be established if there are 50 or more employees at a work site,
- That the station is well marked, and
- That the station has at least one portable first aid kit.

This section removes the requirement for wool blankets and stretcher, a roster of doctors, hospitals and ambulances and at least two first aid kits, as required in the current standard.

WAC 296-24-06155 Appendix 1 Evaluation worksheet for the first aid response plan. This is a nonmandatory appendix to provide guidance. This new section contains a questionnaire that is designed to be used by employers to assess the need for first aid trained employees. The questionnaire can be used to assess multiple locations or types of work.

WAC 296-24-06160 Appendix 2 Recommended contents of first aid kits. This is a nonmandatory appendix to provide guidance. This new section lists recommended minimum contents and optional contents for work place first aid kits.

Statutory Authority for Adoption: Chapter 49.17 RCW. Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, 7273 Linderson Way, Tumwater, WA, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, 7273 Linderson Way, Tumwater, WA, (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.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required. The department has determined that the proposed rule will reduce the overall economic burden on business, and not place more than minor economic impact on business.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The proposed rule is considered a "significant" rule because it significantly amends a regulation.

Hearing Location: On September 30, 1997, at 3:00 p.m. and 7:00 p.m., at the Labor and Industries Service Center, 3001 West Broadway, Moses Lake, WA; on October 2, 1997, at 1:00 p.m. and 6:00 p.m., at the Burlington Community Center (corner of Regent and Greenleaf streets), Burlington, Washington; and on October 7, 1997, at 9:30 a.m., at the Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA.

Assistance for Persons with Disabilities: Contact Linda Dausener by September 20, 1997, (360) 902-5516.

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by October 14, 1997.

In addition to written comments, the department will accept comments submitted to FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: January 20, 1998.
August 19, 1997
Gary Moore
Director

NEW SECTION

WAC 296-24-061 First-aid requirements.

NEW SECTION

WAC 296-24-06105 What work places does this rule apply to? This rule applies to all work places, except for the ones listed below. They are, instead covered by separate individual rules (vertical standards):

<u>Rule Title</u>	<u>Chapter</u>
• Agriculture	296-307 WAC
• Compressed Air Work	296-36 WAC
• Construction	296-155 WAC
• Electrical Workers	296-45 WAC
• Fire Fighters	296-305 WAC
• Logging	296-54 WAC
• Longshoring/Stevedoring	296-56 WAC
• Sawmills	296-78 WAC
• Shipbuilding and Repairing	296-304 WAC
• Ski Area Facilities	296-59 WAC

NEW SECTION

WAC 296-24-06110 What is the purpose of this rule? This rule ensures quick and effective first aid for all employees of the state, in case an injury or acute illness occurs on the job.

NEW SECTION

WAC 296-24-06115 What definitions apply to this section? "Emergency medical service" means medical treatment and care given at the scene of any medical emergency or while transporting any victim to a medical facility.

"First aid" is immediate emergency care for injuries or acute illness before emergency medical treatment is available.

"First-aid station" is a well marked location where first-aid kits and supplies are stored and phone numbers of hospitals or clinics and emergency medical services are posted.

"First-aid kit" is an unlocked container holding first-aid supplies.

NEW SECTION

WAC 296-24-06120 What are the requirements for a first-aid response plan? (1) The employer must develop and maintain a written first-aid response plan. The plan must ensure that trained first-aid personnel are available for employees who are injured or who become acutely ill on the job.

(2) The plan must be tailored to the work location, type of work and environmental conditions. It must be effective in practice.

- (3) The plan must:
 - (a) Identify available emergency medical services;
 - (b) Tell where the emergency medical services access number is posted;
 - (c) Tell how employees are trained in first aid;
 - (d) Tell how injured or ill employees will have access to first-aid-trained employees;
 - (e) Give the location(s) of first-aid supplies and/or first-aid stations;
 - (f) Identify the contents of first-aid kits; and
 - (g) Tell how first-aid supplies or kits will be inspected and maintained.

Note: The first-aid response plan can be part of the written accident prevention program. See Appendix 1 for further guidance on a first-aid response plan.

NEW SECTION

WAC 296-24-06125 How many employees must be trained in first aid? The employer must determine how many employees to train in first aid based on the following factors:

- Degree of occupational hazards;
- Remoteness of the work place;
- Complexity of the work place;
- Nature of work performed;
- History of past medical emergencies; and
- Time and distance to emergency medical services.

Note: If the employer requires an employee to give first aid, the bloodborne pathogen standard, WAC 296-62-080 applies and requires additional training. For guidance regarding voluntary provisions of first aid by an employee please see RCW 4.24.300.

NEW SECTION

WAC 296-24-06130 What must first-aid training cover? First-aid training must include these core elements:

- (1) Role and responsibilities of the first-aid provider;
- (2) Assessing a scene;
- (3) Performing an initial and ongoing assessment of an injured or ill person;
- (4) Ensuring scene safety and body substance isolation;
- (5) Performing an emergency move;
- (6) Placing an ill person in the recovery position;
- (7) Opening and maintaining an airway;
- (8) Providing rescue breathing;
- (9) Managing an obstructed airway;
- (10) Performing adult one rescuer CPR;
- (11) Recognizing the warning signs and symptoms of medical problems;
- (12) Recognizing and caring for an injured or ill person with decreased levels of responsiveness;
- (13) Controlling external bleeding and recognizing internal bleeding;
- (14) Recognizing and caring for victims of shock;
- (15) Recognizing and stabilizing spinal injury;
- (16) Recognizing and manually stabilizing suspected skeletal injuries; and
- (17) Knowledge of voluntary provisions of first aid, consent and confidentiality.

Note: Occupational risk or extended time and distance from emergency medical services may indicate a need for training beyond the

PROPOSED

items listed above. Each work environment should be surveyed to determine the appropriate level of training that employees should receive.

NEW SECTION

WAC 296-24-06135 How often must employees complete first-aid training? Every two years, employees must successfully complete first-aid training by demonstrating skill and knowledge in the core elements outlined in WAC 296-24-06130.

NEW SECTION

WAC 296-24-06140 How must an employer document first-aid training? Documentation of first-aid training must be maintained by the employer. Training rosters, certificates or successful completion cards are considered documentation.

NEW SECTION

WAC 296-24-06145 How must an employer store first-aid supplies? (1) First-aid supplies must be readily available to all employees.

(2) First-aid supplies must be stored in containers adequate to protect the contents from damage, deterioration, or contamination. The containers must be clearly marked and not locked, but may be sealed.

(3) First-aid supplies must be able to be moved to the location of the injured or acutely ill worker.

(4) The first-aid supplies must be appropriate to the occupational setting and the response time of emergency medical services.

Note: See Appendix 2 for recommended contents of first-aid kits.

NEW SECTION

WAC 296-24-06150 Which employers must have first-aid stations? (1) Employers with fifty or more employees per shift at one location must establish a first-aid station.

(2) The first-aid station must be:

- Well marked;
- Available to employees during all working hours;
- Equipped with first-aid supplies (type and amount depends on the number of employees, occupational setting and conditions).

(3) The first-aid station must have at least one portable first-aid kit.

NEW SECTION

WAC 296-24-06155 APPENDIX 1 Evaluation worksheet for the first-aid response plan. This is a nonmandatory appendix. The first-aid standard (WAC 296-24-061) requires employers to prepare a first-aid response plan. The plan must address the availability of first-aid trained personnel at each place of employment. Since work sites are highly variable, the first-aid needs will also vary, depending on the number of employees, the type of work, the job hazards, and the availability of emergency medical services.

This questionnaire is designed to be used as a tool to assess the need for first-aid trained employees. Since some employers may have more than one location or type of work, this questionnaire can be used to assess each site. The plan should be reviewed annually or whenever conditions change at the work site.

1. What site or location does this plan cover?
2. Who is responsible for managing this plan?
3. How is this plan communicated to employees?
4. When was the plan written or last reviewed?
5. How many employees at the work site? (If work is seasonal, consider how many per season and shifts worked.)
6. How many work shifts at the work site? (Indicate shifts and employees per shift.)

Number of Employees	Shifts		
	Day	Swing	Graveyard
less than 10	—	—	—
11-49	—	—	—
50-99	—	—	—
100 or more	—	—	—

7. What are the sources of potential injuries or illnesses at the work site?

8. What types of injuries or illnesses have occurred in the past at the work site? (This information may be found in such sources as OSHA 200 forms, worker compensation claims, or safety committee minutes.)

9. What is the response time of the available emergency medical services to the work site (estimated time in minutes)?

10. How accessible are the first-aid trained personnel in the case of an accident?

11. What factors did I consider in deciding how many employees to train in first aid (specify)?

> Injury/illness history.

> Possible hazardous exposures (*chemicals, flammable liquids, temperature extremes, moving machinery or machinery parts, powered tools, work at elevations, high voltage electricity, confined spaces.* If seasonal work, list for each season).

> Number of separate work sites (*can be either separate locations, buildings, or types of work such as offices, warehouses, production areas, etc.*).

> Number of employees at this work site? (If seasonal work, list for each season.)

> Number of employees in each shift?

> Emergency medical service response time?

> First-aid response time?

12. Does the first-aid training provided to my employees include all the core elements required in the standard?

13. Based on my assessment of work site hazards, is additional training required beyond the core elements?

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(Examples include burns, eye injuries, poisoning, heat stress, frostbite.)

14. What factors did I consider in determining the contents of my first-aid supplies/kits (specify)?

- > Injury/illness history.
- > Type of hazards at work site (*physical, chemical, biological*).
- > Number of employees and shifts.
- > Recommendations of first-aid training providers, local emergency response providers, physicians or clinics, trade organizations, knowledgeable employees or first-aid kit vendors.

15. What factors did I consider in determining the number and location of my first-aid supplies/kit(s) (specify)?

- > Location of employees.
- > Areas of greatest hazards.
- > Ease of accessibility of kit.

16. Who is responsible for maintaining first-aid supplies/kit(s)?

NEW SECTION

WAC 296-24-06160 APPENDIX 2 Recommended contents of first-aid kits. This is a nonmandatory appendix.

Derived from October, 1996, Draft ANSI Z308.1 Minimum Requirement for Work Place First-aid Kits

Basic First-aid kit - Minimum contents

1. 1 absorbent compress, 4x8 inches
2. 16 adhesive bandages, 1x3 inches
3. 1 adhesive tape, 5 yards long
4. 10 antiseptic single-use packages, 0.5 g. application
5. 6 burn treatment single-use packages, 0.5 g. application
6. 1 eye covering (for two eyes)
7. 1 eye wash, 1 fluid ounce
8. 4 sterile pads, 3x3 inches
9. 2 pair of medical exam gloves
10. 1 triangular bandage, 39x39x55 inches

Optional First-aid kit contents

1. Bandage compresses, 2x2 inches, 3x3 inches and 5x5 inches
2. Self-activating cold packs, 4x5 inches
3. Roller bandages, 6 yards long

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-24-060 First-aid training and certification.
- WAC 296-24-065 First-aid kit.
- WAC 296-24-067 First-aid station.
- WAC 296-24-070 First-aid room.

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-091.

Title of Rule: Water right administration.

Purpose: Establish criteria under which ecology may prioritize processing of certain applications for water right or applications for change or transfer of water right.

Other Identifying Information: The proposed rule will also allow ecology to investigate pending water right applications by geographic area or water source.

Statutory Authority for Adoption: RCW 43.21A.064(8) and 43.27A.090(11).

Statute Being Implemented: Chapters 90.03, 90.44, and 90.54 RCW.

Summary: This rule is to expand upon and make permanent an emergency rule filed June 20, 1997, WSR 97-14-017, to allow ecology given its backlog of water right applications, to set priorities for deciding which water right applications are evaluated before any others. The proposed rule expands upon the emergency rule in allowing ecology to investigate pending water right applications by geographic area or water source and by documenting the elements of a basin assessment.

Name of Agency Personnel Responsible for Drafting: Stephen J. Hirschey, Olympia, (360) 407-6450; Implementation and Enforcement: Keith E. Phillips, Olympia, (360) 407-6602.

Name of Proponent: Department of Ecology, governmental.

Rule is necessary because of state court decision, *Hillis v. Ecology et al.* Supreme Court No. 63399-1.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is to expand upon and replace an emergency rule filed June 20, 1997, to allow the Department of Ecology, given its backlog of water right applications, to set priorities for deciding which water right applications may be evaluated before any others. The department does not have the resources to address all pending water right applications in a timely manner. The lack of resources necessitates the department being able to prioritize applications by type and geographically. The rule will enable the department within its regional offices to prioritize geographic areas to evaluate pending water right applications, and to prioritize certain other water right applications for expedited decisions, provided criteria are met. The anticipated effect of this rule is to comply with the Kittitas County Superior Court order to adopt an adequate rule pertaining to the investigation of water right applications. The rule should also provide for increased efficiency and productivity of ecology's application review staff and provide more predictability for applicants as to when they may receive a decision on a pending application.

Proposal Changes the Following Existing Rules: Rule will make permanent an emergency rule filed June 20, 1997, WSR 97-14-017.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

PROPOSED

REGULATORY FAIRNESS ACT COMPLIANCE DOCUMENT

Introduction: The Regulatory Fairness Act (chapter 19.85 RCW) requires that proposed rule-making actions be evaluated for disproportionate burdens upon small versus large businesses and that mitigation be provided for any found if feasible and legal under that statute being implemented. Review of the above-cited proposed rule results in a conclusion that no disproportionate burdens are imposed. This discussion presents the basis for that conclusion.

Background: This proposed rule is the result of a recent Washington State Supreme Court decision (Larry and Veralene Hillis vs. State of Washington, Department of Ecology et al.). The essence of that decision was that certain policies and practices adopted and applied by ecology in administration of the water rights application process should be formalized under the rule-making processes of the Administrative Procedure Act. This proposal is in response to that finding.

The essential features of the proposed rule include:

1. A formal statement of ecology's regional office structure with a specification that water right applications within the jurisdiction regional offices (or other regional delineations) will be processed in order of application date, with provision for investigations of applications for water from the same source in order to facilitate "batch processing" of competing applications from the same source;

2. Provision for basin assessments and for assignment of priorities to basins, water sources or geographic areas to determine the order in which assessments will occur, with further provision that action on all applications for water rights in an assessment area will be deferred pending completion of an initial assessment, but, when processed, will be addressed in the order received;

3. Establishment of criteria for priority processing of certain applications including those involving alleviation of public health or safety emergencies resulting from failing public water supply systems, certain applications for change or transfer of existing water rights, and applications for short term or nonconsumptive use involving preservation of public health and safety or enhancement/protection of environmental quality; and

4. Provision for deferring action on pending applications in areas where a general stream adjudication is proceeding.

Impacts: A wide variety of businesses and industries (any that have applied or may apply for a water right) are potentially affected by this proposed rule. Past experience has shown that most applications involved agricultural use, property development (residential and other), municipal/industrial water supply, and a variety of other businesses or activities. However, the nature of the impacts of this proposal are not related to the size of the business or activity involved.

Applications for water rights are filed by private sector entities in the expectation of obtaining an economic benefit (enhanced profit, increased property value, etc.) from water use resulting from a successful application. This proposed rule addresses the timing of ecology's processing of those applications. Applicants whose proposed water use occurs in a basin or from a source with a lower priority for assessment may experience a delay in the processing of their applications and in receiving a decision as to whether they

are able to proceed relative to those in basins or from sources with higher assessment priority. (Of course, applicants within a given region or for water from a given source are also subject to delays based on their date of application and application backlogs. However, this is a normal, and expected, part of the water right application process.)

This, then, would imply a delay in obtaining the economic and financial returns for which water right applications are made, either on account of location in a lower priority assessment basin or region and/or on account of the applicants' temporal place in the line at the application window. However, there is no logical or necessary reason to expect that this impact would fall more heavily upon small businesses than large businesses in a given industry. Thus, and because this proposed rule simply formalizes and codifies existing, ongoing ecology policies and procedures in response to the finding of the court, it is concluded that the mitigation requirement of the Regulatory Fairness Act does not apply in this case.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Because of the controversial history of water right applications, we are developing this rule as a significant legislative rule even though it is categorically a procedural rule.

Hearing Location: Public involvement activities will include formal hearings on the rule proposal. Dates and places for the hearings are as follows: In Spokane, on October 14, at 9:00 a.m.-12:00 p.m. at the Department of Ecology, Eastern Regional Office, North 4601 Monroe, Suite 100; in Wenatchee, on October 14, at 7:30-10:00 p.m. at the Red Lion Inn (now Doubletree Hotel) 1225 North Wenatchee Avenue; in Kennewick, on October 15, at 6:30-9:00 p.m. at the Kennewick Hanford Project Office, 1315 West 4th Avenue; in Yakima, on October 16, at 7:30-10:00 p.m. at the Department of Ecology, Central Regional Office, 15 West Yakima Avenue, Suite 200; in Everett, on October 21, at 6:00-9:00 p.m. at the Everett Public Library, 2702 Hoyt; in Olympia, on October 22, at 12:30-3:30 p.m. at the Department of Ecology, Headquarters Office, 300 Desmond Drive; and in Vancouver, on October 22, at 7:00-9:30 p.m. at the Clark Public Utilities Building, 1200 Ft. Vancouver Way.

For More Information: Steve Hirschey, (425) 649-7066, e-mail shir461@ecy.wa.gov, Department of Ecology, 3190 160th Avenue S.E., Bellevue, WA 98008-5452.

Assistance for Persons with Disabilities: Contact Felicia Curtis by October 1, 1997, TDD (360) 407-6606 or (360) 407-6199.

Submit Written Comments to: Stephen J. Hirschey, Department of Ecology, Water Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-7162, by November 7, 1997.

Date of Intended Adoption: December 17, 1997.

August 18, 1997

Dan Silver

Deputy Director

PROPOSED

NEW SECTION

WAC 173-152-010 Purpose. This rule establishes the framework under which the department can provide for the orderly organization of its work, prioritize basins to be assessed, conduct basin assessments, prioritize investigations of water right applications by geographic areas, and establish criteria for priority processing of applications for new water rights and applications for change or transfer of existing water rights.

NEW SECTION

WAC 173-152-020 Definitions. For the purposes of this chapter the following definitions apply:

- (1) "Department" means the department of ecology.
- (2) "Public water system" means a water supply system as defined in RCW 70.119A.020.
- (3) "Applications to change or transfer" means applications made under RCW 90.03.380 or 90.44.100.
- (4) "Competing applications" means all existing applications for water right from the same water source, whether for a new water right or for a change or transfer of an existing water right.
- (5) "Same water source" or "source of water" means an aquifer or surface water body, including a stream, stream system, lake, or reservoir and any spring water or underground water that is part of or tributary to the surface water body or aquifer, that the department determines to be an independent water body for the purposes of water right administration.

NEW SECTION

WAC 173-152-030 Organization and management of work load. (1) The department may establish regions and maintain regional offices or field offices for the purposes of maximizing the efficiency of its work. Regional offices and their geographic jurisdictions as of the effective date of this rule are as follows:

- (a) Northwest regional office serving Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties;
- (b) Southwest regional office serving Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties;
- (c) Central regional office serving Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties; and
- (d) Eastern regional office serving Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

(2) The department will make decisions on new water right applications and applications for change or transfer of an existing water right within a region or within a regional or field office's geographic area in the order the application was received except as provided for in subsection (3) of this section and WAC 173-152-050.

(3) The department may, based on the criteria identified in subsection (4) of this section, conduct an investigation and make decisions on one or more water right applications for the use of water from the same water source. When numerous applications for water from the same water source

are being investigated, the final decisions will be made in the order in which the applications were received. Each application will be considered individually under the requirements of chapters 90.03 and 90.44 RCW.

(4) The department may select a water source for investigation of water right applications. Criteria for selecting a water source include, but are not limited to:

- (a) The number and age of pending applications, and the quantities of water requested;
- (b) The ability to efficiently investigate applications because of the availability of data related to water supply and future needs, streamflow needs for instream values, and hydrogeology of the basin;
- (c) Risk of multiple applications impairing senior rights including both diversionary and instream flow rights;
- (d) The ability of the department to support implementation of local land use plans or implementation of water resource plans;
- (e) The projected population and economic growth in the area; and/or
- (f) The completion of an initial basin assessment as provided for in WAC 173-152-040(5).

NEW SECTION

WAC 173-152-040 Basin assessments. (1) The department may conduct assessments to assemble and correlate information related to water use, water availability, the quantity of water allocated to existing rights and instream flow, and the hydrology of a basin to use in making decisions on future water resource allocation and use. The department may also enter into agreements or contracts with public or private parties to conduct assessments. Geographic areas or same water sources within a regional office service area will be identified or considered for assessment in cooperation with federal, state, tribal, and local jurisdictions and other interested parties. In determining a basin or same water source to assess, the department's consideration may include, but is not limited to, the following factors:

- (a) The number and age of pending applications, and the quantities of water requested;
 - (b) The projected population, growth and off-stream needs for water in the area;
 - (c) Known water quality problems;
 - (d) Existence of distressed or endangered fish stocks;
 - (e) Risk of impairment to senior rights (including instream flow rights);
 - (f) Availability of data related to water supply and future need, streamflow needs for instream values, and hydrogeology of the basin;
 - (g) The number of claims to water rights submitted pursuant to chapter 90.14 RCW; and
 - (h) The ability of the department to support local land use activities.
- (2) Multiple basin assessments may be conducted within a region at the same time. When the department determines it is in the public interest to conduct a basin assessment, it will:

(a) Publish notice of the intent to conduct a basin assessment once a week, for two consecutive weeks in a newspaper of general circulation within the geographic area;

(b) Hold in abeyance decisions on all competing water right applications in the basin after publication of a notice to initiate a basin assessment and until the initial basin assessment is complete and published; and

(c) Make decisions on competing applications after the initial basin assessment is complete and published to the extent sufficient information is available.

(3) Initial basin or water source assessments will be conducted to assemble the following existing information:

(a) Physical characterization of the watershed related to:

(i) Climatic impacts to water resources;

(ii) Geology;

(iii) Streamflow trends; and

(iv) Ground water elevation trends and the contribution of ground water to streamflows.

(b) Off stream water use characterization related to:

(i) Water rights and claims to water rights;

(ii) Estimated use of water pursuant to water rights and claims to water rights;

(iii) Water use pursuant to RCW 90.44.050;

(iv) Extent of unauthorized water use; and

(v) Potential future demands for off stream water use in the basin.

(c) Instream water use characterization related to:

(i) National Pollution Discharge Elimination System permits and the need for instream flow for pollution assimilation;

(ii) Fish stocks and habitat requirements;

(iii) Wildlife habitat requirements; and

(iv) Recreational requirements.

(4) Upon completion and publication of the initial basin assessment, the department in consultation with affected parties will evaluate the basin assessment. The evaluation will assess the data, analysis, and presentation of information in the basin assessment in terms of quality, adequacy, and utility to make decisions on future water resource allocation and use.

(5) The department will make decisions on competing applications for water from a source of water within the basin where sufficient information for water resource allocation exists. If the department determines that the information assembled and correlated is not sufficient, the department may withdraw the water source from appropriation pursuant to RCW 90.54.050(2). The department in consultation and conjunction with affected parties will design and conduct additional investigations, to the extent resources allow, to obtain the information necessary to make future decisions on water allocation and use.

(6) The information obtained and compiled during an investigation of the water resources in a basin or water source will be contained in an open file technical report at the regional or field office.

NEW SECTION

WAC 173-152-050 Criteria for priority processing of competing applications. (1) An application may be processed prior to competing applications if the application resolves or alleviates a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users. Inadequate water rights for a public water system to serve existing hook-ups

or to accommodate future population growth or other future uses do not constitute a public health or safety emergency. The application must be filed specifically to correct the actual or anticipated cause(s) of the public water system failure. To be considered a failing public water system, the system must meet one or more of the following conditions:

(a) The department, upon notification by and in consultation with the department of health or local health authority, determines a public water system has failed, or is in danger of failing within one year, to meet state board of health standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs;

(b) The current water source has failed or will fail so that the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable conservation efforts have been implemented; or

(c) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is unacceptable for human use.

(2) An application may be processed prior to competing applications if the department determines:

(a) Immediate action is necessary for preservation of public health or safety; or

(b) The proposed water use is nonconsumptive and if approved would enhance or protect the quality of the natural environment.

(3) An application for change or transfer to an existing water right may be processed prior to competing applications provided one or more of the following criteria are satisfied:

(a) The change or transfer if approved would enhance the quality of the natural environment; or

(b) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas or encourage wise management of the water resource;

(c) The change or transfer was filed by water right holders participating in the Yakima River adjudication, and a decision is needed expeditiously to ensure that conditional final orders of the Yakima County superior court will be representative of the current water use situation.

(4) Within each regional office, the department shall process applications satisfying the criteria in subsections (1) through (3) of this section in the following priority:

(a) Public health and safety emergencies under subsection (1) of this section;

(b) Preservation of other public health and safety concerns under subsection (2)(a) of this section;

(c) Transfers or changes under subsection (3)(a) of this section;

(d) Transfers or changes under subsection (3)(b) of this section;

(e) Transfers or changes under subsection (3)(c) of this section; and

(f) Nonconsumptive uses under subsection (2)(b) of this section.

PROPOSED

NEW SECTION

WAC 173-152-060 Exceptions. Nothing in this chapter precludes the department from processing applications or requests filed for emergent or emergency circumstances under RCW 43.83B.410, 90.03.383(7), or 90.03.390 and/or where the law provides a specific process for evaluation of an application and issuance of a decision.

**WSR 97-17-087
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed August 19, 1997, 3:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-080.

Title of Rule: WAC 388-215-0020, 388-215-1000 and 388-215-1200, new citizenship requirements for TANF.

Purpose: To implement the new citizenship criteria for the temporary assistance to needy families (TANF) program as required under federal welfare reform, Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. WAC 388-215-1000 is amended to add to the summary of eligibility conditions for TANF references to existing rules which address the ineligibility of persons who are fugitive felons, persons who have been convicted for drug related felonies, and persons who have been convicted of fraudulently receiving public assistance. It also incorporates references to existing WAC rules for unmarried pregnant or parenting teens with respect to school attendance requirements and department approved living arrangements.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Public Law 104-193, Sections 400, 401, and 403.

Summary: Federal welfare reform restricts the eligibility of legal immigrants for the TANF program. It does this by creating a category of "qualified aliens" and limiting their access to benefits. Legal immigrants whose immigration status does not meet the definition of a qualified alien, are not eligible for TANF. With certain exceptions for refugees, asylees and deportees, legal immigrants who meet the definition of a qualified alien and who enter the United States on or after August 22, 1996, are ineligible for TANF for a period of five years after their date of entry.

Reasons Supporting Proposal: The new citizenship criteria for TANF are required under federal welfare reform, Public Law 104-193.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Medina, WorkFirst Division, Lacey, Washington, (360) 413-3103.

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

Rule is necessary because of federal law, Public Law 104-193, Sections 400, 401, and 403.

Explanation of Rule, its Purpose, and Anticipated Effects: Legal immigrants who do not meet the definition of a "qualified alien" under federal welfare reform are no

longer eligible for TANF. Legal immigrants who meet the definition of a qualified alien, but who entered the United States on or after August 22, 1996, are ineligible for TANF for a period of five years after their date of entry. Federal law allows exemptions from this five-year prohibition for refugees, asylees, deportees and certain qualified aliens who are on active United States military duty, or who are honorably discharged United States veterans.

Proposal Changes the Following Existing Rules: Prior to passage of federal welfare reform, legal immigrants, including those who were permanently residing in the United States under color of law, could be considered for the TANF program. Upon passage of federal welfare reform, only certain categories of legal immigrants can now be considered for TANF.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. The rules adopt federal statutes in Public Law 104-193 without material change. RCW 34.05.328 exempts the Department of Social and Health Services rules that only apply to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento restaurant), 1009 College Street S.E., Room 104B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-0750, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Department of Social and Health Services, Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-215-0020 Definitions. "Alien" means any person who is not a citizen or a national of the United States.

"Qualified Alien" means an alien who is:

- (1) Lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act; or
- (2) Granted asylum under section 208 of the Immigration and Nationality Act; or
- (3) A refugee admitted into the United States under section 207 of the Immigration and Nationality Act; or
- (4) Paroled into the United States under section 212 (d)(5) of the Immigration and Nationality Act for a period of at least one year; or
- (5) An alien whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act; or
- (6) Granted conditional entry pursuant to section 203 (a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980;

(7) An alien who is granted status as a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or

(8) An alien who is a victim of domestic violence, or an alien whose child is a victim of domestic violence provided:

(a) The domestic violence has been committed by the alien's spouse or parent, or by a member of the spouse or parent's family residing in the same household of the alien; and

(b) The alien no longer resides with the person who committed the domestic violence; and

(c) The alien has a petition for adjustment of immigration status approved or pending with the Immigration and Naturalization Service; and

(d) The department determines that there is a substantial connection between the domestic violence and a need for public assistance benefits.

AMENDATORY SECTION (Amending WSR 97-07-024, filed 3/12/97, effective 4/12/97)

WAC 388-215-1000 Summary of eligibility conditions. (1) The department shall grant ~~((AFDC))~~ TANF on behalf of a child who:

(a) Meets the age requirements under WAC 388-215-1025; and

(b) Is living in the home of a relative ~~((of specified degree including a parent or another relative))~~ as defined under WAC 388-215-1050 through 388-215-1080. For temporary absences, see WAC 388-215-1100 through ~~((388-215-1140))~~ 388-215-1115; and

(c) Is a citizen or an eligible alien ~~((lawfully admitted for permanent residence or otherwise permanently residing in the United States (see) whose immigration status meets the criteria of a qualified alien as specified in WAC 388-215-1200(3))~~; and

(d) Is a resident of the state of Washington, or resides with a parent or other relative who is a resident of the state of Washington (see WAC 388-215-1225); and

(e) Is in financial need (see chapters 388-216 through 388-219 WAC); and

(f) Is deprived of parental support or care because of the death (see WAC 388-215-1300), continued absence (see WAC 388-215-1320 through 388-215-1335), incapacity (see WAC 388-215-1340 through 388-215-1360), or unemployment (see WAC 388-215-1370 through 388-215-1385) of a parent. A parent is a person meeting the criteria in WAC 388-215-1060; and

(g) Lives with a parent who has not already received the maximum lifetime limit of sixty months of TANF (see WAC 388-215-1010).

(2) ~~((Each client of AFDC))~~ To be eligible, a TANF applicant or recipient shall:

(a) Assign to the division of child support any rights to support ~~((in his or her own behalf or in behalf of the other assistance unit members))~~ as required under WAC 388-215-1400; ~~((and))~~

(b) Cooperate with the division of child support as required under WAC 388-215-1400 through 388-215-1490(~~(-~~

~~(3) The department shall require each applicant for, or recipient of assistance to);~~

(c) Furnish a Social Security number as specified in WAC 388-215-1500(~~(-~~

~~(4) The department shall require adult AFDC recipients or payees to);~~

(d) Cooperate in a review of eligibility ((as part of a quality control review)) as specified in WAC 388-215-1510(~~(-~~

~~(5) All AFDC applicants and recipients shall be subject to job opportunities and basic skills program (JOBS) participation requirements as specified under WAC 388-215-1520.~~

~~(6) All AFDC clients are subject to the rules regarding participation in strikes as specified under WAC 388-215-1540.~~

~~(7) Certain AFDC recipients shall return a completed monthly report to the department as required under WAC 388-215-1560.~~

~~(8) The department shall establish assistance units of children and caretaker relatives eligible for AFDC as specified under WAC 388-215-1600 through 388-215-1620.~~

~~(9) The department shall determine eligibility for a minor child applying for oneself as required under WAC 388-215-1650.~~

~~(10) The department shall deny temporary assistance to needy families (TANF) to fugitive felons and probation and parole violators as specified under WAC 388-215-1550.~~

~~(11) Under TANF, the department shall require unmarried minor parents who have not completed a high school education to participate in educational activities leading to the attainment of a high school diploma or equivalent as specified in WAC 388-215-1650);~~

(e) Participate in the WorkFirst program as specified in chapter 388-310 WAC;

(f) Abide by the rules regarding participation in strikes as specified under WAC 388-215-1540; and

(g) Return a completed monthly report to the department when required under WAC 388-215-1560.

(3) The department shall establish assistance units of children and caretaker relatives eligible for TANF under WAC 388-215-1600 through 388-215-1630.

(4) The department shall determine eligibility for a minor child applying for oneself as required under WAC 388-215-1650.

(5) The department shall deny TANF to the following individuals:

(a) Fugitive felons and probation and parole violators as specified under WAC 388-215-1550;

(b) Persons convicted of unlawful practices in obtaining TANF as specified under 388-46-110;

(c) Persons convicted of making fraudulent statements or representation of their place of residence in order to receive federally-funded public assistance as specified under WAC 388-46-120; and

(d) Persons convicted of drug-related felonies as specified under WAC 388-215-1570.

(6) Unmarried pregnant or parenting teens under age eighteen must:

(a) Meet the school attendance requirement under WAC 388-215-1670; and

(b) Live with an adult relative, legal guardian, or in a department-approved living arrangement as specified under WAC 388-215-1660.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-215-1200 Citizenship and alienage. (1)

The department (~~(shall grant AFDC)~~) may provide TANF to an eligible person (~~(otherwise eligible under this chapter)~~) who is:

**WSR 97-17-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)**

[Filed August 19, 1997, 3:22 p.m.]

~~((1)) (a) A United States citizen or national; or~~

~~((2) A Canadian Indian (a North American Indian born in Canada) considered the same as a United States citizen because he or she:~~

~~(a) Has at least fifty percent Indian blood; or~~

~~(b) Has less than fifty percent Indian blood and entered the United States prior to December 24, 1952; and~~

~~(c) Has maintained residence since entry; or~~

~~(3) An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, including any alien who is lawfully present in the United States as a result of the application of the provisions of Section 203 (a)(7), Section 207(c), Section 208, or Section 212 (d)(5) of the Immigration and Nationality Act; or~~

~~(4) An alien attaining temporary resident status (TRS) or permanent resident status (PRS) under the Immigration Reform and Control Act of 1986 (IRCA); and~~

~~(a) A Cuban or Haitian entrant as defined in paragraph (1) or (2)(a) of Section 501(e) of Public Law 96-422; or~~

~~(b) Not a Cuban or Haitian entrant as defined under this section and adjusted to lawful temporary status more than five years prior to the application for AFDC)) (b) An alien admitted to the United States as an Amerasian immigrant as specified in section 5306 of H.R. 2015, the Balanced Budget Act of 1997; or~~

~~(c) An alien whose immigration status meets the definition of a qualified alien as specified in WAC 388-215-0020.~~

~~(2) Except as specified in subsection (3) of this section, an alien whose immigration status is adjusted to a category that meets the definition of a qualified alien on or after August 22, 1996 is ineligible for TANF for five years from the date of adjustment.~~

~~(3) The following aliens are exempt from the five-year period of ineligibility specified in subsection (2) of this section:~~

~~(a) A refugee who enters the United States under section 207 of the Immigration and Nationality Act;~~

~~(b) An immigrant granted asylum under section 208 of the Immigration and Nationality Act;~~

~~(c) An immigrant whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act;~~

~~(d) A qualified alien who is on active U.S. military duty, the alien's spouse or unmarried dependent children;~~

~~(e) A qualified alien who is an honorably discharged U.S. veteran, the alien's spouse or unmarried dependent children;~~

~~(f) An alien who is granted status as a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980; and~~

~~(g) An alien admitted to the United States as an Amerasian immigrant as specified in section 5306 of H.R. 2015, the Balanced Budget Act of 1997.~~

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-080.

Title of Rule: WAC 388-220-0001, 388-220-0010, 388-220-0020, 388-220-0030 and 388-220-0040, state-funded TANF for legal immigrants, the state family assistance program.

Purpose: ESB 6098, which was signed into law by Governor Locke in April 1997, requires the department to provide a state-funded TANF program for legal immigrants who lose eligibility for the federally-funded temporary assistance to needy families (TANF) program due solely to their immigration status. The state-funded TANF program is called the state family assistance (SFA) program.

Statutory Authority for Adoption: RCW 74.08.090, chapter 57, Laws of 1997 (ESB 6098).

Statute Being Implemented: Chapter 57, Laws of 1997.

Summary: In order to comply with ESB 6098 (1997), the department will provide public assistance benefits under the SFA program to legal immigrants who lose eligibility for the federal TANF program because of their immigration status. With the exception of the immigration provisions of the federal welfare law, Public Law 104-193, eligibility criteria and benefit levels for SFA will mirror the requirements of the federal TANF program. This includes the five-year lifetime time limit and work requirements required for TANF. Eligible legal immigrants who can be considered for SFA include immigrants who are permanently residing in the United States under color of law (PRUCOL), and newly arriving immigrants who are prohibited from receiving federal TANF for five years after their date of entry.

Reasons Supporting Proposal: This is required under ESB 6098 (1997 state legislation).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Medina, WorkFirst Division, Lacey, Washington, (360) 413-3103.

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: Legal immigrants who lose eligibility for federal TANF due solely to their immigration status can be considered for the SFA program. With the exception of the immigration provisions, eligibility criteria and benefit levels will be the same as for the federal TANF program. Eligible legal immigrants who can be considered for SFA include immigrants who are permanently residing in the United States under color of law (PRUCOL), and immigrants who enter the United States after August 22, 1996, and who are subject to the five-year prohibition for TANF receipt.

Proposal Changes the Following Existing Rules: Legal immigrants who are permanently residing in the United States under color of law, and certain immigrants who enter the United States after August 22, 1996, are no longer eligible to receive TANF under federal welfare reform. These clients can be considered for the state-funded SFA program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule affects certain legal immigrants who apply for public assistance benefits under the TANF program and does not impact small business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 exempts the Department of Social and Health Services rules that apply only to financial or medical eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-0750, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Department of Social and Health Services, Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

Chapter 388-220 WAC STATE FAMILY ASSISTANCE

NEW SECTION

WAC 388-220-0001 Purpose of program. The state family assistance (SFA) program is a state-funded program providing for the needs of legal immigrants with dependent children who are ineligible for the temporary assistance for needy families (TANF) program because of their immigration status.

NEW SECTION

WAC 388-220-0010 Summary of eligibility conditions. The department may provide SFA to a legal immigrant permanently residing in the United States who would be eligible for the federally funded TANF program but for his or her immigration status or the date his or her immigration status is adjusted to a category that meets the definition of a qualified alien as specified in WAC 388-215-1200.

NEW SECTION

WAC 388-220-0020 Immigration status. For the purposes of the state family assistance (SFA) program, the department considers a person a legal immigrant who is:

(1) Lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act; or

(2) Paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act; or

(3) Granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980; or

(4) A Canadian Indian (a North American Indian born in Canada) who:

(a) Has at least fifty percent Indian blood; or

(b) Has less than fifty percent Indian blood and entered the United States prior to December 24, 1952; and

(c) Has maintained residence since entry; or

(5) An alien who is a victim of domestic violence, or whose child is a victim of domestic violence provided:

(a) The domestic violence has been committed by the alien's spouse or parent, or by a member of the spouse or parent's family residing in the same household of the alien; and

(b) The alien no longer resides with the person who committed the domestic violence; and

(c) The alien has a petition for adjustment of immigration status approved or pending with the Immigration and Naturalization Service; and

(d) The department determines that there is a substantial connection between the domestic violence and a need for public assistance benefits; or

(6) An alien not listed in a category above who is nonetheless permanently residing in the U.S. under color of law.

NEW SECTION

WAC 388-220-0030 Five-year lifetime time limit. (1) Except as specified in subsection (3) of this section, the department must deny state family assistance (SFA) to any assistance unit that includes an adult who has received SFA, or a combination of SFA and TANF for a total of sixty months since August 1, 1997.

(2) An adult who may be excluded from the assistance unit for factors not related to need as specified in WAC 388-215-1620 cannot be excluded from the assistance unit due solely to having received SFA, or a combination of SFA and TANF for a total of sixty months.

(3) In calculating the number of months an adult family member has received SFA or TANF, the department will disregard any month in which the individual who received SFA or TANF was:

(a) A minor child who was not the head of a household or married to the head of a household; or

(b) Living in Indian country or in an Alaskan Native village, if during the month the individual received TANF, at least fifty percent of the adults living in Indian country or in the village were unemployed.

NEW SECTION

WAC 388-220-0040 Need and payment standards.

(1) In determining the need and payment amounts for an SFA assistance unit, the department will use the need and grant payment standards for the TANF program as specified in chapter 388-250 WAC.

(2) In determining the amount of a grant payment for SFA, the department shall use the income policies for the TANF program as specified in chapter 388-218 WAC.

(3) An assistance unit consisting of persons eligible for SFA and persons eligible for TANF shall receive a grant payment equal to the grant payment the assistance unit would receive if all assistance unit members were eligible for TANF.

WSR 97-17-089
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Public Assistance)

[Filed August 19, 1997, 3:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-14-087.

Title of Rule: Family violence and TANF, chapter 388-61 WAC.

Purpose: To implement the Wellstone/Murray Family Violence Amendment at Public Law 104-193, Section 103, Subsection 408 (a)(7)(c)(iii) and EHB 3901, section 103 (1997).

Other Identifying Information: Clients benefit by receiving referrals to local family violence resources.

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

Statute Being Implemented: Section 103, chapter 58, Laws of 1997, and Public Law 104-193, Section 103, Subsection 408 (a)(7)(c)(iii) (1997).

Summary: The Wellstone/Murray Family Violence Amendment at Public Law 104-193, Section 103, Subsection 408 (a)(7)(c)(iii) and EHB 3901 (1997) requires the Department of Social and Health Services to screen and identify recipients of TANF for a history of family violence. Clients benefit by receiving referrals to local resources once family violence is disclosed.

Reasons Supporting Proposal: State legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: June Hershey, Lacey, Washington, (360) 413-3258.

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

Rule is necessary because of federal law, Public Law 104-193, Section 103, Subsection 408 (a)(7)(c)(iii).

Explanation of Rule, its Purpose, and Anticipated Effects: To implement the Wellstone/Murray Family Violence Amendment. This rule requires all TANF recipients to be screened for a history of family violence. Referrals to local community services will be provided as necessary.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 exempts the Department of Social and Health Services rules relating to medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento restaurant), 1009 College Street S.E., Room

104B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-0750, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Department of Social and Health Services, Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

Chapter 388-61 WAC
FAMILY VIOLENCE

NEW SECTION

WAC 388-61-001 Scope and purpose. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the Welfare Reform Act, gave every state the option to have a program to address issues of family violence for temporary assistance for needy families (TANF) recipients. This program is known as the Wellstone/Murray Family Violence Amendment and provides guidelines to help recipients receive available services to continue on the path away from abuse and toward safety, physical, mental and financial recovery, and finally independence.

NEW SECTION

WAC 388-61-010 What is family violence? The department of social and health services (DSHS) defines family violence as it relates to recipients of TANF, including family members, as circumstances in which one of the recipients has been subjected by a partner or family member to:

- (1) Physical acts that resulted in, or threatened to result in, physical injury;
- (2) Sexual abuse;
- (3) Sexual activity involving a dependent child;
- (4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- (5) Threats of or attempts at, physical sexual abuse;
- (6) Mental abuse;
- (7) Neglect or deprivation of medical care; or
- (8) Stalking.

NEW SECTION

WAC 388-61-020 What does the Family Violence Amendment mean for TANF recipients? DSHS shall:

- (1) Screen and identify individuals receiving TANF for a history of family violence;
- (2) Provide universal notification about the Family Violence Amendment to TANF recipients both verbally and in writing;
- (3) Refer individuals needing counseling to supportive services; and

(4) Waive workfirst requirements in cases where the requirements would make it more difficult to escape family violence, unfairly penalize victims of family violence, or place victims at further risk of family violence. The requirements include, but are not limited to:

(a) Time limits for TANF recipients, for as long as necessary (after fifty-two months of receiving TANF) pursuant to WAC 388-215-1010;

(b) Cooperation with the division of child support pursuant to WAC 388-215-1400;

(5) Develop specialized work activities for clients meeting the definition of family violence in instances where participation in work activities would place the recipients at further risk of family violence;

(6) Maintain confidentiality, as follows:

(a) Use family violence information only to make referrals for services or determine clients' eligibility for a TANF waiver;

(b) Refuse to release family violence information including name, and home or workplace address to any outside parties or other governmental agencies unless disclosure is required by law or authorized in writing by the client.

WSR 97-17-090
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Filed August 19, 1997, 3:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-080.

Title of Rule: WAC 388-216-3000 Individual development accounts (IDA) and 388-235-2000 General assistance—Unemployable—Resources.

Purpose: To comply with state requirement in EHB 3901 that recipients of the temporary assistance for needy families (TANF) program can establish an individual development account (IDA) for a qualified purpose (1) postsecondary educational expenses; (2) principal residence for a first-time homebuyer; or (3) business capitalization account.

Statutory Authority for Adoption: RCW 74.08.090, section 307, chapter 58, Laws of 1997.

Statute Being Implemented: Section 307, chapter 58, Laws of 1997.

Summary: State rules for the TANF program require that a TANF recipient can establish an IDA for a qualified purpose and the department will exempt its funds when determining financial eligibility.

Reasons Supporting Proposal: Required by state law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cindy Anderson, Lacey Government Center, Lacey, Washington, (360) 413-3095.

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: To comply with state requirement in EHB 3901 that recipients of TANF can establish an IDA for a qualified purpose (1) postsecondary educational expenses, (2) principal residence for a first-time home buyer, or (3) business capitalization account.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small business.

RCW 34.05.328 does not apply to this rule adoption. Rules of the Department of Social and Health Services relating only to client medical or financial eligibility are exempt under RCW 34.05.328.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-0750, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Department of Social and Health Services, Rules Coordinator, P.O. Box 45850, Olympia, WA 98513 [98504-5850], FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-216-3000 Individual development account.

(1) The department will not use funds from an individual development account established under section 307, chapter 58, Laws of 1997 when determining TANF eligibility.

(2) If funds are withdrawn from an individual development account for a purpose other than those defined in section 307, chapter 58, Laws of 1997, the department will use the funds to determine eligibility according to WAC 388-216-2000, Resources—Eligibility.

NEW SECTION [AMENDATORY SECTION]

WAC 388-235-2000 Resources. The department shall determine eligibility for general assistance using the resource and transfer of property rules in chapters 388-216 and 388-217 WAC, except for funds in an individual development account established under WAC 388-216-3000.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 97-17-091
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)
(Public Assistance)

[Filed August 19, 1997, 3:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-14-072.

Title of Rule: WAC 388-15-202 Long-term care services—Definitions, revising the definition of "shared living arrangement" to include minor children living with their parents.

Purpose: To comply with legislated budget reductions to the Division of Developmental Disabilities Medicaid Personal Care budget. This revised definition would limit the entitlement to services for these children to the shared living rate.

Statutory Authority for Adoption: RCW 74.09.520.

Statute Being Implemented: RCW 74.09.520.

Summary: The published rate for "shared living arrangement" in Medicaid personal care would apply to minor children living with their natural, step, or adoptive parent. This rate is less than the current entitlement maximum.

Reasons Supporting Proposal: Compliance with RCW and legislated budget reductions.

Name of Agency Personnel Responsible for Drafting and Enforcement: Sue Poltl, DDD, Mailstop 45310, (360) 902-8474; and Implementation: Lois Wusterbarth, AASA, Mailstop 45600, (360) 493-2538.

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 "shared living arrangement" definition in WAC relates to a published rate that is less than the rate for individual provider service for clients who do not meet the definition of "shared living arrangement." The children affected by this rule will hours of service if they currently receive more than \$592.24 per month of service.

Proposal Changes the Following Existing Rules: Expands the current definition of "shared living arrangement" to minor children living with their natural, step, or adoptive parents.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This WAC does not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts the Department of Social and Health Services rules that apply only to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento restaurant), 1009 College Street S.E., Room 104B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 19, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 96-20-093, filed 10/1/96, effective 11/1/96)

WAC 388-15-202 Long-term care services—Definitions. The department shall use the definition in subsections (1) through (50) of this section for long-term care services. "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

(1) "Aged person" means a person sixty-five years of age or older.

(2) "Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

(3) "Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

(4) "Assessment" means an inventory and evaluation of abilities and needs.

(5) "Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

(a) Assistance with personal care; or

(b) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

(6) "Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

(7) "Available resources" is a term to describe a chore personal care client's assets accessible for use and conversion into money or its equivalent without significant depreciation in the property value.

(8) "Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(9) "Categorically needy" means the financial status of a person as defined under WAC 388-503-0310.

(10) "Client" means an applicant for service or a person currently receiving services.

(11) "Community residence" means:

(a) The client's "own home" as defined in this section;

PROPOSED

(b) Licensed adult family home under department contract;

(c) Licensed boarding home under department contract;

(d) Licensed children's foster home;

(e) Licensed group care facility, as defined in WAC 388-73-014(8); or

(f) Shared living arrangement as defined in this section.

(12) "Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

(13) "Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to accompany the client outside the home for other than personal care services.

(14) "Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

(15) "COPES" means community options program entry system.

(16) "Department" means the state department of social and health services.

(17) "Direct personal care services" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's handicapping condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined under WAC 388-15-202 (38)(a) through (e), (j) through (l), (n), and (o).

(18) "Disabled" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(19) "Disabling condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.

(20) "Estate recovery" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-15-192.

(21) "Grandfathered client" means a chore personal care services client approved for either:

(a) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and

(b) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(c) The client was receiving the same services as of June 30, 1989.

(22) "Home health agency" means a licensed:

(a) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

(i) Private duty nursing; or

(ii) Skilled nursing services under an approved Medicaid waiver program.

(23) "Household assistance" means assistance with incidental household tasks provided as an integral, but

subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

(24) "Income" means "income" as defined under WAC 388-500-0005.

(25) "Individual provider" means a person employed by a community options program entry system (COPES) or Medicaid personal care client when the person:

(a) Meets or exceeds the qualifications as defined under WAC 388-15-196;

(b) Has signed an agreement to provide personal care services to a client; and

(c) Has been authorized payment for the services provided in accordance with the client's service plan.

(26) "Individual provider program (IPP)" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

(27) "Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "Institution" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

(28) "Institutional eligible client" means a person whose eligibility is determined under WAC 388-513-1315. "Institutionalized client" means the same as defined in WAC 388-513-1365(f).

(29) "Institutional spouse" means a person described under WAC 388-513-1365 (1)(e).

(30) "Medicaid" means the federal aid Title XIX program under which medical care is provided to:

(a) Categorically needy as defined under WAC 388-503-0310; and

(b) Medically needy as defined under WAC 388-503-0320.

(31) "Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-503-0310 and 388-503-1105.

(32) "Medical institution" means an institution defined under WAC 388-500-0005.

(33) "Medically necessary" and "medical necessity" mean the same as defined under WAC 388-500-0005.

(34) "Medically oriented tasks" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

(35) "Mental health professional" means a person defined under WAC 275-57-020(25).

(36) "Own home" means the client's present or intended place of residence:

(a) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(b) In a building the client owns; or

(c) In a relative's established residence; or

(d) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

(37) "Personal care aide" means a person meeting the department's qualification and training requirements and providing direct Medicaid personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the Medicaid personal care client.

(38) "Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks and household tasks, as listed in subdivisions (a) through (q) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks or who are incapable of performing the tasks without specific instructions. Personal care services do not include assistance with tasks performed by a licensed health professional.

(a) "Ambulation" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" means assisting a client to wash. Bathing includes supervising the client able to bathe when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(c) "Body care" means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, changing dry bandages or dressings when professional judgment is not required and pedicure to trim toenails and apply lotion to feet. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services, dressing changes using clean technique and topical ointments must be delegated by a registered nurse in accordance with chapter 246-840 WAC. "Body care" excludes:

(i) Foot care for clients who are diabetic or have poor circulation; or

(ii) Changing bandages or dressings when sterile procedures are required.

(d) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(e) "Eating" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(f) "Essential shopping" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(g) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(h) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(i) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(j) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(k) "Positioning" means assisting the client to assume a desired position, assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits or exercises to maintain the highest level of functioning which has already been attained and/or to prevent the decline in physical functional level. (Range of motion ordered as part of a physical therapy treatment is not included.)

(l) "Self-medication" means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(m) "Supervision" means being available to:

(i) Help the client with personal care tasks that cannot be scheduled, such as toileting, ambulation, transfer, positioning, some medication assistance; and

(ii) Provide protective supervision to a client who cannot be left alone because of impaired judgment.

(n) "Toileting" means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities. In adult family

homes or in licensed boarding homes contracting with DSHS to provide assisted living services colostomy care and catheterization using clean technique must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

(o) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(p) "Travel to medical services" means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(q) "Wood supply" means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. The department shall not allow payment for a provider to use a chain saw or to fell trees.

(39) "Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

(40) "Plan of care" means a "service plan" as described under WAC 388-15-205.

(41) "Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

(42) "Provider" or "provider of service" means an institution, agency, or person:

(a) Having a signed department agreement to furnish long-term care client services; and

(b) Qualified and eligible to receive department payment.

(43) "Relative" means:

(a) For chore personal care service, a client's spouse, father, mother, son, or daughter;

(b) For Medicaid personal care service:

(i) "Legally responsible relative" means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.

(ii) "Nonresponsible relative" means a parent caring for an adult child and an adult child caring for a parent.

(44) "Service plan" means a plan for long-term care service delivery as described under WAC 388-15-205.

(45) "Shared living arrangement" for purposes of Medicaid personal care means an arrangement where:

(a) A nonresponsible relative as defined in (43)(b)(ii) above is the personal care provider and resides in the same residence with common facilities, such as living, cooking, and eating areas; or

(b) A minor child age seventeen or younger lives in the home of a legally responsible relative as defined in (43)(b)(i) above.

(46) "SSI-related" means a person who is aged, blind, or disabled.

(47) "Supervision" means a person available to a long-term care client as defined under WAC 388-15-202 (36)(m).

(48) "Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

(49) "Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical

assistance programs, e.g., nursing facility care, COPES, and Medicaid personal care home and community-based services.

(50) "Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

(51) "Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

WSR 97-17-095

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 20, 1997, 9:41 a.m.]

Continuance of WSR 97-14-102.

Preproposal statement of inquiry was filed as WSR 97-10-098.

Title of Rule: Chapter 16-580 WAC, Farmed Salmon Commission Commodity Board; assessments and collections.

Purpose: Reduce the assessment on farmed salmon from one cent per pound to one tenth of one cent (dressed head-on equivalent) and reduce the board membership from six to five.

Statutory Authority for Adoption: RCW 15.65.050.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The rule will reduce the assessment on farmed salmon raised in the state and reduce the board membership on the commission.

Reasons Supporting Proposal: Agricultural commodity commissions may recommend amendments to the marketing order.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, Olympia, WA 98504, (360) 902-1928; Implementation and Enforcement: Pete Granger, P.O. Box 5305, Bellingham, WA 98227, (360) 671-1997.

Name of Proponent: Washington Farmed Salmon Commission Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will reduce the assessment rate on farmed salmon from one cent (\$.01) to one tenth of one cent (\$.001) (head-on equivalent) produced collectively by the affected producers and reduce the board membership from six to five. The reduced assessment placed on Washington raised farmed salmon is in response to the world price situation on salmon products. The reduced board membership will provide more equitable producer representation on the commission.

Proposal Changes the Following Existing Rules: The proposed rule will reduce the assessment rate on farmed salmon and reduce the board membership from six to five.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will reduce cost to the producers.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Date of Intended Adoption: October 1, 1997.

August 20, 1997

William E. Brookreson
Assistant Director

PROPOSED

WSR 97-17-097
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed August 20, 1997, 10:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-13-084.

Title of Rule: Payment of grants WAC 388-265-1010 Grant payment general provisions and 388-265-1275 Protective payment—AFDC or GA parenting or pregnant minor.

Purpose: Changes the provisions of protective payee services to comply with TANF and changes reference from AFDC to TANF.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.057.

Statute Being Implemented: RCW 74.04.0052.

Summary: This revision changes the reference throughout the payment of grants chapter to reflect the new program "temporary assistance to needy families." It also adopts the provisions of the new state law that all pregnant or parenting teens reside in an appropriate living situation and have protective payees.

Reasons Supporting Proposal: Legal requirement, new program requirements, and title.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Hanvey, DAP, Lacey Government Center, (360) 413-3100.

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: This change will require that all pregnant or parenting teens reside in the most appropriate living situation and have a protective payee for their GA-S grants.

It is anticipated that these changes will result in fewer teens receiving assistance and for those who do, that their grant funds will be used for essential needs, as intended by the programs.

The other changes simply correct the program title references to the new program.

Proposal Changes the Following Existing Rules: WAC 388-265-1010, adds pregnant/parenting minor information and WAC 388-265-1275, changes the provisions of minor teen living arrangements as a criteria.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact business.

RCW 34.05.328 does not apply to this rule adoption. RCW exempts the Department of Social and Health Services rules relating to financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 20, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-265-1010 Grant payment—General provisions. (1) The department shall require that:

(a) Each grant shall encompass only one assistance unit, even though there may be two or more assistance units in the same family group or household; and

(b) When members of a group or household are eligible for any combination of state-funded grant assistance programs (~~which include~~) they shall encompass one assistance unit. State-funded grant assistance programs are general assistance - unemployable (GA-U), general assistance for pregnant women (GA-~~(X))S~~), and Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) (GA-W) (~~or any combination thereof, shall encompass one assistance unit, but~~)). The grant may be paid in separate, prorated amounts to each person in the assistance unit.

(2) The department shall:

(a) Determine the payment amount of continuing grants using the monthly standards of assistance; and

(b) Make continuing grant payments in compliance with advance notification requirements, except as provided under WAC 388-245-1710.

(3) A client may request payment of less than the amount for which the client qualifies. The department shall limit the grant to the amount of the client's written stipulation.

(4) The department shall round down a grant to the next whole dollar amount except for a client:

(a) Receiving a clothing and personal incidental allowance; or

(b) Subject to a mandatory deduction for recoupment of an overpayment.

(5) The department shall not pay a grant of less than ten dollars, except for a:

(a) Grant which is subject to a mandatory deduction for recoupment of an overpayment;

(b) Clothing and personal incidental allowance with budgeted income; or

(c) Reimbursement grant authorized under a supplemental Social Security interim assistance agreement.

AMENDATORY SECTION (Amending Order 3785, filed 9/28/94, effective 10/29/94)

WAC 388-265-1275 Protective payment—(~~AFDC~~) TANF or GA parenting or pregnant minor. (1) The department (~~may~~) shall use protective payment for cases in which the client is:

(a) Seventeen years of age or younger; and

(b) Unmarried; and

(c) Either pregnant or has a dependent child.

PROPOSED

(2) The department shall establish a protective (~~payment~~) payee plan based on a determination ((made by the department that the client is not living in an)) that a pregnant or parenting teen is residing in the most appropriate living situation((~~Appropriate living situations include:~~)) as defined by TANF, before benefits can be issued.

(a) (~~Place of residence maintained by the client's parent, legal guardian, or other adult relative as their own home; or~~) The protective payee plan will be developed based on the TANF teen living assessment.

(b) (~~As~~) If it is determined ((by the department, other)) that a parenting teen is not living in the most appropriate ((supportive)) living ((arrangement supervised by an adult which is maintained as a family setting)) situation, benefits will be issued for the child only.

(3) (~~Notwithstanding subsection (2) of this section, if the client is not living in an appropriate living situation, as determined by the department,~~) The department may waive the establishment of a protective ((payment)) payee plan if the ((client)) teen adequately demonstrates the ability to manage funds ((adequately)) to the social worker conducting the teen living assessment. Protective payment will not be waived for teens not living in the most appropriate living situation.

(4) The department shall select a protective payee following the criteria under WAC 388-265-1150.

(5) The department shall provide the client with written notice of protective payment as described under WAC 388-265-1550.

WSR 97-17-098
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 20, 1997, 10:22 a.m.]

Original Notice.

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

Title of Rule: WAC 388-50-010 Food assistance program for legal immigrants.

Purpose: Implement ESB 6098 (1997), authorizing the Department of Social and Health Services to implement the food assistance program for legal immigrants. Also, EHB 3901 (1997).

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

Statute Being Implemented: Section 3, chapter 57, Laws of 1997.

Summary: Authorizes the Department of Social and Health Services to issue food stamps purchased from the federal government to persons adversely impacted by Public Law 104-193 due to immigrant status.

Reasons Supporting Proposal: State legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Division of Assistance Programs, Lacey, Washington, (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: The new state-funded program treats persons, rendered ineligible by Public Law 104-193 due to immigrant status, as if they were eligible for federal food stamp program benefits.

Proposal does not change existing rules. Existing rules are not changed because the legislation implemented a new public assistance program. There are no changes to the existing federal food stamp program in this rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 exempts the Department of Social and Health Services rules relating to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento restaurant), 1009 College Street S.E., Room 104B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 19, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-50-010 Food assistance program for legal immigrants. (1) The following people are eligible for the state food assistance program for legal immigrants if otherwise eligible:

(a) An alien, lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), who can not be credited with forty qualifying quarters of coverage as defined under Title II of the Social Security Act;

(b) A refugee, admitted to the United States under section 207 of the INA, when five years have passed since the date status was granted;

(c) An alien, granted asylum under section 208 of the INA, when five years have passed since the date status was granted;

(d) An alien whose deportation is being withheld under section 243(h) of the INA when five years have passed since the date status was granted;

(e) An alien who is lawfully present in the United States under section 212 (d)(5) of INA or a grant of parole by the U. S. Attorney General;

(f) An alien who was granted conditional entry under section 203 (a)(7) of the INA as in effect prior to March 18, 1980;

PROPOSED

(g) An alien who entered the United States after March 17, 1980 and is lawfully present under section 203 (a)(7) of the INA;

(h) An alien who:

(i) Entered the United States before January 1, 1972, or some later date as required by law; and

(ii) Has continuously maintained residency in the United States since then; and

(iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the U. S. attorney general under section 249 of the Immigration and Nationality Act; or

(i) An alien who is:

(i) Granted family unity status by the Immigration and Naturalization Service; and

(ii) Whose spouse or parent is eligible to participate in the state food assistance program or the federally funded food stamp program.

(j) An aged, blind, or disabled alien admitted for temporary residence under section 245A of the INA; or

(k) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act.

(2) The following persons are ineligible for the state food assistance program for legal immigrants:

(a) Alien visitors;

(b) Tourists;

(c) Diplomats;

(d) Students with temporary status; and

(e) Any person not specifically named in subsection (3) of this section.

(3) Persons who are eligible for the food assistance program will receive the same level of benefits equal to benefits provided by the federal food stamp program.

(4) When a household consists of both persons eligible for food assistance program benefits and persons eligible for federal food stamp program benefits, the total benefits will be equal to what the entire household would receive under the federal food stamp program if eligible.

WSR 97-17-099

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed August 20, 1997, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-080.

Title of Rule: WAC 388-250-1225 Standards of assistance—Payment standards for temporary assistance for needy families (TANF) applicants who have resided in Washington less than twelve months.

Purpose: Establish different grant standards for household members who have resided in Washington less than twelve consecutive months prior to applying for assistance. The other states' standards, if lower, would apply to the first twelve months of assistance authorized.

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

Statute Being Implemented: RCW 74.08.025 (amended in section 101, chapter 58, Laws of 1997).

Summary: Persons who have lived in Washington state for less than twelve consecutive months prior to applying for temporary assistance to needy families (TANF) benefits will receive the standard payment of the other state (if it is lower) for the first twelve months of assistance authorized.

Reasons Supporting Proposal: Required by the Personal Responsibility and Work Opportunity Act of 1996, state legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Brinkman, Lacey Government Center, (360) 413-3091.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Persons who apply for TANF who have lived in Washington state for less than twelve months prior to applying for assistance will receive the payment standard of the other state, if lower, for the first twelve months of assistance authorized.

The intent of the regulation is to discourage people from moving from a state with lower standards to Washington to receive increased benefits.

Proposal does not change existing rules. Currently, there is no difference in the payment standard for persons who live in Washington less than twelve months.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This will not impact small business. Applies to public assistance recipients only.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to rules of the Department of Social and Health Services relating to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 19, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-250-1225 Standards of assistance—Payment standards for temporary assistance for needy families (TANF) applicants who have resided in Washington less than twelve months. (1) Benefit levels for TANF recipients will be based on the payment standards in WAC 388-250-1400, unless:

(a) The recipient has resided in Washington state for less than twelve consecutive months prior to the month he or she applies for TANF; and

(b) The payment standard in the state where the applicant resided immediately before moving to Washington was lower than the standard for similarly situated recipients in Washington during the month of application.

(2) The benefit level for a TANF recipient who meets the conditions stated in subsection (1) of this section will be based on the payment standard for similarly situated recipients in the state where the recipient previously resided for the first twelve months the recipient receives TANF in Washington.

(a) This benefit level shall apply to all TANF eligible family members who reside with the applicant when he or she moves to Washington.

(b) The TANF benefit level for a child who moves to Washington to live with a caretaker relative who has resided in Washington for twelve or more months prior to applying for benefits for the child shall be based on the payment standards in WAC 388-250-1400.

(c) If a child moves to Washington to live with a caretaker relative whose benefit level is based on the payment standards of a previous state of residence, the child's benefit level shall be based on the same payment standards as that of the caretaker relative.

WSR 97-17-100
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed August 20, 1997, 10:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-080.

Title of Rule: WAC 388-215-1210 Special residency requirement for aliens.

Purpose: This rule imposes a twelve-month Washington state residency requirement on certain legal immigrants who enter the United States on or after August 22, 1996, and apply for benefits under the state family assistance (SFA) program.

Statutory Authority for Adoption: RCW 74.08.090 and chapter 57, Laws of 1997.

Statute Being Implemented: Chapter 57, Laws of 1997.

Summary: SFA is the state-funded temporary assistance to needy families (TANF) program created under ESB 6098 (1997) to provide aid to legal immigrant families who are no longer eligible for the federally-funded TANF program due solely to their immigration status. The legislation requires the department to limit access to benefits under SFA to those legal immigrant families in which an adult caretaker relative in the assistance unit has resided in Washington state for twelve consecutive months prior to applying for benefits.

Reasons Supporting Proposal: State legislation ESB 6098.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Medina, WorkFirst Division, Lacey, Washington, (360) 413-3103.

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 affects legal immigrants who enter the United States on or after August 22, 1996, and who apply for benefits under the state family assistance (SFA) program. SFA is the state-funded TANF program created under ESB 6098 (1997) to provide assistance to legal immigrants who are no longer eligible for federally-funded TANF because of their immigration status. The purpose of this rule is to limit access to SFA benefits to those legal immigrant families in which an adult caretaker relative in the assistance unit has resided in Washington state for twelve consecutive months prior to applying for benefits.

Proposal Changes the Following Existing Rules: Under existing rules, legal immigrants could access benefits under the TANF program regardless of their date of entry into the United States, or the length of time they resided in Washington state. This rule changes existing rules by requiring certain legal immigrant families to reside in Washington state for twelve consecutive months before they can be considered for TANF.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects certain immigrants who apply for public assistance and does not impact small business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 exempts the Department of Social and Health Services rules that relate to financial or medical eligibility.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento restaurant), 1009 College Street S.E., Room 104B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Department of Social and Health Services, Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-215-1210 Special residency requirement for aliens. (1) An alien who physically enters the United States after August 21, 1996, and is otherwise eligible, may receive TANF only after an adult caretaker relative or legal guardian in the assistance unit has resided in Washington state for twelve consecutive months. This twelve-month residency requirement does not apply to:

(a) A refugee who entered the United States under section 207 of the Immigration and Nationality Act;

(b) An alien granted asylum under section 208 of the Immigration and Nationality Act;

PROPOSED

(c) An alien whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act;

(d) An alien who is on active military duty in the Armed Forces of the United States, the alien's spouse or unmarried dependent children; and

(e) An alien who is an honorably discharged veteran of the Armed Forces of the United States, the alien's spouse or unmarried children.

(2) The twelve-month residency requirement specified in subsection (1) only applies to an alien once during his or her lifetime.

WSR 97-17-101
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Public Assistance)

[Filed August 20, 1997, 10:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-080.

Title of Rule: WAC 388-250-1310 Gross earned income cutoff level and 388-218-1735 Gross earned income test.

Purpose: To establish a gross earned income level for the purpose of determining financial eligibility for employed applicants/recipients of the temporary assistance for needy families (TANF) program.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Section 308, chapter 58, Laws of 1997 (EHB 3901).

Summary: State rules for determining financial eligibility for employed TANF applicants/recipients require that a family's gross earned income does not exceed the established gross earned income level.

Reasons Supporting Proposal: Required by state law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cindy Anderson, Lacey Government Center, Lacey, Washington, (360) 413-3095.

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: To establish a gross earned income level for the purpose of determining financial eligibility for employed applicants/recipients of the TANF program.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not affect small business.

RCW 34.05.328 does not apply to this rule adoption. Rules of the Department of Social and Health Services relating only to client medical or financial eligibility are exempt under RCW 34.05.328.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento restaurant), 1009 College Street S.E., Room 104B, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-250-1310 Earned income cutoff levels. Effective November 1, 1997, the department will use the following table to determine financial need for the temporary assistance for needy families (TANF) program:

Number of Family Members	Gross Earned Income Level
1	\$ 698
2	880
3	1,092
4	1,284
5	1,480
6	1,682
7	1,942
8	2,150
9	2,360
10 or more	2,566

NEW SECTION

WAC 388-218-1735 Gross earned income test. (1) A family's monthly gross earned income shall be below the appropriate gross earned income level.

(2) The department defines a family to include everyone receiving temporary assistance for needy families cash assistance benefits and:

- (a) Ineligible household members;
- (b) Disqualified household members;
- (c) The unborn child of a woman in her third trimester of pregnancy; and
- (d) When residing together, the husband of a woman in her third trimester of pregnancy.

(3) Gross earned income does not include:

- (a) Exempt income as defined in WAC 388-218-1200, Exempt income types;
- (b) Exempt and disregarded educational assistance as defined in WAC 388-218-1210, Exempt and disregarded income—Educational assistance;
- (c) Disregarded Native American benefits as defined in WAC 388-218-1220, Disregarded income—Native American benefits;
- (d) Other disregarded income types as defined in WAC 388-218-1230, Disregarded income types;
- (e) Business expenses for self-employed clients as defined in WAC 388-218-1350, Deductible self-employment expenses;
- (f) The earnings of a minor child who is:

- (i) A full-time student; or
- (ii) A part-time student carrying at least half the normal school load and working fewer than one hundred fifty hours per month.
- (g) Court or administratively ordered support paid to meet the needs of legal dependents not living in the home, up to:
 - (i) The amount actually paid; or
 - (ii) A one-person need standard for each legal dependent.
- (h) Authorized ongoing additional requirement payment as defined in chapter 388-225 WAC, Special payments.

WSR 97-17-102
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Public Assistance)
 [Filed August 20, 1997, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-13-085.

Title of Rule: Chapter 388-230 WAC, General assistance for pregnant women.

Purpose: Changes the provision for basic eligibility to include requirement for pregnant/parenting teens under age eighteen to reside in appropriate living situations and changes references from AFDC to the new program temporary assistance for needy families (TANF).

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.0052.

Statute Being Implemented: RCW 74.04.0052 and 74.12.255.

Summary: This revision adds the requirement that an applicant for GA-S who is a teen under age eighteen must reside in the most appropriate living arrangement in order to receive benefits.

Reasons Supporting Proposal: State legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Hanvey, P.O. Box 45470, Olympia, WA 98504, (360) 413-3100.

Name of Proponent: Department of Social and Health Services.

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

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 74.04.0052 has been changed to include the requirement that any minor under the age of eighteen years which is otherwise eligible to receive general assistance for pregnant women must also reside in an appropriate living situation. This revision incorporates that change, as well as updates the references to the new program, temporary assistance for needy families.

Proposal Changes the Following Existing Rules: The current rule does not have a residence requirement for teen applicants.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts "rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 19, 1997
 Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0010 Purpose of program. (1) General assistance for pregnant women (GA-S) is a state-funded grant assistance program providing for the needs of:

- (a) A pregnant woman; or
- (b) A woman who has relinquished her newborn for adoption.

(2) GA-S is used only when federally-funded or block grant assistance programs are not available to the state to use for needy people.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0040 Summary of eligibility conditions. (1) The department shall grant GA-S to a person who meets the eligibility conditions stated in this chapter and is:

(a) A pregnant woman not eligible for (~~AFDC~~) temporary assistance for needy families (TANF) or CEAP for reasons other than refusal or failure to cooperate without good cause in obtaining such assistance; or

(b) A woman who relinquished a newborn for adoption if the woman was receiving:

- (i) GA-S at the time of the birth of the child; or
- (ii) (~~AFDC~~) TANF at the time of the birth of the child and subsequently loses (~~AFDC~~) TANF eligibility because an eligible child does not reside in the household.

(2) Assistance granted under subsection (1)(b) of this section shall be limited to the end of the month containing the last day of the six week period following the day the child is born.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0060 Eligibility conditions—Program criteria. For GA-S, the department shall apply the (~~general assistance-unemployable (GAU)~~) temporary assistance for needy families (TANF) program criteria applicable to:

WSR 97-17-103
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed August 20, 1997, 10:35 a.m.]

- (1) Citizenship or alien status;
- (2) Social Security number; (~~and~~)
- (3) Residency; and
- (4) Minor teen living arrangements, as defined by the TANF program.

AMENDATORY SECTION (Amending Order 3759, filed 7/27/94, effective 9/1/94)

WAC 388-230-0090 Eligibility conditions—Financial criteria. In determining financial eligibility and grant amounts, the department shall follow (~~aid to families with dependent children~~) temporary assistance for needy families (TANF) program income, resource, transfer of property, and payment rules.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0110 Need and payment standards. (1) In determining a (~~persons's~~) person's need and payment amounts, the department shall use the need and grant payment standards applicable to the (~~aid to families with dependent children~~) temporary assistance for needy families (TANF) program.

(2) In the case of a married couple when the husband is eligible for general assistance unemployable and the wife is eligible for general assistance for pregnant women:

(a) Eligibility and payment will be based on the two-person need and payment standard; and

(b) (~~The wife is the only person who can receive~~) Grant assistance under the GA-S program will only be paid for the woman. The husband and the unborn or adopted out child are not included in the GA-S grant.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0120 Protective payees. For a recipient of general assistance for pregnant women (GA-S) determined to be unable to manage assistance funds by an evaluation conducted by department staff, the department shall follow (~~aid to families with dependent children~~) temporary assistance for needy families (TANF) program protective payee rules.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0140 Ineligibility based on benefits from other programs. The department shall deny requests for or terminate GA-S to a person:

(1) Eligible for or receiving CEAP or (~~AFDC~~) temporary assistance for needy families (TANF);

(2) Eligible for or whose needs are being met by supplemental security income (SSI);

(3) Currently under sanction for failure to comply with (~~AFDC~~) TANF or SSI requirements; or

(4) Who fails or refuses to cooperate without good cause in obtaining (~~AFDC~~) TANF, CEAP, or SSI.

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-080.

Title of Rule: WAC 388-222-001 through 388-222-060, diversion assistance.

Purpose: To establish a diversion assistance program to prevent some families from developing dependency on the temporary assistance for needy families (TANF) program by providing brief, emergency assistance for families in crisis who would otherwise be eligible for TANF.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Statute Being Implemented: Section 302, chapter 58, Laws of 1997 (ESHB 3901, 1997).

Summary: This creates a new WAC chapter establishing eligibility rules for the diversion assistance program.

Reasons Supporting Proposal: To reduce TANF caseloads and expenditures by helping some low-income families avoid having to go on TANF.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Virginia H. Paynter, WorkFirst Division, (360) 413-3098.

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: Chapter 388-222 WAC, Diversion assistance, establishes a diversion assistance program to prevent some families from developing dependency on the temporary assistance for needy families (TANF) by providing brief, emergency assistance for families in crisis who would otherwise be eligible for TANF.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 exempts the Department of Social and Health Services rules relating to medical and financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 18, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

**Chapter 388-222 WAC
DIVERSION ASSISTANCE**

NEW SECTION

WAC 388-222-001 What is the purpose of diversion assistance? (1) Diversion assistance is a program that can help some low income families by providing services and cash so that the family does not have to go on temporary assistance for needy families (TANF) or state family assistance (SFA).

(2) Diversion assistance helps families by providing diversion cash assistance (DCA) and by helping them access information, services and resources in the government and in their community so that they will not have to go on TANF or SFA.

(3) Diversion cash assistance is just one kind of diversion assistance that can give emergency money of up to fifteen hundred dollars to families who are eligible for TANF or SFA, but decide not to receive it.

(4) The rest of this chapter tells how families can get diversion cash assistance.

NEW SECTION

WAC 388-222-010 What are some of the terms used in diversion cash assistance (DCA)? "Adult." Any person age eighteen or older.

"Bona fide need." An actual, established need a family has for living expenses. The bona fide need must exist at the time of application or occur within the thirty-day period following the date of application.

"Crisis." A family situation that the family can take care of if they receive help with one or more bona fide needs as defined in this chapter.

"DCA Benefit Month." The month containing the first day after the date of application that resulted in a DCA payment.

"Family." A TANF eligible adult(s) and any other people who must be included with that adult(s) in one TANF assistance unit. Family also includes persons not eligible for TANF solely because of a TANF disqualification and persons who are not eligible for TANF but have a legal, financial responsibility for the members of the family who are on TANF. Families which contain an ineligible person are not eligible for DCA.

"Unsubsidized job." A job where the government does not give the employer any money to help pay the wage or salary of the person who has the job.

NEW SECTION

WAC 388-222-020 What is diversion cash assistance (DCA)? (1) DCA is short-term, emergency money, up to fifteen hundred dollars, that families can get from the state to pay for a bona fide need so that they do not have to go on TANF or SFA;

(2) To get DCA, the family has to:

(a) Meet all the eligibility rules for TANF or SFA that are in chapters 388-215, 388-216, 388-217, and 388-218 WAC except:

(i) The family does not have to meet the TANF or SFA work requirements that are in chapter 388-310 WAC; and

(ii) The family does not have to meet the child support rules, including cooperating with division of child support, that are in WAC 388-215-1400 through 388-215-1490; and

(b) Meet all the other eligibility requirements of DCA that are found in this chapter.

(3) Families or individuals disqualified for food stamps cannot get money for food as a bona fide need.

(4) Families or individuals who would not be included in a TANF household because they have not cooperated in providing information about third party liability (TPL) cannot get money for medical as a bona fide need.

NEW SECTION

WAC 388-222-030 What other eligibility rules are used to decide if a family can get diversion cash assistance (DCA)? (1) If any member of the family is ineligible for TANF or SFA due to disqualification, drug conviction, lump sum income rule, or any other reason, except receipt of Supplemental Security Income (SSI) by a family member, the family is not eligible for DCA.

(2) If all family members are ineligible for TANF or SFA due to receipt of SSI, the family is not eligible for DCA.

(3) If any adult in the family has received DCA in the past twelve months, the family cannot get DCA again until the twelve months have gone by.

(4) The family must be in crisis as defined in this chapter.

(5) The family must have a bona fide need as defined in this chapter which is present at application or occurs during the thirty-day period of time following the date of application. A family can be given DCA for a bona fide need when the DCA payment can keep them from going on TANF. Bona fide needs include but are not limited to:

(a) Child care bills;

(b) Rent payments;

(c) Transportation costs;

(d) Food costs;

(e) Medical costs; or

(f) Money needed to get or keep an unsubsidized job.

(6) The family must provide proof that the bona fide needs exist.

(7) The amount of DCA the family receives has to help the family take care of the bona fide need and prevent them from going on TANF.

(8) The family has to have, or be likely to get, enough income or other resources that a reasonable person could expect the family to support themselves for at least twelve months.

(9) All money, except TANF, and all services which the federal government pays for, that can be used to meet the family's crisis, should be used before DCA is used.

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.

PROPOSED

NEW SECTION**WAC 388-222-040 Can a family with some income and other resources get diversion cash assistance (DCA)?**

(1) The WAC rules which tell how to count income and resources for TANF or SFA will be used to decide if the family has too much income or too many resources to get DCA, except as specified in subsection (2) below.

(2) TANF or SFA recipients who are terminated and who apply for DCA are treated as applicants in determining their income and resources. If the application is made before the effective date of TANF termination, DCA is denied.

(3) After the family is determined eligible for DCA using the TANF or SFA rules, their income and resources will not be used to decide how much DCA the family can receive.

NEW SECTION

WAC 388-222-050 How much diversion cash assistance (DCA) can a family receive? (1) The amount of DCA a family can receive is the same as the cost of the bona fide need, but can never be more than fifteen hundred dollars for each period of time.

(2) A family can get DCA payment for only one thirty-day period of time every twelve months.

(3) This thirty-day period of time is thirty consecutive days starting with the day after the family applied for DCA. The day after the family applies for DCA determines the benefit month for DCA. All DCA payments are treated as one payment and are considered to be made in the DCA benefit month.

(4) DCA can be given in one or more checks depending on the family's bona fide needs.

(5) DCA payments are all payments for the DCA benefit month but can be given on any day during the thirty-day period.

(6) DCA will be paid directly to each separate vendor whenever possible.

(7) DCA can be paid directly to the family when a vendor payment is not possible.

(8) Family members receiving DCA cannot receive TANF or SFA cash assistance in any month in which they have received a DCA payment.

NEW SECTION

WAC 388-222-060 What happens if a family has to go on temporary assistance to needy families (TANF) or SFA (state family assistance) after they receive diversion cash assistance (DCA)? (1) If twelve months or more have gone by since the family received DCA, the family does not have to pay back any DCA.

(2) If fewer than twelve months have gone by since the adults in the family got DCA, DCA is treated like a loan and part of it has to be paid back.

(3) The amount of DCA money that has to be paid back is determined by:

(a) Counting how many months have gone by since the family received DCA. Month one is the month the application was made which resulted in the past DCA payment.

The month before the family's first TANF or SFA benefit month is the last month.

(b) The number of months that have gone by since the family received DCA is subtracted from twelve months. These are the remaining months.

(c) The amount of DCA the family got in the thirty-day period when they received DCA is divided by twelve. This is the monthly DCA payment amount.

(d) The number of remaining months in (b) of this subsection is multiplied by the monthly DCA payment in (c) of this subsection. This is the amount of DCA money the family has to pay back.

(4) The family has to pay back the DCA by having five percent of the TANF or SFA grant taken out of their TANF or SFA check each month.

(5) The only way DSHS collects back the DCA is by taking it out of a family's TANF or SFA check.

(6) If the family goes off TANF before the loan is repaid, collection of the loan is suspended unless the family goes back on TANF. If the family goes back on TANF collection of the loan is resumed.

WSR 97-17-104
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed August 20, 1997, 10:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-14-047.

Title of Rule: Chapter 388-290 WAC, Subsidized child care.

Purpose: On November 1, 1997, the four main Department of Social and Health Services-subsidized child care programs (JOBS, income assistance, transitional, and employment child care) will be consolidated into an "integrated" child care program. Phase-in will start November 1, 1997, and be complete by April 30, 1998. New rules will implement the mandate that all income and otherwise eligible TANF and non-TANF clients be eligible for the Department of Social and Health Services child care subsidies with a copayment.

Statutory Authority for Adoption: RCW 74.04.050, EHB 3901, sections 401 - 404, and chapter 58, Laws of 1997.

Statute Being Implemented: Sections 401 - 404, chapter 58, Laws of 1997; and Public Law 104-193, Sections 407 and 605.

Summary: The purpose of the subsidized child care program is to provide child care services necessary to assist low-income families with dependent children to become employed or maintain employment. Within available funds and guidelines, child care services will be provided on a sliding-fee scale basis based only on the amount of the family's income, not its source, whether that income is from employment, TANF assistance, both, or other income.

Reasons Supporting Proposal: State legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Roger Long, Lacey Government Center, (360) 413-3256.

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

Rule is necessary because of federal law, [Public Law 104-193, Sections 407 and 605].

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will implement the mandate that all income and otherwise eligible TANF and non-TANF clients be eligible for the Department of Social and Health Services child care subsidies with a copayment. See also Purpose and Summary above.

Proposal Changes the Following Existing Rules: Consolidates four existing Department of Social and Health Services-subsidized child care programs into a single, subsidized program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not negatively impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 exempts the Department of Social and Health Services rules relating only to financial or medical eligibility.

Hearing Location: Lacey Government Center (behind Tokyo O'Bento restaurant), 1009 College Street S.E., Room 102, Lacey, WA 98503, on September 23, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by September 15, 1997, phone (360) 902-7540, TTY (360) 902-8324, e-mail lbaldwin@dshs.wa.gov.

Submit Written Comments to and Identify WAC Numbers: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by September 23, 1997.

Date of Intended Adoption: No sooner than September 24, 1997.

August 19, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

Chapter 388-290 WAC SUBSIDIZED CHILD CARE

AMENDATORY SECTION (Amending Order 3916, filed 11/8/95, effective 12/9/95)

WAC 388-290-010 Subsidized child care (~~and other work-related supportive services~~)—**Purpose.** The purpose of this program is to provide child care (~~and other support~~) services necessary to assist families with dependent children to become (~~self-sufficient~~) employed or maintain employment. Within available funds and guidelines, child care services will be provided on a sliding-fee scale basis to families with gross incomes up to one hundred seventy-five percent of the Federal Poverty Level, based on the amount of the family's income, not its source, whether that income is from employment, temporary assistance for needy families (TANF) assistance, both, or other income.

AMENDATORY SECTION (Amending Order 3916, filed 11/8/95, effective 12/9/95)

WAC 388-290-020 Subsidized child care—Definitions. Except as specified in this chapter, terms used under chapter 388-290 WAC shall have the same meaning applied to the (~~AFDC~~) WorkFirst and TANF program (~~, as terms defined under chapters 388-22 and 388-250 WAC, and to the JOBS program under chapter 388-47 WAC~~).

~~((1))~~ **"Able"** means an adult who is physically (~~and/or~~), mentally and emotionally capable of caring for a child in a responsible manner.

~~((2))~~ **"Adjusted earned income"** means the gross earned income minus the average payroll and income tax paid at that income level.

"Adult" for the purposes of this chapter, means an individual eighteen years of age or older.

"Applicable standards" means standards and practices related to child care under chapter 388-73 WAC (~~or, in the case of a tribal JOBS program,~~) (Child care agencies—Minimum licensing/certification requirements) or tribal law.

~~((3))~~ **"Available"** means an adult able to provide child care due to not participating in an approved WorkFirst activity and/or employment during the time child care is required.

"Child care overpayment" means any child care payment received by or for an assistance unit for a month which exceeds the amount the unit was eligible to receive.

~~((4))~~ **"Child care provider"** is a licensed, certified, or informal provider who provides child care for a child or children in an appropriate setting.

"Consumer" for the purposes of this chapter, means a parent or guardian who applies for, or receives subsidized child care services funded by the department.

"Co-payment" means the computed amount which is paid toward the child's cost of care.

~~((5))~~ **"JOBS"** means the job opportunities and basic skills training program for eligible AFDC families which assists obtaining education, training, and employment needed to avoid long-term welfare dependence.

~~(6)~~ **"Support services"** means child care, and other services provided for under federal law, that may be required, enabling an AFDC applicant or recipient to pursue employment, education, and training under chapter 388-47 WAC JOBS training program.)

"Demonstrated inability to obtain needed child care" means one or more of the following:

(1) Unavailability of appropriate child care within a reasonable distance from the consumer's home or work site;

(2) Unavailability of appropriate licensed, certified, or informal child care arrangements.

"Informal provider" means an unlicensed child care provider who is:

(1) One of the following adult relatives in either the child's or relative's home:

(a) An adult sibling living outside the child's home; or

(b) A grandparent, aunt, uncle, first cousin, or great-grandparent, great-aunt, or great-uncle; and

(c) Not the child's biological, adoptive, or stepmother or stepfather.

(2) An adult friend or neighbor in the child's own home; or

(3) An adult extended tribal family member as defined under chapter 74.15 RCW (Care of children, expectant mothers, developmentally disabled).

"Self-employment income" is income from self-employment after deducting allowable business expenses from gross business income. Allowable business expenses are indicated in WAC 388-218-1350 (Allowable business expenses).

"Subsidy Unit" for the purposes of this chapter, means child care assistance unit and refers to two or more persons residing in the same household. A subsidy unit as defined in this chapter may or may not be the same as the TANF assistance unit, if any.

"Timely" for the purposes of this chapter, means within ten calendar days.

"Total income" for the purposes of this chapter, means the sum of adjusted earned income, self-employment income, and unearned income.

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

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

NEW SECTION

WAC 388-290-025 Determining the members of a subsidy unit. For the purposes of determining income eligibility and copayment calculation for subsidized child care, follow the guidelines below for determining subsidy unit size. Calculations refer to consumers who are either TANF or non-TANF, unless otherwise indicated.

(1) Subsidy units without a minor parent.

(a) Related adults (such as adult siblings), other than spouses, and their respective child(ren) residing together are each considered a separate subsidy unit.

(b) Unmarried parents with a mutual child(ren) living together are considered a single subsidy unit, unless one of the parents is a minor parent and receives TANF.

(c) Married or unmarried parents and their mutual and nonmutual children, if there is at least one mutual child, are considered a single subsidy unit, unless one of the parents is a minor parent and receives TANF.

(d) Unmarried adults without a mutual child(ren) are each considered a separate subsidy unit.

(e) A child (who is not a minor parent) and responsible relatives or responsible nonrelated persons are considered a single subsidy unit.

(f) A nonsibling child receiving TANF, eligible as a separate TANF assistance unit, is considered a separate subsidy unit.

(g) Only individuals residing in the same household are included in subsidy unit size, except for the military subsidy unit whose mother or father is on active duty overseas or out of state.

(2) Subsidy units with a minor parent.

(a) If the minor parent is part of a TANF grant including the parent(s) of the minor parent, all TANF recipients included in the TANF assistance unit of which the minor

parent is a member shall be considered a single subsidy unit. Count only the subsidy unit's TANF income.

(b) A minor parent receiving TANF, eligible as a separate TANF assistance unit, is considered a separate subsidy unit.

(c) If the minor parent is the TANF head of household, the TANF assistance unit is considered a single subsidy unit. Count only the subsidy unit's TANF income.

(d) Unmarried minor parents with a mutual child(ren) living together are considered a single subsidy unit, unless the conditions in (c) of this subsection indicate otherwise.

(e) If the minor parent is non-TANF, and attending an approved secondary education or GED program, refer the minor parent to the teen parent child care program as indicated in WAC 388-15-170 (General and seasonal child care services).

NEW SECTION

WAC 388-290-030 Responsibilities for the department, the consumer, and the provider under the subsidized child care program. (1) The department shall provide a program of subsidized child care for income-eligible consumers to participate in approved WorkFirst activities and/or employment as follows:

(a) Assure child care services meet applicable standards of state or tribal law;

(b) Not authorize payment to a child care provider unless parents or guardians are allowed access to their children whenever the children are in care;

(c) Take the child's individual needs into account when the department subsidizes or arranges for child care;

(d) Require that the parent or guardian provide sufficient documentation (such as written evidence) to the department that the informal provider of the parent or guardian's choice is in sufficient physical, emotional, and mental health to be a safe caretaker;

(e) Assure the parent or guardian's choice of child care or type of provider is not significantly restricted;

(f) Not authorize payment for child care for a subsidy unit where any adult in the subsidy unit is able and available to care for the children. See "able" and "available" as defined in WAC 388-290-020;

(g) Respond to request for subsidized child care within ten days;

(h) Inform consumers of the child care options for which the department can make payment;

(i) Inform consumers of the locations of community resources which can help them select child care, if needed;

(j) Inform consumers of their rights and responsibilities in relation to child care;

(k) Provide prompt child care payments to the provider; and

(l) Provide timely notice to consumers of reduction, suspension, or termination of child care benefits.

(2) Consumers shall:

(a) Be responsible to choose the provider and make the child care arrangements, including backup care arrangements;

(b) Notify the department of any change in providers within ten days;

(c) Pay the informal provider after the department pays the consumer for informal care;

(d) Pay any required co-payment. A consumer failing to pay, or make arrangements to pay, the required co-payment shall be subject to termination of subsidized child care benefits;

(e) Supply the department with necessary information to allow payment to the authorized provider;

(f) Notify the provider in a timely manner when the department discontinues or changes the child care authorization; and

(g) Provide notice to the department in a timely manner of any change in household size or income level that may affect the copayment amount.

(3) Providers shall meet the requirements in WAC 388-290-035 and 388-290-045.

NEW SECTION

WAC 388-290-035 Providers eligible for payment under the subsidized child care program. (1) A licensed child care provider must be licensed as required by chapter 74.15 RCW and chapter 388-73, 388-155 (Minimum licensing requirements for family child day care homes), or 388-150 WAC (Minimum licensing requirements for child day care centers).

(2) Child care providers exempt from licensing but that must be certified by the department include:

(a) Tribal child care facilities meeting the requirements of tribal law;

(b) Child care facilities on a military installation;

(c) Child care facilities operated on public school property by a school district.

(3) Informal providers are exempt from licensing and certification, but must be registered with the department.

NEW SECTION

WAC 388-290-045 Informal child care providers under subsidized child care program. (1) The department may subsidize informal care as long as the parent or guardian has assured the informal child care provider meets the following requirements:

(a) Be eighteen years of age or older;

(b) Be free of communicable diseases;

(c) Be of sufficient physical, emotional, and mental health to meet the needs of the child in care;

(d) Be able to care for the child without using corporal punishment or psychological abuse;

(e) Be able to accept and follow instructions;

(f) Be able to maintain personal cleanliness;

(g) Be prompt and regular in job attendance;

(h) Be registered with the department. Parents or guardians are required to give the provider's name, address, and valid social security number to the department. Registration is done at the time child care is authorized;

(i) Provide constant care and supervision of the child for whom the provider is responsible, during the time the provider is on duty, in accordance with the needs of the child; and

(j) Provide developmentally appropriate activities for the child under the provider's care.

(3) The department may subsidize informal care as long as the parent or guardian assures the following conditions are met:

(a) The home in which child care takes place must be safe for the child; and

(b) The child's immunizations must be current according to appropriate immunization schedules.

(4) The informal and family home child care provider must provide a valid social security number to the department.

(5) The department may terminate child care services, subject to timely notice requirements, if any or all of the conditions in this section are not met.

NEW SECTION

WAC 388-290-050 Eligible children and consumers under the subsidized child care program. (1) To be eligible for subsidized child care, the consumer must:

(a) Be a legal citizen or qualified alien;

(b) Be income-eligible and employed, whether TANF or non-TANF;

(c) Be a TANF consumer who is participating in an approved WorkFirst activity(ies);

(d) Have physical or legal custody of one or more dependent children under the age of thirteen; and

(e) Not participate directly in the care of their own child(ren) during the time child care is authorized, if the consumer is an employee of the child care facility to which the department has authorized payment.

(2) The department may authorize subsidized child care for a child between thirteen and twenty years old if the child is:

(a) Physically, mentally or emotionally incapable of self-care, as verified by a licensed medical practitioner or masters-level or above mental health professional;

(b) Under court supervision.

(3) The department may authorize special needs child care for children twelve years of age or younger who meet the requirements in subsection (2)(a) of this section.

(4) The department may not authorize subsidized child care for children who are undocumented aliens.

(5) TANF consumers in sanction for noncooperation with the WorkFirst program or the division of child support (DCS) are not eligible for subsidized child care unless child care is necessary to:

(a) Obtain or maintain employment;

(b) Enroll in, or maintain enrollment in, an approved WorkFirst activity; or

(c) Remove the sanction.

NEW SECTION

WAC 388-290-055 Payment for subsidized child care. (1) The department pays for subsidized child care based on:

(a) A consumer's hours of participation in an approved WorkFirst activity and/or hours of employment;

(b) Transportation time between the place of employment or approved WorkFirst activity and the child care provider's home or facility, if needed;

(c) The rates published by the department.

(2) The department may authorize child care payments for TANF consumers for up to two weeks for a consumer waiting to enter an approved WorkFirst activity, including employment.

(3) The department may authorize child care payments for TANF or non-TANF consumers for up to four weeks for a consumer who experiences a gap in employment, or approved WorkFirst activity, if all of the following conditions are met:

(a) The gap is for reasons out of the consumer's control, such as a medical emergency, lay-off, or school vacation;

(b) Employment, or the approved WorkFirst activity, is scheduled to resume within that period;

(c) The consumer has received subsidized child care during the period immediately preceding the gap in employment, or approved WorkFirst activity; and

(d) Child care arrangements would otherwise be lost.

(4) The department may pay for initial one-time fees for registration or equipment which are required by an authorized child care provider if such fees are:

(a) Required of all parents or guardians, subsidized and nonsubsidized, whose (child(ren) are in care with that provider; and

(b) Needed to maintain a child care arrangement.

(5) The department shall not pay ongoing annual registration fees unless the provider requires it of all parents or guardians.

(6) The department may pay regular, ongoing activity fees to the child care provider if the situation meets the requirements in subsection (4)(a) and (b) of this section.

(7) The department may establish a protective payee due to mismanagement of funds, if the TANF or non-TANF consumer fails to pay the informal child care provider, when:

(a) The department has issued a child care warrant to the correct address and twelve or more working days have passed since the issuance date; and

(b) The consumer has not reported the warrant lost, stolen, or destroyed.

(8) The child care co-payment is paid directly to the child care provider.

NEW SECTION

WAC 388-290-060 Adequate notice requirements and effective dates under subsidized child care. (1) The department shall authorize subsidized child care payments for eligible consumers effective the following dates:

(a) For TANF consumers, the date an approved WorkFirst activity, including employment, begins, or the date of eligibility for assistance, whichever is later.

(b) For non-TANF consumers, the date employment begins, or the date of request for child care, whichever is later.

(2) If the TANF or non-TANF consumer does not report employment to the department timely, the effective date for child care benefits shall be the date of request for child care, or the date child care begins, whichever is later.

(3) All TANF consumers who require subsidized child care to participate in WorkFirst activities must locate a child care provider within ten days starting from the date of child care application. This rule applies unless the department determines the consumer has a demonstrated inability to

obtain needed child care. See the definition of "**demonstrated inability to obtain needed child care**" in WAC 388-290-020.

(4) The department shall:

(a) Provide timely notice to consumers for changes in payment when the change results in a discontinuation, suspension, reduction, termination, or forces a change in child care arrangements;

(b) Terminate child care benefits to coincide with the termination of a WorkFirst activity, employment, or both, provided timely notice has been given.

(5) Timely notice requirements shall not apply for other changes in the manner of payment.

NEW SECTION

WAC 388-290-070 Self-employment and subsidized child care. (1) To be and remain eligible for subsidized child care, a self-employed person must maintain and make available to the department a record which clearly documents all claimed business expenses and income.

(2) For the first twelve months of self-employment starting from the date the consumer first became eligible for child care for self-employment, the consumer's required hours of child care related to self-employment shall be based on the greater of the following:

(a) Written documentation of the number of hours worked, as verified and approved by the department; or

(b) The number of hours calculated by dividing the consumer's monthly self-employment income by the federal minimum wage.

(3) After the first twelve months, the consumer's necessary hours of child care shall be based on the lesser amounts in subsection (2)(a) or (b) of this section.

(4) The twelve-month period shall begin on the date the consumer becomes ineligible for TANF, or becomes eligible for subsidized child care, whichever is later.

NEW SECTION

WAC 388-290-080 Subsidized child care—Fair hearings. (1) Consumers may request fair hearings under chapter 388-08 WAC (Practice and procedure—Fair hearing) on any action affecting child care benefits except for changes resulting from a change in policy or law.

(2) Consumers of subsidized child care may be eligible for continued child care benefits pending the outcome of a fair hearing if the consumer requests the fair hearing on or before the effective date of the action or within ten days of the notice of adverse action.

(3) The department shall consider any child care benefits the consumer receives pending a fair hearing or hearing decision to be an overpayment when/if the fair hearing decision subsequently finds against the consumer.

NEW SECTION

WAC 388-290-090 Copayment rates under subsidized child care and when they must be calculated. (1) All consumers, whether TANF or non-TANF, shall contribute to the subsidized child care cost according to a sliding-fee scale based on the Federal Poverty Level (FPL) adjusted for family size.

PROPOSED

(a) Subsidy units with total income at or below seventy-four percent of the FPL shall contribute ten dollars per month toward the subsidized child care cost;

(b) Subsidy units with total income between seventy-five and one hundred percent of the FPL shall contribute twenty dollars per month toward the subsidized child care cost;

(c) Subsidy units with total income between one hundred one and one hundred seventy-four percent of the FPL shall contribute either twenty dollars per month or forty-seven percent of their total income exceeding one hundred percent of the FPL, whichever is greater, toward the subsidized child care cost;

(d) Subsidy units whose total income equals or exceeds one hundred seventy-five percent of the FPL shall not be eligible for child care benefits subsidized by the department.

(2) The department shall calculate co-payments:

(a) At the time of the initial eligibility determination or authorization;

(b) At least every six months, starting from the first month of eligibility;

(c) When monthly income increases one hundred dollars or more;

(d) When monthly income decreases; or

(e) When subsidy unit size increases or decreases.

(3) If the subsidy unit's income fluctuates monthly, the department determines income eligibility and copayment amount on a monthly basis using the prior month's total income.

NEW SECTION

WAC 388-290-100 Subsidized child care—Termination and reinstatement. (1) A subsidy unit becomes ineligible for subsidized child care when the consumer:

(a) Terminates WorkFirst activities;

(b) Fails to cooperate with the department in establishing and enforcing child support obligations;

(c) Terminates employment or self-employment;

(d) Has a child who is no longer dependent; or

(e) Fails to pay, or arrange payment for, required co-payment fees.

(2) The department shall only reinstate a subsidy unit's eligibility for subsidized child care when:

(a) The consumer who ceased participation in an approved WorkFirst activity, employment or self-employment, resumes participation;

(b) The consumer cooperates with the department in establishing and enforcing child support obligations;

(c) Back co-payment fees are paid or satisfactory arrangements are made to make full payments; or

(d) The consumer loses a job and finds another job.

NEW SECTION

WAC 388-290-105 Subsidized child care—Overpayments. (1) In those areas not expressly covered under this section, child care consumers shall be subject to and covered by chapter 388-270 WAC (Incorrect payments).

(2) The department shall include, but not limit, a child care overpayment to:

(a) Vendor payments for child care provided during a period when a consumer was not eligible for subsidized child care;

(b) Payments made pending a fair hearing when the fair hearing decision subsequently finds against the consumer;

(c) Payments made during the ten-day advance notice period when the consumer is ineligible for payment;

(d) Continued payments received by the consumer because the appropriate ten-day advance period extends into the next month.

(3) The department shall calculate the amount of the child care overpayment based on the amount of child care payment the consumer or the child care provider receives for which the subsidy unit was not eligible.

(4) When establishing an overpayment, the department shall reduce any child care overpayment by the amount of any child care underpayment where applicable.

(5) The department shall recover overpayments from:

(a) The subsidy unit which was overpaid;

(b) Any subsidy unit of which a responsible member of the overpaid subsidy unit has subsequently become a member; or

(c) Any member of the overpaid subsidy unit whether or not currently a consumer.

(6) When a provider has received payment for child care services not provided, the department shall establish the overpayment in the provider's name.

(7) The department shall attempt recovery of an overpayment in all cases:

(a) Of fraud;

(b) Involving current consumers; and

(c) Where cost of recovery does not exceed the overpayment amount.

(8) In recovering overpayments from a current consumer, the department shall consider a subsidy unit's income level and financial obligations, including household expenses, when determining repayment requirements. Such subsidy units shall retain a reasonable amount of funds to meet their needs.

(9) The department may recover child care overpayments from current TANF or non-TANF consumers from their child care benefits. Recovery may not interfere with child care arrangements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-290-040 Assurances and responsibilities under JOBS, income assistance, and transitional child care.

WAC 388-290-110 JOBS, income assistance, and transitional child care programs.

WAC 388-290-115 JOBS, income assistance, and transitional child care programs—Eligible children and recipients.

WAC 388-290-120 JOBS, income assistance, and transitional child care program—Payment.

- WAC 388-290-123 JOBS, income assistance, and transitional child care programs—Effective dates.
- WAC 388-290-130 Income assistance and transitional child care programs—Effect on eligibility and payments.
- WAC 388-290-135 JOBS, income assistance, and transitional child care—Hearings.
- WAC 388-290-140 Income assistance child care program—Conversion.
- WAC 388-290-155 Transitional child care—Purpose and initial eligibility.
- WAC 388-290-160 Transitional child care—Co-payment.
- WAC 388-290-170 Transitional child care—Ongoing eligibility.
- WAC 388-290-180 Child care overpayments.
- WAC 388-290-210 Other supportive services.
- WAC 388-290-250 Transitional supportive services.
- WAC 388-290-260 Supportive services overpayments.

**WSR 97-17-105
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Filed August 20, 1997, 11:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-09-085.

Title of Rule: Personal use fishing rules.

Purpose: Amend seasons for salmon fishing.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Amend seasons or catch limits on Copalis, Deep, Snohomish, and Snoqualmie rivers.

Reasons Supporting Proposal: Preseason forecasts and Pacific Fisheries Management Council recommendations.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Copalis River is closed to protect spawning salmon. The Deep River is opened because a harvestable surplus of salmon will be available. The Snohomish and Snoqualmie rivers are closed to pink salmon retention as the stocks of this salmon species cannot support a directed fishery.

Proposal does not change existing rules. Amends season or catch limits on four rivers.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational anglers, not small businesses.

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

Hearing Location: Room 274, Natural Resources Building, 1111 Washington Street, Olympia, on September 23, 1997, at 10:00.

Assistance for Persons with Disabilities: Contact Robin Ayers by September 18, 1997, TDD (360) 902-2295, or (902) [(360)] 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2940, by September 18, 1997.

Date of Intended Adoption: September 23, 1997.

August 20, 1997

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 95-46, filed 5/31/95, effective 7/1/95)

WAC 220-57-165 Copalis River. (~~Daily Limit A—July 1 through January 31: Downstream from the Carlisle Bridge.~~) Closed to salmon angling the entire year.

NEW SECTION

WAC 220-57-187 Deep River (Wahkiakum County). Deep River (Wahkiakum County) - Daily Limit A - August 1 through December 31: Upstream from mouth to town bridge.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-450 Snohomish River. (1) Special daily limit of two salmon except release chinook salmon and pink salmon - September 1 through December 31: Downstream from confluence of Skykomish and Snoqualmie rivers.

(2) During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending Order 96-44, filed 5/13/96, effective 6/13/96)

WAC 220-57-455 Snoqualmie River. (1) Special daily limit of two salmon except release chinook salmon and pink salmon - September 1 through December 31: Downstream from Snoqualmie Falls.

(2) During even-numbered years it is unlawful to retain pink salmon.

**WSR 97-17-106
PROPOSED RULES
HEALTH CARE AUTHORITY**

[Filed August 20, 1997, 11:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-22-016.

Title of Rule: Chapter 182-08 WAC, Health Care Authority PEBB administration and PEBB eligibility rules.

Purpose: Establishes rules for determining benefits, eligibility, enrollment processes and for administering the Washington State Public Employee Benefits Board (PEBB).

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: Chapter 41.05 RCW.

Summary: Updates required due to recent federal legislation requiring special enrollment opportunities.

Reasons Supporting Proposal: Federal legislation.

Name of Agency Personnel Responsible for Drafting: Mich'l Needham, Health Care Authority, 923-2735; Implementation and Enforcement: Sharon Thompson, Health Care Authority, 923-2640.

Name of Proponent: Health Care Authority, governmental.

Rule is necessary because of federal law, HIPAA federal regulation.

Explanation of Rule, its Purpose, and Anticipated Effects: Public Employees Benefits Board (PEBB) eligibility rules. Updates required due to recent federal legislation requiring special enrollment opportunities.

Proposal Changes the Following Existing Rules: Additional special enrollment period under certain circumstances.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and costs to businesses will be negligible.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, do not apply to the Health Care Authority unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Attorney General Conference Center, RoweSix, Building One, 4224 6th Avenue S.E., Lacey, WA 98504, on September 23, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Nikki Woehl by September 19, 1997, (360) 923-2805.

Submit Written Comments to: Elin Meyer, FAX (360) 923-2606, by September 30, 1997.

Date of Intended Adoption: October 18, 1997.

August 20, 1997

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-095 Waiver of coverage. (1) State employees: Employees eligible for PEBB health care coverage have the option of waiving medical coverage for themselves and any or all dependents if they are covered by another medical plan. In order to waive medical coverage, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived. If an employee waives medical coverage for him/herself, coverage is automatically waived for all eligible dependents. An employee may choose to enroll only him/herself, and waive medical coverage for any or all dependents.

Employees and dependents whose medical coverage is waived will remain enrolled in a PEBB dental plan.

Employees will also remain enrolled in PEBB life and long term disability coverage.

If PEBB medical coverage is waived, an otherwise eligible person may not enroll in a PEBB plan until the next open enrollment period, or within 31 days of loss of other medical coverage. Proof of other medical coverage is required to demonstrate that: 1) Coverage was continuous from the date PEBB coverage was waived; and 2) the period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and dependents may have an additional opportunity to enroll in the event of acquisition of a new dependent as a result of marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption.

(2) K-12 employees: Employees eligible for PEBB health care coverage have the option of waiving medical coverage for themselves and any or all dependents. In order to waive medical coverage, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived. If an employee waives medical coverage for him/herself, coverage is automatically waived for all eligible dependents. An employee may choose to enroll only him/herself, and waive medical coverage for any or all dependents.

Employees and dependents whose medical coverage is waived will remain enrolled in a PEBB dental plan if the district/unit participates in the dental plan. Employees will also remain enrolled in life and long term disability coverage if the district/unit participates in those plans.

If PEBB medical coverage is waived, an otherwise eligible person may not enroll in a PEBB plan until the next school district renegotiation period, or upon approval of the participating school district and the HCA. Approval of the HCA will require proof of other medical coverage to demonstrate that: 1) Coverage was continuous from the date PEBB coverage was waived; and 2) the period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and dependents may have an additional opportunity to enroll in the event of acquisition of a new dependent as a result of marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption.

(3) Political subdivision employees: Political subdivision employees may not waive PEBB medical coverage for themselves, but may waive medical coverage for their dependents if the dependents are covered by another medical plan. In order to waive medical coverage for dependents, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived.

Dependents whose medical coverage is waived will remain enrolled in their PEBB dental plan.

If PEBB medical coverage is waived, an otherwise eligible dependent may not enroll in a PEBB medical plan until the next open enrollment period, or within 31 days of loss of other medical coverage. Proof of other medical coverage is required to demonstrate that: 1) Coverage was continuous from the date PEBB coverage was waived; and 2) the period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and

dependents may have an additional opportunity to enroll in the event of acquisition of a new dependent as a result of marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption.

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-160 Group coverage when not in pay status. Employees covered by a PEBB health plan have options for providing continued coverage for themselves and their dependents during temporary or permanent loss of eligibility. With the exception of approved family and medical leave, employees not in pay status for at least 8 hours per month are ineligible to receive the employer premium contribution:

(1) When an employee loses eligibility as an active employee, PEBB group coverage, except long-term disability, may be continued at the group premium rate by self-paying premiums for medical coverage only, or for medical and dental combined, or for dental only, and on life insurance for a maximum of 29 months. With respect to medical and dental coverage, the maximum time shall be reduced by the number of months of self-pay allowed under COBRA and the number of employer-paid months allowed under family and medical leave. Part-time faculty may self-pay for group coverage between periods of active employee eligibility for a maximum of 18 months. If an employee is temporarily not in pay status for any of the following reasons, he or she may continue PEBB group coverage by self-paying the premium:

- (a) The employee is on authorized leave without pay,
- (b) The employee is laid off because of a reduction in force (RIF)
- (c) The employee is receiving time-loss benefits under workers' compensation
- (d) The employee is awaiting hearing for a dismissal action

(e) The employee is applying for disability retirement
 (2) The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) gives enrollees the right to continue group coverage for a period of 18 to 36 months.

(3) The Family and Medical Leave Act of 1993 gives the enrollee the opportunity to extend eligibility with employer contribution toward premium for up to 12 weeks, see WAC (~~182-08-080~~) **182-08-175**.

(4) Enrollees have the right to convert to individual medical coverage when continuation of group medical coverage is no longer possible.

(5) The dependents of employees also have options for continuing coverage for themselves following loss of eligibility.

(6) Employees who revert to a previously held position and do not regain pay status during the last month in which their employer contribution is made may continue their PEBB-sponsored health and life coverage, by self-paying premium for up to 18 months (and in some cases up to 29 months).

(7) If a dependent(s) loses eligibility due to the death of the employee, the dependent(s) may continue coverage under

a retiree plan provided the dependent(s) will immediately begin receiving a monthly benefit from any state of Washington-sponsored retirement system. The employee's spouse may continue coverage indefinitely; other dependents may continue coverage until they lose eligibility under PEBB rules. Application for surviving dependent coverage must be made within 60 days from the death of the employee. If a dependent is not eligible for a monthly retirement income benefit, or a lump-sum payment because the monthly pension payment would be less than \$50, the dependent may be eligible for continued coverage under COBRA.

(8) An employee may retain long-term disability coverage by self-payment of premium up to twenty-four months during an authorized leave without pay, but only if such leave is an approved educational leave.

AMENDATORY SECTION (Amending WSR 93-23-065, filed 11/16/93, effective 12/17/93)

WAC 182-08-175 Group coverage while on family and medical leave. Employees on leave under the federal Family and Medical Leave Act of 1993, and regulations implementing that act, shall continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave and may self-pay their optional life and long-term disability. If an employee fails to return to work after expiration of family and medical leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the control of the employee, the employer may recover the premiums paid to maintain the employee's insurance coverage from the employee.

WSR 97-17-107
PROPOSED RULES
HEALTH CARE AUTHORITY
 [Filed August 20, 1997, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-04-057.

Title of Rule: Chapter 182-04 WAC, Public records.

Purpose: Update to reflect policy and procedures of agency.

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: Chapter 41.05 RCW.

Summary: Updated to reflect the reference to Health Care Authority and appropriate public disclosure forms. Also reflect the new public disclosure requirements for commercial disclosure.

Reasons Supporting Proposal: Reflect policy and procedures on compliance with state law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Elin Meyer, Health Care Authority, 923-2801.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updated to reflect the reference to Health Care Authority and appropriate public disclosure forms. Also reflect the new public disclosure requirements for commercial disclosure. Also to reflect policy and procedures on compliance with state law.

Proposal Changes the Following Existing Rules: It clarifies procedures and forms.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and costs to businesses will be negligible.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, do not apply to the Health Care Authority unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Health Care Authority, Puget Room, 4th Floor, 676 Woodland Square Loop S.E., Building B, Lacey, WA 98504, on September 23, 1997, at 9:30 a.m. to 11:30 a.m.

Assistance for Persons with Disabilities: Contact Nikki Woehl by September 19, 1997, (360) 923-2805.

Submit Written Comments to: Elin Meyer, FAX (360) 923-2606, by September 30, 1997.

Date of Intended Adoption: October 18, 1997.

August 20, 1997

Elin Meyer
Rules Coordinator

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-010 Purpose. The purpose of this chapter shall be to insure compliance by the ~~((Washington state employee insurance board))~~ the Washington State Health Care Authority (HCA) with the provisions of chapter 42.17 RCW dealing with public records.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-015 Definitions. The following definitions shall apply:

(1) "HCA" means the Washington State Health Care Authority, created pursuant to chapter 41.05 RCW.

~~((4))~~ (2) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental agency or ((local agency regardless of form or characteristics-)) the performance of any governmental or proprietary information.

~~((2))~~ (3) "Writing" means ((handwriting, typewriting, printing, photostating and every other means of recording any form of communication or representation, including letters, words, pictures, sounds symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents-)) all means of recording any form of communication or representation as defined in RCW 42.17.020(28).

~~((3) The Washington state employee insurance board, created pursuant to 41.05 RCW. The state employee insurance board shall hereinafter be referred to as the board.~~

~~For the purposes of WAC 182-04-015 through 182-04-070 inclusive, the term "board" shall also refer to the staff and employees of the Washington state employee insurance board-))~~

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

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-025 Public records. (1) All public records of the ((board)) HCA as defined in WAC 182-04-015((4)) (3) shall be made available upon public request for inspection and copying pursuant to these rules, except however as provided by ((RCW 42.17.310)) law.

(2) The public disclosure officer, or designee, shall respond promptly to requests for disclosure. Within five business days, the public disclosure officer, or designee shall respond by:

(a) Providing the record;

(b) Acknowledging the request and providing a reasonable estimate of the time it will take to respond to the request; or

(c) Denying the public record request.

(3) In acknowledging receipt of a public record request that is unclear, the public disclosure officer may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the public disclosure officer need not respond to it.

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

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 182-04-030 Public records officer.

Reviser's note: The repealer appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to chapter is probably intended to be to section.

AMENDATORY SECTION (Amending Order 01-77, filed 8-26-77)

WAC 182-04-035 Office hours. Public records shall be made available upon request only during working hours of the ~~((board))~~ HCA. For the purpose of this chapter, the working hours shall be from ~~((8:00))~~ 9:00 a.m. until noon, and from 1:00 p.m. until ~~((5:00))~~ 4:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-040 Request for public records. In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasion((s)) of privacy, and to protect public records from damage or disorganization,

and to prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records(7) may be obtained by ((members of)) the public, upon compliance with the following procedures:

(1) A request shall be made in writing or upon ((a)) the form prescribed ((by the agency)) in WAC 182-04-070, which shall be available at ((its office)) the HCA. The form shall be presented to the public ((records)) disclosure officer; or to any member of the agency's staff, if the public ((records)) disclosure officer is not available, at the office of the agency during customary office hours. ((The)) A request ((shall include the following information:

(a) ~~The name, address, and organization represented, if any, of the person requesting the record;~~

(b) ~~The time of day and calendar date on which the request was made;~~

(c) ~~The nature of the request;~~

(d)) need merely identify with reasonable certainty the record sought to be disclosed. If the matter requested is referred to within the current index maintained by the ((records)) public disclosure officer, a reference to the requested record as it is described in such current index is desirable. ((:))

((c) ~~If the requested matter is not identifiable by reference to the agency's current index, an appropriate description of the record requested.~~)

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public ((records)) disclosure officer or staff member to assist the member of the public in appropriately identifying the public record requested. (3) When the law makes a record disclosable to a specific person, a requestor may be required to provide personal identification.

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

NEW SECTION

WAC 182-04-041 Preserving requested records. If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the public disclosure officer shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-045 Copying. (1) No fee shall be charged for the inspection of public records.

(2) The agency shall ((charge a reasonable fee for providing copies of public records and for use of the agency's copy equipment. This charge is the amount necessary)) collect the following fees to reimburse the agency for its actual costs incident to ((such copying)) providing copies of public records:

(a) Fifteen cents per page for black and white photocopies, plus sales tax; and

(b) The cost of postage, if any.

(3) The public disclosure officer is authorized to waive the foregoing costs. Factors considered in deciding whether to waive costs include, but are not limited to: providing the copy will facilitate administering the program, and/or the expense of processing the payment exceeds the copying and postage cost.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-050 Exemptions. (1) The ((board)) HCA reserves the right to determine ((that)) whether a public record requested in accordance with the procedures outlined in WAC 182-04-040 is exempted under ((the)) statutory provisions ((of RCW 41.17.310)).

(2) Pursuant to RCW 42.17.260, the ((board)) HCA reserves the right to delete identifying details when it makes available or publishes any public record, in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy or vital governmental interest protected by chapter 42.17 RCW. The public ((records)) disclosure officer will fully justify such deletion in writing in such a way so that the nature of the deleted information is made known.

(3) ((All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial.)) If disclosure is denied, the requester is entitled to a written explanation of the denial which cites the relevant exemption and an explanation of how it applies to the record being denied.

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

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-055 Review of denials of public records request. (1) Any person who objects to the denial of request for public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public ((records)) disclosure officer or other staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a public record, the ((records)) disclosure officer shall immediately consider the matter and either affirm or reverse such denial. ((The request shall be returned with a final decision within two business days following the receipt of such request.)) Such review shall be deemed completed at the end of the second business day following the receipt by the disclosure officer of the request for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-060 Protection of public records. Following are guidelines which shall be adhered to by any person inspecting such public records:

PROPOSED

(1) Inspection of any public records shall be conducted only during working hours as specified in WAC 182-04-035 with the presence of ~~((SEIB))~~ HCA employee(s);

(2) No public record shall be removed from the main office without the approval of the ~~((insurance benefit supervisor or without the authorization of the SEIB))~~ public disclosure officer or his/her designee;

(3) Public records shall not be marked, torn, or otherwise damaged;

(4) Public records must be maintained as they are in file or in a chronological order, and shall not be dismantled except for purposes of copying and then only by ~~((SEIB))~~ an HCA employee ~~((s or others authorized by the insurance benefit supervisor));~~

(5) Access to file cabinets and other places where public records are kept is restricted, and shall be used by ~~((the board))~~ employees of the HCA.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 182-04-065 Communication with the board.

Reviser's note: The repealer appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to chapter is probably intended to be to section.

AMENDATORY SECTION (Amending Order 01-77, filed 8/26/77)

WAC 182-04-070 ~~((Adoption of form))~~ Request for inspection of records. The ~~((board))~~ HCA hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form set out below, entitled "Request for ~~((public records))~~ Inspection of Records."

~~((State Employees Insurance Board
Department of Personnel
State of Washington
600 South Franklin
Olympia, Washington 98504~~

~~We have received your request for copies of our public records. We would appreciate it if you complete the form on the right and return with the amount required. We will forward the requested copies as soon as we receive this form.~~

~~Thank You.~~

~~Return to:~~

~~Insurance Benefits Supervisor
Department of Personnel
600 South Franklin
Olympia, Washington 98504)~~

Washington State Health Care Authority
Request for ~~((Public))~~ Inspection of Records

~~((Date TIME
name~~

address

PURPOSE OF REQUEST
.....
.....
.....

~~I certify that the information obtained through this request for public records will be used only for the reasons stated and will not be used for commercial purposes.~~

.....
Signature

No. of copies
No. of pages
Per page charge \$.....
Total charge (\$.....)

The information requested in Blocks 1 through 6 is not mandatory, however, the completion of these blocks will enable this office to expedite your request and contact you should the record you seek not be immediately available.

1. Name 4. Phone Number
2. Address 5. Representing (if applicable)
3. Zip code 6. If urgent - date needed

Below please state what record(s) you wish to inspect and be as specific as possible. If you are uncertain as to the type or identification of specific record or records we will assist you.

I certify that the information requested from the above record(s) will not be part of a list of individuals to be used for commercial purposes.

(Signed)
Date

WSR 97-17-108
PROPOSED RULES
HEALTH CARE AUTHORITY
[Filed August 20, 1997, 11:26 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 95-04-057.

Title of Rule: Chapter 182-18 WAC, General requirements for all organ transplant programs.
Purpose: Repealed.
Statutory Authority for Adoption: RCW 41.05.160.
Statute Being Implemented: Chapter 41.05 RCW.
Summary: Repealed.

PROPOSED

Reasons Supporting Proposal: Outdated and no longer applicable.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Elin Meyer, Health Care Authority, 923-2801.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repealed. Outdated and no longer applicable.

Proposal Changes the Following Existing Rules: Repealed. Outdated and no longer applicable.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and costs to businesses will be negligible.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, does not apply to the Health Care Authority unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Health Care Authority, Puget Room, 4th Floor, 676 Woodland Square Loop S.E., Building B, Lacey, WA 98504, on September 23, 1997, at 9:30 a.m. to 11:30 a.m.

Assistance for Persons with Disabilities: Contact Nikki Woehl by September 19, 1997, (360) 923-2805.

Submit Written Comments to: Elin Meyer, FAX (360) 923-2606, by September 30, 1997.

Date of Intended Adoption: October 18, 1997.

August 20, 1997
Elin Meyer
Rules Coordinator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- | | |
|----------------|--|
| WAC 182-18-005 | Purpose. |
| WAC 182-18-010 | Transplant program. |
| WAC 182-18-020 | New programs. |
| WAC 182-18-030 | Pediatric programs. |
| WAC 182-18-040 | Transplant team training and experience. |
| WAC 182-18-050 | Multiple organ transplants. |
| WAC 182-18-060 | Institutional commitment. |
| WAC 182-18-080 | General recipient selection criteria for all organs. |
| WAC 182-18-090 | Liver transplant program. |
| WAC 182-18-100 | Liver transplant team training and experience. |
| WAC 182-18-110 | Kidney transplant program. |
| WAC 182-18-120 | Kidney transplant team training. |
| WAC 182-18-130 | Pancreas transplant program. |
| WAC 182-18-140 | Pancreas transplant team training and experience. |
| WAC 182-18-150 | Heart and/or heart-lung transplant program. |

WAC 182-18-160

Heart and/or heart-lung transplant team training and experience.

Reviser's note: The repealer appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to chapter is probably intended to be to section.

WSR 97-17-109
PROPOSED RULES
HEALTH CARE AUTHORITY
[Filed August 20, 1997, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-04-057.

Title of Rule: Chapter 182-16 WAC, Practice and procedures.

Purpose: Formal appeals process for enrollees of a Health Care Authority administered insurance plan aggrieved by a decision of the agency or its agent.

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: Chapter 41.05 RCW.

Summary: Updating the WAC to reflect current Health Care Authority policy.

Reasons Supporting Proposal: To have WAC in compliance with agency policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kathy McCord, Health Care Authority, 923-2626.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Formal appeals process for enrollees of a Health Care Authority administered insurance plan aggrieved by a decision of the agency or its agent. Updating the WAC to reflect current Health Care Authority policy and to ensure consistency.

Proposal Changes the Following Existing Rules: The changes reflect current Health Care Authority policy.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and costs to businesses will be negligible.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, do not apply to the Health Care Authority unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Health Care Authority, Puget Room, 4th Floor, 676 Woodland Square Loop S.E., Building B, Lacey, WA 98504, on September 23, 1997, at 9:30 a.m. to 11:30 a.m.

Assistance for Persons with Disabilities: Contact Nikki Woehl by September 19, 1997, (360) 923-2805.

Submit Written Comments to: Elin Meyer, FAX (360) 923-2606, by September 30, 1997.

Date of Intended Adoption: October 18, 1997.

August 20, 1997
Elin Meyer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 91-14-025, filed 6/25/91, effective 7/26/91)

WAC 182-16-030 Appeals from agency decisions—Applicability. Any enrollee of ~~((a))~~ the health care ~~((author-ity-administered))~~ authority's administered insurance ~~((plan))~~ plans ~~((the self-insured plans))~~ aggrieved by a decision of the agency or its agent concerning any matter related to scope of coverage, denials of claims, determinations of eligibility, or cancellations or nonrenewals of coverage may obtain administrative review of such decision by filing a notice of appeal with the ~~((administrator of the health care authority))~~ health care authority's appeals committee. Review of decisions made by HMOs or similar health care contractors will be pursuant to the grievance/arbitration provisions of those plans and are not subject to these rules. Except that decisions concerning eligibility determinations are reviewable only by the health care authority.

AMENDATORY SECTION (Amending WSR 91-14-025, filed 6/25/91, effective 7/26/91)

WAC 182-16-040 Appeals—Notice of appeal contents. Any person aggrieved by a decision of the health care authority may appeal that decision by filing a notice of appeal with the ~~((administrator))~~ health care authority's appeals committee. The notice of appeal must contain:

- (1) The name and mailing address of the enrollee;
- (2) The name and mailing address of the appealing party;
- (3) The name and mailing address of the appealing party's representative, if any;
- (4) A statement identifying the specific portion of the decision being appealed ~~((from and that portion of the decision considered unjust or unlawful))~~ making it clear what it is that is believed to be unlawful or unjust;
- (5) A clear and concise statement of facts in support of appealing party's position;
- (6) ~~((A statement indicating whether the aggrieved person desires a hearing;))~~ Any and all information or documentation that the aggrieved person would like considered and feels substantiates why the claim or request for coverage should be covered (Information or documentation submitted at a later date, unless specifically requested by the appeals committee, may not be considered in the appeal decision);
- (7) A copy of the plan's response to the issue the appellant has raised;

~~((7))~~ (8) The type of relief sought;
~~((8))~~ (9) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by his/her signature and the signature of his/her representative, if any;

~~((9))~~ (10) The appealing party shall file, personally or by mail, with the health care authority the original ~~((and two copies of the))~~ notice of appeal. The notice of appeal must be received by the health care authority within sixty days after the decision of the agency staff was mailed to the appealing party. The agency shall acknowledge receipt of

the copies filed with the agency ~~((and the agency's stamp placed upon such copies shall be prima facie evidence of the date of receipt))~~;

~~((10))~~ (11) Within thirty days after receipt of notice of appeal, the agency shall notify the appellant of any obvious errors or omissions, and request any additional information.

(12) The appeals committee will render a written decision within sixty days of receipt of the appeal.

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.

AMENDATORY SECTION (Amending WSR 91-14-025, filed 6/25/91, effective 7/26/91)

WAC 182-16-50 Appeals—Hearings. (1) ~~((If, in his/her notice of appeal, the person aggrieved does not request a hearing on the matter, the administrator or his/her designee shall consider all information submitted by the parties and render a decision which shall be deemed the final decision of the agency. A copy of that decision accompanied by a written statement of the reasons for the decision shall be served upon the enrollee or person aggrieved and the agency staff or agent who rendered the decision appealed from.))~~ If the health care authority's appeals committee upholds the original denial, the enrollee may request a hearing by writing to the health care authority's appeals manager. The health care authority must receive the written request for a hearing within fifteen days of the date the appeals committee's decision was mailed to the appellant.

(2) ~~((If, in his/her notice of appeal the person aggrieved requests a hearing, t))~~ The agency shall set the time and place of the hearing and give not less than seven days notice to all parties and persons who have filed written petitions to intervene.

(3) The administrator or his/her designee shall preside at all hearings resulting from the filings of appeals.

(4) All hearings shall be conducted in compliance with these rules, chapter 34.05 RCW and chapter 10-08 WAC as applicable.

(5) ~~((Following completion of the hearing,))~~ Within ninety days of the hearing, the administrator or his/her designee shall render a decision which shall be the final decision of the agency. A copy of that decision accompanied by a written statement of the reasons for the decision shall be served on all parties and persons who have intervened.

Reviser's note: The above section, filed by the agency as an amendment of WAC 182-16-50, appears to be an amendment of WAC 182-16-050, there being no WAC 182-16-50 in existence. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

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.

PROPOSED

**WSR 97-17-110
PROPOSED RULES
HEALTH CARE AUTHORITY**
[Filed August 20, 1997, 11:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-22-016.

Title of Rule: Chapter 182-12 WAC, Eligible and noneligible employees.

Purpose: Establishes rules for determining benefits, eligibility, enrollment processes and for administering the Washington State Public Employee Benefits Board (PEBB):

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: Chapter 41.05 RCW.

Summary: Updates required to clarify references to school districts. Include language for TRS III retirement, and correction of WAC reference.

Reasons Supporting Proposal: Modifications need to be made for clarification of rules.

Name of Agency Personnel Responsible for Drafting: Mich'l Needham, Health Care Authority, 923-2735; Implementation and Enforcement: Sharon Thompson, Health Care Authority, 923-2640.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Public Employees Benefits Board (PEBB) eligibility rules. Updates required to clarify reference to school districts, correction of WAC reference and addition of TRS III retirement language.

Proposal Changes the Following Existing Rules: It clarifies reference to school districts in Washington state and adds the TRS III retirement language.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and costs to businesses will be negligible.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, does not apply to the Health Care Authority unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Attorney General Conference Center, RoweSix, Building One, 4224 6th Avenue S.E., Lacey, WA 98504, on September 23, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Nikki Woehl by September 19, 1997, (360) 923-2805.

Submit Written Comments to: Elin Meyer, FAX (360) 923-2606, by September 30, 1997.

Date of Intended Adoption: October 18, 1997.

August 20, 1997

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-111 Eligible entities and individuals.

The following entities and individuals shall be eligible to participate in PEBB insurance plans subject to the terms and conditions set forth below((f-h)):

(1) State agencies. Every department, division, or separate agency of state government, including all state higher education institutions, including the higher education coordinating board, and the state board for community and technical colleges is eligible and required to participate in all PEBB approved plans. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

Employees of technical colleges previously enrolled in a benefits trust may terminate PEBB coverage by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees electing to terminate PEBB coverage have a one-time re-enrollment option after a five year wait. Employees of a bargaining unit may terminate only as an entire bargaining unit. All administrative or managerial employees may terminate only as an entire unit.

Technical colleges with employees enrolled in a benefits trust shall remit to the HCA a retiree remittance as specified in the omnibus appropriations act, for each full-time employee equivalent. The remittance may be prorated for employees receiving a prorated portion of benefits.

(2) Employees of employee organizations representing state civil service employees, at the option of each employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of such employee organization.

(3) Employees of a county, municipality or other political subdivision of the state may participate in PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to PEBB plan coverage as a unit. Bargaining units with other group coverage mandated by their collective bargaining agreement will be permitted to waive PEBB coverage as an entire unit, with the approval of the HCA.

(b) The legislative authority or the board of directors obligates itself to participate in all PEBB insurance plans. The PEBB medical and dental plans must be the only employer sponsored medical and dental plans available to all eligible employees.

(c) The legislative authority of the entity or the board of directors submits an application together with employee census data and, if available, prior claims experience of the entity to the HCA.

(d) The legislative authority or the board of directors agrees to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the plan year.

(e) The legislative authority or the board of directors shall provide the HCA written notice of its intent to terminate PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, or political subdivision, or employees of employee organizations as defined in WAC 182-12-111(2) terminates

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coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(f) The HCA administrator approves the entity's application.

(4) School districts and educational service districts. Bargaining units and nonrepresented employees of school districts and educational service districts of the state may participate in PEBB insurance programs provided:

(a) The PEBB plans must be the only medical and dental plans made available to the members of the bargaining unit through their employment by the school district or educational service district.

(b) All eligible employees of the bargaining unit transfer as a unit and all nonrepresented employees transfer as a unit.

(c) The terms and conditions for the payment of insurance premiums shall be set forth in the provisions of the bargaining agreement and shall comply with the employer contribution requirements specified in RCW 28A.400.280. These provisions of the collective bargaining agreement, including eligibility, shall be subject to review and approval by the PEBB at the time of application for participation.

(d) The application to participate in the PEBB plans is subject to the approval of the HCA.

(e) The eligibility requirements for dependents of school district and educational service district employees shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-115(10).

(f) The bargaining unit or unit of nonrepresented employees must agree to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the school year.

(5) Eligible nonemployees: (a) Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB medical and dental plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-117 Eligible retirees. (1) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Elects Medicare Parts A and B if the retiree, or covered dependents of a retiree, retired after July 1, 1991 and is eligible for Medicare; and

(b) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(c) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(d) Is an elected official as defined under 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not they receive a benefit from a state retirement system; or

(e) Must have taken a lump sum retirement benefit payment because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their PEBB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any PEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. With the exception of the Washington State Patrol, retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB program at the time of retirement or disability.

(2) Retired and disabled school district and educational service district employees. The following persons are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, be enrolled in Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance or have taken a lump-sum payment because their benefit would be less than fifty dollars under chapter 41.32 or 41.40 RCW. Individuals in teachers' retirement system, TRS III, not receiving a monthly retirement allowance (defined benefit) must be at least age fifty-five with at least ten years of service at the time of separation. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-119 Eligible dependents. "Eligible dependents." The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse.

(2) Dependent children through age nineteen. The term "children" includes the subscriber's natural children, stepchildren, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under the Internal Revenue Code, and foster children approved by the HCA are included. To qualify for HCA approval, a foster child must:

(a) Be living with the subscriber in a parent-child relationship;

(b) Be dependent upon the subscriber for financial support;

(c) Not be eligible for coverage under Medicare, Medicaid, or similar government entitlement programs; and

(d) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(3) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(4) Dependent children of any age who are incapable of self-support due to developmental or physical disability, provided such condition occurs prior to age twenty or during the time the dependent was covered under a PEBB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(5) Dependent parents. Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

(a) The parent maintains continuous coverage in a PEBB-sponsored medical plan;

(b) The parent continues to qualify under the Internal Revenue Code as a dependent of an eligible subscriber;

(c) The subscriber who claimed the parent as a dependent continues enrollment in a PEBB program; and

(d) The parent is not covered by any other group medical insurance. Dependent parents may be enrolled in a different PEBB plan than that selected by the eligible subscriber; however, dependent parents may not add additional family members to their coverage.

(6) Surviving dependents.

(a) The following surviving dependents may continue their medical and dental coverages on a self-pay basis:

(i) If a dependent loses eligibility under a PEBB plan due to the death of the employee (~~(or retiree)~~), the dependent(s) may continue coverage under a retiree plan provided the dependent(s) will immediately begin receiving a monthly benefit from any state of Washington-sponsored retirement system (the Federal Civil Service Retirement System shall be considered a Washington sponsored retirement system for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the PEBB program at the time of death).

(ii) If a surviving dependent of a PEBB employee (~~(or retiree)~~) is not eligible for a monthly retirement income benefit, or lump-sum payment because the monthly pension payment would be less than \$50, the dependent may be eligible for continued coverage under COBRA.

(iii) Dependents of retirees covered under a PEBB plan at the time of the retiree's death are eligible to continue PEBB retiree coverage.

~~((iii))~~ (iv) Surviving spouses and/or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in a PEBB plan at the time of death may continue coverage provided the employee died on or after October 1, 1993 and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW.

(b) Application for surviving dependent(s) coverage must be made in writing on the enrollment form approved by the health care authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of the premium. The employee's or retiree's spouse may continue coverage indefinitely; other dependents may continue coverage until they lose eligibility under PEBB rules.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-132 Retirees returning to state employment. If a retiree returns to work and is again eligible for employer contributions towards their PEBB or Washington state school district sponsored benefits the retiree may cancel their retirement deduction for health coverage as soon as eligibility is established and the retiree is enrolled as an active employee. The retiree must maintain retiree term life coverage during active employment in order to retain it at retirement. When the retiree again ceases active employment, the retiree must reenroll in a PEBB retiree plan within 60 days.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-200 Retirees may change enrollment in approved PEBB health plans. A retiree, whose spouse is enrolled as an eligible employee in a PEBB or Washington state school district-sponsored health plan, may defer enrollment in PEBB retiree medical and dental plans and enroll in the spouse's PEBB or school district-sponsored health plan. If a retiree defers enrollment in a PEBB retiree medical plan, enrollment must also be deferred for dental coverage. The retiree and eligible dependents may subse-

quently enroll in a PEBB retiree medical, or medical and dental, plan(s) if the retiree was continuously enrolled under the spouse's PEBB or school district-sponsored health coverage from the date the retiree was initially eligible for retiree coverage:

- (1) During any open enrollment period determined by the HCA; or
- (2) Within 31 days of the date the spouse ceases to be enrolled in a PEBB or school district-sponsored health plan as an eligible employee; or
- (3) Within 31 days of the date of the retiree's loss of eligibility as a dependent under the spouse's PEBB or school district-sponsored health plan.

WSR 97-17-111
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 20, 1997, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-13-097.

Title of Rule: Boarding home fee rules, WAC 246-316-990.

Purpose: Increase licensing fees for boarding homes. Statutory Authority for Adoption: RCW 18.20.050, 43.70.110, and 43.70.250.

Statute Being Implemented: RCW 18.20.050.

Summary: Change will increase annual licensing fees.

Reasons Supporting Proposal: Approval was granted to exceed I-601 due to program enhancements passed by legislature.

Name of Agency Personnel Responsible for Drafting: Jennell Prentice, P.O. Box 47852, Olympia, WA 98504-7852, (360) 705-6661; Implementation and Enforcement: Kathy Stout, P.O. Box 47852, Olympia, WA 98504-7852, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes to WAC 246-316-990 will increase the annual licensing fee for boarding homes from \$37.35 per bed to \$58.22 per bed. The licensing fees will be used to fund the boarding home program.

Proposal Changes the Following Existing Rules: The change will increase the cost of licensing fees from \$37.35 per bed to \$58.22 per bed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310 (4)(f) and therefore does not require a small business economic impact statement. However, the department prepared an economic analysis identifying the need of the increase.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, do not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: In Spokane at the Ramada Inn Spokane, Spokane International Airport, Spokane, Washington 99219, on September 25, 1997, at 10:00 a.m.; and in Olympia (Tumwater) at the Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA 98501, on September 26, 1997, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Theresa Phillips by September 17, 1997, TDD (360) 664-0064, or (800) 833-6388.

Submit Written Comments to: Jennell Prentice, Rules Coordinator, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, FAX (360) 705-6654, or e-mail jzp0303@hub.doh.wa.gov, by September 29, 1997.

Date of Intended Adoption: September 30, 1997.

August 20, 1997

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending WSR 96-12-027, filed 5/30/96, effective 6/30/96)

WAC 246-316-990 Fees. The licensee or applicant shall:

(1) Submit an annual license fee of (~~thirty-seven dollars and thirty-five cents~~) fifty-eight dollars and twenty-two cents per bed of the licensed resident bed capacity for initial and renewed licenses;

(2) Submit an additional one hundred fifty dollars when billed by the department for:

(a) A third on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; and

(3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark.

WSR 97-17-112
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 20, 1997, 11:55 a.m.]

Original Notice.

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

Title of Rule: Occupational exposure in jail settings.

Purpose: These regulations are for the purpose of establishing procedures necessary to assure the effective communication required between health officials and correctional and jail administrators in the event a correctional or jail staff member is substantially exposed to the bodily fluids of an offender or detainee in the course of their official duties. In addition, the rules require certain reports to be submitted to the Department of Health.

Statutory Authority for Adoption: Section 6, chapter 345, Laws of 1997.

Statute Being Implemented: Section 6, chapter 345, Laws of 1997.

Summary: This rule directs local jail administrators and local health officials in carrying out the provisions of chapter

345, Laws of 1997. Local interagency agreements are required to be established, and local jails are required to submit changes in communicable disease policies and procedures to the local health department for review and comment.

Reasons Supporting Proposal: The Department of Health is charged with the responsibility of implementing chapter 345, Laws of 1997.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Peppert, P.O. Box 47840, Olympia, WA 98504-7840, (360) 586-0427.

Name of Proponent: Washington State Department of Health, Division of Community and Family Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule directs local jail administrators and local health officials in carrying out the provisions of chapter 345, Laws of 1997. Local interagency agreements are required to be established, and local jails are required to submit changes in communicable disease policies and procedures to the local health department for review and comment. These regulations are for the purpose of establishing procedures necessary to assure the effective communication required between health officials and correctional and jail administrators in the event a correctional or jail staff member is substantially exposed to the bodily fluids of an offender or detainee in the course of their official duties. In addition, the rules require certain reports be submitted to the Department of Health.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is exempt from RCW 19.85.025(2), as it qualifies under RCW 34.05.310 (4)(b).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not subject a person to a penalty or sanction; does not establish, alter or revoke a qualification or standard for licensure; and does not make significant amendment to a policy or regulatory program. This rule sets forth a process for local health officials and local jail administrators to implement the requirements of chapter 345, Laws of 1997.

Hearing Location: Building 9, Cleanwater Lane, Airdustrial Park, Tumwater, Washington, on October 3, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Harla Eichenberger by September 19, 1997, TDD (800) 833-6388, or (360) 586-5624.

Submit Written Comments to: John Peppert, P.O. Box 47840, Olympia, WA 98504-7840, FAX (360) 586-5525, by October 2, 1997.

Date of Intended Adoption: October 24, 1997.

August 18, 1997
Bruce Miyahara
Secretary

Chapter 246-136 WAC HUMAN IMMUNODEFICIENCY VIRUS (HIV) IN- FECTION—OCCUPATIONAL EXPOSURE NOTIFI- CATION

NEW SECTION

WAC 246-136-001 Purpose. These regulations are adopted for the purpose of establishing procedures necessary to assure the effective communication required between health officials and correctional and jail health care administrators or infection control coordinators in the event a correctional or jail staff member is substantially exposed to the bodily fluids of an offender or detainee in the course of their official duties.

NEW SECTION

WAC 246-136-010 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-136 WAC:

- (1) "HIV" means human immunodeficiency virus.
- (2) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapters 70.05, 70.08 and 70.46 RCW.
- (3) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.
- (4) "Local jail administrator" means the individual appointed to operate a jail facility as defined in RCW 70.48.020.
- (5) "State health officer" means the person designated by the secretary of the department to serve as state-wide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

NEW SECTION

WAC 246-136-020 Agreements between local health jurisdictions and local jails. By September 1, 1997, local health officials and local jail administrators shall establish interagency agreements to include at a minimum:

- (1) The title of the official in the local health department assigned the duty for disclosing sexually transmitted disease information as required by RCW 70.24.105 (4)(b) and the title of the health care administrator or infection control coordinator in the local jail assigned the duty of receiving of such information;
- (2) A statement indicating that sexually transmitted disease status information is confidential and that release of such information is governed by law;
- (3) The title of the person in the local jail or local health jurisdiction assigned the duty for disclosing sexually transmitted disease information or other communicable disease information to the exposed jail staff member in accordance with RCW 70.24.105 (4)(b);
- (4) The anticipated number of days or hours from the time:

(a) That a member of a jail staff has been possibly substantially exposed to the bodily fluids of a detained person to the time that report has been provided to the local health officer;

(b) That such a report has been received by the local health officer to the time that a determination of substantial exposure has been made and, if appropriate, the detained person is ordered to be tested for HIV;

(c) That mandated or other known HIV test results and other communicable disease information is disclosed to the exposed jail staff person, after the detained person has been ordered to be tested for HIV; and

(d) That the results of a new HIV test done as a result of the exposure is disclosed to the exposed jail staff person, after the detained person has been ordered to be tested for HIV;

(5) The title and position of the position responsible for submitting to the department of health by December 1, 1997, a report to include:

(a) The number of negative, positive and other HIV test results disclosed to department of corrections health staff or local jail health staff as required by RCW 70.24.105 (4)(a) and (b);

(b) A listing, without jail staff or detainee identifying information, of the requests for determination of substantial exposure, the determination made and the circumstances of the exposure, and the information disclosed to the exposed jail staff person from existing records, and information disclosed to the exposed jail staff person as a new HIV or other testing.

NEW SECTION

WAC 246-136-030 Duties of local jail administrators. Local jail administrators shall:

(1) Develop communicable disease prevention guidelines as required by chapter 70.48 RCW that are consistent with chapter 246-100 WAC, WAC 296-62-08001 and the most recent edition of *Control of Communicable Diseases in Man*;

(2) Submit those communicable disease prevention guidelines to the local health officer for review and comment;

(3) Develop and implement policies and procedures for the distribution of communicable disease prevention guidelines to all jail staff who are at risk of occupational exposure to communicable diseases; and

(4) By November 1, 1997, submit to the department of health a summary of changes in policies and procedures as a result of chapter 345, Laws of 1997.

NEW SECTION

WAC 246-136-040 Duties of health officers. State and local health officers shall:

(1) Comply with the provisions of RCW 70.24.105(4);

(2) Make available the sexually transmitted disease status of a department of corrections offender who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 to the department of corrections health care administrator or infection control coordinator identified above;

(3) Make available the sexually transmitted disease status of a person detained in a jail who has had a mandato-

ry test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 as per the interagency agreement in WAC 246-136-020; and

(4) Submit a copy of the interagency agreement required under WAC 246-136-020 to the Department of Health, Post Office Box 47840, Olympia, WA 98504-7840 upon execution of the agreement.

PROPOSED



NO EXPEDITED ADOPTIONS FILED IN THIS ISSUE

EXPEDITED ADOPTION



WSR 97-16-043
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 31, 1997, 10:33 a.m., effective December 1, 1997]

Date of Adoption: July 31, 1997.

Purpose: Chapter 296-49A WAC, Director's factory assembled structures advisory board; chapter 296-150R WAC, Recreational vehicles; chapter 296-150P WAC, Recreational park trailers; chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; and chapter 296-150M WAC, Manufactured homes.

Chapter 296-49 WAC, Governor's mobile home and recreational vehicle advisory board, state-initiated amendments to chapter 296-49 WAC, Governor's mobile home and recreational vehicle advisory board, were made to clarify current board policies and practices, bring the chapter into compliance with RCW 43.22.420 Factory assembled structures advisory board, and to comply with the clear rule-writing recommendation contained in chapter 34.05 RCW, the Administrative Procedure Act, see RCW 34.05.220(5). Consequently, clear rule-writing techniques were used to rewrite the entire chapter. Following the recommendation of the Office of the Code Reviser, chapter 296-49 WAC was repealed in its entirety and replaced with chapter 296-49A WAC.

Chapter 296-49A WAC, Director's factory assembled structures advisory board, state-initiated clear rule-writing amendments to chapter 296-49A WAC, Director's factory assembled structures advisory board were made to:

- Move relevant existing chapter 296-49 WAC requirements into new sections in chapter 296-49A WAC.
- Rewrite the rules in a clear rule-writing style, which means:
 - a. Remove outdated and redundant language to make the rules easier to read.
 - b. Use questions for section titles to better describe the information contained in each rule section and to better engage the reader.
 - c. Use a less formal voice in the rules and eliminate the passive voice when possible.
 - d. Reorganize some rule sections to make them easier to use.

The following sections of chapter 296-49A WAC, Director's factory assembled structures advisory board, were rewritten in a clear rule-writing style **without any substantive change to their content**:

New section WAC 296-49A-060 How are board meetings conducted?

Reason for Adopting Rule: State-initiated clear rule-writing amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.

New section WAC 296-49A-090 Can a person appearing before the board solicit business?

Reason for Adopting Rule: State-initiated clear rule-writing amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.

The following sections of chapter 296-49A WAC, Director's factory assembled structures advisory board, were rewritten in a clear rule-writing style **with state-initiated substantive changes to their content**. Basically, the state-initiated substantive changes clarify current board policies and practices and bring the chapter into compliance with RCW 43.22.420 Factory assembled structures advisory board.

New section WAC 296-49A-010 What definitions apply to this chapter?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.
- Include a definition of "section."
- Move the definitions of "regular meeting" and "special meeting" to a new section WAC 296-49A-050 When does the board meet?

New section WAC 296-49A-020 What is the purpose of these rules?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.
- Clarify, update and highlight the purpose of these rules by creating this new separate section devoted to this purpose.

New section WAC 296-49A-030 What is the purpose of the board?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.
- Clarify, update and highlight the purpose of the board by creating this new separate section devoted to this purpose.

New section WAC 296-49A-040 Who are the members and officers of the board?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.
- Clarify that board members are appointed by the director.
- Specify the term of a board member's appointment.
- Specify the size and composition of the board.
- Clarify that board members will be reimbursed for travel expenses.

New section WAC 296-49A-050 When does the board meet?

Reason for Adopting Rule: State-initiated amendments were made to:

PERMANENT

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.
- Specify the regular meeting dates of the board.
- Clarify that the director may call special board meetings.
- Clarify that regular and special meetings are open to the public.

New section WAC 296-49A-070 What are the duties of the board?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.
- Clarify that the board must review existing FAS rules every three years and make recommendations to the director.
- Clarify that the board must review proposed rules and regulations and make recommendations to the director.
- Specify that the board neither hears appeals nor renders decisions regarding the application or interpretation of any adopted rule or regulation.
- Clarify the procedures for submitting written proposals to the board.

New section WAC 296-49A-080 Who can speak at board meetings?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.
- Clarify that anyone can speak at a board meeting.
- Clarify that anyone wishing to make a formal presentation to the board must be in good ethical standing with the board.
- Insert a reference to WAC 296-49A-100.

New section WAC 296-49A-100 What standards of ethical conduct are expected of board members and persons appearing before the board?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.
- update this section by referencing the *State of Washington Boards and Commissions Membership Handbook*.
- Clarify that this section applies to both board members and persons appearing before the board.

New section WAC 296-49A-110 What statute governs the adoption of FAS rules and regulations?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move existing chapter 296-49 WAC requirements into a new section in chapter 296-49A WAC.
- Rewrite the section in a clear rule-writing style.
- To correct the reference to the Administrative Procedure Act. The correct reference is chapter 34.05 RCW not chapter 34.04 RCW.

Chapter 296-150R WAC, Recreational vehicle and park trailers, state-initiated amendments to chapter 296-150R WAC, Recreational vehicles and park trailers have created two separate WAC chapters: One for recreational vehicles and one for recreational park trailers. Consequently, chapter 296-150R WAC, Recreational vehicles and park trailers was retitled to chapter 296-150R WAC, Recreational vehicles and all section headings and section content were amended to delete any reference to recreational park trailers.

In addition:

- State-initiated amendments to WAC 296-150R-0040 Will you keep my manufacturing information confidential? Added the phrase "unless we are ordered to do so by a court or otherwise required by law" to clarify the department's obligation to release manufacturing information.
- State-initiated amendments to WAC 296-150R-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI? Added clarifying language to insure that the appeals process in chapter 34.05 RCW (Administrative Procedure Act) is available to those wishing to appeal a department compliance hearing decision.
- A housekeeping change was made in WAC 296-150R-0020 What definitions apply to this chapter? Correcting the address given in the definition of "department."

No other substantive content changes were made to chapter 296-150R WAC.

Amended section WAC 296-150R-0010 Authority, purpose, and scope.

Reason for Adopting Rule: State-initiated amendments were made to:

- Correct an RCW reference.
- Delete all references to park trailers from this section.

Amended section WAC 296-150R-0020 What definitions apply to this chapter?

Reason for Adopting Rule: State-initiated amendments were made to:

- Correct the department's address.
- Delete all references to park trailers from this section.

Amended section WAC 296-150R-0030 How is this chapter enforced?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers from this section.

Amended section WAC 296-150R-0040 Will you keep my manufacturing information confidential?

Reason for Adopting Rule: State-initiated amendments were made to clarify the department's obligation to disclose information in response to court orders or any other legal requirement to so disclose.

Amended section WAC 296-150R-0060 Who handles consumer complaints about recreational vehicles and park trailers?

Reason for Adopting Rule: State-initiated amendments were made to delete the reference to park trailers from the section title.

Amended section WAC 296-150R-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?

Reason for Adopting Rule: State-initiated amendments were made to add language insuring that the appeals process in chapter 34.05 RCW (Administrative Procedure Act) is available to those wishing to appeal a department compliance hearing decision.

Amended section WAC 296-150R-0110 Do you have an advisory board to address recreational vehicle and park trailer issues?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers in the section title and content.

Amended section WAC 296-150R-0120 Where can I obtain technical assistance regarding recreational vehicles and park trailers?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers in the section title and content.

Amended section WAC 296-150R-0130 Do you allow recreational vehicles and park trailers to be displayed without an insignia?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers in the section title and content.

Amended section WAC 296-150R-0200 Who should obtain recreational vehicle and park trailer insignia?

Reason for Adopting Rule: State-initiated amendments were made to:

- Delete references to park trailers in the section title.
- Delete references to park trailers in the section content.
- Delete references to park trailers in the section note.

Amended section WAC 296-150R-0250 How do I replace lost or damaged insignia?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers from this section.

Amended section WAC 296-150R-0280 What other vehicle identification is required?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers from this section.

Amended section WAC 296-150R-0400 What constitutes an acceptable quality control program/manual for state-plan insignia?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers from this section.

Amended section WAC 296-150R-0640 Am I charged if I request an inspection but I am not prepared?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers from this section.

Amended section WAC 296-150R-0850 What constitutes an acceptable quality control program/manual for self-certification?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers from this section.

Amended section WAC 296-150R-1000 Who needs approval to alter a recreational vehicle or park trailer?

Reason for Adopting Rule: State-initiated amendments were made to delete the reference to park trailer in the section title.

Amended section WAC 296-150R-2000 Must state-plan and self-certified manufacturers notify you if they manufacture at more than one location?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers from this section.

Amended section WAC 296-150R-2020 Must state-plan and self-certified manufacturers notify you of a change in business ownership?

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers from this section.

Amended section WAC 296-150R-3000 Recreational vehicle and park trailer fees.

Reason for Adopting Rule: State-initiated amendments were made to delete references to park trailers from the section title and fee table.

Chapter 296-150P WAC, Recreational park trailers, state-initiated amendments to chapter 296-150R WAC, Recreational vehicles and park trailers created a new WAC chapter dedicated to recreational park trailers. Chapter 296-150P WAC, Recreational park trailers deals solely with recreational park trailer requirements and regulations. The bulk of the content in chapter 296-150P WAC came from chapter 296-150R WAC with that content being modified to apply to recreational park trailers. **In addition, substantive amendments were made in chapter 296-150P WAC, Recreational park trailers to:**

- Move existing appropriate chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference all chapter language to recreational park trailers.
- Adopt the 1997 ANSI A119.5 standard for recreational park trailers.
- Add new structural system requirements for recreational park trailers based upon the 1997 edition of the ANSI recreational park trailer code (ANSI A119.5).
- Delete self-certification as a process available to recreational park trailer manufacturers because the new structural system requirements in ANSI A119.5 (1997) essentially demand that the department inspect recreational park trailers to ensure that their structural systems conform to code. There are no "functionality tests" for structural systems.
- Clarify a state-plan manufacturer's responsibilities when a new ANSI code edition is adopted and their design plan and quality control manual remain identical to their original design plan, (WAC 296-150P-0450(2)).
- Add the phrase "unless we are ordered to do so by a court or otherwise required by law" to WAC 296-150P-

0040 to clarify the department's obligation to release manufacturing information.

- Add clarifying language to WAC 296-150P-0100 to insure that the appeals process in chapter 34.05 RCW (Administrative Procedure Act) is available to those wishing to appeal a department compliance hearing decision.

New section WAC 296-150P-0010 Authority, purpose, and scope.

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0020 What definitions apply to this chapter?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.
- Adopt the 1997 ANSI A119.5 standard for recreational park trailers.
- Add new structural system requirements for recreational park trailers based upon the 1997 edition of the ANSI recreational park trailer code (ANSI A119.5).
- Adopt the ANSI definition for "recreational park trailer."

New section WAC 296-150P-0030 How is this chapter enforced?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0040 Will you keep my manufacturing information confidential?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.
- Clarify the department's obligation to disclose information in response to court orders or any other legal requirement to so disclose.

New section WAC 296-150P-0060 Who handles consumer complaints about recreational park trailers?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.
- Add language insuring that the appeals process in chapter 34.05 RCW (Administrative Procedure Act) is available to those wishing to appeal a department compliance hearing decision.

New section WAC 296-150P-0110 Do you have an advisory board to address recreational park trailer issues?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0120 Where can I obtain technical assistance regarding recreational park trailers?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0130 Do you allow recreational park trailers to be displayed without an insignia?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0200 Who should obtain recreational park trailer insignia?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0210 How do I obtain insignia information and the forms you require?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0220 How do I obtain insignia based on state-plan approval?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.
New section WAC 296-150P-0250 How do I replace lost or damaged insignia?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0280 What other identification is required?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0290 When and where should the insignia and the identification label be attached to the recreational park trailers?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0300 What is required to obtain insignia based on state-plan approval?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0310 What is required after I am approved as a state-plan manufacturer?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

- Require semiannual department audits at the manufacturing site.

New section WAC 296-150P-0320 How do I apply for design-plan approval?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0330 What is required for comprehensive design-plan approval?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

- Reference section to the ANSI code for recreational park trailers.

New section WAC 296-150P-0340 What happens if you approve my design plan?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0350 If my design plan is not approved, how much time do I have to submit a correct plan?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0400 What constitutes an acceptable quality control program/manual for state-plan insignia?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0410 How do I apply to have my quality control manual approved?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0420 What happens if my quality control manual is approved?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0440 Do I need approval to change my design plan or quality control manual after I receive state-plan approval?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-0450 When does state-plan insignia approval expire?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.
- Clarify a state-plan manufacturer's responsibilities when a new ANSI code edition is adopted and the manufacturer's design plan and quality control manual remain identical to their original design plan.

New section WAC 296-150P-0600 When does a manufacturer, individual builder, or a dealer need to request a recreational park trailer inspection?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0610 How do I request a recreational park trailer inspection and what documentation is required?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0620 What happens if my recreational park trailer passes inspection?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0630 What happens if my recreational park trailer does not pass inspection?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0640 Am I charged if I request an inspection but I am not prepared?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0700 What does our annual quality control program audit for state-plan insignia include?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0710 Can you withdraw my state-plan insignia approval?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-0720 What happens if my state-plan insignia approval is withdrawn?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-1000 Who needs approval to alter a recreational park trailer?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-1010 Must I purchase a separate insignia for an alteration?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-1020 How do I apply for alteration approval and obtain the alteration insignia?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-2000 Must state-plan manufacturers notify you if they manufacture at more than one location?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.
- Reference section language to recreational park trailers.

New section WAC 296-150P-2010 Must state-plan manufacturers notify you if they change a business name or address?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-2020 Must state-plan manufacturers notify you of a change in business ownership?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-2030 Must state-plan manufacturers notify you of their Washington dealers?

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language to recreational park trailers.

New section WAC 296-150P-3000 Recreational park trailer fees.

Reason for Adopting Rule: State-initiated amendments were made to:

- Move appropriate existing chapter 296-150R WAC requirements into a new section in chapter 296-150P WAC.

- Reference section language and fee table to recreational park trailers.

Chapter 296-150C WAC, Commercial coaches.

Amended section WAC 296-150C-0040 Will you keep my manufacturing information confidential?

Reason for Adopting Rule: State-initiated amendments were made to clarify the department's obligation to disclose information in response to court orders or any other legal requirement to so disclose.

Amended section WAC 296-150C-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?

Reason for Adopting Rule: State-initiated amendments were made to add language insuring that the appeals process in chapter 34.05 RCW (Administrative Procedure Act) is available to those wishing to appeal a department compliance hearing decision.

Chapter 296-150F WAC, Factory-built housing and commercial structures.

Amended section WAC 296-150F-0040 Will you keep my manufacturing information confidential?

Reason for Adopting Rule: State-initiated amendments were made to clarify the department's obligation to disclose information in response to court orders or any other legal requirement to so disclose.

Amended section WAC 296-150F-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?

Reason for Adopting Rule: State-initiated amendments were made to add language insuring that the appeals process

in chapter 34.05 RCW (Administrative Procedure Act) is available to those wishing to appeal a department compliance hearing decision.

Chapter 296-150M WAC, Manufactured homes.

Amended section WAC 296-150M-0040 Will you keep my manufacturing information confidential?

Reason for Adopting Rule: State-initiated amendments were made to clarify the department's obligation to disclose information in response to court orders or any other legal requirement to so disclose.

Amended section WAC 296-150M-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?

Reason for Adopting Rule: State-initiated amendments were made to add language insuring that the appeals process in chapter 34.05 RCW (Administrative Procedure Act) is available to those wishing to appeal a department compliance hearing decision.

Citation of Existing Rules Affected by this Order: Amending chapter 296-150R WAC, Recreational vehicles and park trailers.

WAC 296-150R-0010 Authority, purpose, and scope.

WAC 296-150R-0020 What definitions apply to this chapter?

WAC 296-150R-0030 How is this chapter enforced?

WAC 296-150R-0040 Will you keep my manufacturing information confidential?

WAC 296-150R-0060 Who handles consumer complaints about recreational vehicles and park trailers?

WAC 296-150R-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?

WAC 296-150R-0110 Do you have an advisory board to address recreational vehicle and park trailer issues?

WAC 296-150R-0120 Where can I obtain technical assistance regarding recreational vehicles and park trailers?

WAC 296-150R-0130 Do you allow recreational vehicles and park trailers to be displayed without an insignia?

WAC 296-150R-0200 Who should obtain recreational vehicle and park trailer insignia?

WAC 296-150R-0250 How do I replace lost or damaged insignia?

WAC 296-150R-0280 What other vehicle identification is required?

WAC 296-150R-0400 What constitutes an acceptable quality control program/manual for state-plan insignia?

WAC 296-150R-0640 Am I charged if I request an inspection but I am not prepared?

WAC 296-150R-0850 What constitutes an acceptable quality control program/manual for self-certification?

WAC 296-150R-1000 Who needs approval to alter a recreational vehicle or park trailer?

WAC 296-150R-2000 Must state-plan and self-certified manufacturers notify you if they manufacture at more than one location?

WAC 296-150R-2020 Must state-plan and self-certified manufacturers notify you of a change in business ownership?

WAC 296-150R-3000 Recreational vehicle and park trailer fees.

Chapter 296-150C WAC, Commercial coaches.

WAC 296-150C-0040 Will you keep my manufacturing information confidential?

WAC 296-150C-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?

Chapter 296-150F WAC, Factory-built housing and commercial structures.

WAC 296-150F-0040 Will you keep my manufacturing information confidential?

WAC 296-150F-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?

Chapter 296-150M WAC, Manufactured homes.

WAC 296-150M-0040 Will you keep my manufacturing information confidential?

WAC 296-150M-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI?

Repealing chapter 296-49 WAC, Governor's mobile home and recreational vehicle advisory board.

WAC 296-49-005 Foreword.

WAC 296-49-010 Definitions.

WAC 296-49-015 Officers.

WAC 296-49-020 Internal management.

WAC 296-49-025 Duties.

WAC 296-49-030 Hearings.

WAC 296-49-035 Appearance and practice before board.

WAC 296-49-040 Solicitation of business unethical.

WAC 296-49-045 Standards of ethical conduct.

WAC 296-49-050 Appearance by former employee.

WAC 296-49-055 Former employee as expert witness.

WAC 296-49-060 Computation of time.

WAC 296-49-065 Administrative Procedure Act.

Statutory Authority for Adoption: RCW 43.22.340 and 43.22.420.

Adopted under notice filed as WSR 97-09-039 on April 15, 1997.

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 53, amended 25, repealed 13.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, amended 0, repealed 13.

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 53, amended 25, repealed 13.

Effective Date of Rule: December 1, 1997.

July 28, 1997
Gary Moore
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 296-49-005 Foreword.
- WAC 296-49-010 Definitions.
- WAC 296-49-015 Officers.
- WAC 296-49-020 Internal management.
- WAC 296-49-025 Duties.
- WAC 296-49-030 Hearings.
- WAC 296-49-035 Appearance and practice before board.
- WAC 296-49-040 Solicitation of business unethical.
- WAC 296-49-045 Standards of ethical conduct.
- WAC 296-49-050 Appearance by former employee.
- WAC 296-49-055 Former employee as expert witness.
- WAC 296-49-060 Computation of time.
- WAC 296-49-065 Administrative Procedure Act.

**Chapter 296-49A WAC
DIRECTOR'S FACTORY ASSEMBLED STRUCTURES ADVISORY BOARD**

NEW SECTION

WAC 296-49A-010 What definitions apply to this chapter? "Board" is the director's factory assembled structures advisory board.

"Department" is the Washington state department of labor and industries.

"Director" is the director of the department of labor and industries.

"Section" is the factory assembled structures (FAS) section of the department.

NEW SECTION

WAC 296-49A-020 What is the purpose of these rules? The primary purpose of these rules is to establish a uniform means of communication between the department and persons, firms or corporations engaged in the manufacture of factory assembled structures. Generally, this communication will involve either proposed WAC rule revisions or the operation of the section.

NEW SECTION

WAC 296-49A-030 What is the purpose of the board? The purpose of the board, as authorized by RCW 43.22.420, is to advise the director on all matters pertaining to the enforcement of chapter 43.22 RCW including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures and the adoption of rules and regulations pertaining to the manufacture of factory assembled structures, manufactured (mobile) homes, commercial coaches, recreational vehicles, and recreational park trailers.

PERMANENT

NEW SECTION

WAC 296-49A-040 Who are the members and officers of the board? The board has nine members. Each is appointed by the director to a four-year term. The members must represent consumer interests, regulated industries and allied professionals. Consequently, the composition of the board will be:

- Two members representing consumers;
- Two members representing manufactured housing;
- Two members representing factory built structures;
- One member representing recreational vehicles and recreational park trailers;
- One member representing building officials; and
- One member who will either be an architect or an engineer.

The board will elect a chairperson and vice-chairperson. The department's chief prefab building specialist shall serve as secretary of the board.

According to RCW 43.03.050 and 43.03.060, each board member shall be paid travel expenses. Those expenses will be paid out of department appropriations upon the presentation of a voucher approved by the director or the director's designee.

NEW SECTION

WAC 296-49A-050 When does the board meet? The board holds regular quarterly meetings on the third Thursday of February, May, August and November. If needed, the director may call special meetings. Regular and special meetings are open to the public.

NEW SECTION

WAC 296-49A-060 How are board meetings conducted? The board must adopt written rules of procedure governing its internal management. These rules must include *Roberts' Rules of Order, Revised*. Upon written request, copies of these rules of procedure must be provided to all interested persons.

NEW SECTION

WAC 296-49A-070 What are the duties of the board? (1) Every three years the board must review existing FAS rules and recommend revisions if needed. Also, the board must review any new rules and regulations proposed by the director and make recommendations regarding their adoption.

(2) The board may periodically develop administrative procedures, organizational plans and rules for improving the operation of the section and submit them to the director for consideration.

(3) Upon the request of the director, the board will assist in the administrative interpretation of national codes and Washington state rules and regulations regarding all matters pertaining to the enforcement of chapter 43.22 RCW and the manufacture of factory assembled structures, manufactured (mobile) homes, commercial coaches, recreational vehicles, and recreational park trailers. This interpretative assistance will include but will not be limited to standards of body and frame design, construction and

plumbing, heating and electrical installations, and minimum inspection procedures.

However, the board will neither function as a board of appeals nor will it render decisions regarding the application or interpretation of any adopted rule or regulation to any person, firm or corporation engaged in the business of manufacturing factory assembled structures.

(4) At any board meeting, the board must consider any written proposals made by any person, firm or corporation regarding new rules and regulations or changes in administrative procedures related to the section.

However, these written proposals must be submitted to the board's secretary at least fifteen days prior to the meeting so that they can be included on the meeting agenda and in the meeting packet distributed to board members. If the parties submitting these proposals wish to address them at that meeting, their proposals must be accompanied by a written request to address the board.

NEW SECTION

WAC 296-49A-080 Who can speak at board meetings? Any person, firm or corporation can speak at board meetings. **However**, those persons, firms and corporations wishing to formally address the board regarding specific proposals relating to any FAS rule adoptions, amendments or repeals or changes in the section's administrative procedures must be in good ethical standing with the board. (See WAC 296-49A-100.)

NEW SECTION

WAC 296-49A-090 Can a person appearing before the board solicit business? The board considers it unethical for anyone appearing before the board to use any kind of solicitor to solicit business or to solicit business through circulars, advertisements or by personal communications or interviews unwarranted by personal relations. It is permissible to publish or circulate business cards.

NEW SECTION

WAC 296-49A-100 What standards of ethical conduct are expected of board members and persons appearing before the board? Anyone serving on the board or appearing before it must adhere to the standards described in "*Ethics and the Appearance of Fairness*," *State of Washington Boards and Commissions Membership Handbook*. Failure to conform to these standards may result in forfeiting the opportunity to either appear before the board or serve as a member.

NEW SECTION

WAC 296-49A-110 What statute governs the adoption of FAS rules and regulations? All FAS rules and regulations will be adopted according to chapter 34.05 RCW, the Administrative Procedure Act.

**Chapter 296-150P WAC
RECREATIONAL PARK TRAILERS**

NEW SECTION**WAC 296-150P-0010 Authority, purpose, and scope.**

(1) This chapter is authorized by RCW 43.22.335 through 43.22.434 and covers the requirements for:

(a) Obtaining state-plan status if you manufacture recreational park trailers for sale or lease in Washington state.

(b) Obtaining state-plan insignia if you manufacture recreational park trailers for sale or lease in Washington state.

(2) This chapter applies to:

(a) Manufacturers, dealers and individuals who build for sale, sell, or lease recreational park trailers in Washington state; and

(b) Manufacturers, dealers, and individuals who alter recreational park trailers for sale or lease in Washington state.

NEW SECTION

WAC 296-150P-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, structural system, plumbing systems, fuel systems and equipment or electrical systems of a recreational park trailer.

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the terms of its listing; and
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia which indicates a recreational park trailer alteration was approved by the department.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational park trailers. For the purposes of this chapter, references to ANSI mean ANSI A119.5 Recreational Park Trailers, 1997 edition.

"Approved" is approved by the department of labor and industries.

"Audit" by the department is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and recreational park trailers.

"Comprehensive design plan" consists of the design plans and copies of drawings such as:

- Floor plans relating to fire and life safety, structural, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each recreational park trailer.
- Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.
- Electrical drawings. (See WAC 296-150P-0330.)

"Consumer" is a person or organization who buys or leases recreational park trailers.

"Dealer" is a person or organization whose business is offering recreational park trailers for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44430, Olympia, WA 98504-4430.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational park trailers.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational park trailer manufacturer.

"National Electrical Code" 1996 edition is the electrical code required for ANSI A119.5 compliance.

"Recreational park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

"Quality control" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, storing, handling, and use of materials complies with this chapter and ANSI.

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"System" is a part of a recreational park trailer that is designed to serve a particular function such as plumbing, electrical, heating, mechanical or structural system.

NEW SECTION**WAC 296-150P-0030 How is this chapter enforced?**

(1) We enforce this chapter through the state-plan insignia approval process (see WAC 296-150P-0300 through 296-150P-0720).

(2) Recreational park trailer inspections occur where the recreational park trailers are manufactured, sold, or leased. We conduct inspections during normal work hours or at other reasonable times. We may require you to remove a part of the recreational park trailer in order to conduct our inspection.

NEW SECTION

WAC 296-150P-0040 Will you keep my manufacturing information confidential? We will only release manufacturing information, such as design plans, specifications, test results, and manuals, according to the Public Records Act (see RCW 42.17.310 (1)(h)) unless we are ordered to do so by a court or otherwise required by law.

NEW SECTION

WAC 296-150P-0060 Who handles consumer complaints about recreational park trailers? (1) Consumers may file complaints with us, if they have reason to believe a manufacturer and/or dealer is in violation of this chapter and ANSI.

(2) The complaint should be in writing and describe the items that may not comply with this chapter and ANSI.

(3) After we receive the complaint, we will send the manufacturer and/or the dealer a copy of the complaint. The manufacturer and/or dealer has thirty days to respond to the complaint.

(4) If we decide an inspection is warranted and specific code violation(s) are found during the inspection, the manufacturer or dealer is charged for the inspection.

NEW SECTION

WAC 296-150P-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI? (1) If we determine that you are in violation of this chapter and ANSI, you will receive a notice of noncompliance and we may withdraw your certification. (See WAC 296-150P-0710.)

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notice of our decision.

If you disagree with our decision, you may appeal it under the Administrative Procedure Act (chapter 34.05 RCW).

NEW SECTION

WAC 296-150P-0110 Do you have an advisory board to address recreational park trailer issues? The factory assembled structures (FAS) board advises us on issues relating to plumbing, heating, electrical, installation, alterations, inspections, and rules for recreational park trailers. (See RCW 43.22.420.)

NEW SECTION

WAC 296-150P-0120 Where can I obtain technical assistance regarding recreational park trailers? We provide field technical service to recreational park trailer manufacturers for an hourly fee (see WAC 296-150P-3000). Field technical service may include an evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

NEW SECTION

WAC 296-150P-0130 Do you allow recreational park trailers to be displayed without an insignia? We allow one recreational park trailer to be displayed without an insignia, if you:

(1) Get written approval from us in advance of displaying the unit; we should receive your written request at least thirty days prior to display of the unit. Your request must include:

(a) The model and serial number of the unit;

(b) The location where the unit will be displayed; and

(c) The date(s) the unit will be displayed.

(2) Are licensed in Washington state through the department of licensing;

(3) Have your approval letter available at the display;

(4) Place three visible signs on the display unit:

(a) One at the main entry door;

(b) One inside the front of the unit; and

(c) One inside the back of the unit.

The signs must read: NOT FOR SALE - DISPLAY ONLY.

The letters on the sign must be one inch or higher.

REQUIREMENTS FOR INSIGNIA AND OTHER IDENTIFICATION

NEW SECTION

WAC 296-150P-0200 Who should obtain recreational park trailer insignia? (1) If you manufacture recreational park trailers to be sold or leased in Washington, you must purchase a state-plan insignia for each recreational park trailer.

(2) Individuals that build recreational park trailers to sell or lease in Washington must purchase an insignia.

(3) If you have a recreational park trailer with a state-plan insignia and you plan to alter or have another person alter it, you must obtain an alteration insignia from us.

Note: You do not need to purchase our insignia if you manufacture recreational park trailers in Washington for sale outside the state.

NEW SECTION

WAC 296-150P-0210 How do I obtain insignia information and the forms you require? Upon request, we will provide you with a packet of information that includes required forms and fee schedule for obtaining the state-plan insignia. Our address is noted in the definition of department.

NEW SECTION

WAC 296-150P-0220 How do I obtain insignia based on state-plan approval? (1) If you are approved to purchase insignia based on state-plan approval, you may purchase the insignia by submitting the insignia application with the required fees. (See WAC 296-150P-3000.)

(2) The application must include:

(a) A signed statement from you certifying that you are manufacturing your units according to your approved design plans and your quality control program; and

(b) A list of the approved design plans against which you will apply the insignia.

NEW SECTION

WAC 296-150P-0250 How do I replace lost or damaged insignia? (1) If an insignia is lost or damaged after it is placed on a recreational park trailer and you are the manufacturer or owner, you must notify us in writing immediately.

(2) Your notification should include the following information:

(a) Your name, address, and telephone number;

(b) The recreational park trailer serial number;

(c) The insignia number and design-plan approval number, if applicable; and

(d) The required fee. (See WAC 296-150P-3000.)

(3) If we can determine that your unit previously had an insignia, we will attach the insignia to your recreational park trailer once we receive your insignia fee. (See WAC 296-150P-3000.)

NEW SECTION

WAC 296-150P-0280 What other identification is required? Every new recreational park trailer manufactured, offered for sale or lease, or sold or leased in Washington must also have a vehicle identification number (VIN) label in compliance with the Federal Department of Transportation (DOT) safety standards.

NEW SECTION

WAC 296-150P-0290 When and where should the insignia and the identification label be attached to the recreational park trailer? (1) Insignia must be attached to the finished recreational park trailer before it leaves the approved manufacturer's location.

(2) The state-plan insignia must be attached adjacent to the main door, on the strike side of the door, at least twelve inches above the floor line. The strike side of the door is opposite the hinge side of the door.

(3) The alteration insignia must be attached next to the certification insignia.

(4) The identification number (VIN) label must be attached on the recreational park trailer as required by the Federal Department of Transportation. Any other identification label must be attached next to the certification insignia or on the exterior front half of the left side of the recreational park trailer, at least six inches above the floor line.

STATE PLAN

NEW SECTION

WAC 296-150P-0300 What is required to obtain insignia based on state-plan approval? If you want to obtain insignia based on state-plan approval, you must:

(1) Have your design plan and quality control manual approved by us; and

(2) Pass a quality control program audit which includes a random inspection of your recreational park trailers.

NEW SECTION

WAC 296-150P-0310 What is required after I am approved as a state-plan manufacturer? Once you have obtained approval as a state-plan manufacturer:

(1) You are required to submit comprehensive design plans to us for approval;

(2) You can inspect your own recreational park trailer based upon your quality control manual specifications; and

(3) You are subject to a semiannual audit at your manufacturing location(s).

DESIGN PLAN

NEW SECTION

WAC 296-150P-0320 How do I apply for design-plan approval? Upon request, we will send you a design-plan approval request form.

NEW SECTION

WAC 296-150P-0330 What is required for comprehensive design-plan approval? If you are the manufacturer applying for state-plan approval:

(1) You must submit two sets of comprehensive design plans (do not send originals) to us for approval. Design plans must be accompanied by the initial filing fee, if appropriate, and the design-plan fee. (See WAC 296-150P-3000.)

(2) Your comprehensive design plan must indicate compliance with the appropriate ANSI standards in the following plans and drawings:

(a) Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances, and air conditioning systems, if applicable, of each recreational park trailer.

(b) Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.

(c) Electrical drawings.

(d) Structural drawings showing compliance with ANSI A119.5, Chapter 5.

Note: We will provide a check list with detailed requirements for each type of plan upon request.

(3) Current comprehensive design plans must be available at each manufacturing location.

(4) You must have an approved quality control manual. (See WAC 296-150P-0400, 296-150P-0410.)

Note: You do not need a quality control manual if you are an individual asking us to inspect a recreational park trailer.

NEW SECTION

WAC 296-150P-0340 What happens if you approve my design plan? (1) Your design plan will be approved if it complies with the requirements of this chapter and ANSI.

(2) We will send you an approved copy of the design plan with the approval number.

(3) You must keep copies of the approved design plan for all models produced at the manufacturing location.

(4) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us.

NEW SECTION

WAC 296-150P-0350 If my design plan is not approved, how much time do I have to submit a correct plan? (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee once we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, you must send the initial design-plan fee instead of the resubmittal fee. (See WAC 296-150R-3000.)

QUALITY CONTROL PROGRAM/MANUAL

NEW SECTION

WAC 296-150P-0400 What constitutes an acceptable quality control program/manual for state-plan insignia? Your quality control program must implement your approved quality control manual. The quality control manual must provide instructions, procedures, and assign responsibilities to assure quality control requirements are met when the recreational park trailers are manufactured. The minimum quality control manual requirements are:

(1) An organization chart which identifies quality assurance positions and describes quality control responsibilities and accountability for the following plant personnel: General manager, plant production manager, plant foreperson, lead persons, production, quality control, sales, engineering, purchasing, and receiving staff;

(2) A method to distribute all comprehensive design plans and installation instructions or other documentation that ensures all products used are installed correctly in all recreational park trailer models produced at each manufacturing location;

(3) Procedures for maintaining the quality assurance of each recreational park trailer model;

(4) Drawings and procedures displaying manufacturing processes including a schematic plant layout;

(5) Descriptions of production stations, including surge-hold stations, on-site or off-site repair-rework locations, and off-line construction sites. Descriptions should identify by station and location the work, tests, or inspections performed and the job title of the person performing the quality control review;

(6) Inspection and equipment maintenance instructions, including jig maintenance, check-off lists, and other documentation verifying quality control performance and accountability;

(7) Coordination of staff duties ensuring smooth transition of manufacturing responsibilities during the shift change;

(8) Instructions regarding the identification, control, and handling of damaged goods or materials that do not comply with existing rules and ANSI;

(9) Information about recreational park trailer material storage and environmental control including protection from the weather and the elimination of scrap and age-dated materials which have exceeded their life;

(10) Verification that testing equipment is properly calibrated and that your gauges are accurate;

(11) Information about production line testing which includes descriptions of procedures, test equipment, and the location of each test. The information should demonstrate accountability for test completion, for rework and repair, and for retesting;

(12) Instructions, procedures, descriptions, and responsibilities for insignia storage, security, application, and inventory;

(13) Procedures for mixed production lines, for variable production rates, for new or substitute personnel, and for new or changed inspections and tests;

(14) Instructions, procedures, and responsibilities for keeping recreational park trailer records which include the unit serial number, model, plan approval number, dealer location or destination, insignia number, inspection, and test results;

(15) Information about your quality control training program; and

(16) Procedures for introducing new designs, models, materials and equipment to staff that ensures products are built according to the standards and the manufacturer's instructions.

NEW SECTION

WAC 296-150P-0410 How do I apply to have my quality control manual approved? We will provide the form and instructions upon request.

NEW SECTION

WAC 296-150P-0420 What happens if my quality control manual is approved? (1) Your quality control manual will be approved if it meets the requirements of this chapter and ANSI.

(2) We will send you an approved copy of your quality control manual.

(3) If your quality control manual is not approved, you will be notified in writing of the deficiencies. You may send us a corrected quality control manual.

DESIGN PLAN/QUALITY CONTROL MANUAL— REVIEW, CHANGE/ADDENDUM, EXPIRATION, AND RENEWAL

NEW SECTION

WAC 296-150P-0440 Do I need approval to change my design plan or quality control manual after I receive state-plan approval? (1) Once you have received state-plan approval and you want to change your design plan or quality control manual, we must approve the changes/addenda.

(2) You should send design plan or quality control manual changes to us thirty days before you want the changes/addenda to take effect.

NEW SECTION

WAC 296-150P-0450 When does state-plan insignia approval expire? (1) As a state-plan manufacturer, your approval for insignia is based upon approval of your design plan and quality control manual. Design plans are considered approved until a new ANSI code edition is adopted or unless revisions to ANSI prior to code changes would not support our design-plan approval.

(2) If, after the new ANSI code edition is adopted, your design plan and quality control manual remain identical (you may change the model name or designation) to your original design plan, you only need to submit the new plan fee and the plan approval request. **(Do not send plans.)**

Note: ANSI codes are normally adopted for a three-year period.

INSPECTION

NEW SECTION

WAC 296-150P-0600 When does a manufacturer, individual builder, or a dealer need to request a recreational park trailer inspection? If you are a manufacturer, individual builder, or a dealer, you must request a recreational park trailer inspection by us:

- (1) If you have approval of your design plan and quality control manual and need to complete the state-plan process;
- (2) If you are making a recreational park trailer alteration which must be inspected and approved by us; or
- (3) If you are correcting a violation which must be inspected and approved by us.

Note: An individual who is building a recreational park trailer to own, sell, or lease must obtain an identification number from the state patrol prior to our issuance of certification insignia.

NEW SECTION

WAC 296-150P-0610 How do I request a recreational park trailer inspection and what documentation is required? (1) Complete an inspection application which can be obtained from us.

(2) Send the completed application, application fee, and inspection fee to us prior to the date you would like an inspection performed. (See WAC 296-150P-3000.)

(3) During the inspection, have your approved design plans, specifications, and test results available for our inspector.

(4) A recreational park trailer inspection will be completed in two or more phases. The "cover" inspection during the construction of the unit before the electrical, plumbing, mechanical, heating, and structural systems are covered. The final inspection takes place after the recreational park trailer is complete.

NEW SECTION

WAC 296-150P-0620 What happens if my recreational park trailer passes inspection? (1) If your recreational park trailer passes inspection and you have met the other requirements of this chapter and ANSI, you will be approved to purchase state-plan insignia from us.

(2) If you send your insignia application and fee to us prior to the inspection, we will attach your insignia when we approve the recreational park trailer.

NEW SECTION

WAC 296-150P-0630 What happens if my recreational park trailer does not pass inspection? (1) If your recreational park trailer does not pass inspection, you will receive a notice of noncompliance.

(2) You have ten days after receiving the notice of noncompliance to send us a written response explaining how you will correct the violation(s) and prevent its reoccurrence.

(3) You are not allowed to move, sell or lease a recreational park trailer until:

- (a) You correct the violation(s);
- (b) We inspect and approve the correction(s); and

(c) You pay the inspection fee and the insignia fee, if required. (See WAC 296-150P-3000.)

(4) If you fail to make the corrections, the sale or lease of your recreational park trailer is prohibited by RCW 43.22.340 until the corrections are made.

Note: You will be allowed to return a recreational park trailer to the manufacturing location or to another location for correction with our approval.

NEW SECTION

WAC 296-150P-0640 Am I charged if I request an inspection but I am not prepared? (1) If you ask us to inspect recreational park trailers within Washington state but are not prepared when we arrive, you must pay the minimum inspection fee and travel.

(2) If you ask us to inspect recreational park trailers outside Washington state but are not prepared when we arrive, you must pay the minimum inspection fee, travel, and per diem expenses.

AUDIT

NEW SECTION

WAC 296-150P-0700 What does our annual quality control program audit for state-plan insignia include?

(1) During your annual audit for state-plan insignia, we will review your quality control program and randomly inspect your recreational park trailer.

(2) If our audit indicates that you are complying with the requirements of this chapter and ANSI, you may purchase state-plan insignia.

(3) If we discover a quality control program deficiency or a recreational park trailer violation during our audit, you will receive a notice of noncompliance and cannot purchase state-plan insignia until the deficiency or violation is corrected.

(a) You can correct the deficiency or violation during the audit; or

(b) You have fourteen days after receiving the notice of noncompliance to send us a written response explaining your correction of the deficiency or violation; and

(c) You are subject to a follow-up audit.

LOSS OF STATE-PLAN APPROVAL

NEW SECTION

WAC 296-150P-0710 Can you withdraw my state-plan insignia approval? Should you fail to meet the requirements of this chapter or ANSI after you have been approved to purchase state-plan insignia, we will withdraw your certification.

NEW SECTION

WAC 296-150P-0720 What happens if my state-plan insignia approval is withdrawn? If your state-plan insignia approval is withdrawn because you have failed to comply with this chapter and ANSI:

(1) You must return any issued but unused insignia to us; and

(2) You cannot sell or lease recreational park trailers in Washington.

RECREATIONAL PARK TRAILER ALTERATIONS

NEW SECTION

WAC 296-150P-1000 Who needs approval to alter a recreational park trailer? Any alteration by a manufacturer, dealer, or individual to a recreational park trailer with state-certified insignia must be approved by us before the alteration is made. "Alteration" is defined in WAC 296-150P-0020.

Note: We may remove your insignia if you alter or have someone alter a recreational park trailer without our approval.

NEW SECTION

WAC 296-150P-1010 Must I purchase a separate insignia for an alteration? You are required to purchase an alteration insignia from us.

NEW SECTION

WAC 296-150P-1020 How do I apply for alteration approval and obtain the alteration insignia? (1) To apply for alteration approval and the alteration insignia, you must:

(a) Complete an alteration permit form and an application for alteration insignia. We will provide the forms.

(b) Submit the completed forms, with the inspection fee and altered recreational park trailer insignia fee, to us. (See WAC 296-150P-3000.)

(2) Our recreational park trailer inspection of the alteration will be in two or more phases. The "cover" inspection during the alteration of the unit before the electrical, plumbing, mechanical, heating, structural or other systems are covered. The final inspection takes place after the alteration inspection is complete.

(3) Once we approve your alteration, we will attach the alteration insignia.

MANUFACTURER'S NOTICE TO THE DEPARTMENT

NEW SECTION

WAC 296-150P-2000 Must state-plan manufacturers notify you if they manufacture at more than one location? (1) We must approve each recreational park trailer manufacturing location producing units for sale or lease in Washington state.

(2) You must send us the following information for each manufacturing location when you are certified:

- (a) Company name;
- (b) Mailing and physical address;
- (c) Phone and FAX number if available;
- (d) Type of recreational park trailer(s) manufactured;
- (e) Contact person for plan review; and
- (f) Contact person for plant audit.

(3) You must update the information as it changes.

NEW SECTION

WAC 296-150P-2010 Must state-plan manufacturers notify you if they change a business name or address?

(1) If you are moving your business from an approved manufacturing location, the new location must be approved before shipping units from that location for sale or lease in Washington state.

(2) You must notify us in writing prior to a change of business name or address.

NEW SECTION

WAC 296-150P-2020 Must state-plan manufacturers notify you of a change in business ownership?

(1) When a recreational park trailer manufacturing business changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture recreational park trailers using approved design plans or comprehensive design plans according to this chapter.

(3) The department will perform an audit of the manufacturer after the ownership change to ensure you are meeting the requirements of this chapter and ANSI.

NEW SECTION

WAC 296-150P-2030 Must state-plan manufacturers notify you of their Washington dealers?

(1) You must send us the following information about yourself and each of your Washington dealers when you are certified:

- (a) Dealership name;
- (b) Mailing and physical address;
- (c) Phone and FAX number if available;
- (d) Type of recreational park trailer(s); and
- (e) Contact person.

(2) You must update this information as it changes.

RECREATIONAL PARK TRAILER FEES

NEW SECTION

WAC 296-150P-3000 Recreational park trailer fees.

WAC 296-150P-3000 RECREATIONAL	
PARK TRAILER FEES	
STATE PLAN	
INITIAL FILING FEE	\$26.00
DESIGN PLAN	
NEW PLAN REVIEW FEE	\$73.00
RESUBMIT FEE	\$52.00
ADDENDUM	\$52.00
STATE PLAN/MANUAL FEES	
INITIAL APPROVAL	\$10.25
RESUBMITTAL	\$52.00
ADDENDUM	\$52.00
DEPARTMENT AUDIT FEES	
AUDIT (PER HOUR)*	\$52.00
TRAVEL (PER HOUR)*	\$52.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES	
INSPECTION (PER HOUR)*	\$52.00
TRAVEL (PER HOUR)*	\$52.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES	
STATE CERTIFIED	\$10.00
ALTERATION	\$26.00
REISSUED-LOST/DAMAGED	\$10.00
FIELD TECHNICAL SERVICE FEE (PER HR.)	\$52.00
*Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments.	
**Per state guidelines.	
***Actual charges incurred.	

PERMANENT

**Chapter 296-150R WAC
RECREATIONAL VEHICLES ((AND PARK
TRAILERS))**

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0010 Authority, purpose, and scope.

(1) This chapter is authorized by RCW ((43.22.340)) 43.22.335 through 43.22.434 and covers the requirements for:

(a) Obtaining state-plan or self-certified status if you manufacture recreational vehicles ((or park trailers)) for sale or lease in Washington state.

(b) Obtaining state-plan or self-certified insignia if you manufacture recreational vehicles ((or park trailers)) for sale or lease in Washington state.

(2) This chapter applies to:

(a) Manufacturers, dealers and individuals who build for sale, sell, or lease recreational vehicles ((or park trailers)) in Washington state; and

(b) Manufacturers, dealers, and individuals who alter recreational vehicles ((and park trailers)) for sale or lease in Washington state.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, plumbing systems, fuel systems and equipment or electrical systems of a recreational vehicle ((or park trailer)).

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;
- Modification of a fuel burning appliance according to the terms of its listing; and
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia which indicates a vehicle alteration was approved by the department.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational vehicles ((and park trailers)). For the purposes of this chapter, references to ANSI mean ANSI A119.2 Recreational Vehicles, 1996 edition((, and ANSI A119.5 Park Trailers, 1993 edition, as appropriate)).

"Approved" is approved by the department of labor and industries.

"Audit" by the department can be either a comprehensive audit or a performance audit. A comprehensive audit is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and vehicles. A performance audit is the department's review of the manufacturer's audit performed by the industry association or other independent auditor.

"Comprehensive design plan" consists of the design plans and copies of drawings such as:

- Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each vehicle.

- Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.

- Electrical drawings. (See WAC 296-150R-0330 and 296-150R-0820.)

"Consumer" is a person or organization who buys or leases recreational vehicles ((or park trailers)).

"Dealer" is a person or organization whose business is offering recreational vehicles ((or park trailers)) for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box ((44440)) 44430, Olympia, WA 98504-((4440))4430.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational vehicles or park trailers.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational vehicle ((or park trailer)) manufacturer.

"National Electrical Code" 1996 edition is the electrical code required for ANSI A119.2 compliance. ((The National Electrical Code 1993 edition is the electrical code required for ANSI A119.5 compliance.

"Park trailer" is a trailer type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area in the set up mode of less than 400 square feet (37.2 square meters); and
- Certified by the manufacturer as complying with ANSI A119.5.)

"Quality control" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, storing, handling, and use of materials complies with this chapter and ANSI.

"Recreational vehicle" is a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.

"Self-certification insignia" is an insignia which is obtained under the self-certification approval process.

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"System" is a part of a recreational vehicle ((or park trailer)) that is designed to serve a particular function such as plumbing, electrical, heating, or mechanical system.

"Vehicle" for the purposes of this chapter, is a recreational vehicle ((or a park trailer)).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0030 How is this chapter enforced?

(1) We enforce this chapter through:

(a) The state plan insignia approval process (see WAC 296-150R-0300 through 296-150R-0720); or

(b) The self-certification insignia approval process (see WAC 296-150R-0800 through 296-150R-0930).

(2) Vehicle inspections occur where the recreational vehicles (~~(or park trailers)~~) are manufactured, sold, or leased. We conduct inspections during normal work hours or at other reasonable times. We may require you to remove a part of the recreational vehicle (~~(or park trailer)~~) in order to conduct our inspection.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0040 Will you keep my manufacturing information confidential? We will only release manufacturing information, such as design plans, specifications, test results, and manuals, according to the Public Records Act(-) (see RCW 42.17.310 (1)(h)(-)) unless we are ordered to do so by a court or otherwise required by law.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0060 Who handles consumer complaints about recreational vehicles (~~(and park trailers)~~)? (1) Consumers may file complaints with us, if they have reason to believe a manufacturer and/or dealer is in violation of this chapter and ANSI.

(2) The complaint should be in writing and describe the items that may not comply with this chapter and ANSI.

(3) After we receive the complaint, we will send the manufacturer and/or the dealer a copy of the complaint. The manufacturer and/or dealer has thirty days to respond to the complaint.

(4) If we decide an inspection is warranted and specific code violation(s) are found during the inspection, the manufacturer or dealer is charged for the inspection.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0100 What happens if I disagree with the department's decision regarding my compliance with this chapter and ANSI? (1) If we determine that you are in violation of this chapter and ANSI, you will receive a notice of noncompliance and we may withdraw your certification. (See WAC 296-150R-0710, 296-150R-0920.)

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notice of our decision.

If you disagree with our decision, you may appeal it under the Administrative Procedure Act (chapter 34.05 RCW).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0110 Do you have an advisory board to address recreational vehicle (~~(and park trailer)~~) issues? The factory assembled structures (FAS) board advises us on issues relating to plumbing, heating, electrical, installation, alterations, inspections, and rules for recreational vehicles (~~(and park trailers)~~). (See RCW 43.22.420.)

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0120 Where can I obtain technical assistance regarding recreational vehicles (~~(and park trailers)~~)? We provide field technical service to recreational vehicle (~~(and park trailer)~~) manufacturers for an hourly fee (see WAC 296-150R-3000). Field technical service may include an evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0130 Do you allow recreational vehicles (~~(and park trailers)~~) to be displayed without an insignia? We allow one recreational vehicle (~~(or park trailer)~~) to be displayed without an insignia, if you:

(1) Get written approval from us in advance of displaying the unit; we should receive your written request at least thirty days prior to display of the unit. Your request must include:

- (a) The model and serial number of the unit;
- (b) The location where the unit will be displayed; and
- (c) The date(s) the unit will be displayed.

(2) Are licensed in Washington state through the department of licensing;

(3) Have your approval letter available at the display;

(4) Place three visible signs on the display unit:

- (a) One at the main entry door;
- (b) One inside the front of the unit; and
- (c) One inside the back of the unit.

The signs must read: *Not For Sale - Display Only.*

The letters on the sign must be one inch or higher.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0200 Who should obtain recreational vehicle (~~(and park trailer)~~) insignia? (1) If you manufacture recreational vehicles (~~(or park trailers)~~) to be sold or leased in Washington, you must purchase either a state-plan or self-certified insignia for each vehicle.

(2) Individuals that build recreational vehicles (~~(or park trailers)~~) to sell or lease in Washington must purchase an insignia.

(3) If you have a vehicle with either a state-plan or self-certified insignia and you plan to alter or have another person alter it, you must obtain an alteration insignia from us.

Note: You do not need to purchase our insignia if you manufacture recreational vehicles (~~(or park trailers)~~) in Washington for sale outside the state.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0250 How do I replace lost or damaged insignia? (1) If an insignia is lost or damaged after it is placed on a recreational vehicle (~~(or park trailer)~~) and you are the manufacturer or owner, you must notify us in writing immediately.

(2) Your notification should include the following information:

- (a) Your name, address, and telephone number;
 - (b) The vehicle identification number or serial number and model;
 - (c) The insignia number and design-plan approval number, if applicable; and
 - (d) The required fee. (See WAC 296-150R-3000.)
- (3) If we can determine that your unit previously had an insignia, we will attach the insignia to your vehicle once we receive your insignia fee. (See WAC 296-150R-3000.)

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0280 What other vehicle identification is required? Every *new* recreational vehicle (~~(or park trailer)~~) manufactured, offered for sale or lease, or sold or leased in Washington must also have a vehicle identification number (VIN) label in compliance with the Federal Department of Transportation (DOT) safety standards.

Note: Truck campers do not require a vehicle identification number (VIN). They have a manufacturer's serial number.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0400 What constitutes an acceptable quality control program/manual for state-plan insignia? Your quality control program must implement your approved quality control manual. The quality control manual must provide instructions, procedures, and assign responsibilities to assure quality control requirements are met when vehicles are manufactured. The minimum quality control manual requirements are:

- (1) An organization chart which identifies quality assurance positions and describes quality control responsibilities and accountability for the following plant personnel: General manager, plant production manager, plant foreperson, lead persons, production, quality control, sales, engineering, purchasing, and receiving staff;
- (2) A method to distribute all comprehensive design plans and installation instructions or other documentation that ensures all products used are installed correctly in all recreational vehicle (~~(or park trailer)~~) models produced at each manufacturing location;
- (3) Procedures for maintaining the quality assurance of each vehicle model;
- (4) Drawings and procedures displaying manufacturing processes including a schematic plant layout;
- (5) Descriptions of production stations, including surgehold stations, on-site or off-site repair-rework locations, and off-line construction sites. Descriptions should identify by station and location the work, tests, or inspections performed

and the job title of the person performing the quality control review;

(6) Inspection and equipment maintenance instructions, including jig maintenance, check-off lists, and other documentation verifying quality control performance and accountability;

(7) Coordination of staff duties ensuring smooth transition of manufacturing responsibilities during the shift change;

(8) Instructions regarding the identification, control, and handling of damaged goods or materials that do not comply with existing rules and ANSI;

(9) Information about recreational vehicle (~~(and park trailer)~~) material storage and environmental control including protection from the weather and the elimination of scrap and age-dated materials which have exceeded their life;

(10) Verification that testing equipment is properly calibrated and that your gauges are accurate;

(11) Information about production line testing which includes descriptions of procedures, test equipment, and the location of each test. The information should demonstrate accountability for test completion, for rework and repair, and for retesting;

(12) Instructions, procedures, descriptions, and responsibilities for insignia storage, security, application, and inventory;

(13) Procedures for mixed production lines, for variable production rates, for new or substitute personnel, and for new or changed inspections and tests;

(14) Instructions, procedures, and responsibilities for keeping vehicle records which include the unit serial number, model, plan approval number, dealer location or destination, insignia number, inspection, and test results;

(15) Information about your quality control training program; and

(16) Procedures for introducing new designs, models, materials and equipment to staff that ensures products are built according to the standards and the manufacturer's instructions.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0640 Am I charged if I request an inspection but I am not prepared? (1) If you ask us to inspect recreational vehicles (~~(or park trailers)~~) within Washington state but are not prepared when we arrive, you must pay the minimum inspection fee and travel.

(2) If you ask us to inspect recreational vehicles (~~(or park trailers)~~) outside Washington state but are not prepared when we arrive, you must pay the minimum inspection fee, travel, and per diem expenses.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-0850 What constitutes an acceptable quality control program/manual for self-certification? Your quality control program must implement your approved quality control manual. The quality control manual must provide instructions, procedures, and assign responsibilities to assure quality control expectations are met when vehicles

are manufactured. The minimum quality control manual requirements are:

(1) An organization chart which identifies quality assurance positions and describes quality control responsibilities and accountability for the following plant personnel: General manager, plant production manager, plant foreperson, lead persons, production, quality control, sales, engineering, purchasing and receiving staff;

(2) A method to distribute all comprehensive design plans and installation instructions or other documentation that ensures all products used are installed correctly in all recreational vehicle (~~(or park trailer)~~) models produced at each manufacturing location;

(3) Procedures for maintaining the quality assurance of each vehicle model;

(4) Drawings and procedures displaying manufacturing processes including a schematic plant layout;

(5) Descriptions of production stations, including surge-hold stations, on-site or off-site repair-rework locations, and off-line construction sites. Descriptions should identify by station and location the work, tests, or inspections performed and the job title of the person performing the quality control review;

(6) Inspection and equipment maintenance instructions, including jig maintenance, check-off lists, and other documentation verifying quality control performance and accountability;

(7) Coordination of staff duties ensuring smooth transition of manufacturing responsibilities during the shift change;

(8) Instructions regarding the identification, control, and handling of damaged goods or materials that do not comply with existing rules and ANSI;

(9) Information about recreational vehicle (~~(and park trailer)~~) material storage and environmental control including protection from the weather and the elimination of scrap and age-dated materials which have exceeded their life;

(10) Verification that testing equipment is properly calibrated and that your gauges are accurate;

(11) Information about production line testing which includes descriptions of procedures, test equipment, and the location of each test. The information should demonstrate accountability for test completion, for rework and repair, and for retesting;

(12) Instructions, procedures, descriptions, and responsibilities for insignia storage, security, application, and inventory;

(13) Procedures for mixed production lines, for variable production rates, for new or substitute personnel, and for new or changed inspections and tests;

(14) Instructions, procedures, and responsibilities for keeping vehicle records which include the unit serial number, model, plan approval number (if applicable), dealer location or destination, insignia number, inspection, and test results;

(15) Information about your quality control training program;

(16) Procedures for introducing new designs, models, materials and equipment to staff that ensures products are built according to the standards and the manufacturer's instructions; and

(17) Written authorization as required in WAC 296-150R-0800(5).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-1000 Who needs approval to alter a recreational vehicle (~~(or park trailer)~~)? (1) Any alteration by a manufacturer, dealer, or individual to a vehicle with state-certified insignia must be approved by us before the alteration is made. "Alteration" is defined in WAC 296-150R-0020.

(2) Any alteration by a manufacturer, dealer, or individual to a vehicle with self-certified insignia after it leaves the manufacturer's location must be approved by us before the alteration is made.

Note: We may remove your insignia if you alter or have someone alter a vehicle without our approval.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-2000 Must state-plan and self-certified manufacturers notify you if they manufacture at more than one location? (1) We must approve each recreational vehicle (~~(and park trailer)~~) manufacturing location producing units for sale or lease in Washington state.

(2) You must send us the following information for each manufacturing location when you are certified:

- (a) Company name;
 - (b) Mailing and physical address;
 - (c) Phone and FAX number if available;
 - (d) Type of recreational vehicle(s) manufactured;
 - (e) Contact person for plan review; and
 - (f) Contact person for plant audit.
- (3) You must update the information as it changes.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150R-2020 Must state-plan and self-certified manufacturers notify you of a change in business ownership? (1) When a recreational vehicle (~~(or park trailer)~~) manufacturing business changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture vehicles using approved design plans or comprehensive design plans according to this chapter.

(3) The department will perform a comprehensive audit of the manufacturer after the ownership change to ensure you are meeting the requirements of this chapter and ANSI.

AMENDATORY SECTION (Amending WSR 96-21-146 [97-11-053], filed 10/23/96 [5/20/97], effective 11/25/96 [6/30/97])

WAC 296-150R-3000 (~~(Table of)~~) **Recreational vehicle** (~~(and park trailer)~~) **fees** (~~(for insignia approval)~~).

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES			
STATE PLAN		SELF CERTIFICATION	
INITIAL FILING FEE	\$26.00	INITIAL FILING FEE	\$26.00
DESIGN PLAN		DESIGN PLAN	
NEW PLAN REVIEW FEE	\$73.00	NEW PLAN REVIEW FEE (ONE TIME FEE)	\$73.00
RESUBMIT FEE	\$62.00	RESUBMIT FEE	\$62.00
ADDENDUM	\$62.00	ADDENDUM	\$62.00
STATE PLAN/MANUAL FEES		SELF CERTIFICATION/MANUAL FEES	
INITIAL APPROVAL	\$10.25	INITIAL APPROVAL	\$10.25
RESUBMITTAL	\$62.00	RESUBMITTAL	\$62.00
ADDENDUM	\$62.00	ADDENDUM	\$62.00
DEPARTMENT AUDIT FEES		DEPARTMENT AUDIT FEES	
AUDIT (PER HOUR)*	\$62.00	AUDIT (PER HOUR)*	\$62.00
TRAVEL (PER HOUR)*	\$62.00	TRAVEL (PER HOUR)*	\$62.00
PER DIEM**		PER DIEM**	
HOTEL***		HOTEL***	
MILEAGE**		MILEAGE	
RENTAL CAR***		RENTAL CAR***	
PARKING***		PARKING***	
AIRFARE***		AIRFARE***	
DEPARTMENT INSPECTION FEES		DEPARTMENT INSPECTION FEES	
INSPECTION (PER HOUR)*	\$62.00	INSPECTION (PER HOUR)*	\$62.00
TRAVEL (PER HOUR)*	\$62.00	TRAVEL (PER HOUR)*	\$62.00
PER DIEM**		PER DIEM**	
HOTEL***		HOTEL***	
MILEAGE**		MILEAGE**	
RENTAL CAR***		RENTAL CAR***	
PARKING***		PARKING***	
AIRFARE***		AIRFARE***	
INSIGNIA FEES		INSIGNIA FEES	
STATE CERTIFIED	\$10.00	SELF CERTIFIED	\$10.00
ALTERATION	\$26.00	ALTERATION	\$26.00
REISSUED-LOST/DAMAGED	\$10.00	REISSUED-LOST/DAMAGED	\$10.00
FIELD TECHNICAL SERVICE FEE (PER HR.)	\$62.00		
* Minimum charge of 1 hour for inspection; time spent greater than 1 hour is charged in 1/2 hour increments			
** Per state guidelines.			
*** Actual charges incurred.			

PERMANENT

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

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0040 Will you keep my manufacturing information confidential? We will only release manufacturing information such as design plans, specifications, and test results according to the requirements of the Public Records Act((-)) (see RCW 42.17.310 (1)(h)((-))) unless we are ordered to do so by a court or otherwise required by law.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0100 What happens if I disagree with your decision regarding my compliance with this chapter? (1) If we determine that you are in violation of this chapter, you will receive a notice of noncompliance. (See WAC 296-150C-0560.)

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notice of our decision.

If you disagree with our decision, you may appeal it under the Administrative Procedure Act (chapter 34.05 RCW).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0040 Will you keep my manufacturing information confidential? We will only release manufacturing information such as design plans, specifications, and test results according to the requirements of the Public Records Act((-)) (see RCW 42.17.310 (1)(h)((-))) unless we are ordered to do so by a court or otherwise required by law.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0100 What happens if I disagree with your decision regarding my compliance with this chapter? (1) If we determine you are in violation of this chapter, you will receive a notice of noncompliance.

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notice of our decision.

If you disagree with our decision, you may appeal it under the Administrative Procedure Act (chapter 34.05 RCW).

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0040 Will you keep my manufacturing information confidential? We will only release manufacturing information such as design plans for structural alterations according to the requirements of the Public Records Act((-)) (see RCW 42.17.310 (1)(h)((-))) unless we are ordered to do so by a court or otherwise required by law.

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150M-0100 What happens if I disagree with your decision regarding my compliance with the federal standards, ANSI, or this chapter? (1) If we determine that you are in violation with the federal standards, ANSI A225.1, or this chapter, you will receive a notice of noncompliance.

(2) If you disagree with our decision, you can submit a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request.

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed.

(c) Hear your case.

(d) Send you written notice of our decision.

If you disagree with our decision, you may appeal it under the Administrative Procedure Act (chapter 34.05 RCW).

WSR 97-17-004

PERMANENT RULES

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Filed August 7, 1997, 10:36 a.m.]

Date of Adoption: July 18, 1997.

Purpose: (1) Clarify the time period allowed for project agreement execution. (2) Update policies regarding acceptable forms of income gained on IAC grant assisted projects and the use of such income. (3) Limit sponsors in restricting users of IAC grant-assisted projects on the basis of residence (preferential reservations, permits, fees, etc.).

Citation of Existing Rules Affected by this Order: Amending WAC 286-13-040, deadlines; WAC 286-13-110, income; and WAC 286-13-115, preferences.

Statutory Authority for Adoption: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1), 77.12.720.

Adopted under notice filed as WSR 97-12-027 on May 30, 1997.

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: Thirty-one days after filing.

August 7, 1997
Greg Lovelady
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

WAC 286-13-040 Deadlines—Applications, plans, and matching resources~~(—Deadlines)~~. (1) Applications. To allow time for review, all applications must be submitted at least four calendar months prior to the funding meeting at which the applicant's project is first considered. Applications must be completed in final form and on file with the committee at least one calendar month before this meeting.

(2) Plans. For purposes of project evaluation, all nonhighway and off-road vehicle program, park, recreation, or habitat plans required for participation in committee grant programs must be complete and on file with the committee at least three calendar months before the funding meeting at which the applicant's project is first considered. On the director's acceptance of the plan, the applicant shall be granted eligibility to submit applications for a period of up to five years.

(3) Matches. To allow time for development of funding recommendations, written assurance must be provided whenever matching resources are to be considered as a part of an application. This assurance must be provided by the applicant to the committee at least one calendar month before the meeting at which the project is to be considered for funding.

(4) Project agreement. An applicant has three calendar months from the date of the committee's mailing of the project agreement to execute and return the agreement to the committee's office. After this period, the committee or director may reject any agreement not signed and returned and reallocate the grant funds to another project(s).

(5) Waivers. Compliance with these deadlines is required for eligibility unless a waiver is granted by the director. Such waivers are considered based on several factors which may include:

- (a) When the applicant started the application/planning process;
- (b) What progress has been made;
- (c) When final plan adoption will occur;
- (d) The cause of the delay (procedural or content related, etc.);
- (e) Impact on the committee's evaluation process;
- (f) Equity to other applicants; and
- (g) Such other information as may be relevant.

AMENDATORY SECTION (Amending WSR 97-08-003, filed 3/20/97, effective 4/20/97)

WAC 286-13-110 Income, income use. (1) Income.

(a) Compatible source. The source of any income generated in a committee assisted project or project area must be compatible with the element(s) defined in the project agreement. The way the project or project area is defined varies with the source of funds provided by the committee. That is, income generated in a project assisted with funds that originate from:

(i) A state source must be consistent with the limits of the element(s) assisted by the committee (for example, within the area of an athletic field or habitat area).

(ii) The federal land and water conservation fund must be consistent within the boundary described in chapter 660.2.6.A. ("project area") of the L&WCF Grants-in-Aid Manual.

(b) Fees. User and/or other (~~types of~~) fees may be charged in connection with land acquired or facilities developed with committee grants if the fees are consistent with the:

(i) Value of any service(s) (~~or opportunities~~) furnished; and

(ii) Value of any opportunity(ies) furnished; and (~~are within the~~)

(iii) Prevailing range of public fees in the state for the activity.

Excepted are firearms and archery range recreation program safety classes (firearm and/or hunter) for which a facility/range fee must *not* be charged (RCW 77.12.720).

(2) Income use. Regardless of whether income or fees in a committee assisted area (including entrance, utility corridor permit, cattle grazing, timber harvesting, farming, etc.) are gained during or after the reimbursement period cited in the project agreement, unless precluded by state law(~~(s)~~) the revenue (~~from such fees~~) may only be used to offset:

(a) The sponsor's matching funds; and/or

(b) The project's total cost; and/or

(c) The expense of operation (~~and~~), maintenance, and/or repair of the facility (~~funded in whole or in part~~) or program assisted by the committee grant(~~s or for accrual of~~); and/or

(d) The expense of operation, maintenance, and/or repair of other units in the sponsor's park and recreation and/or habitat conservation system; and/or

(e) Capital expenses for similar acquisition and/or development.

(~~2~~) Other income. Income that accrues to an area described in a project agreement from sources other than the intended use, including income from land management practices, must derive from use which is consistent with, and complementary to, the intended use of the area as described in the project agreement.

(a) ~~Gross nonintended income that accrues during the contracted reimbursement period established in the project agreement will be used to reduce the total cost of the project.~~

(b) ~~Gross nonintended income that accrues subsequent to the ending reimbursement date identified in the project agreement must be used to offset operation and maintenance expenses of the facility funded in whole or in part by committee grants or for capital acquisition and/or development of a similar type unless precluded by state law.~~

(3) Commercial income. Commercial activity performed by a project sponsor on a committee assisted site or facility must be directly related to the recreational service provided. After paying any necessary costs associated with this activity, any net income must be used to assist in maintaining, renovating, operating, and/or developing the site as described in WAC 286-13-110 (1) and (2).))

AMENDATORY SECTION (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

WAC 286-13-115 Discrimination, preferences. (1) Sponsors shall not discriminate against users of ~~((committee funded))~~ projects assisted with committee funds on the basis of race, creed, color, sex, religion, national origin, disability, marital status, or sexual orientation.

(2) Sponsors ~~((may))~~ shall not express a preference for users of committee ~~((funded))~~ grant assisted projects on the basis of residence~~((;))~~ (including preferential reservation, membership, and/or permit systems). However, reasonable differences in admission and other fees may be maintained on the basis of residence. The committee does not encourage the imposition of such differential fees. ((Differential)) Fees for ((use by)) nonresidents ((may be charged but)) must not exceed twice the fee imposed on residents. Where there is no fee for residents but a fee is charged to nonresidents, the nonresident fee shall not exceed the amount that would be imposed on residents at comparable state or local public facilities.

WSR 97-17-009

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 7, 1997, 1:19 p.m., effective September 13, 1997]

Date of Adoption: August 7, 1997.

Purpose: Incorporates provisions of the federal Driver's Privacy Protection Act of 1994 in the agency's rule regarding exemptions to the public disclosure provisions of chapter 42.17 RCW and clarifies language.

Citation of Existing Rules Affected by this Order: Amending WAC 308-10-050.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 97-14-103 on July 2, 1997.

Changes Other than Editing from Proposed to Adopted Version: Only changes were editing for clarity.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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: September 13, 1997.

August 7, 1997

Evelyn P. Yenson

Director

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92)

WAC 308-10-050 Exemptions. (1) The department ~~((reserves the right to))~~ may determine that a public record requested is exempt under the provisions of RCW 42.17.310 or other law.

(2) ~~((In addition, pursuant to))~~ Under RCW 42.17.260, the department ~~((reserves the right to))~~ may delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. ~~((The department shall identify and explain in writing any deletion of information from any public record.))~~

(3) The department will not release personal information, as defined in 18 USC 2725(3), from records pertaining to motor vehicle operator's licenses and permits, motor vehicle titles, motor vehicle registrations, and identification cards, unless the release both is considered a permissible use under 18 USC 2721 and is otherwise permitted by state law. In construing 18 USC 2721 (b)(2), the release of personal information for use in connection with matters of motor vehicle safety or driver safety shall be deemed to include the physical safety of persons as drivers, passengers or pedestrians and their motor vehicles or property.

(4) All denials of requests for public records ((must)) will be accompanied by a written statement specifying the reason for the deletion or denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

WSR 97-17-010

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Order 170—Filed August 7, 1997, 3:28 p.m.]

Date of Adoption: August 7, 1997.

Purpose: Amends WAC 468-66-010, by adding new definition WAC 468-66-010(28) for "tri-vision signs"; amends WAC 468-66-030, by adding new general provision WAC 468-66-030(13) for "tri-vision signs"; and amends WAC 468-66-150 Penalties, clarifies language pertaining to discontinued signs in WAC 468-66-150 {(1)}(e).

Citation of Existing Rules Affected by this Order: Amending WAC 468-66-010, 468-66-030, and 468-66-150.

Statutory Authority for Adoption: Chapter 47.42 RCW. Adopted under notice filed as WSR 97-13-028 on June 11, 1997.

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 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 7, 1997

Gerald E. Smith

Deputy Secretary
of Operations

AMENDATORY SECTION (Amending WSR 96-13-007, filed 6/6/96, effective 7/7/96)

WAC 468-66-010 Definitions. The following terms when used in this chapter shall have the following meanings:

(1) "Abandoned." A sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

(5) "Commission" means the Washington state transportation commission.

(6) "Discontinued." A sign shall be considered discontinued if, after receiving notice of absence of advertising content for three months, the permit holder fails to put

advertising content on the sign within three months of the notice.

(7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(10) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(e) of Title 23, United States Code.

(11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable. The sign may continue as long as it is not destroyed, abandoned, or discontinued. Such signs may be reerected in kind if destroyed due to vandalism, and other criminal or tortious acts.

(13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(15) "Primary system" means any state highway which is part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code, in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act, and any highway which is not on such system but which is on the National Highway System.

(16) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated in RCW 47.42.140 by the legislature as a part of the scenic system; or

(c) Any national scenic byway, state scenic byway, or state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature

in chapter 47.39 RCW as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway as determined by the department.

(17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(22) "Electronic sign" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities (WAC 468-66-070).

(23) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.

(24) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products.

(25) "National scenic byway" means any state highway designated as part of the national scenic byway system authorized by the 1991 Intermodal Surface Transportation Efficiency Act.

(26) "State scenic byway" means any scenic and recreational highway established by chapter 47.39 RCW.

(27) "Visible development" means those areas determined by the department to have development, both in type and location, that meet the requirements for unzoned commercial and industrial areas prescribed by RCW 47.42.020(9) and such development is not visually obstructed by vegetation or other natural features. It is prohibited to remove vegetation or other natural features, located within the state highway right of way, that may act as visual obstructions.

(28) "Tri-vision sign" means a sign having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which are rotated by an electric-mechanical process, capable of displaying a total of three separate and distinct messages, one message at a time.

AMENDATORY SECTION (Amending Order 96, filed 8/12/85)

WAC 468-66-030 General provisions. Notwithstanding any other provision of the act or these regulations, no signs visible from the main-traveled way of the interstate system, primary system, or scenic system which have any of the following characteristics shall be erected or maintained:

(1) Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.

(2) Illegal, destroyed, abandoned, discontinued or obsolete signs.

(3) Signs that are not clean and in good repair.

(4) Signs that are not securely affixed to a substantial structure.

(5) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

(6) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(7) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights (except those signs giving public service information).

(8) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(9) Signs which move or have any animated or moving parts (except revolving signs giving public service information).

(10) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(11) Signs which exceed twenty feet in length, width or height, or one hundred fifty square feet in area, including border and trim but excluding supports, except:

(a) Larger signs as permitted within commercial and industrial areas adjacent to the primary system pursuant to RCW 47.42.062; and

(b) Type 3 signs not more than fifty feet from the advertised activity; and

(c) Type 8 signs shall not exceed thirty-two square feet in area, unless they qualify as Type 3 (on-premise) signs.

(12) Electronic signs may be used only to advertise activities conducted or goods and services available on the property on which the signs are located or to present public service information.

(a) Advertising messages may contain words, phrases, sentences, symbols, trade-marks, and logos. A single message or a segment of a message must have a display time of at least two seconds including the time to move onto the sign board, with all segments of the total message to be displayed within ten seconds. A message consisting of only one segment may remain on the sign board as long as desired.

(b) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(c) Displays traveling horizontally across the sign board must move between sixteen and thirty-two light columns per second. Displays can scroll onto the sign board but must hold for two seconds including scrolling.

(d) Sign displays shall not include any art animations or graphics that portray motion, except for movement of graphics onto or off of the sign board as previously described.

(e) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be too bright shall be adjusted in accordance with the instructions of the department.

(f) As on-premise signs, electronic signs are subject to the provisions of RCW 47.42.045 and 47.42.062.

(13) Tri-vision signs may be used as Type 3, Type 4, or Type 5 signs, with the following provisions:

(a) Visible to Interstate highways, tri-vision signs may only be used as Type 3 signs.

(b) Rotation of one sign face to another sign face is no more frequent than every eight seconds and the actual rotation process shall be accomplished in four seconds or less.

(c) Tri-vision signs shall contain a default mechanism that will stop the sign in one position should a malfunction occur.

(d) Maximum size limitations shall independently apply to each sign face, including framework and border.

(e) Tri-vision signs are subject to all other applicable provisions of chapter 47.42 RCW and chapter 468-66 WAC.

AMENDATORY SECTION (Amending Order 99, filed 12/17/85)

WAC 468-66-150 Penalties. (1) After hearing, as required by chapter 34.04 RCW (Administrative Procedure Act) and the rules and regulations of the department of transportation adopted pursuant thereto, any permit may be revoked without refund by the department for any of the following reasons:

(a) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the department in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of thirty days following written notification thereof.

(b) For allowing or suffering any sign to remain in a condition of disrepair or unreasonable state of repair after the expiration of thirty days following written notification thereof.

(c) For maintaining any sign, for which a permit has been issued, in violation of any provision of the act or these regulations after the expiration of thirty days following written notification thereof.

(d) For any convictions of a violation of the act or any of these regulations, any permit held by the convicted person may be revoked whether or not such violation is related to the sign for which the permit is revoked.

(e) For maintaining a discontinued sign as defined in WAC 468-66-010(6) ~~(- or for not erecting a sign structure with advertising on a permitted site within six months of the date of permit issue. A notice of failure to erect the sign~~

~~structure will be sent after three months, and the sign must be erected within three months of the notice)).~~

(2) Notice whenever required herein shall be given to the person entitled thereto by registered mail at the last known address of such person which shall be such address as may be on file with the department, if any, otherwise the last address of such person shown by the tax records of the county in which the real property upon which the sign in question is maintained.

(3) Computation of time when dependent upon giving of notice shall relate to the day of mailing such notice rather than the day of receipt.

WSR 97-17-013

PERMANENT RULES CLARK COLLEGE

[Filed August 8, 1997, 10:55 a.m.]

Date of Adoption: July 23, 1997.

Purpose: To define the rights and responsibilities of students and the appropriate disciplinary responses for infractions.

Citation of Existing Rules Affected by this Order: Repealing WAC 132N-20-010, 132N-20-020, 132N-20-030, 132N-20-040, 132N-20-050, 132N-20-060, 132N-20-070, 132N-20-080, and 132N-20-090.

Statutory Authority for Adoption: Chapters 28B.50 and 28B.10 RCW.

Adopted under notice filed as WSR 97-10-018 on April 28, 1997.

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 19, amended 0, repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 19, amended 0, repealed 9.

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.

July 31, 1997

Tana L. Hasart
Interim President

Chapter 132N-120 WAC CODE OF STUDENT CONDUCT

NEW SECTION

WAC 132N-120-010 Code of student conduct. This chapter shall be known as the code of student conduct of Clark College. Admission to the college carries with it the presumption that students have specified rights as members of the college community. In addition, when they enroll,

PERMANENT

students assume the obligation to observe standards of conduct that are appropriate to the pursuit of educational goals.

NEW SECTION

WAC 132N-120-020 Authority. The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president or designee(s) shall be responsible for the administration of the disciplinary procedures provided for herein.

Only where the institution's interests as an academic community are distinctly and clearly involved shall the special authority of the institution be asserted. Institutional action shall be based on the facts and circumstances of each case, and shall be independent of community pressure.

NEW SECTION

WAC 132N-120-030 Definitions. As used in this chapter, the following words and phrases shall be defined as follows:

(1) "Academic dishonesty" means plagiarism, cheating on classwork, fraudulent representation of student work product, or other similar act of academic dishonesty.

(2) "Alcoholic beverages" means liquor as defined at RCW 66.04.010(15) as now or hereafter amended.

(3) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons, or group of persons.

(4) "ASCC" means the associated students of Clark College as defined in the constitution of that body.

(5) "Board" means the board of trustees of Community College District No. 14, state of Washington.

(6) "President" means the president of Clark College and Community College District No. 14, state of Washington.

(7) "College" means Clark College and any other community college centers or facilities established within Washington state Community College District No. 14.

(8) "Designee" means a person appointed by an officer or another person designated in a rule to perform a function, to perform that function on the appointer's behalf.

(9) "College facilities" and "college facility" means and includes any and all real and personal property and real property owned, rented, leased or operated by the board of trustees of Washington state Community College District No. 14, and shall include all buildings and appurtenances attached thereto and all parking lots and other grounds.

(10) "Disciplinary action" and "discipline" means and includes a warning, reprimand, probation, suspension, dismissal/expulsion, monetary fine, restitution, and any other action taken against a student as a sanction or penalty for violation of a designated rule of student conduct.

(11) "Controlled substance" means and includes any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

(12) "Faculty member" and "instructor" means any employee of Community College District No. 14 who is employed on a full-time or part-time basis as a teacher, instructor, counselor or librarian.

(13) "Rules of student conduct" means those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

(14) "Student," unless otherwise qualified, means and includes any person who is registered for classes or is formally in the process of applying for admission to the college.

(15) "Committee on student conduct" means the judicial body provided in this chapter.

(16) "Trespass" means the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

(17) "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending Clark College.

(18) "Service," "serve," "filing" and "file" shall have the meanings in WAC 10-08-110.

NEW SECTION

WAC 132N-120-040 Jurisdiction. (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college-sponsored activity.

(2) Faculty members, college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to:

(a) Possible prosecution under the state criminal law;

(b) Any other civil or criminal remedies available to the public; or

(c) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

(3) This chapter is not exclusive, and where conduct becomes known which may also violate any other rule or provision of law, nothing herein shall limit the right or duty of any person to report elsewhere or seek another remedy for that conduct.

(4) Statutory authority of the Revised Code of Washington for this chapter is on file and available in the office of the dean of administrative services.

NEW SECTION

WAC 132N-120-050 Student rights. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

NEW SECTION

WAC 132N-120-060 Student responsibilities. Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor, or accomplice as defined in RCW 9A.08.020 interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter, or commits any of the following personal, property, or status offenses which are hereby prohibited:

(1) Personal offenses.

(a) Assault, reckless endangerment, malicious harassment, intimidation, or interference upon another person in the manner set forth in chapter 9A.36 RCW, and RCW 28B.10.570 through 28B.50.572, as now or hereafter amended.

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow instructions of a duly authorized college employee or to abide by college rules, procedures and notices, thereby infringing upon the rights and privileges of other persons.

(d) Illegal assembly, obstruction, or disruption. Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, and the educational and administrative functions of the college, or the private rights and privileges of others.

(e) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(f) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(g) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(h) Hazing. Engaging in or conspiring to engage in hazing and conduct which amounts to hazing including conduct which causes embarrassment, sleep deprivation, or personal humiliation, ridicule or unprotected speech amounting to verbal abuse.

(i) Sexual offenses. Physical abuse, threats, intimidation, coercion and/or other conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person.

(2) Property offenses.

(a) Theft and robbery. While in any college facility or participating in a college-related program, committing theft as defined in RCW 9A.56.020 or robbery as defined in RCW 9A.56.190 or possessing stolen property as defined in RCW 9A.56.140.

(b) Malicious mischief. Malicious damage to college property, or the property of any person where such property is located on the college campus and malicious mischief in violation of RCW 9A.48.070 through 9A.48.090.

(c) Unauthorized use of college equipment and supplies. Conversion of college equipment or supplies for personal gain or use without proper authority or permission.

(d) Other offenses. Any student who, while in any college facility or participating in a college-related program, commits any other act which is punishable as a misdemeanor or a felony under the laws of the state of Washington and/or the United States and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.

(3) Status offenses.

(a) Cheating and plagiarism. Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(b) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010 through 9A.60.020 as now law or hereafter amended, of any college record or instrument to an employee or agent of the college acting in his/her official capacity as such.

(c) Refusal to provide identification. Refusal to provide identification in appropriate circumstances. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(d) Illegal entry. Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Smoking. Smoking as described in Clark College administrative procedure 510.030.

(f) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning

defined in RCW 69.50.410 as now law or hereafter amended.

(g) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his/her designee(s) and in compliance with other state law or college policy.

(h) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property. Exceptions to this policy are permitted when the weapon is used in conjunction with a college instructional program or is carried by duly constituted federal, state, county, or city law enforcement officers.

(i) Computers. Infractions of Clark College administrative procedures 535.035, Use of College Computing Resources.

NEW SECTION

WAC 132N-120-065 Denial of access to Clark College. The dean of students or his/her designee or president/designee shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the dean of students or his/her designee or president/designee shall be subject to disciplinary action and/or charges of criminal trespass.

NEW SECTION

WAC 132N-120-070 Disciplinary action. Any college administrator, except the president or a member of the committee on student conduct, may take any of the following disciplinary actions against a student:

(1) Disciplinary warning. Notice to a student, either verbally or in writing, by the dean of students or his/her designee(s) that the student has failed to satisfy the college's expectations regarding conduct. Such warnings will include a statement that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(2) Disciplinary reprimand. Formal action censuring a student for violating the student code of conduct. Reprimands shall be made in writing to the student by the dean of students or his/her designee(s), with copies placed on file in the office of the dean of students. A reprimand shall indicate to the student that continuing or repeating the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(3) Disciplinary probation. Formal action by the dean of students or his/her designee(s), placing conditions upon the student's continued attendance. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for

a specific term or for an indefinite period that may extend to graduation or other termination of the student's enrollment in the college. Repetition, during the probationary period, of the conduct which resulted in disciplinary probation or a new violation may be cause for suspension or other disciplinary action.

(4) Disciplinary suspension. Temporary dismissal from the college and termination of the person's student status. Notice shall be given in writing and specify the duration of the dismissal and any special conditions that must be met before readmission. Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(5) Disciplinary dismissal/expulsion. Permanent termination of a student's status. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

(6) Disciplinary restitution. Requirement of a student to make restitution for damage or loss to college or other property. Failure to make restitution within the time limits established by the dean of students or designee will result in suspension for an indefinite period of time as set forth in subsection (4) of this section. A student may be reinstated upon payment of fee or completion of designated public service activity.

(7) Disciplinary penalties for hazing.

(a) Any organization, association or student group that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Clark College as an official organization, association or student group on this campus.

If the organization, association or student group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for not less than one academic quarter and up to and including permanent forfeiture, based upon the seriousness of the violation(s). Other sections of the student code of conduct also may be applicable to hazing violations. Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

NEW SECTION

WAC 132N-120-080 Initial disciplinary proceedings.

(1) Allegations of misconduct that constitute a violation of this chapter shall be filed in the office of the dean of students in writing. The allegation shall state specifically the alleged violation and summarize the supporting evidence. The dean of students or designee will be responsible for gathering information and documentation in the investigation of the allegations. Disciplinary proceedings will be initiated by the dean of students or his/her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132N-120-150(1).

(2) Any student accused of violating any provision of the rules of conduct will meet with the dean of students or his/her designee within twenty-four hours of notification, excluding nonclass days. Failure to cooperate with the meeting process may be taken into consideration and shall not preclude the dean of students from making a decision and imposing or recommending sanctions. The student will be informed of which provision(s) of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, that might result from disciplinary proceedings. The dean of students or designee will be responsible for gathering information and documentation in the investigation of the allegations.

(3) After considering the evidence in the case and interviewing the student(s) involved, the dean of students may take the following actions:

- (a) Terminate the proceedings and exonerate the student;
- (b) Dismiss after counseling; or
- (c) Impose disciplinary sanctions from WAC 132N-120-070.

(4) Within seven working days of the initial meeting, or as soon thereafter as possible, the student will be provided written notice of any disciplinary action except a verbal warning. The notice shall be delivered personally or mailed first-class to the student's last known address. The notice shall state the factual basis for the action, shall advise the student of his/her right to appeal, and indicate whether the appeal will be heard informally by the chair of the committee on student conduct or formally by the entire committee membership.

In the case of an unmarried student under eighteen years of age, written notification of the disciplinary action shall also be sent to the parents or guardian of the student at the discretion of the dean of students or designee.

NEW SECTION

WAC 132N-120-090 Appeals. A student may appeal a disciplinary action by filing with the committee on student conduct, within ten days after the earlier of personal delivery or mailing of notice of the disciplinary action, a written application for an adjudicative proceeding. The dean of students or designee has discretion to extend this deadline for good cause.

(1) A student may appeal any disciplinary action, other than a verbal warning, in the following order:

(a) Disciplinary action taken by the dean of students or his/her designee(s) may be appealed by filing a written application for an adjudicative proceeding with the committee on student conduct.

(b) Disciplinary recommendations made by the committee on student conduct may be appealed by filing a petition for administrative review with the president of the college.

(2) Any appeal by a student receiving a disciplinary sanction must be in writing, filed within ten working days from the date on which the decision is received and must state the grounds for the appeal. The following are grounds for appeal:

- (a) A procedural error which materially affected the decision;
- (b) New evidence not previously available which would have materially affected the decision;

(c) The decision was not supported by substantial evidence; or

(d) The severity or appropriateness of the sanction(s).

(3) All appellate decisions shall be sent from the office of the dean of students. Written decisions shall include the signature of the committee on student conduct chair.

NEW SECTION

WAC 132N-120-100 Committee on student conduct.

(1) The committee on student conduct shall be convened by the dean of students no later than October 15 of each academic year. The committee shall provide a fair and impartial hearing and will make decisions on all disciplinary decisions appealed to it. Vacancies on the committee shall be filled as they arise.

(2) The committee shall include:

(a) Two full-time students and two alternates appointed by the ASCC of Clark College vice-president of elections and appointments (one-year appointments);

(b) Two faculty members and two alternates appointed by the president or designee (two-year appointments, staggered terms);

(c) One member of the administration, but not the dean of students, and one alternate appointed by the president of the college (two-year appointment).

(3) A quorum of the committee shall consist of three members with at least one student member present. All committee members shall have voting rights. The committee shall select its chair.

(4) The chair shall be responsible for making procedural decisions and ensuring that all procedural safeguards and guidelines specified in RCW 34.05.413 through 34.05.476 and chapters 10-08 and 132N-120 WAC are followed. In addition to the authority specified in WAC 10-08-200, the chair may conduct prehearing conferences in accordance with RCW 34.05.431 and WAC 10-08-130 and permit or conduct discovery in accordance with RCW 34.05.466 and WAC 10-08-060.

(5) Members of the committee on student conduct shall not participate in any case in which they are a defendant, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

NEW SECTION

WAC 132N-120-110 Adjudicative proceedings before the committee on student conduct.

(1) The hearing shall be conducted in accordance with chapter 34.05 RCW, chapters 10-08 and 132N-120 WAC. The committee or chair shall prepare a written opinion that shall include findings of fact, conclusions, and recommendations.

(2) The student's failure to answer the charges, appear at the hearing or cooperate in the hearing shall not preclude the committee on student conduct from making its findings of facts, conclusions, and recommendations. This shall not limit the possibility of a default pursuant to RCW 34.05.440.

(3) The committee chair shall give written notice of the time and place of the hearing to all parties in accordance with RCW 34.05.434 and WAC 10-08-040. Such notice

shall be given not less than ten calendar days before the date set for the hearing.

(4) The student shall be entitled to:

(a) Hear and examine the evidence against him/her and be informed of the identity of its source; and

(b) Present evidence and argument in his/her own behalf and to cross-examine witnesses.

(5) The student may have one advisor present at the hearing. The advisor may be allowed to advise the student during the proceedings, but is not permitted to speak to the committee; conduct examinations of witnesses; or disrupt the proceeding. No attorney representative of any party may participate in a hearing unless a notice of appearance has been filed and served at least five days before the hearing, but in the event of such notice the college may be represented by an assistant attorney general.

(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean of students; that designee may then present the college's case against the student accused of violating the rules of conduct.

(7) The presiding officer is responsible for causing the hearing to be recorded. All hearings shall be recorded by manual, electronic, or other type of recording device. Hearings shall be recorded in accordance with WAC 10-08-170.

(8) The record in an adjudicative proceeding shall consist of all documents as required by law and as specified in RCW 34.05.476 as now or hereafter amended.

(9) The time of the hearing may be continued for good cause by the committee chair upon timely request of any party.

(10) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, hearings conducted by the committee on student conduct will be held in closed session; provided the student(s) involved may waive in writing this requirement and request the hearing to be held in open session. The chair may exclude from the hearing room any person who is disruptive of the proceedings and may limit the number who may attend the hearing in order to afford orderliness to the proceedings. Any person attending the disciplinary hearing who continues to disrupt the proceedings after the chair has asked him/her to cease or leave the hearing room shall be subject to disciplinary action.

NEW SECTION

WAC 132N-120-120 Recordkeeping. (1) The dean of students shall maintain for at least six years the following records of student grievance and disciplinary actions and proceedings:

(a) Only initial and final orders in cases where a student's grievance has been sustained or a disciplinary action against a student has been reversed and the student fully exonerated;

(b) The complete records, including all orders, in all other cases where adjudication has been requested;

(c) A list or other summary of all disciplinary actions reported or known to the dean and not appealed.

(2) Final disciplinary actions shall be entered into student records, provided that the dean of students shall have discretion to remove some or all of that information from a

student's record upon the student's request and showing of good cause.

NEW SECTION

WAC 132N-120-130 Evidence admissible in hearings. (1) Only those matters presented at the hearing, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college committee on student conduct has sufficient cause to believe that the accused student is guilty of violating the rules he/she is charged with having violated. In determining the appropriate sanction that should be recommended, evidence of past misconduct that the committee chair deems relevant may be considered.

(2) The chair of the committee on student conduct shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by the law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Hearsay evidence is admissible.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

NEW SECTION

WAC 132N-120-140 Initial order—Petition for administrative review—Final order. (1) The burden of proof shall be on the party seeking to uphold the discipline to establish sufficient cause by a preponderance of the evidence. Upon conclusion of the disciplinary hearing, the committee on student conduct shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean of students or to recommend any of the following actions:

(a) That the college terminate the proceedings and exonerate the student; or

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) Within ninety days specified in RCW 34.05.461, and preferably within thirty days, the chair shall serve on the parties and the president an initial order. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. It shall also describe the available administrative review procedures specified in WAC 132N-120-140(3).

(3) The initial order shall become the final order without further action, unless within twenty days of service of the initial order:

(a) The president or designee upon his/her own motion, determines that the initial order should be reviewed; or

(b) A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or designee shall be the reviewing officer and RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

NEW SECTION

WAC 132N-120-150 Summary action. (1) Ordinarily, disciplinary sanctions will be imposed only after the appropriate brief adjudicative proceedings or adjudicative proceedings have taken place and after the student has, if he/she so chooses, exercised his/her right to appeal. However, if the dean of students or his/her designee(s) has cause to believe that any student:

- (a) Has committed a felony; or
- (b) Has violated any provision of this chapter; or
- (c) Presents an imminent danger either to himself or herself, other persons on the college campus, or to the educational process, that student shall be summarily suspended and shall be notified verbally and/or by writing mailed by first-class mail to the student's last known address.

Summary suspension is appropriate only where (c) of this subsection can be shown either alone or in conjunction with (a) or (b) of this subsection.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

- (a) The charges against the student including reference to rules of student conduct or law allegedly violated;
- (b) The time period during which summary suspension is effective; and
- (c) That the student charged may request the summary suspension be reviewed by the dean of students or his/her designee.

(3) After review, the dean of students shall issue a written decision continuing, modifying or rescinding the summary suspension and/or taking any further disciplinary action that he/she deems appropriate. The decision shall include a brief statement of facts, conclusions and policy reasons to justify the decision to continue the summary action.

(4) A student may appeal a summary suspension like any other disciplinary action, by filing an application for an adjudicative proceeding. This appeal may be consolidated with any related pending matter.

NEW SECTION

WAC 132N-120-160 Suspension for failure to appear. The dean of students is authorized to enforce the suspension of the summarily suspended student in the event the student has been served notice pursuant to WAC 132N-120-150 and fails to appear at the time designated for the summary suspension proceeding.

NEW SECTION

WAC 132N-120-170 Appeals from summary suspension hearing. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the committee on student conduct. No such appeal shall be entertained, however, unless:

- (a) The charges have been reviewed by the dean of students; and
- (b) The student has been officially notified of the outcome of the review; and
- (c) Summary suspension or another disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in WAC 132N-120-90.

(2) The committee on student conduct shall, within five working days, conduct a formal hearing according to the provisions of WAC 132N-120-110. Appeals from summary suspension take precedence over other matters before the committee.

NEW SECTION

WAC 132N-120-180 Final decision. The president or his/her designee(s) shall review the findings and conclusions of the dean of students in conjunction with the recommendations of the committee on student conduct and will issue a final decision within three days.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132N-20-010	Student responsibilities and standards of conduct.
WAC 132N-20-020	Authority.
WAC 132N-20-030	Summary action.
WAC 132N-20-040	Student participation.
WAC 132N-20-050	Violations.
WAC 132N-20-060	Disciplinary hearing procedures.
WAC 132N-20-070	Committee on student conduct.
WAC 132N-20-080	Forms of disciplinary action.
WAC 132N-20-090	Procedure for summary suspension.

WSR 97-17-015
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed August 8, 1997, 3:15 p.m.]

Date of Adoption: June 13, 1997.

Purpose: We will be combining existing RN/LPN language from chapters 246-838 and 246-839 WAC to WAC 246-840-030. To establish a method for a clinical component in nontraditional nursing education programs, so graduates of these programs may test for registered nurse licensure in Washington state. Repeal of WAC 246-839-030 because of combining RN/LPN language.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-839-030.

Statutory Authority for Adoption: RCW 18.79.160.

Adopted under notice filed as WSR 97-08-093 on April 2, 1997.

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 1, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 1.

Effective Date of Rule: Thirty-one days after filing.
July 19, 1997
Patty Hayes
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-839-030 Qualification/eligibility to take the licensing examination.

NEW SECTION

WAC 246-840-030 Examination and licensure. (1) Graduates from Washington state board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements are met.

(2) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to take the examination provided that:

(a) The nursing school meets the minimum standards approved for state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate has completed all institutional requirements for the degree/diploma in nursing education per attestation from the administrator of the approved nursing education program;

(c) All other requirements of the statute and regulations shall be met.

(3) Graduates of a nontraditional school of nursing which meet the requirements of subsection (2)(a), (b) and (c) of this section, are eligible to take the registered nurse examination provided that the following conditions are met: (For purposes of this section, nontraditional schools of nursing are defined as schools that have curricula which do not include a faculty supervised teaching/learning component in clinical settings.)

(a) The candidate is a licensed practical nurse in Washington state; and

(b) There is documentation of at least two hundred hours of supervised clinical experience (preceptorship) in the role of a registered nurse. The required elements of a preceptorship are as follows:

(i) Acceptable clinical sites - Acceptable clinical sites include acute care or subacute care settings or skilled nursing facilities. Other sites must be approved by the commission.

(ii) Qualifications of preceptor (instructor) - The preceptor must be a licensed registered nurse in Washington state with at least two years experience in a practice setting and have no history of disciplinary actions. The candidate must provide documentation that the preceptor meets these requirements when he/she applies for licensure and must also provide a written agreement between the candidate and the

preceptor (or facility) that preceptorship supervision will occur.

(iii) Experiences in the preceptorship - Experiences must include delegation and supervision, decision making and critical thinking, patient assessment as part of the nursing process and evaluation of care. A checklist, provided by the commission, must be completed by the preceptor which indicates the candidate's satisfactory completion of the identified skills. This checklist must be submitted with the candidate's application for licensure; and

(c) The candidate receives a satisfactory evaluation from their preceptor meeting commission requirements as previously identified ((b)(iii) of this subsection); and

(d) All other requirements of the nursing statute and regulations are met.

**WSR 97-17-035
PERMANENT RULES
SECRETARY OF STATE
[Filed August 13, 1997, 4:07 p.m.]**

Date of Adoption: August 13, 1997.

Purpose: To make the rule governing the verification of signatures on initiative and referendum petitions consistent with RCW 29.79.200.

Citation of Existing Rules Affected by this Order: Amending WAC 434-79-010.

Statutory Authority for Adoption: RCW 29.79.200 and 29.04.080.

Adopted under notice filed as WSR 97-13-094 on June 18, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 13, 1997

Donald F. Whiting
Assistant Secretary of State

AMENDATORY SECTION (Amending Order 78-2, filed 7/17/78)

WAC 434-79-010 Random sampling procedure. In the verification of signatures on initiative and referendum petitions, ~~((pursuant to))~~ under RCW 29.79.200 ~~((and 29.79.220, when the number of signatures submitted is more than 110 percent of the number of signatures required by~~

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~~Article II, Section 1A of the Washington State Constitution~~), the following statistical test may be employed:

- (1) Take an unrestricted random sample of the signatures submitted;
- (2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form, and the number of signatures which are duplicated in the sample;
- (3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;
- (4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;
- (5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of ~~(110 percent of)~~ the number of signatures required by Article II, Section 1A of the Washington state constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;
- (6) Determine the expected number of pairs of signatures in the sample by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures in the population;
- (7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;
- (8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, each signature shall be canvassed to determine the exact number of valid signatures;
- (9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the petition shall be deemed to contain sufficient signatures and the serial number and ballot title shall be certified to the state legislature as provided in RCW 29.79.200 or to the county auditors as provided in RCW 29.79.230.

WSR 97-17-040
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed August 14, 1997, 10:02 a.m.]

Date of Adoption: August 14, 1997.

Purpose: WAC 388-96-010, define "intangible assets."

Removes numbering system and makes other editorial changes to specific definitions as required by RPAU.

WAC 388-96-224, in nonaudit years, clarifies desk reviewed allowable costs are used to compute the final settlement.

WAC 388-96-505, add refunds of any allowable cost as an example of financial benefit that must be offset against allowable costs in year of receipt.

WAC 388-96-534, clarifies effective dates of a JCADs and reduces the time for a revision from 90 days to 30 days.

WAC 388-96-553, raises limit on depreciable assets to \$750; deletes subsections (3), (4) and (5); and moves subsection (6) to WAC 388-96-565.

WAC 388-96-554, changes limit to \$750 and removes subsections (3) and (4).

WAC 388-96-559, implement 1997 legislation on establishing land value; define depreciable assets and land value when builder sells new nursing facility before operating it.

WAC 388-96-565, adds subsection (6) from WAC 388-96-553 and implements 1997 legislative changes.

WAC 388-96-585, revises subsection (2)(w), removes "in terms of costs to employees and benefits commensurate to such costs." Revises subsection (2)(gg), lists bed rights as an example of intangible assets that are not used in patient care.

WAC 388-96-709, implements 1997 amendment to RCW on method for determining anticipated days.

WAC 388-96-719 implements 1997 amendment to RCW on occupancy level for new facilities.

WAC 388-96-735, edit changes requested by RPAU.

WAC 388-96-745(7), removes actual tables from Marshall Swift and makes a reference to the latest published Marshall Swift. Implements 1997 amendment to RCW on anticipated days when beds are reduced or increased.

WAC 388-96-754, implements 1997 amendment to RCW on anticipated days when beds are reduced or increased.

WAC 388-96-774, implements 1995 legislative limit on current funding. Clarifies which Medicaid cost report is to be used to determine changes in patient classifications or characteristics.

WAC 388-96-776, implements 1997 amendment to RCW that allows current funding of real estate taxes that result from renovations.

Citation of Existing Rules Affected by this Order: WAC 388-96-010, 388-96-224, 388-96-505, 388-96-534, 388-96-553, 388-96-554, 388-96-559, 388-96-565, 388-96-585, 388-96-709, 388-96-719, 388-96-735, 388-96-745(7), 388-96-754, 388-96-774, and 388-96-776.

Statutory Authority for Adoption: For WAC 388-96-010 and 388-96-735 is RCW 74.46.800; for WAC 388-96-224 is RCW 74.46.150, [74.46.]160, [74.46.]170 and [74.46.]800; for WAC 388-96-505 is RCW 74.46.200 and 74.46.800; for WAC 388-96-534 is RCW 74.46.270; for WAC 388-96-553, 388-96-554, and 388-96-565 is RCW 74.46.310, [74.46.]320 and [74.46.]330; for WAC 388-96-559 is RCW 74.46.360; for WAC 388-96-585 is RCW 74.46.190, [74.46.]460 and [74.46.]800; for WAC 388-96-709 is RCW 74.46.510; for WAC 388-96-719 is RCW 74.46.430; for WAC 388-96-745(7) is RCW 74.46.800 and 74.46.530; for WAC 388-96-754 is RCW 74.46.530; for WAC 388-96-774 is RCW 74.46.460; and for WAC 388-96-776 is RCW 74.46.465.

Adopted under notice filed as WSR 97-12-082 on June 4, 1997.

Changes Other than Editing from Proposed to Adopted Version: The text of the published change to WAC 388-96-774 follows. The text in bold is different from that published in the WSR: WAC 388-96-774 (1)(a), The department may grant a rate as add-on to a nursing service (NS) or operational (OP) prospective reimbursement rate; provided that, for the current fiscal year, the total amount of the current legislative appropriation, if any, to fund the Medicaid share of such rate add-on has not been exceeded. The NS and OP rate add-ons shall be for:

(i) Variations in the distribution of patient classifications or the total resident population or changes in patient characteristics for the total resident population from ~~((~~(A)~~) the Medicaid cost report for ~~(the calendar year immediately prior to the first fiscal year of a state biennium, or (B) Those used to set the rate for a new contractor))~~) the period on which the current rate was set; or~~

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 7, 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 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 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 14, 1997
Edith M. Rice, Chief
Office of Legal Affairs

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 97-19 issue of the Register.

WSR 97-17-041
PERMANENT RULES
DEPARTMENT OF PERSONNEL

[Filed August 14, 1997, 10:29 a.m., effective September 15, 1997]

Date of Adoption: August 13, 1997.

Purpose: These rules pertain to salary adjustments, movements, and reduction-in-force within the Washington management service. Compensation adjustments in these areas are based on evaluation points. This modification would provide the use of salary standard in addition to, or in place of, evaluation points for these various actions.

Citation of Existing Rules Affected by this Order: Amending WAC 356-56-115, 356-56-205, and 356-56-550. Statutory Authority for Adoption: RCW 41.06.500.

Adopted under notice filed as WSR 97-14-100 on July 2, 1997.

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: September 15, 1997.

August 13, 1997
Dennis Karras
Director

AMENDATORY SECTION (Amending WSR 96-12-004, filed 5/23/96, effective 6/6/96)

WAC 356-56-115 Salary adjustments. (1) Adjustments to the compensation for a position with no change in evaluation points shall not exceed the maximum or fall below the minimum amount set by the director of personnel for the management band. After the initial transition evaluation, salary adjustments initiated by the agency, other than for promotion or demotion, will not normally exceed a total of ten percent for a single fiscal year. Excluded from the ten percent limit on salary increases are annual periodic increments, legislatively approved increases, movement of a position to the minimum of the band, initial transition evaluation adjustments, and promotional increases. Requests for exception may be granted only by the director of personnel. Salary adjustments may be made under the following conditions:

(a) Legislatively directed general and/or special increase;
(b) Documented recruitment and/or retention problems as approved by the agency director or designee;

(c) Documented agency and/or state internal salary relationship problems, as approved by the agency director or designee; or

(d) Progression adjustments may be granted in recognition of the employee's demonstrated growth and development following initial transition, hire, transfer, or a promotion by up to five percent annually, for a maximum total of twenty percent.

(2) Voluntary movement in or to a position of lower evaluation points may result in a salary decrease which exceeds ten percent but does not fall below the minimum amount of the band.

(3) A promotion is the assignment of additional responsibilities which results in a higher salary standard and/or higher evaluation points for the same position, or movement to a different position that has a higher salary standard and/or higher evaluation points. Promotional increases may exceed ten percent.

(4) A disciplinary demotion for cause is the assignment of responsibilities which results in a lower salary standard and/or lower evaluation points for the same position, or movement to a different position that has a lower salary

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standard and/or lower evaluation points. The resulting salary decrease may exceed ten percent and must be in conformance with the provisions of the Fair Labor Standards Act.

(5) Involuntary downward movement based on a nondisciplinary reassignment of duties that results in a lower salary standard and/or lower evaluation points for an employee's present position shall not cause a decrease in the employee's current salary. The employee's current salary will be retained until such time as it is exceeded by the Washington management service salary structure or the employee leaves the position.

(6) An agency may provide a lump sum recognition payment within guidelines established by the department of personnel in recognition of documented exceptional work and performance results. Such compensation shall not become a permanent salary increase but is considered to be income for recognizing documented exceptional work and performance results. A payment made as a lump sum for recognition purposes shall be included within the ten percent annual adjustment limitation in the fiscal year in which it is paid.

(7) Salary changes greater than five percent proposed for any group of employees shall require review and approval by the director of personnel.

AMENDATORY SECTION (Amending WSR 94-12-055, filed 5/27/94, effective 7/1/94)

WAC 356-56-205 Movement within Washington management service. (1) There is no required promotional preference when recruiting and selecting for Washington management service positions. However, an agency may determine, on an individual position basis, if it is in the organization's best interest to limit the candidate pool to those eligible for agency or service-wide promotion.

(2) A transfer is the movement of an employee from one position to a different position or movement of a position from one section, department, or geographical location to another at the same salary standard and/or same evaluation points.

(a) An employee and the affected agency or agencies may agree to a transfer within Washington management service, within an agency, or between agencies.

(b) An agency or agencies may transfer an employee or a position with an incumbent to meet client or organizational needs if the new location is within a reasonable commute as defined by the agency.

(c) An agency may transfer a position at any time. However, if the transfer results in an unreasonable commute for the incumbent, and the incumbent does not agree to transfer with the position, the rules on reduction in force as provided in WAC 356-56-550 shall apply.

AMENDATORY SECTION (Amending WSR 94-12-055, filed 5/27/94, effective 7/1/94)

WAC 356-56-550 Reduction in force—Agency procedure—Bump options. (1) Washington management service employees may be separated due to reduction in force in accordance with the statutes and the agency's reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization

for efficiency purposes, ineligibility to continue in a position which has been reallocated to the Washington General Service, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of these rules.

(2) When exempt employees have statutory rights to return to the Washington management service, such employees first shall be returned to the position selected. If such return causes the total number of employees to exceed the total number of positions to be filled, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) Each agency shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force, seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees last continuous time within their current position; if the tie still exists, by measuring the employees last continuous time in their current agency; and if the tie still exists, by lot.

(b) Layoff units will be clearly defined, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a smaller unit.

(c) Options in lieu of separation by reduction in force may be offered by an agency only when such options are in accordance with the agency's reduction in force procedure.

(d) Appointment to vacancies and "bumping" shall occur in accordance with the following:

(i) Appointing authorities will seek within the agency a funded vacant Washington management service position for which the employee has the required job skills, and that is at the same salary standard and/or same evaluation points. If no funded vacancies exist, then the appointing authority shall seek a funded position within the agency at the same or lower salary standard and/or at the same or lower evaluation points for which the separated employee has greater seniority, applicable personal work history, and the required job skills. The appointing authority will first look within the current management band for equivalent funded positions at the same salary standard and/or the same evaluation points, and if none are found, then progressively to positions with a lower salary standard and/or lower evaluation points. The appointing authority may consider vacant positions within the agency at higher evaluation points.

(ii) Appointing authorities will consider appropriate Washington general service positions within the agency in the same occupational field with the same or similar salary for which the employee is qualified and has held permanent status, prior to considering appropriate Washington management service positions within the agency which have a lower salary standard and/or lower evaluation points and salary.

(iii) Permanent Washington management service employees who have no options for the same or similar positions in the Washington management service, and who have held permanent status in the Washington general service, will be afforded reduction in force rights as provided in chapter 356-30 WAC.

(e) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(f) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(g) Seniority for part-time employees will be computed using the same percentage the part-time schedule bears to a full-time schedule. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(h) No permanent employee shall be separated through reduction in force without being offered acting positions for which the agency determines the employee is qualified.

(i) The salary of an employee who accepts a position with lower evaluation points shall be determined by the agency.

AMENDATORY SECTION (Amending Order 96-10, filed 7/25/96, effective 8/25/96)

WAC 392-142-155 Definition—School bus categories for those buses purchased after September 1, 1982. As used in this chapter, "school bus categories for those buses purchased after September 1, 1982," means the following:

((Student Capacity	Fuel Type	Transmission Type	Useful Life
(1) 10 to 22	Gas	Automatic	8
(2) 10 to 22	Diesel	Automatic	8
(3) 10 to 22	Gas	Automatic	8
(4) 10 to 22	Diesel	Automatic	8
(5) 23 to 34	Gas	Automatic	8
(6) 23 to 34	Diesel	Automatic	8
(7) 35 to 48	Diesel	Automatic	13
(8) 35 to 48	Diesel	Automatic	13
(9) 49 to 60	Diesel	Automatic	13
(10) 49 to 60	Diesel	Automatic	13
(11) 61 to 77	Diesel	Automatic	13
(12) 61 to 84	Diesel	Automatic	13
(13) Heavy 78 to 84	Diesel	Automatic	18
(14) 85 to 90	Diesel	Automatic	18))

<u>Student Capacity</u>	<u>Fuel Type</u>	<u>Transmission Type</u>	<u>Useful Life</u>	<u>Bus Type</u>
(1) 10 to 24	Gas	Automatic	8	A-II
(2) 10 to 24	Diesel	Automatic	8	A-II
(3) 10 to 34	Gas	Automatic	8	A-I
(4) 10 to 34	Diesel	Automatic	8	A-I
(5) 10 to 34	Gas	Automatic	8	B
(6) 10 to 34	Diesel	Automatic	8	B
(7) 35 to 48	Diesel	Automatic	13	C
(8) 35 to 48	Diesel	Automatic	13	D
(9) 49 to 60	Diesel	Automatic	13	C
(10) 49 to 60	Diesel	Automatic	13	D
(11) 61 to 77	Diesel	Automatic	13	C
(12) 61 to 84	Diesel	Automatic	13	D
(13) Heavy 78 to 84	Diesel	Automatic	18	D
(14) Heavy 85 to 90	Diesel	Automatic	18	D

**WSR 97-17-042
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Order 97-02—Filed August 14, 1997, 10:44 a.m.]

Date of Adoption: August 13, 1997.

Purpose: To realign the funding categories for school buses to reflect new bus designs and to keep the number of school bus categories to a minimum. To allow school districts the ability to purchase new school bus designs directly from the state quotation pursuant to RCW 28A.160.195.

Citation of Existing Rules Affected by this Order: Amending WAC 392-142-155.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 97-14-055 on June 30, 1977 [1997].

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 13, 1997

Dr. Tefry Bergeson
Superintendent of
Public Instruction

**WSR 97-17-045
PERMANENT RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed August 14, 1997, 2:29 p.m.]

Date of Adoption: August 8, 1997.

Purpose: To establish an equitable and practical procedure for distributing a portion of the costs to administer the state's certification program among the political subdivisions of the state.

Citation of Existing Rules Affected by this Order: Amending WAC 326-02-034 Political subdivision fees.

Statutory Authority for Adoption: RCW 39.19.030(7).
Adopted under notice filed as WSR 97-09-094 on April 23, 1997.

Changes Other than Editing from Proposed to Adopted Version: A minimum fee is established in subsection (4) to ensure that the largest political subdivisions would never pay less than the subdivisions in subsection (3).

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.

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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.

August 13, 1997

Clarence Gillis

Deputy Director

AMENDATORY SECTION (Amending WSR 94-11-113, filed 5/18/94, effective 6/18/94)

WAC 326-02-034 Political subdivision fees. (1) It is the intent of the state legislature that political subdivisions within the state of Washington contribute to the costs of the state's certification program for minority and women's business enterprises. For the purpose of this section, political subdivisions means any city, town, county, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation within the state of Washington that administers a policy or program, or funds from whatever source, which requires or encourages the use of certified minority, women, or disadvantaged business enterprises.

(2) Effective July 1, 1993, the office shall allocate a portion of its biennial operational costs to political subdivisions (~~(, to be prorated on the relative benefit to each political subdivision)~~). Each political subdivision shall pay a percentage of this allocation (~~(which is equal to its proportionate share calculated pursuant to)~~) based on the formula set forth in subsection (~~(5(a))~~) (3) of this section.

(3) (~~The office shall determine whether a political subdivision is subject to the provisions of this section. Factors that will be considered include:~~

(a) Whether the political subdivision has a policy or program, or administers funds from whatever source, that requires or encourages the use of certified minority, women, or disadvantaged business enterprises;

(b) The beginning or effective date of the policy, program, or acceptance of the relevant funds;

(c) The political subdivision's most recent biennial construction budget;

(d) The value of the political subdivision's construction dollars committed over a two-year period as specified by the office to businesses certified by the office; and

(e) The feasibility and practicality of collecting the amount that would be due.

(4) ~~Each political subdivision, deemed by the office to be subject to this section on or after July 1, 1993, shall report to the office the total dollars committed to certified businesses in construction (including direct awards, subcontracts, and related suppliers) in calendar years 1991-1992 or its fiscal years ending in 1991 and 1992. For each succeeding biennium, each political subdivision shall report the total dollars committed to certified businesses in construction~~

~~(including direct awards, subcontracts, and suppliers) during the previous biennium or its fiscal years ending in the previous biennium.~~

(~~5~~) The fee charged to each political subdivision for the period, July 1, (~~(1993)~~) 1997 - June 30, (~~(1995)~~) 1999, and subsequent bienniums unless revised by rule, will be calculated as follows:

(a)(i) Cities with populations up to one thousand five hundred will not be charged.

(ii) Cities with populations of one thousand five hundred to twenty-five thousand will be charged one hundred dollars each.

(iii) Cities with populations of twenty-five thousand to fifty thousand will be charged two hundred dollars each.

(iv) Cities with populations over fifty thousand will be charged based on the formula set forth in subsection (4) of this section.

(b)(i) Counties with populations up to ten thousand will not be charged.

(ii) Counties with populations of ten thousand to one hundred thousand will be charged one hundred dollars each.

(iii) Counties with populations of one hundred thousand to five hundred thousand will be charged two hundred dollars each.

(iv) Counties with populations over five hundred thousand will be charged based on the formula set forth in subsection (4) of this section.

(c)(i) Ports with revenues up to two million dollars will not be charged.

(ii) Ports with revenues of two million dollars to ten million dollars will be charged two hundred dollars each.

(iii) Ports with revenues over ten million dollars will be charged based on the formula set forth in subsection (4) of this section.

(d)(i) Educational service districts and public school districts with enrollments up to one thousand will not be charged.

(ii) Educational service districts and public school districts with enrollments of one thousand to ten thousand will be charged one hundred dollars each.

(iii) Educational service districts and public school districts with enrollments of ten thousand to twenty thousand will be charged two hundred dollars each.

(iv) Educational service districts and public school districts with enrollments over twenty thousand will be charged based on the formula set forth in subsection (4) of this section.

(e)(i) Transit authorities with capital expenditures less than one hundred thousand dollars will not be charged.

(ii) Transit authorities with capital expenditures of one hundred thousand dollars to one million dollars will be charged one hundred dollars each.

(iii) Transit authorities with capital expenditures of one million dollars to ten million dollars will be charged two hundred dollars each.

(iv) Transit authorities with capital expenditures greater than ten million dollars will be charged based on the formula set forth in subsection (4) of this section.

(4) Each political subdivision not subject to a fixed fee under subsection (3) of this section shall report to the office the total dollars committed to certified businesses in construction (including direct awards, subcontracts, and related

suppliers) during the previous biennium or its fiscal years ending in the previous biennium.

(a) The construction dollar commitment of each political subdivision will be divided by the sum of those commitments reported to calculate its proportionate share of the net allocation. The net allocation is the amount remaining after deduction of the amounts charged under subsection (3) of this section from the total allocated to all political subdivisions.

(b) The ~~((proportionate share))~~ percentage ~~((of))~~ calculated for each reporting political subdivision will be applied to the total due from all political subdivisions required to report to determine their respective fees~~((:~~

~~((6) The fee for a political subdivision that fails to report as required will be determined as follows:~~

~~((a))): Provided, That the fee charged under this subsection shall be no less than the highest flat fee charged to a political subdivision in subsection (3) of this section.~~

(c) When a political subdivision fails to report as required by this section, the net allocation will be further reduced by an amount calculated as follows:

(i) The number of political subdivisions reporting will be divided by the total number of political subdivisions required to report at that time.

~~((b)) (ii) The resulting percentage will be used to calculate the ~~((amount of the total))~~ portion of the net allocation due from the political subdivisions which is to be apportioned among those who ~~((report))~~ reported. The balance of the ~~((total))~~ net allocation will be charged equally among those who fail to report.~~

~~((7)) (5) After the initial billing, which will include the total amount~~((s))~~ due for the ~~((number of full quarters))~~ biennium beginning July 1, ~~((1993))~~ 1997, the office will mail invoices on a quarterly basis one month before the start of each quarter for the outstanding balance at that time. Payments shall be due within thirty calendar days after receipt of the invoice.~~

~~((8) As the number of reporting political subdivisions changes, the amounts due from each for the remaining quarters in a biennium will be recalculated.)~~

WSR 97-17-049
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed August 15, 1997, 8:05 a.m.]

Date of Adoption: July 19, 1997.

Purpose: To extend the period of time an individual may function as a nurse technician to 90 days rather than 30 days and to provide for housekeeping changes to WAC 246-840-860 Nursing technician criteria.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-839-860.

Statutory Authority for Adoption: RCW 18.79.160.

Adopted under notice filed as WSR 97-12-030 on May 30, 1997.

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 1, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 4, 1997
Patty Hayes
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-839-860 Nursing technician criteria.

NEW SECTION

WAC 246-840-860 Nursing technician criteria. To be eligible for employment as a nursing technician a student must meet the following criteria:

(1) Satisfactory completion of at least one academic term (quarter or semester) of a nursing program approved by a commission or board of nursing (ADN, diploma, or BSN). The term must have included a clinical component.

(2) Currently enrolled in a nursing commission approved program will be considered to include:

(a) All periods of regularly planned educational programs and all school scheduled vacations and holidays.

(b) The period of time of notification to the commission of completion of nursing education, following graduation and application for examination, not to exceed ninety days from the date of graduation.

(c) Current enrollment will not be construed to include:

(i) Leaves of absence or withdrawal, temporary or permanent, from the nursing educational program.

(ii) Students enrolled in nursing department classes who are solely enrolled in academic nonnursing supporting course work, whether or not those courses are required for the nursing degree.

(iii) Students who are awaiting the opportunity to reenroll in nursing courses.

WSR 97-17-050
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed August 15, 1997, 8:20 a.m.]

Date of Adoption: August 7, 1997.

Purpose: Establishes fee amounts for transfer of a license and renewal of a certified trainer's license. Adopts brief adjudicative hearings, deletes outdated information, and updates physical office address for the licensing program.

Citation of Existing Rules Affected by this Order: Amending WAC 308-18-020, 308-18-030, 308-18-100, 308-

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18-110, 308-18-120, 308-18-140, 308-18-150, 308-18-170, 308-18-240, and 308-18-300.

Statutory Authority for Adoption: RCW 18.170.180(1).

Other Authority: RCW 43.24.086, 34.05.482.

Adopted under notice filed as WSR 97-13-081 on June 18, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-18-030(6) revised for clarity.

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 10, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 10, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 3, amended 10, 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.

August 14, 1997

L. Bremer

Assistant Director

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-020 Organization. The principal location of the private security guard licensing program is at ~~((2424 Bristol Court))~~ **405 Black Lake Boulevard S.W.**, Olympia, Washington 98504. The department of licensing administers the Washington private security guard license law, chapter 18.170 RCW. Submissions and requests for information regarding private security guard company licenses, private security guard licenses, and armed private security guard licenses may be sent in writing to the Private Security Guard Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507-9045.

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.170 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private security guard company.

(3) "Principal partner" means the partner who exercises operational control over a private security guard company.

(4) "Certified trainer" means a principal or a licensed private security guard or armed private security guard who has fulfilled the requirements of WAC 308-18-320.

(5) "Other item of equipment" in RCW 18.170.170(7), shall include the license card issued by the director to a private security guard or armed private security guard.

(6) "Qualifying agent" means the person who officially represents a private security guard company in obtaining a license to operate and who meets the qualifications of RCW 18.170.060. The qualifying agent of a corporation or a partnership must be authorized to operate and represent the corporation or partnership as a legal agent, such as a managing officer, agent, employee or partner.

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-100 Company applications—Conditions. Any person desiring to be licensed as a private security guard company must substantiate the experience requirements in RCW 18.170.060, or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay a nonrefundable fee or fees as prescribed by WAC 308-18-150.

(2) If the applicant is the qualifying agent of a corporation, he or she shall furnish a certified copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualifying agent of a foreign corporation, he or she shall furnish a certified copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a partnership or limited partnership, each partner shall apply and furnish their addresses.

(3) When a license is issued to a principal owner he or she shall act as the principal of the company without the payment of additional license fees. When a license is issued to a corporation the qualifying agent shall act as the principal of the company without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the principal of the company without the payment of additional fees.

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-110 Private security guard applications—Conditions. Any person desiring to be a private security guard shall make application for a license on a form prescribed by the director and pay a nonrefundable fee as prescribed by WAC 308-18-150. ~~((Applicants who are employed by private security guard companies whose company license was issued prior to January 1, 1992, shall make application during the time period as follows:~~

~~(1) Applicants whose last name begins with A through F shall apply during the month of February 1992.~~

~~(2) Applicants whose last name begins with G through L shall apply during the month of March 1992.~~

~~(3) Applicants whose last name begins with M through R shall apply during the month of April 1992.~~

~~(4) Applicants whose last name begins with S through Z shall apply during the month of May 1992.~~

~~Applicants need not fulfill the preassignment training requirements specified in WAC 308-18-300 if he or she, prior to June 30, 1992, provides proof to the director that he or she previously has met the training requirements and passed the preassignment training test or has been employed as a private security guard or armed private security guard continuously since January 1, 1991. The company principal or a certified trainer shall attest on the application that the applicant has passed the preassignment training test or has been continuously employed since January 1, 1991.)~~

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-120 Armed private security guard applications—Conditions. Any person desiring to be an armed private security guard shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director, and pay a nonrefundable fee as prescribed by WAC 308-18-150.

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-140 Private security guard temporary registration card—Conditions. Only those temporary registration cards provided by the department and preprinted with an assigned number and the company's name and address may be used. A private security guard temporary registration card issued by a private security guard company, as authorized by RCW 18.170.090, shall show, as a minimum, the following information:

- ~~(1) ((A preprinted number issued by the company.~~
- ~~(2) Company name.~~
- ~~(3)) Private security guard name.~~
- ~~((4)) (2) Date of issue.~~
- ~~((5)) (3) Date of expiration.~~
- ~~((6)) (4) Name and signature of the certified trainer.~~

AMENDATORY SECTION (Amending WSR 93-11-025, filed 5/7/93, effective 7/1/93)

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	35.00
<u>Transfer fee</u>	<u>20.00</u>
Certified trainer examination/ reexamination	25.00
<u>Certified trainer renewal</u>	<u>15.00</u>
License renewal	25.00

Late renewal with penalty	30.00
Certification	25.00
Armed private security guard:	
Original license	15.00
<u>Transfer fee</u>	<u>20.00</u>
Certified trainer examination/ reexamination	25.00
<u>Certified trainer renewal</u>	<u>15.00</u>
License renewal	25.00
Late renewal with penalty	30.00
Certification	25.00

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-170 Inactive license. (1) Any license issued under chapter 18.170 RCW and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to chapter 18.170 RCW.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated ~~((by))~~ and renewed within one year of the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

(4) The provisions of chapter 18.170 RCW relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

NEW SECTION

WAC 308-18-180 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request for the categories of matters set forth below or at the discretion of the director pursuant to RCW 34.05.482. If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter is limited solely to one or more of the following issues:

(1) A determination whether an applicant for a license meets the minimum criteria for a license to practice as a security guard in this state and the department proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) A determination whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal; and

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(5) A determination whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service-conditional scholarship.

NEW SECTION

WAC 308-18-185 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

- (a) The application for the license, renewal, or approval and all associated documents;
- (b) All documents relied upon by the program in proposing to deny the application, renewal, or approval; and
- (c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

- (a) The previously issued final order or agreement;
- (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
- (c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and
- (d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

- (a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or
- (b) A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-18-190 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-240 Required records. The minimum records the principal of a private security guard company shall be required to keep are:

- (1) Preassignment training and testing records for each private security guard.
- (2) ~~((Prenumbered))~~ Private security guard temporary registration card ledger showing the department-supplied registration number, applicant's name, date of issue, date of expiration and date card was forwarded to the director.

These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-300 Minimum preassignment training and testing requirements. (1) The preassignment training required by RCW 18.170.100, shall include as a minimum:

- (a) Basic security.
 - (i) Role of the security officer.
 - (ii) Typical assignments and tasks.
 - (iii) Observation.
 - (iv) Patrol.
 - (v) Proper actions.
- (b) Legal powers and limitations.
 - (i) Citizens arrest.
 - (ii) Authority to detain, question, or search a private citizen.
 - (iii) Authority to search or seize private property.
 - (iv) Use of force.
 - (v) Relationship with law enforcement.
 - (vi) Avoiding liability.
- (c) Emergency response.
 - (i) How to contact police, fire, and medical response services.
 - (ii) How to define what is or is not an emergency situation.
 - (iii) Response to fires.
 - (iv) Response to medical emergencies.
 - (v) Response to criminal acts.
 - (vi) Assisting emergency services personnel.
 - (vii) Bomb threats.
- (d) Safety and accident prevention.
 - (i) Observation and reporting of unsafe conditions.
 - (ii) Accident hazards.
 - (iii) Fire hazards.
 - (iv) Hazardous materials.
 - (v) Safety rules and regulations.
 - (vi) Accident reporting.
 - (e) Report writing.

- (i) Why write a report.
- (ii) Elements of a report.
- (iii) Proper times, names, and location descriptions.
- (iv) Giving physical descriptions.
- (v) Fact versus opinion or assumption.
- (vi) Penmanship.
- (vii) Changes to a report.
- (viii) Reports as legal documents.
- (f) Public relations.
 - (i) Public relations skills.
 - (ii) Principles of good communication.
 - (iii) Proper telephone procedure.
 - (iv) Listening.
 - (v) Avoiding confrontation.
 - (vi) Dealing with the media.

(2) The minimum time each private security guard candidate must spend in preassignment training is at least four hours. The time spent on each required topic may vary providing the time for all required topics totals four hours and the four hours is devoted solely to the topics designated.

(3) All private security guard applicants, after receiving preassignment training and prior to receiving their license, must successfully complete a test designed to demonstrate their understanding and retention of the information learned in the training course. This test shall consist of a minimum of thirty multiple choice questions based on the training topics outlined above. Test results must be verified and signed by a certified trainer. All applicants must answer all questions correctly on the private security guard preassignment training test. Questions incorrectly answered initially must be reviewed to insure the applicant's understanding and then initialed by both the applicant and the certified trainer verifying knowledge of the correct answer(s).

WSR 97-17-051
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed August 15, 1997, 8:22 a.m.]

Date of Adoption: August 7, 1997.

Purpose: Establishes fee amounts for transfer of a license and renewal of a certified trainer's license. Adopts brief adjudicative hearings, deletes outdated information, and updates physical office address for the licensing program.

Citation of Existing Rules Affected by this Order: Amending WAC 308-17-010, 308-17-020, 308-17-030, 308-17-100, 308-17-105, 308-17-110, 308-17-120, 308-17-130, 308-17-140, 308-17-150, 308-17-160, 308-17-165, 308-17-170, 308-17-205, 308-17-210, 308-17-230, 308-17-240, 308-17-300, 308-17-310, and 308-17-320.

Statutory Authority for Adoption: RCW 18.165.170(1).

Other Authority: RCW 43.24.086, 34.05.482.

Adopted under notice filed as WSR 97-13-080 on June 18, 1997.

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 20, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, amended 20, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 3, amended 20, 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.

August 14, 1997

L. Bremer
 Assistant Director

Chapter 308-17 WAC
PRIVATE ((~~DETECTIVE~~)) INVESTIGATIVE
AGENCIES AND PRIVATE ((~~DETECTIVES~~))
INVESTIGATORS

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-010 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by RCW 18.165.170, does hereby promulgate the following rules and regulations relating to the licensing of private ((~~detective~~)) investigative agencies, private ((~~detectives~~)) investigators and armed private ((~~detectives~~)) investigators.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-020 Organization. The principal location of the private ((~~detective~~)) investigator licensing program is at ((~~2424 Bristol Court~~)) 405 Black Lake Boulevard SW, Olympia, Washington 98504. The department of licensing administers the Washington private ((~~detective~~)) investigator license law, chapter 18.165 RCW. Submissions and requests for information regarding private ((~~detective~~)) investigative agency licenses, private ((~~detective~~)) investigator licenses, and armed private ((~~detective~~)) investigator licenses may be sent in writing to the Private ((~~Detective~~)) Investigator Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507-9045.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.165 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private ((~~detective~~)) investigative agency.

(3) "Principal partner" means the partner who exercises operational control over a private ((~~detective~~)) investigative agency.

(4) "Certified trainer" means a principal or a licensed private ((~~detective~~)) investigator or armed private ((~~detective~~)) investigator.

five)) investigator who has fulfilled the requirements of WAC 308-17-320.

(5) "Company identification" in RCW 18.165.160(6), shall include the license card issued by the director to a private ~~((detective))~~ investigator or armed private ~~((detective))~~ investigator.

(6) "Fire investigator or arson investigator" is anyone who qualifies for certification and has certification by the International Association of Arson Investigators; the National Association of Fire Investigators; or any organization or government body that has a certification program that meets all the requirements of NFPA 1033.

(7) "Address of record" is a physical street address.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-100 Agency applications—Conditions. Any person desiring to be licensed as a private ~~((detective))~~ investigative agency must substantiate the experience requirements in RCW 18.165.050, or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay a nonrefundable fee or fees as prescribed by WAC 308-17-150.

(2) If the applicant is the qualifying agent of a corporation, he or she shall furnish a certified copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualifying agent of a foreign corporation, he or she shall furnish a certified copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a partnership or limited partnership, each partner shall apply and furnish their addresses.

(3) When a license is issued to a principal owner he or she shall act as the principal of the agency without the payment of additional license fees. When a license is issued to a corporation the qualifying agent shall act as the principal of the agency without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the principal of the agency without the payment of additional fees.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-105 Branch office notification—Conditions. A principal of a private ~~((detective))~~ investigative agency shall notify the director of the addresses of all branch offices under the same name as the main office as a part of the agency application. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. The principal shall notify the director by mail, within thirty days, of any changes to branch office addresses to include additions or deletions of branches.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-110 Private ~~((detective))~~ investigator applications—Conditions. Any person desiring to be a private ~~((detective))~~ investigator shall make application for a license on a form prescribed by the director and pay a nonrefundable fee as prescribed by WAC 308-17-150. ~~((Applicants who are employed by private detective agencies whose agency license was issued prior to January 1, 1992, shall make application during the time period as follows:~~

~~(1) Applicants whose last name begins with A through F shall apply during the month of February 1992.~~

~~(2) Applicants whose last name begins with G through L shall apply during the month of March 1992.~~

~~(3) Applicants whose last name begins with M through R shall apply during the month of April 1992.~~

~~(4) Applicants whose last name begins with S through Z shall apply during the month of May 1992.~~

~~Applicants need not fulfill the preassignment training requirements specified in WAC 308-17-300 if he or she, prior to June 30, 1992, provides proof to the director that he or she previously has met the training requirements and passed the preassignment training test or has been employed as a private detective or armed private detective continuously since January 1, 1991. The agency principal or a certified trainer shall attest on the application that the applicant has passed the preassignment training test or has been continuously employed since January 1, 1991.)~~

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-120 Armed private ~~((detective))~~ investigator applications—Conditions. Any person desiring to be an armed private detective shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director, and pay a nonrefundable fee as prescribed by WAC 308-17-150.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-130 Application for private ~~((detective))~~ investigator and armed private ~~((detective))~~ investigator license, licensed in another state—Conditions. Any person applying for a private ~~((detective))~~ investigator or armed private ~~((detective))~~ investigator license who holds a valid license, registration, identification, or similar card issued by another state that the director has determined has selection, training, and other requirements at least equal to those required by chapter 18.165 RCW shall make application on a form prescribed by the director, pay the fee as prescribed by WAC 308-17-150 for a private ~~((detective))~~ investigator or armed private ~~((detective))~~ investigator license, and submit evidence of licensure in another state by a license verification form completed by an administrative officer of the licensure authority of such state.

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AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-140 Comments by chief law enforcement officers and employers. If comments required by RCW 18.165.070(3), are not received by the department within ten working days from the forwarding date, the permanent license for a private ~~((detective))~~ investigator shall be issued if he or she is otherwise qualified.

AMENDATORY SECTION (Amending WSR 93-16-060, filed 7/29/93, effective 9/1/93)

WAC 308-17-150 Private ~~((detective))~~ investigative agency, private ~~((detective))~~ investigator, and armed private ~~((detective))~~ investigator 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 ((detective)) <u>investigative agency:</u>	
Application/examination	\$350.00
Reexamination	25.00
License renewal	275.00
Late renewal with penalty	350.00
Certification	25.00
Private ((detective)) <u>investigator:</u>	
Original license	75.00
<u>Transfer fee</u>	<u>25.00</u>
Certified trainer examination/ reexamination	25.00
<u>Certified trainer renewal</u>	<u>15.00</u>
License renewal	75.00
Late renewal with penalty	100.00
Certification	25.00
Armed private ((detective)) <u>investigator:</u>	
Original license	50.00
<u>Transfer fee</u>	<u>25.00</u>
Certified trainer examination/ reexamination	25.00
<u>Certified trainer renewal</u>	<u>15.00</u>
License renewal	75.00
Late renewal with penalty	100.00
Certification	25.00

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-160 Expiration and renewal of licenses. Licenses issued to private ~~((detectives))~~ investigators and armed private ~~((detectives))~~ investigators expire one year from the date of issuance which date will be the renewal date. Licenses issued to private ~~((detective))~~ investigative agencies expire one year from the date of issuance which date will be the renewal date, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the agency license issued to the corporation shall expire on that date. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-17-150 must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-17-150 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be cancelled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-165 Private ~~((detective))~~ investigator and armed private ~~((detective))~~ investigator— Termination of services. A person licensed as a private ~~((detective))~~ investigator or armed private ~~((detective))~~ investigator may perform duties and activities as licensed only under the direction and supervision of a licensed agency principal and as a representative of such principal. This relationship may be terminated unilaterally by either the company principal or private ~~((detective))~~ investigator or armed private ~~((detective))~~ investigator. Notice of such termination shall be by the agency principal to the director without delay and such notice shall be accompanied by, and include the surrender of, the private ~~((detective))~~ investigator or armed private ~~((detective))~~ investigator license held by the agency. Notice of termination shall be provided by signature of the agency principal, or a person authorized by the principal to sign for such principal, on the surrendered license. The termination date shall be the postmark date or date the license is hand delivered to the department. If the license held by the agency cannot be surrendered to the department because the license has been lost, the agency principal or authorized representative shall complete and submit an affidavit of lost license on a form provided by the department.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-170 Inactive license. (1) Any license issued under chapter 18.165 RCW and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to chapter 18.165 RCW.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated ~~((by))~~ and renewed within one year of the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

(4) The provisions of chapter 18.165 RCW relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license,

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except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

NEW SECTION

WAC 308-17-180 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482 for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) A determination whether an applicant for a license meets the minimum criteria for a license to practice as a private investigator in this state and the department proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) A determination whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal; and

(5) A determination whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service-conditional scholarship.

NEW SECTION

WAC 308-17-185 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the program in proposing to deny the application, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

NEW SECTION

WAC 308-17-190 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceeding shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-205 Filing of licenses. Licenses of all private (~~detectives~~) investigators and armed private (~~detectives~~) investigators shall be on file in the office located at the address appearing on the individual license.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-210 Change of office location. The principal of a private (~~detective~~) investigative agency shall notify the department of the change of location and mailing address of the agency office within ten working days by filing a completed change of address application with the department.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-230 Complaint notification. Every licensee shall, within twenty days after service or knowledge thereof, notify the private (~~detective~~) investigator program manager of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-240 Required records. The minimum records the principal of a private ((~~detective~~)) investigative agency shall be required to keep are preassignment training and testing records for each private ((~~detective~~)) investigator. These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-300 Minimum preassignment training and testing requirements. (1) The preassignment training required by RCW 18.165.090, shall include as a minimum four hours of training covering the following areas:

- (a) Legal powers and limitations.
 - (i) Representation and misrepresentation.
 - (A) How to properly identify yourself.
 - (B) Misrepresentation defined.
 - (C) Problems/liability arising out of misrepresentation.
 - (ii) Powers of arrest.
 - (A) Laws pertaining to arrest by private citizen.
 - (B) Probable cause.
 - (C) Potential liability resulting from false arrest claim.
 - (b) Evidence.
 - (i) Definition.
 - (A) Written.
 - (B) Recorded.
 - (C) Material.
 - (ii) Marking.
 - (iii) Storage.
 - (iv) Chain of custody documentation.
 - (c) Report writing.
 - (i) Elements of a report.
 - (ii) Fact versus opinion or assumption.
 - (iii) Penmanship.
 - (d) Courtroom testimony.
 - (i) Expert witnesses.
 - (ii) Manufacturing evidence.
 - (iii) Perjury.
 - (iv) Discovery.
 - (e) Confidentiality/privilege.
 - (f) Federal, state, county, and municipal court systems.
 - (g) Common sources of public information.
 - (i) Court docket information.
 - (ii) U.S. Postal Service.
 - (iii) Voter registration.
 - (iv) Credit reporting agencies.
 - (v) Department of licensing.
 - (vi) Private sources.
 - (h) Frequent activities in violation of criminal statutes.
 - (i) Privacy laws: Electronic surveillance.
 - (i) Chapter 9.73 RCW privacy violations.
 - (ii) U.S. Code violations.
 - (iii) Appellate court decisions.
 - (A) Explanation of privacy.
 - (B) Video/photography.
 - (C) Tracking transmissions.
 - (j) Fair Credit Reporting Act.
 - (i) Permissible purposes of reports.

(ii) Obtaining information under false pretenses.

(2) The minimum time each private ((~~detective~~)) investigator candidate must spend in preassignment training is four hours. The time spent on each required topic may vary providing the time for all required topics totals four hours and the four hours is devoted solely to the topics designated.

(3) All private ((~~detective~~)) investigator applicants, after receiving preassignment training and prior to receiving their license, must successfully complete a test designed to demonstrate their understanding and retention of the information learned in the training course. This test shall consist of a minimum of thirty multiple questions based on the training topics outlined above. Test results must be verified and signed by a certified trainer. All applicants must answer all questions correctly on the private ((~~detective~~)) investigator preassignment training test. Questions incorrectly answered initially must be reviewed to insure the applicant's understanding and then initialed by both the applicant and the certified trainer verifying knowledge of the correct answer(s).

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-310 Private ((~~detective~~)) investigative agency principal examination requirements. (1) All principals of an agency who do not meet the experience requirements required by RCW 18.165.050, must pass an examination demonstrating their knowledge and proficiency in the following areas:

- (a) All topics contained in the private ((~~detective~~)) investigator preassignment training course.
- (b) Washington state law as it applies to private ((~~detective~~)) investigator licensing and regulation.
- (c) Legal liability for employee actions pertaining to the private ((~~detective~~)) investigative industry.
- (d) The Federal Freedom of Information Act (5 U.S.C. 552).
- (e) The Federal Privacy Act (5 U.S.C. 522A).
- (f) The Washington state Public Disclosure Act (chapter 42.17 RCW).
- (g) Communication skills.

(2) The examination shall consist of a minimum of fifty questions based on information in the above required areas. A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of seven days before reexamination.

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-320 Certification of preassignment training trainers. An individual must successfully score at least ((~~eighty-five~~)) ninety percent on the agency principal examination and have three years investigative experience to become a certified trainer. Individuals who fail to obtain ((~~an eighty-five~~)) a ninety percent score will be required to wait a minimum of seven days before reexamination. There is no limit on the number of certified trainers an individual private ((~~detective~~)) investigative agency may have certified.

WSR 97-17-052
PERMANENT RULES
WESTERN WASHINGTON UNIVERSITY

[Filed August 15, 1997, 11:20 a.m.]

Purpose: Update regulations.

Citation of Existing Rules Affected by this Order:

Amending chapter 516-12 WAC.

Statutory Authority for Adoption: RCW 28B.35.120.

Adopted under notice filed as WSR 97-11-025 on May 14, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 12, 1997

Gloria A. McDonald
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-14-006, filed 6/20/96, effective 7/21/96)

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~~) Intercession or quarter breaks are not considered holidays. See definition of (~~intercession~~) intercession.

(10) (~~Intercession~~) 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": The person appointed parking manager 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 buttons.

(18) "Permit": Any special or temporary parking permit authorized by the parking manager.

(19) "President": The president of Western Washington University.

(20) "Prohibited area": An area in which vehicular traffic 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) (~~"Transportation and parking department": The transportation and parking department~~) "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, 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 Resolution No. 85-05, filed 7/2/85)

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 is the responsibility of the parking manager. Moving violations are the responsibility of the director of public safety.

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(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 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 under this chapter may be delegated by the parking manager to other personnel within ~~((the transportation and))~~ parking ~~((department))~~ 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 Order 92-01, filed 3/3/92, effective 3/31/92)

WAC 516-12-430 General regulations. (1) The registered owner(s) and ~~((the))~~ 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), 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.

(4) If a parking permit holder cannot locate a parking space in the assigned lot, he/she may park in the nearest visitor area 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 ~~((the transportation and))~~ parking ~~((department))~~ 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. 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. 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 Resolution No. 85-05, filed 7/2/85)

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 ~~((the transportation and))~~ parking ~~((department))~~ 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 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, 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 business permits may be issued by the parking manager. Requests for all lots decals require annual written justification 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 (~~transportation and~~) 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.)

(8) All permits are the property of the university and may be recalled by the parking manager 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 (~~for each year beginning September 15 and ending September 14~~) will be available according to a schedule determined and publicized by the parking manager.

(a) Annual permits are valid for 12 months(~~from September 15 through September 14~~).

(b) Academic permits are valid for 9 months(~~from September 15 through June 14~~).

(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. 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.

(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 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 96-14-006, filed 6/20/96, effective 7/21/96)

WAC 516-12-460 Fees. (1) Fee 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. 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.

(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 ~~((and a visitor parking fee will be charged)).~~

(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 ~~((516-12-450(5)))~~ 516-12-470(4).

(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 96-14-006, filed 6/20/96, effective 7/21/96)

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.

(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 ~~((and resort to one or more will not waive or impair the university's right to use any other enforcement measure))~~ using one or more enforcement measures will not prohibit the use of additional measures.

~~((h) The fine and penalty for illegal possession of a lost or stolen permit will be a fine equal to the original value of the highest priced period plus \$5.00 and revocation of parking privileges for a period of one year.))~~

(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, ~~((intercessions are))~~ 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))~~ Intercession regulations will be determined and published by the parking manager 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.

(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.

~~((f) During the following periods of time special conditions exist, and the regulations are modified.~~

~~((i) Permits are not required in C lots or R lots at the start of each quarter from Monday of registration week until the first day of classes, at which time permits are required in all lots. C and R lots are also open during intercession between quarters.~~

~~((ii) Permits are not required in R (student resident) lots during final exam week of each quarter.))~~

(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.

(c) "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.

(c) \$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. (~~Display of lost, stolen or forged permit.~~)
 - (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.
 - ~~((i) Payment of citations is due upon receipt.)~~
- (5) Continued violations. A vehicle which remains in violation of any regulations may receive additional citations for every four hours of the violation.
- (6) 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 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) 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 (~~successful~~) approved.

(7) 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);

(h) In service entrances, construction sites, spaces reserved for maintenance vehicles, handicapped access areas, dumpster access;

(i) On lawns, sidewalks, crosswalks, parking lot driveways, 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) Payment of citations is due upon receipt.

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

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.

(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 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 or designee and after the appealed citation has been paid in full.

WSR 97-17-060

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed August 18, 1997, 8:20 a.m.]

Date of Adoption: September 16, 1997.

Purpose: To repeal chapter 204-64 WAC, Quartz halogen headlamps, which is completely covered in WAC 204-10-020 (2)(a), which adopts the Federal Motor Vehicle Safety Standard 108 or the Canadian standard D106.2 for quartz halogen headlamps.

Citation of Existing Rules Affected by this Order: Repealing chapter 204-64 WAC, Quartz halogen headlamps.

Statutory Authority for Adoption: RCW 46.37.005.

Adopted under Preproposal Statement of Inquiry filed as WSR 97-14-040 on June 27, 1997.

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 1; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 15, 1997

Annette M. Sandberg

Chief

WSR 97-17-061

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed August 18, 1997, 8:22 a.m.]

Date of Adoption: September 16, 1997.

Purpose: To repeal chapter 204-48 WAC, Tires, which is completely covered in RCW 46.37.420, [46.37.]423, [46.37.]424, and [46.37.]425, making the WAC redundant.

Citation of Existing Rules Affected by this Order: Repealing chapter 204-48 WAC, Tires.

Statutory Authority for Adoption: RCW 46.37.005.

Adopted under Preproposal Statement of Inquiry filed as WSR 97-14-041 on June 27, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 15, 1997

Annette M. Sandberg

Chief

WSR 97-17-062

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed August 18, 1997, 8:37 a.m.]

Date of Adoption: August 18, 1997.

Purpose: To repeal rules that are no longer necessary.

Citation of Existing Rules Affected by this Order: Repealing chapters 308-76 and 308-95 WAC, WAC 308-72-506, 308-72-510, 308-72-543, 308-77-030, 308-77-090, 308-20-160, and 308-20-500.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under Preproposal Statement of Inquiry filed as WSR 97-13-026 on June 10, 1997.

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 18.

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 18.

Effective Date of Rule: Thirty-one days after filing.

August 18, 1997

Walt Fahrer

Rules Coordinator

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WSR 97-17-064
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 18, 1997, 10:54 a.m.]

Date of Adoption: August 18, 1997.

Purpose: Repeal of rules using the expedited rule repeal process.

Citation of Existing Rules Affected by this Order: Repealing chapters 296-10 and 296-129 WAC, and WAC 296-126-140.

Adopted under Preproposal Statement of Inquiry filed as WSR 97-13-034 on June 13, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 18, 1997

Gary Moore

Director

by Mike Watson

WSR 97-17-082
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 97-16—Filed August 19, 1997, 12:32 p.m.]

Date of Adoption: August 19, 1997.

Purpose: To repeal chapter 173-90 WAC, Standards and limitations on the use of clean water funds for pollution abatement, because the rule is no longer necessary due to changed circumstances. All funds impacted by this rule have been expended.

Citation of Existing Rules Affected by this Order: Repealing chapter 173-90 WAC, Standards and limitations on the use of clean water funds for pollution abatement.

Adopted under Preproposal Statement of Inquiry filed as WSR 97-13-043 on June 13, 1997.

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 7.

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.

August 19, 1997

Tom Fitzimmons

Director

WSR 97-17-096
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed August 20, 1997, 9:44 a.m.]

Date of Adoption: August 20, 1997.

Purpose: Amend chapter 16-532 WAC to change the assessment and collection procedures of the Hop Board and add new hop varieties to labeling requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 16-532-010, 16-532-040, 16-532-110, and 16-532-120.

Statutory Authority for Adoption: RCW 15.65.050.

Adopted under notice filed as WSR 97-09-095 on April 23, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 4, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 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 4, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1997

Jim Jesernig

Director

AMENDATORY SECTION (Amending WSR 96-15-139, filed 7/24/96, effective 8/24/96)

WAC 16-532-010 Definitions. For the purpose of this marketing order:

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

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

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(5) "Affected producer" or "producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

(10) "Processed" means and includes all hops which are converted into pellets, extracts, oils, lupulin, and/or other forms, including hops which are frozen in undried form, but excluding whole, dried hop cones, whether loose or baled.

(11) "Marketing season" means the twelve month period beginning with January 1 of any year and ending December 31, both dates being inclusive.

~~((14))~~ (12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

~~((12))~~ (13) "Affected area" means the state of Washington.

~~((13))~~ (14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

~~((14))~~ (15) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.

~~((15))~~ (16) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington grown hops.

~~((16))~~ (17) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

~~((17))~~ (18) "Affiliate" as used in these rules, means a corporation, limited liability company, partnership, or other entity in common ownership with a producer or producer-handler.

AMENDATORY SECTION (Amending Order 5077, filed 8/23/95, effective 9/23/95)

WAC 16-532-040 Assessments and collections. (1) **Assessments.**

(a) The annual assessment on all varieties of hops shall be two dollars and fifty cents per affected unit.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment; or

(iii) Require the person subject to the assessment to remit assessments for any hops which are processed prior to the first sale; or

(iv) Require the person subject to the assessment to remit an inventory report for any hops which are not processed or sold prior to December 31 of the year in which they are produced.

(c) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

AMENDATORY SECTION (Amending WSR 92-09-068, filed 4/14/92, effective 5/15/92)

WAC 16-532-110 Requirements for collection of assessments. (1) Assessments on all hops marketed or processed shall be paid at the rate specified in WAC 16-532-040 to the hop commodity board (commission) by the first handler receiving or handling such hops for or from a producer, or by the producer if processing occurs before the first sale. Such assessments shall be deducted from the payment to be made by such handler to the producer.

(2) Payment of such assessment shall be due and payable on the tenth day of the second calendar month following the receiving or delivery to said first handler or

the assumption of control of a producer's hops, or following the date of processing, if processed prior to the first sale, by said first handler or producer.

(3) An inventory report on all hops which are not marketed or processed prior to December 31 of the year in which those hops are produced shall be submitted by the producer no later than January 31 of the following year.

(4) Any handler or producer failing to pay on or before the due date set forth for payment in this regulation, shall add ten percent to the total amount due as a cost for collection as prescribed in RCW 15.65.440.

AMENDATORY SECTION (Amending Order 5077, filed 8/23/95, effective 9/23/95)

WAC 16-532-120 Labeling. (1) Each lot of hops must be identified by the crop year produced, grower number and lot designation, and variety stenciled on each bale.

(a) A three-digit grower number will be assigned by the Washington hop commodity board (commission) prior to the annual harvest.

(b) The first marking will consist of the last digit of the crop year, the letter "G" and a hyphen, followed by the three-digit grower number and lot designation (example: 8G-000-01).

(c) The first marking shall be affixed on the head or top of the bale and shall be in characters approximately two inches high.

(d) The second marking will consist of the hop variety, utilizing the following abbreviations:

AQ - Aquila
 BA - Banner
 BG - Brewer's Gold
 CA - Cascade
 CN - Centennial
CE - Chelan
 CH - Chinook
 CL - Cluster
CS - Columbus
 CR - Crystal
 ER - Eroica
 EX - Experimental
 FU - Fuggle
 GA - Galena
GO - Golding
 HA - Hallertauer
 HE - Hersbrucker
 LI - Liberty
MG - Magnum
 MH - Mt. Hood
 NB - Northern Brewer
 NU - Nugget
 OL - Olympic
 OT - Other
 SA - Saaz
 SP - Spalter
SY - Symphony
 PE - Perle
 TE - Tettnanger
 UL - Ultra
VA - Vanguard
 WI - Willamette

(e) The second marking shall be affixed immediately below the first marking on the head or top of the bale, and shall be in characters approximately two inches high.

(2) In addition to any other brands, labels, stencils or other marks customarily used by hop handlers to identify their own trademarks, labels or firm names, all baled hops shall be branded, labeled, stenciled or marked with one distinctive identifying marking, defined or designated by the hop commodity board (commission), which shall identify the hops as having been grown in the state of Washington.

(a) This mark or identification shall be stenciled in letters at least one inch in height and shall read: "WASHINGTON," or "GROWN IN WASHINGTON," as prescribed by the hop commodity board (commission).

(b) This mark or identification shall be affixed in a suitable position on the head or top of the bale, in the area generally used by the federal/state inspectors to stencil their own identification mark and in the same general area where the grower's "G" number and variety identification are applied.

(c) At no time shall the said identification marking appear on the face or sides of the bales, as these areas are considered to be for the use of the dealer or handler for trademarks, shipping markings, bale numbers, firm insignias, etc.

(d) The approved identification marking shall be affixed by the federal/state inspector prior to the drawing of samples for federal/state inspection, and, no hops may be sampled for this purpose unless said markings have been affixed thereto in compliance with the regulations prescribed by the hop commodity board (commission).

(e) Handlers who offer hops for sale in foreign countries where only shipping markings are permitted on the bales or containers, may apply to the hop commodity board (commission) for permission to blot out or remove the identifying marking.

WSR 97-17-113
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed August 20, 1997, 11:56 a.m.]

Date of Adoption: August 15, 1997.

Purpose: To implement 1995 mental health legislation, update and clarify existing rules and implement new rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-810-050, 246-810-330, 246-810-331, 246-810-350, 246-810-360 - 246-810-366, 246-810-370, 246-810-380, 246-810-530, 246-810-541, 246-810-542, 246-810-550, 246-810-560 - 246-810-566, 246-810-570, 246-810-580, 246-810-730, 246-810-731, 246-810-741, 246-810-750, 246-810-760 - 246-810-766, 246-810-770 and 246-810-780; and amending WAC 246-810-010, 246-810-020, 246-810-030 - 246-810-032, 246-810-040, 246-810-060 - 246-810-066, 246-810-070, 246-810-080, 246-810-310, 246-810-320, 246-810-321, 246-810-332, 246-810-340, 246-810-510, 246-810-520, 246-810-521, 246-810-540, 246-810-720, 246-810-740, and 246-810-990.

Statutory Authority for Adoption: RCW 18.19.050(1).

Adopted under notice filed as WSR 97-13-099 on June 18, 1997.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-810-150, delete approved continuing education programs section and WAC 246-810-152, delete continuing education requirements section.

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 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 27, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 22, amended 27, repealed 39.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 23, amended 27, repealed 39.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 23, amended 27, repealed 39.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1997

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-010 Definitions. The following terms are defined within the meaning of this chapter.

(1) "Counselor" means and includes any registered counselor or registered hypnotherapist, certified marriage and family therapist, certified mental health counselor, or certified social worker regulated under chapter 18.19 RCW.

(2) "Certified counselor" means a certified marriage and family therapist, certified mental health counselor, or certified social worker regulated pursuant to chapter 18.19 RCW.

(3) "Department" means the department of health, whose address is:

Department of Health

Health Professions Quality Assurance Division

P.O. Box 47869

Olympia, Washington 98504-7869

(4) "Fee" as referred to in RCW 18.19.030 means compensation ((paid in exchange)) received by the counselor for counseling services ((whether or not the fee is paid on a contractual basis through a government agency or another third party, or is charged by a company, corporation, or any other type of firm, business, or individual provider)) provided, regardless of the source.

~~((2))~~ (5) "Hospital" means any health care institution licensed according to chapter 70.41 RCW.

(6) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(7) "Similarly regulated" as referred to in RCW 18.19.040(1) means individuals who are currently registered, certified, or licensed under other laws of this state wherein disciplinary standards defining acts of unprofessional conduct apply to each individual under the regulation.

~~((3)) "Therapeutic techniques" means the method of procedures used when assisting an individual with emotional, behavioral, or mental issues.~~

(4) ~~"Treatment" means assisting or attempting to assist an individual and does not include the initial assessment/evaluation.~~

(5) ~~"Counselor trainee" means any individual who is learning to be a counselor through on-the-job training while providing counseling services.~~

(6) ~~"Student" means any individual enrolled in a college or university who is taking part in a counseling practicum for course credit.~~

(7) ~~"Counselor intern" means any individual defined as a student.~~ (8) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-810-020 Expiration of registration or certification. (1) A registration or certification shall expire on the registered or certified ((practitioner's)) counselor's first birthdate following the date of initial issue ((at which time it will be subject to renewal)). If the counselor's next birthdate is within ninety days of the initial date of issue, the registration or certification will expire on the counselor's second birthdate following original issue. Thereafter, ((the registration or certification will be renewable at one year intervals,)) it is the responsibility of the counselor to renew each year on or no sooner than sixty days before, the birthdate of the registered or certified ((practitioner)) counselor.

(2) Before the expiration date of a registration or certification, a courtesy renewal notice is mailed to the address on file of every person holding a current registration or certification. The counselor is responsible for renewing the registration or certification, regardless of whether the counselor receives the courtesy notice.

(3) Any renewal postmarked or given to department staff after midnight on the expiration date is late and is subject to a late renewal penalty fee in addition to the annual renewal fee. There is no grace period.

(4) Practicing counseling with an expired or canceled registration or certification is unprofessional conduct as defined in RCW 18.130.180(7) and 18.130.190.

NEW SECTION

WAC 246-810-022 Current address. (1) All counselor or applicants and all registered or certified counselors must provide a current mailing address at the time of making application, reapplication, or renewal. The address may be either home or business.

(2) It is the responsibility of each counselor or applicant to notify the counselors section of the department of any change in the address provided to the department. Such notification may be made by telephone, fax or by mail, but it is the counselor's or applicant's responsibility to confirm that such a change has taken place.

(3) Nothing in this section shall relieve a counselor of responsibility to provide the department with a current address as required by WAC 246-01-100.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-030 Client disclosure information.

~~((The term "counselor" as used in the wording of these rules includes all counselors, hypnotherapists, marriage and family therapists, mental health counselors, and social workers, whether registered or certified.))~~

Counselors must provide disclosure information to each client in accordance with chapter 18.19 RCW prior to implementation of a treatment plan. The disclosure information must be specific to the type of counseling service offered; in language that can be easily understood by the client; and contain sufficient detail to enable the client to make an informed decision whether or not to accept treatment from the disclosing counselor.

Firms, agencies, or businesses ~~((may supply generic information relative to a counselor's disclosure to the client, in a format which does not duplicate disclosure information provided when))~~ having more than one counselor ((is)) involved in a client's treatment, may provide disclosure information general to that agency. In these cases, the counselor would not be required to duplicate the information disclosed by the agency.

The disclosure information ~~((must))~~ may be printed in a format ~~((selected by))~~ of the counselor's ~~((Whatever format is chosen))~~ choosing, but must include all required disclosure information per WAC 246-810-031.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-031 Required disclosure information.

(1) The following information shall be provided to each counseling client:

- (a) Name of firm, agency, business, or counselor's practice.
- (b) Counselor's business address and telephone number.
- (c) Washington state registration or certification number.
- (d) The counselor's name and type of counseling they provide.
- (e) The methods or techniques the counselor uses.
- (f) The counselor's education, training, and experience.
- (g) ~~((Client's cost per each counseling session and))~~ The course of treatment where known.

(h) Billing information, including:

(i) Client's cost per each counseling session;

(ii) Billing practices, including any advance payments and refunds.

(i) The following language must appear on every client's disclosure statement:

"Counselors practicing counseling for a fee must be registered or certified with the department of ~~((licensing))~~ health for the protection of the public health and safety. Registration of an individual with the department does not include a recognition of any practice standards, nor necessarily implies the effectiveness of any treatment."

~~((i))~~ (j) Clients are to be informed of the purpose of the Counselor Credentialing Act. The purpose of the law regulating counselors is: (A) To provide protection for public health and safety; and (B) to empower the citizens of the state of Washington by providing a complaint process

against those counselors who would commit acts of unprofessional conduct.

~~((j))~~ (k) Clients are to be informed that they as individuals have the right to choose counselors who best suit their needs and purposes. (This subsection is not intended to provide new rights by superseding those adopted by previous statutes.)

~~((k))~~ (l) Clients are to be informed of the extent of confidentiality provided by RCW 18.19.180 (1) through (6).

~~((l))~~ (m) Clients are to be provided a list of or copy of the acts of unprofessional conduct in RCW 18.130.180 with the name, address, and contact telephone within the department of ~~((licensing))~~ health.

(2) Signatures are required of both the counselor providing the disclosure information and the client following a statement that the client had been provided a copy of the required disclosure information and the client has read and understands the information provided. The date of signature by each party is to be included at the time of signing.

(3) The department of ~~((licensing))~~ health publishes a brochure for the education and assistance of the public. The department brochure may be photocopied and provided to each client ~~((as an option to satisfy))~~ in conjunction with the ~~((required))~~ disclosure information ~~((of subsection (1)(j) through (l) of))~~ required in this section. The brochure published by the department is insufficient, by itself, to meet the requirements of this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-032 Failure to provide client disclosure information. Failure to provide to the client any of the disclosure information as set forth in WAC ~~((308-190-040))~~ 246-810-030 and 246-810-031, and as required by the law shall constitute an act of unprofessional conduct as defined in RCW 18.130.180~~((24))~~ (7).

NEW SECTION

WAC 246-810-035 Recordkeeping and retention. (1)

The counselor providing professional services to a client or providing services billed to a third-party payor, shall document services, except as provided in subsection (2) of this section. The documentation shall include:

- (a) Client name;
- (b) The fee arrangement and record of payments;
- (c) Dates counseling was received;
- (d) Disclosure form, signed by counselor and client;
- (e) The presenting problem(s), purpose or diagnosis;
- (f) Notation and results of formal consults, including information obtained from other persons or agencies through a release of information;
- (g) Progress notes sufficient to support responsible clinical practice for the type of theoretical orientation/therapy the counselor uses.

(2) If a client requests that no treatment records be kept, and the counselor agrees to the request, the request must be in writing and only the following must be retained:

- (a) Client name;
- (b) Fee arrangement and record of payments;
- (c) Dates counseling was received;

- (d) Disclosure form, signed by counselor and client;
- (e) Written request that no records be kept.
- (3) The counselor must not agree to the request if maintaining records is required by other state or federal law.
- (4) All records must be kept for a period of five years following the last visit. Within this five-year period, all records must be maintained safely, with properly limited access.

Special provisions must be made for the retention or transfer of active or inactive records from clients last seen inside of five years; and for continuity of services in the event of a counselor going out of business, death or incapacitation. Such special provisions may be made in a will or by having another counselor review records with a client and recommend a course of action; or other appropriate means as determined by the counselor.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-040 Reporting of suspected abuse or neglect of a child, dependent adult, or a developmentally disabled person. As required by chapter 26.44 RCW, all ~~((hypnotherapists and))~~ counselors ~~((, registered or certified, shall))~~ must report abuse or neglect of a child, dependent adult, or developmentally disabled person when they have reasonable cause to believe that such an incident has occurred.

The report shall be made to the local law enforcement agency or to the department of social and health services at the first opportunity, but no longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

NEW SECTION

WAC 246-810-045 Fees paid in advance. (1) Any practice of collecting fees in advance, as well as refund policies, must be disclosed in accordance with WAC 246-810-031 to the client before any funds are collected.

(2) Counselors who collect fees in advance of the service provided must separate such funds from operating/expense funds. Failure to properly account for such funds may be a violation of the Securities Act, RCW 21.20.005. These fees may not be expended by the counselor until such time as the service is provided. Any funds left in the account, for which services were not rendered, must be returned to the client within thirty days of the request by the client for return of the funds.

(3) Room rental fees or similar expenses (i.e., as relates to group therapy), are not considered fees paid in advance.

NEW SECTION

WAC 246-810-049 Sexual misconduct. (1) A counselor shall not engage in sexual contact or sexual activity with current clients.

(2) Counselors shall not accept as patients or clients individuals with whom they have engaged in sexual contact or activity.

(3) A counselor shall not engage in sexually harassing or demeaning behavior with clients.

(4) Sexual contact or activity with a client, or an individual who has been a client within the past two years, constitutes unprofessional conduct.

(5) Counselors shall never engage in sexual contact or activity with former clients, if such contact or activity involves the abuse of the counselor-client relationship.

(a) The department may consider the following factors in evaluating if the counselor-client relationship has been abusive:

(i) The amount of time that has passed where there is no contact of any kind between counselor and client since therapy terminated;

(ii) The nature and duration of the therapy;

(iii) The circumstances of cessation or termination of therapy;

(iv) The client's personal history;

(v) The client's current mental status, emotional dependence and vulnerability;

(vi) The likelihood of adverse impact on the client and others; and

(vii) Any statements or actions made by the counselor during the course of therapy suggesting or inviting the possibility of a post termination sexual or romantic relationship with the client.

(b) If a counselor engages in sexual contact or activity with a client more than two years after the last therapeutic session, the counselor has had no contact with the client during the two-year period, and the sexual activity is not abusive of the counselor-client relationship the department will not consider the relationship to be unprofessional conduct.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-060 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) ~~((A))~~ Reports made in accordance with WAC 246-810-061, 246-810-062, 246-810-063, and 246-810-064 should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name ~~((and))~~, address and telephone number ~~((s))~~ of the ~~((registered))~~ counselors being reported.

(c) The case number of any client or patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under ~~((RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255))~~ chapter 42.17 RCW.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-061 Health care institutions. The chief administrator or executive officer or their designee of any hospital ~~((or))~~, nursing home ~~((or alcohol))~~, chemical dependency treatment ~~((agency))~~ programs as defined in chapter ~~((s 70.96 and))~~ 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any ~~((registered))~~ counselor's services are terminated or are restricted based upon a determination that the ~~((registered))~~ counselor has committed an act which may constitute unprofessional conduct or that the ~~((registered))~~ counselor may be unable to practice with reasonable skill or safety to clients by reason of a mental or physical condition. Reports are to be made in accordance with WAC 246-810-060.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-062 Counselor associations or societies. The president or chief executive officer of any counselor or association or society within this state shall report to the department when the association or society determines that a registered or certified counselor has committed unprofessional conduct or that a ~~((registered))~~ counselor may not be able to practice counseling with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the ~~((registration holder))~~ counselor appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included. Reports are to be made in accordance with WAC 246-810-060.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-063 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a ~~((registered))~~ counselor has engaged in fraud in billing for services. Reports are to be made in accordance with WAC 246-810-060.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-064 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to ~~((registered))~~ counselors shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for

damages alleged to have been caused by an insured ~~((registered))~~ counselor's incompetency or negligence in the practice of counseling. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the counselor's alleged incompetence or negligence in the practice of counseling. Reports are to be made in accordance with WAC 246-810-060.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90)

WAC 246-810-065 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of ~~((registered))~~ counselors, other than minor traffic violations.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-066 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a ~~((registered))~~ counselor is employed to provide client care services, to report to the department whenever such a ~~((registered))~~ counselor has been judged to have demonstrated his/her incompetency or negligence in the practice of counseling, or has otherwise committed unprofessional conduct, or ~~((is a mentally or physically disabled counselor))~~ may not be able to practice with reasonable skill and safety by reason of any mental or physical condition. These requirements do not supersede any federal or state law.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-070 Cooperation with investigation. (1) A ~~((registrant))~~ counselor must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the ~~((director))~~ secretary of the department of ~~((licensing))~~ health by submitting the requested items within fourteen calendar days of receipt of the request by either the ~~((registrant))~~ counselor or their attorney, whichever is first. If the ~~((registrant))~~ counselor fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may ~~((extend the time))~~ grant a one-time extension for response if ~~((the request for extension does not exceed seven calendar days))~~ needed. Any other requests for extension of time may be granted by the ~~((director))~~ secretary or the ~~((director's))~~ secretary's designee.

(3) If the ~~((registrant))~~ counselor fails to comply with the request within three business days after receiving the reminder, a ~~((subpoena will be served to obtain the requested items. A))~~ statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

~~((4)) If the registrant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.))~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-080 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health ~~((by))~~ in rule.

(b) "Office on AIDS" means that section within the department of ~~((social and))~~ health ~~((services))~~ or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~(2) ((Application for registration. Effective January 1, 1989)) Persons applying for registration ((shall)) or certification must submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ((4)) (3) of this section.~~

~~(3) ((1989 Renewal of registration. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 registration expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~

~~(4)) AIDS education and training.~~

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to ~~((the following))~~: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

~~(b) ((Implementation. Effective January 1, 1989, the requirement for registration, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).~~

~~(e)) Documentation. The applicant ((shall)) must:~~

(i) Certify, on forms provided, that the minimum education and training ~~((has been))~~ was completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the ~~((learning))~~ training;

(iii) Be prepared to validate, through submission of these records, that attendance ~~((has taken))~~ took place.

CERTIFIED COUNSELORS—GENERAL REQUIREMENTS

NEW SECTION

WAC 246-810-110 Definitions. The following terms apply to the remainder of this chapter:

(1) "Counseling internship" is defined as supervised mental health counseling, marriage and family therapy and social work performed through counseling field placement while acquiring a master's or doctoral degree.

(2) "Counseling practicum" is defined as mental health counseling, marriage and family therapy and social work that is supervised as a part of a course.

(3) "Distance learning" means correspondence, computer, audio, video, or teleconference courses.

(4) "Formal meeting" is defined as conversations with an approved supervisor to discuss supervisee's cases. The formal meeting is usually a period of approximately one hour and focuses on the raw data from a supervisee's postgraduate experience, which may be made available to the supervisor through such means as direct observation, cotherapy, written clinical notes and audio and video recordings. Formal meetings, as defined here, take place during the supervised postgraduate experience and may be in the form of individual formal meetings or group formal meetings:

(a) "Individual formal meeting" is defined as a meeting with an approved supervisor, involving one supervisor and no more than two supervisees.

(b) "Group formal meeting" is defined as sessions of one or more supervisors meeting with no more than six supervisees.

(5) "Marriage and family therapist" is a counselor who practices that aspect of counseling described in RCW 18.19.130(2).

(6) "Mental health counselor" is a counselor who practices that aspect of counseling as described in RCW 18.19.120(2).

(7) "Social worker" is a counselor who practices that aspect of counseling described in RCW 18.19.110(3).

(8) "Official transcript" is defined as the transcript from the graduate school, in an envelope readily identified as having been sealed by the school.

(9) "Supervised postgraduate experience" is the post-master's degree practice as referred to in RCW 18.19.110 (1)(b) and the postgraduate practices as referred to in RCW 18.19.120 (1)(b) and RCW 18.19.130 (1)(b), and is the experience received under an approved supervisor after the master's or doctoral degree is acquired. A practicum or internship done while acquiring the degree is not applicable. The total number of counseling hours must be accumulated over a minimum twenty-four-month period. Accumulation of professional experience is not required to be consecutive.

NEW SECTION**WAC 246-810-120 Qualifications not met—Appeal.**

(1) An applicant notified by the department as not meeting qualifications for state certification may request an informal review and an outline of requirements met or not met by making such request to the department in writing.

(2) The department will provide the applicant with an outline and the process for an appeal.

(3) After receiving the breakdown, the applicant may appeal the department's decision by submitting a letter requesting a brief adjudicative proceeding. The letter must clearly state the specific reason for the appeal and how the department was in error. The applicant must cite the law or rule on which the appeal is based.

(4) Following the brief adjudicative proceeding, the department will render a decision and notify the applicant in writing of the results.

NEW SECTION

WAC 246-810-130 Canceled certification—Reapplication. If a certification has been expired for three years or more, the certification is canceled. The certified counselor must reapply with the department, pay any current fees, and may be required to meet all the requirements of a new applicant. This section does not apply to anyone in a temporary retirement status.

NEW SECTION

WAC 246-810-140 Temporary retirement. Temporary retirement means a certified counselor who desires to place their certification in a nonpracticing status. The following applies only to counselors whose certification is active:

- (1) Request must be made in writing.
- (2) While in temporary retirement, the counselor:
 - (a) May not represent him/herself as "certified"; and
 - (b) Is not required to pay certification renewal fees.
- (3) Reinstatement of the certification requires written notification to the department within five years of temporary retirement, and compliance with any applicable continuing education requirements, renewal requirements and fees in place at the time.

(4) If renewal is not made within five years of expiration, the counselor must reapply with the department, pay any current fees, provide evidence of current knowledge and skill and may be required to meet all the requirements of a new applicant.

(5) A certified counselor may let the certification lapse and practice under another certification or as a registered counselor.

**CERTIFIED MARRIAGE
AND FAMILY THERAPISTS**

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-310 Definitions. ~~((Definitions within the meaning of this chapter as pertains))~~ The following terms apply to the certification of marriage and family therapists.

(1) ~~("Shows evidence" is defined as the official transcript sent directly to the department of licensing by the approved college or university to include course catalogs and syllabi if requested by the department.~~

~~((2))~~ "Approved school" ~~((and "approved graduate school" both))~~ means:

(a) Any ~~((regionally accredited))~~ college or university accredited by a national or regional accrediting body recognized by the commission on recognition of postsecondary accreditation or its successor; or

(b) A program accredited by the commission on accreditation for marriage and family therapy education, at the time the applicant completed the required education.

(2) "Approved supervisor" is an individual who meets the education and experience requirements described in WAC 246-810-334.

(3) "Marriage and family ~~((assessment))~~ treatment" includes the evaluation and diagnosis of individual, marital, family functioning, and psychopathology.

(4) "Treatment" is a process that is derived from a systemic or interactional theoretical orientation where psychotherapy is employed to improve the individual, marital, and family functioning.

(5) "Program equivalency" is graduate level courses the content of which compares to coursework required for achievement of a master's or doctoral degree in marriage and family therapy.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-320 Education requirements—Degree equivalents. (1) To meet the education requirement of RCW 18.19.130, an applicant must possess a master's or doctoral degree in marriage and family therapy or a behavioral science master's or doctoral degree with equivalent coursework from an approved school. An official transcript must be provided as evidence of fulfillment of the coursework required.

(2) The following are considered to ~~((establish equivalence))~~ be equivalent to a master's or doctoral degree in marriage and family therapy from an approved school ~~((or an approved graduate school))~~:

~~((1))~~ (a) A doctoral or master's degree from an approved school in any of the behavioral sciences that shows evidence of fulfillment of the coursework requirements set out in WAC ~~((308-220-040))~~ 246-810-321; or

~~((2))~~ (b) A doctoral or master's degree in any of the behavioral sciences from an approved school that shows evidence of partial fulfillment of the equivalent coursework requirements set out in WAC ~~((308-220-040))~~ 246-810-321, plus supplemental coursework from ~~((either))~~ an ~~((AAMFT accredited postgraduate institution or from a regionally accredited college or university))~~ approved school to satisfy the remaining equivalent coursework requirements set out in WAC ~~((308-220-040))~~ 246-810-321; or

(3) ~~((A doctoral or master's degree in any of the behavioral sciences and proof of meeting requirements for receiving AAMFT clinical membership.))~~ Applicants who held a behavioral science master or doctoral degree and are completing supplemental coursework through an approved school to satisfy any missing program equivalencies may

count any postgraduate experience hours acquired concurrently with the additional coursework.

(4) Anyone who has obtained American Association for Marriage and Family Therapy (AAMFT) clinical membership status is considered to have met the education requirements of this chapter. Verification must be sent directly to the department from the AAMFT.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-321 Program equivalency. ((The equivalent course of graduate study)) Coursework equivalent to a master's or doctoral degree in marriage and family therapy shall include graduate level courses in marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, research, professional ethics and law, and supervised clinical practice and electives.

A total of forty-five semester ((hours)) credits and sixty quarter ((hours)) credits are required in all nine areas of study. A minimum of twenty-seven semester ((hours)) credits or thirty-six quarter ((hours)) credits are required in the first five areas of study: Marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, and research. Distribution of the coursework is as follows ((below)):

(1) Marital and family systems.

(a) An applicant must ((take from)) have taken at least two ((to four)) courses in marital and family systems. ((Course hours)) Coursework required ((are)) is a minimum of six ((to twelve)) semester ((hours)) credits or eight ((to sixteen)) quarter ((hours)) credits.

(b) Marital and family systems is a fundamental introduction to the systems approach to intervention. The student should learn to think in systems terms on a number of levels across a wide variety of family structures, and regarding a diverse range of presenting problems. While the most intense focus may be on the nuclear family (in both its traditional and alternative forms), models should be taught which integrate information regarding the marital, sibling, and individual subsystems, as well as the family of origin and external societal influences. Developmental aspects of family functioning should also be considered of the family system, it also provides a theoretical basis for treatment strategy. Some material may be drawn from familiar sources such as family sociology, but it should be integrated with recent clinically-oriented systems concepts. Supplemental studies may include family simulation, the observation of well families, and study of the student's family of origin.

(2) Marital and family therapy.

(a) An applicant must ((take from)) have taken at least two ((to four)) courses in marital and family therapy. ((Course hours)) Coursework required ((are)) is a minimum of ((two to four)) six semester ((hours)) credits or ((three to six)) eight quarter ((hours)) credits.

(b) Marital and family therapy is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each orientation. Major theoretical approaches to be surveyed might include strategic, structural, experiential, neoanalytical (e.g., object relations), communications, and behavioral. Applied

studies should consider the range of technique associated with each orientation, as well as a variety of treatment structures, including individual, concurrent, collaborative, conjoint marital, marital group, transgenerational, and network therapies.

(3) Individual development.

(a) An applicant must ((take)) have taken at least one course in individual development. ((Course hours)) Coursework required ((are)) is a minimum of two ((to four)) semester ((hours)) credits or three ((to six)) quarter ((hours)) credits.

(b) A course in this area is intended to provide a knowledge of individual personality development and its normal and abnormal manifestations. The student should have relevant coursework in human development across the life span, and in personality theory. An attempt should be made to integrate this material with systems concepts. Several of the courses in this category may be required as prerequisites for some degree programs.

(4) Psychopathology.

(a) An applicant must ((take)) have taken at least one course in psychopathology. ((Course hours)) Coursework required ((are)) is a minimum of two ((to four)) semester ((hours and)) credits or three ((to six)) quarter ((hours)) credits.

(b) Psychopathology is the assessment and diagnosis including familiarity with current diagnostic nomenclature, diagnostic categories and the development of treatment strategies.

(5) Human sexuality.

(a) An applicant must ((take)) have taken at least one course in human sexuality. ((Course hours)) Coursework required ((are)) is a minimum of two ((to four)) semester ((hours and)) credits or three ((to six)) quarter ((hours)) credits.

(b) Human sexuality includes normal psycho-sexual development, sexual functioning and its physiological aspects and sexual dysfunction and its treatment.

(6) Research.

(a) An applicant must ((take)) have taken at least one course in research methods. ((Course hours)) Coursework required ((are)) is a minimum of three semester ((hours and)) credits or four quarter ((hours)) credits.

(b) The research area is intended to provide assistance to students in becoming informed consumers of research in the marital and family therapy field. Familiarity with substantive findings, together with the ability to make critical judgments as to the adequacy of research reports, is expected.

(7) Professional ethics and law.

(a) An applicant must ((take)) have taken at least one course in professional ethics and law. ((Course hours)) Coursework required ((are)) is a minimum of three semester ((hours and)) credits or four quarter ((hours)) credits.

(b) This area is intended to contribute to the development of a professional attitude and identity. Areas of study will include professional socialization and the role of the professional organization, licensure or certification legislation, legal responsibilities and liabilities, ethics and family law, confidentiality, independent practice and interprofessional cooperation.

(8) Electives.

(a) An individual must take one course in an elective area. Coursework required is a minimum of three semester credits and four quarter credits.

(b) This area will vary with different institutions but is intended to provide supplemental and/or specialized supporting areas.

(9) Supervised clinical practice.

(a) An applicant ~~(must have a minimum of one year of)~~ may acquire up to nine semester credits or twelve quarter credits through supervised clinical practice in marriage and family therapy under the supervision of a qualified marriage and family therapist ~~(. Course hours required are a minimum of nine semester hours and twelve quarter hours.~~

(b) A minimum of five hundred hours of direct contact is required during graduate school. The student shall be involved in direct systemic/interactional clinical work with individuals, couples, and families. This work will continue without interruption for the balance of the student's academic program or at least one calendar year. A total of five hundred direct clinical hours shall be spread evenly throughout the calendar year with a minimum of one hundred hours of supervision (a minimum of fifty group hours and a minimum of fifty individuals).

(c) Applicants who have completed master's programs accredited by the AAMFT commission of accreditation will have met the five hundred hours of direct contact required during graduate school.

(9) Electives.

(a) An individual must take one course in an elective area. Course hours required are a minimum of three semester hours and four quarter hours.

(b) This area will vary with different institutions but is intended to provide supplemental and/or specialized supporting areas.) as determined by the school;

(b) If an applicant completed a master's or doctoral degree program in marriage and family therapy, or a behavioral science master's or doctoral degree with equivalent coursework, prior to January 1, 1997; and if that degree did not include a supervised clinical practice component, the applicant may substitute the clinical practice component with proof of a minimum of three years postgraduate experience in marriage and family therapy, in addition to the two years supervised postgraduate experience required under WAC 246-810-332(1).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-332 Supervised postgraduate ~~(practice)~~ experience. ~~(Two years)~~ (1) To meet the postgraduate practice requirements provided in RCW 18.19.130(1), an applicant must have accomplished a minimum of twenty-four months of ~~(supervised)~~ postgraduate ~~(practice is required to be eligible for certification examination. The two years would include)~~ experience with an approved supervisor, who is responsible for the oversight of the supervisee's continuing clinical practice of marriage and family therapy. Total experience requirements include:

(a) One thousand hours of direct client contact; plus

(b) At least two hundred hours of ~~(supervision with)~~ formal meetings with an approved supervisor. At least one

hundred of the two hundred hours ~~((to))~~ must be individual ~~((supervision. The two hundred hours of supervised practice represents one thousand hours of direct client contact))~~ formal meetings. The remaining hours may be in group formal meetings.

(2) Applicants who have completed a master's program accredited by the ~~(AAMFT)~~ commission on accreditation for marriage and family therapy education of the AAMFT may be credited with one hundred hours of supervision toward the two hundred hour ~~((supervision))~~ formal meeting requirement.

(3) Applicant must provide proof of experience on forms provided by the department.

(4) Staff development or orientation, or work done in a classroom, workshop or seminar setting are not applicable toward the supervised postgraduate experience required by this chapter.

(5) Anyone who has obtained American Association for Marriage and Family Therapy (AAMFT) clinical membership status is considered to have met the postgraduate experience requirements of this chapter. Verification must be sent directly to the department of health from the AAMFT.

NEW SECTION

WAC 246-810-334 Approved supervisor—Qualifications. (1) "Approved supervisor" (also referred to as "supervisor,") is defined as: A certified marriage and family therapist; or a mental health care provider who meets or exceeds the requirements of a certified marriage and family therapist in the state of Washington; and who would be eligible to take the examination required for certification. The supervisor must not be a blood or legal relative or cohabitant of the supervisee, supervisee's peer, or someone who has acted as the supervisee's therapist.

(2) The approved supervisor shall meet the following additional experience requirements:

(a) Must have completed at least three years of employment, or private practice, as a professional as defined above; and

(b) Must have at least one year's experience supervising the practice of marriage and family therapy, or the supervision of a practicum or internship.

(c) The one year of supervision may be acquired during the three years of employment or private practice.

(3) An American Association of Marriage and Family Therapy approved supervisor is considered to have met the requirements described in subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-340 Examination. (1) Examinations ~~((will))~~ must be given to qualified candidates at least once annually as determined by the ~~((director))~~ secretary. Application~~((s))~~ and application fee must be ~~((complete and))~~ submitted at least ninety days ~~((in advance))~~ prior to the scheduled examination date. All other supporting documents, including verification of supervised postgraduate experience, must be submitted sixty days prior to the examination date.

(2) Examinations required.

(a) Applicant must take and pass the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination. The passing score on the examination shall be that established by the testing company in conjunction with the AMFTRB.

(b) Applicant will be required to take and pass the written examination on Washington's statutes and rules. The passing score on the examination shall be determined by the secretary.

(3) Applicants who fail one or both of the examination(s) shall submit the current reexamination fee(s).

NEW SECTION**WAC 246-810-345 Examination appeal procedures.**

(1) The candidate who fails the examination for marriage and family therapist certification may appeal the examination results by requesting a review of the failed examination.

(2) The procedure for informal review of failed state-examination questions is as follows:

(a) The request for a review must be in writing and be postmarked within thirty days from the date of the letter notifying the candidate of the specific examination results.

(b) The department must notify the candidate of time, date and place to personally review incorrect answers on the failed examination. The time and place for such review shall be determined by the department.

(c) At the time of the candidate's review, the department shall provide the candidate's failed questions, indicating the incorrect selections. The candidate shall also be provided a form for completion in defense of the candidate's examination answers. The form, which serves the purpose of requesting an informal appeal, must be completed by the candidate only at the time of the review.

(i) The candidate must be identified only by candidate number for the purpose of the informal review.

(ii) The candidate must state the specific reason(s) why her or his answer(s) should be considered correct.

(d) The following restrictions shall apply during the review:

(i) The candidate must not bring in any resource material for use while completing the review.

(ii) The candidate is not allowed to remove any notes or material from the review site.

(iii) Letters of reference or requests for special consideration will not be considered.

(e) Requests for informal appeal are considered only when sufficient questions are challenged to result in a passing score.

(f) The informal appeal must be reviewed by the department which shall determine whether or not the candidate should be given credit for her or his answer(s) on the examination.

(g) The department must notify the candidate of the informal appeal decision in writing.

(3) The candidate who wishes informal review of the national examination must:

(a) Request hand scoring of the national examination from the department. The request must be in writing and postmarked within thirty days from the date of the letter notifying the candidate of the specific examination results.

Upon request from the candidate, the department must provide examination-agency forms to the candidate. The candidate must fill out the form and forward with any required fee to the examination agency. Hand score results will be sent to the department. The department notifies the candidate of the results by letter.

(b) The candidate may request a review of the national examination within ninety days of the date of the exam, by submitting a written request to the department. The department will work with the examination agency to provide the candidate with the opportunity to review the exam in accordance with any review procedures required by the examination agency. The time and place for such review is determined by the department as required by any constraints from the examination agency.

(4) The candidate who is not satisfied with the informal appeal decision may request a formal hearing before a law judge as provided by the Administrative Procedure Act, chapter 34.05 RCW. Such request for formal hearing must be submitted in writing to the department and be postmarked within thirty days from the date on the written notification of the informal appeal decision. The issues raised by the candidate at the formal hearing must be limited to those issues raised by the candidate for consideration in the informal appeal, unless amended by a prehearing order. The department must inform the candidate of the formal appeal process in writing within twenty days of receipt of the request for formal appeal.

(5) If there is a prehearing conference, the law judge must enter an order which sets forth the actions taken at the conference, including the settlement or simplification of issues. The prehearing order limits the issues for formal hearing to those not disposed of by admission or agreement. Such order controls the subsequent course of the proceeding unless modified by subsequent prehearing order.

NEW SECTION

WAC 246-810-348 Certification of persons credentialed out-of-state. Certification as a Washington state certified marriage and family therapist may be extended to persons credentialed in another jurisdiction.

(1) Applicants must have met the same education and experience as required by Washington state statute, chapter 18.19 RCW, and rules, chapter 246-810 WAC.

(2) Applicants who are currently a clinical member of The American Association for Marriage and Family Therapy (AAMFT) have met the educational and supervised postgraduate experience requirements for Washington state certification and are eligible to take the examination. Documentation of AAMFT status must be sent directly to the department of health from AAMFT.

(3) Examinations.

(a) Applicant must have passed the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination. Verification must be provided directly from the jurisdiction in which the applicant took the required examination.

(b) Applicant will be required to take and pass the written examination on Washington's statutes and rules.

(4) The following situations are not considered substantially equal for Washington state certification:

(a) Certification of persons credentialed out-of-state through a state-constructed examination; or

(b) Grandfathering provisions where proof of education, supervised postgraduate experience, or examination was not required.

CERTIFIED MENTAL HEALTH COUNSELORS

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-510 Definitions. The following terms apply to the certification of mental health counselors.

(1) ~~("Wellness model" is defined as focusing on a client's inherent strengths rather than pathology or restrictions on the clientele to be treated. "Wellness model" is an attitudinal rather than methodological intention.~~

(2) ~~"Postgraduate supervision" is defined as consisting of a total of one hundred documented hours of individual face-to-face case consultation with an approved supervisor, with no more than six hours per month to be allowed to accrue toward the total.~~

(3) ~~"Postgraduate professional experience" is defined as consisting of face-to-face counseling service with an individual or with a group of individuals for at least fifty percent of counseling service hours per week for a full-time or part-time employee. The total number of counseling hours is two thousand or more documented hours accumulated over a minimum of twenty-four months but not more than forty-eight months.~~

(4) ~~"Counseling practicum" is defined as mental health counseling that is supervised as a part of a course.~~

(5) ~~"Counseling internship" is defined as supervised mental health counseling performed through counseling field placement.~~

(6) ~~"Approved school" means any college or university accredited by a national or regional accrediting body recognized by the commission on recognition of postsecondary accreditation, or its successor, at the time the applicant completed the required education.~~

(2) ~~"Approved supervisor" ((shall include a certified mental health counselor, licensed psychologist, licensed psychiatrist, or other mental health care provider who meets or exceeds the requirements of certified mental health counselor; provided, the supervisor is not a blood or legal relative or cohabitant of the supervisee.~~

(7) ~~"Related field" is defined as counseling, psychology, social work, nursing, education, or social sciences)) is an individual who meets the education and experience requirements described in WAC 246-810-534.~~

(3) ~~"Program equivalency" is a core of study, the content of which compares to coursework required for achievement of a master's or doctoral degree in mental health counseling.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-520 ((Approved schools-)) Education requirements. ~~((Approved schools are those colleges or universities which were accredited by Western Association of Schools and Colleges, Northwest Association of Schools and Colleges, or an essentially equivalent national or~~

~~regional accrediting body recognized by the council on postsecondary accreditation at the time the applicant completed the required education-)) (1) To meet the education requirement imposed by RCW 18.19.120, an applicant must possess a master's or doctoral degree in mental health counseling or a behavioral science master's or doctoral degree in a field relating to mental health counseling from an approved school. Fields recognized as relating to mental health counseling may include counseling, psychology, social work, nursing, education, pastoral counseling, rehabilitation counseling, or social sciences. Any field of study qualifying as related to mental health counseling must satisfy coursework equivalency requirements included in WAC 246-810-521. An official transcript must be provided as evidence of fulfillment of the coursework required.~~

~~(2) Any supplemental coursework required must be from an approved school.~~

~~(3) Applicants who held a behavioral science master or doctoral degree and are completing supplemental coursework through an approved school to satisfy any missing program equivalencies may count any postgraduate experience hours acquired concurrently with the additional coursework.~~

~~(4) A person who is a Nationally Certified Counselor (NCC) or a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the education requirements of this chapter. Verification must be sent directly to the department from NBCC.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-521 ((Mental health counselors— Education requirement prior to examination for certification-)) Behavioral sciences—Program equivalency. ~~((+) To meet the education requirement imposed by RCW 18.19.120, an applicant must possess:~~

~~(a) A master's or doctoral degree in mental health counseling or related field from a regionally accredited college or university; or~~

~~(b) Have successfully completed at least thirty graduate semester hours or forty-five graduate quarter hours in the field of mental health counseling or the substantial equivalent in subject content.~~

~~(2) Subject content)) (1) Behavioral science in a field relating to mental health counseling includes a core of study relating to counseling ((theories,)) theory and counseling philosophy((;)). Either a counseling practicum, or a counseling internship, ((and should incorporate content in professional ethics and law and shall)) or both, must be included in the core of study. Exclusive use of an internship or practicum used for qualification must have incorporated supervised direct client contact. This core of study must include ((at least five)) seven content areas from the entire list (a) through ((h)) (q) of this subsection ((and at least two additional)), five of which must be from content areas ((from the entire list)) (a) through (h) of this subsection:~~

~~(a) Assessment/diagnosis.~~

~~(b) ((Career development counseling-)) Ethics/law.~~

~~(c) Counseling individuals.~~

~~(d) Counseling groups.~~

~~(e) Counseling couples and families.~~

(f) Developmental psychology (may be child, adolescent, adult or life span).

(g) ~~((Abnormal psychology))~~ Psychopathology/abnormal psychology.

(h) Research and evaluation.

(i) Career development counseling.

(j) Multicultural concerns.

~~((j))~~ (k) Substance/chemical abuse.

~~((k))~~ (l) Physiological psychology.

~~((l))~~ (m) Organizational psychology.

~~((m))~~ (n) Mental health consultation.

~~((n))~~ (o) Developmentally disabled persons.

~~((o))~~ (p) Abusive relationships.

~~((p))~~ (q) Chronically mentally ill.

NEW SECTION

WAC 246-810-532 Supervised postgraduate experience. (1) To meet the postgraduate practice requirements provided in RCW 18.19.120(1), an applicant must have accomplished a minimum of twenty-four months of postgraduate experience with an approved supervisor, who is responsible for the oversight of the supervisee's continuing practice of mental health counseling. Total experience requirements include:

(a) Two thousand hours of supervised work experience; at least one thousand of the total hours must be direct client contact; and

(b) One hundred hours of individual formal meetings.

(2) Applicant must provide proof of experience on forms provided by the department.

(3) Staff development or orientation, or work done in a classroom, workshop or seminar setting are not applicable toward the supervised postgraduate experience required by this chapter.

(4) A person who is a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the postgraduate experience requirements of this chapter. Verification must be sent directly to the department from NBCC.

NEW SECTION

WAC 246-810-534 Approved supervisor—Qualifications. (1) "Approved supervisor" (also referred to as "supervisor,") is defined as: A certified mental health counselor, certified marriage and family therapist, certified social worker, licensed psychologist, licensed psychiatrist; or a mental health provider who meets or exceeds the requirements of a certified mental health counselor in the state of Washington, and who would be eligible to take the examination required for certification. The supervisor must not be a blood or legal relative or cohabitant of the supervisee, supervisee's peer, or someone who has acted as the supervisee's therapist.

(2) The approved supervisor shall meet the following additional experience requirements:

(a) Must have completed at least three years of employment, or private practice, as a professional as defined above; and

(b) Must have at least one year's experience supervising the practice of mental health counseling, or the supervision of a practicum or internship.

(i) The one year of supervision may be acquired during the three years of employment or private practice.

(ii) A minimum of thirty clock hours of training in supervision may be substituted for the one year of supervision experience.

(3) A person who is an NBCC approved supervisor for CCMHC through NBCC is considered to have met the requirements described in subsections (1) and (2) of this section.

(4) Supervisors of applicants whose supervised postgraduate experience was acquired prior to January 1, 2000, need not meet the requirements of subsection (2) of this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-540 Examination for certified mental health counselors. (1) A written ~~((multiple choice))~~ certification examination on knowledge and application of mental health counseling ~~((with))~~ must be administered at least once a year. Application ~~((s))~~ and application fee must be submitted at least ninety days prior to the scheduled examination date. All other supporting documents, including verification of supervised postgraduate experience, must be submitted sixty days prior to the examination date.

(2) Applicants who ~~((successfully complete))~~ take and pass the National Board of Certified Counselors (NBCC) national certification examination (NCE) or the National Clinical Mental Health Counselor Examination (NCMHCE) have met the examination requirement of RCW 18.19.120. Verification of successful completion and passage of the NBCC certification examination is to be provided directly to the department of ~~((licensing))~~ health by ~~((the))~~ NBCC at the request of the applicant for Washington state certified mental health counselor.

(3) ~~((Applicants who successfully complete and pass the National Academy of Certified Clinical Mental Health Counselors (NACCMHC) certification examination have met the examination requirement of RCW 18.19.120. Verification of successful completion and passage of the NACCMHC certification examination is to be provided directly to the department of licensing by the NACCMHC at the request of the applicant for Washington state certified mental health counselor.))~~ The passing score established by the testing company is the passing score accepted by the department of health.

NEW SECTION

WAC 246-810-545 Examination appeal procedures. The candidate who fails the examination for mental health counselor certification may appeal the examination result by requesting a review of the failed examination.

(1) The candidate who wishes informal review of the national examination must:

(a) Request hand scoring from the department. The request must be in writing and postmarked within thirty days from the date of the letter notifying the candidate of the specific examination results. Upon request from the candidate, the department must provide examination-agency forms

to the candidate. The candidate must fill out the form and forward with any required fee to the examination agency. Hand score results will be sent to the department. The department notifies the candidate of the results by letter.

(b) The candidate may request a review of the national examination within ninety days of the date of the examination, by submitting a written request to the department. The department will work with the examination agency to provide the candidate with the opportunity to review the exam in accordance with any review procedures required by the examination agency. The time and place for such review is determined by the department as required by any constraints from the examination agency.

(2) The candidate who is not satisfied with the informal review decision may request a formal hearing before a law judge as provided by the Administrative Procedure Act, chapter 34.05 RCW. Such request for formal hearing must be submitted in writing to the department and be postmarked within thirty days from the date on the written notification of the informal review decision. The issues raised by the candidate at the formal hearing must be limited to those issues raised by the candidate for consideration at the informal review, unless amended by a prehearing order. The department must inform the candidate of the formal appeal process in writing within twenty days of receipt of the request for formal appeal.

(3) If there is a prehearing conference, the law judge must enter an order which sets forth the actions taken at the conference, including the settlement or simplification of issues. The prehearing order limits the issues for formal hearing to those not disposed of by admission or agreement. Such order controls the subsequent course of the proceeding unless modified by subsequent prehearing order.

NEW SECTION

WAC 246-810-548 Certification of persons credentialed out-of-state. Certification as a Washington state certified mental health counselor may be extended to persons credentialed in another jurisdiction.

(1) Applicants must have met the same education and experience as required by Washington state statute, chapter 18.19 RCW, and rules, chapter 246-810 WAC.

(2) Applicants who are a Nationally Certified Counselor (NCC) through the National Board of Certified Counselors (NBCC) have met the education requirements for Washington state certification. Applicants who are a Certified Clinical Mental Health Counselor (CCMHC) through the NBCC have met the education and experience requirements for Washington state certification.

(3) Examination. Applicant must have passed the National Board of Certified Counselors National Counselor Examination (NCE) or the National Clinical Mental Health Counselor Examination (NCMHCE). Verification must be provided directly from the jurisdiction in which the applicant took the required examination.

(4) The following situations are not considered substantially equal for Washington state certification:

(a) Certification of persons credentialed out-of-state through a state-constructed examination; or

(b) Grandfathering provisions where proof of education, supervised postgraduate experience, or examination was not required.

CERTIFIED SOCIAL WORKERS

NEW SECTION

WAC 246-810-710 Definitions. The following terms apply to the certification of social workers.

(1) "Approved school" is an accredited graduate school of social work as provided in RCW 18.19.110, and means a program accredited by the council on social work education (CSWE).

(a) Canadian graduate schools of social work that are approved by the Canadian council of social work; and

(b) Foreign curriculums which meet the requirements of the foreign equivalency determining service of the council on social work education.

(2) "Approved supervisor" is an individual who is a certified social worker who meets the education and experience requirements described in WAC 246-810-734.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-720 (~~Accredited programs~~) Education requirements. (~~Accredited graduate school of social work as provided in RCW 18.19.110, means a program accredited by the council of social work education. Program equivalency includes:~~

~~(1) Canadian graduate schools of social work that are approved by the Canadian council of social work; and~~

~~(2) Foreign curriculum which meets the requirements of the foreign equivalency determining service of the council on social work education.)~~ To meet the education requirement imposed by RCW 18.19.110, an applicant must possess a master's or doctoral degree from an approved school of social work as defined in WAC 246-810-710. An official transcript must be provided as evidence of fulfillment of the coursework required. Obtaining ((such)) equivalency approval of a foreign curriculum is the applicant's responsibility.

NEW SECTION

WAC 246-810-721 Education and experience equivalency. (1)(a) Anyone who has held Academy of Certified Social Workers (ACSW) status since prior to 1972 is considered to have met the education and postgraduate experience requirements to be eligible for Washington state certification examination.

(b) Persons who obtained ACSW status, during 1972 or later must provide verification of forty-five hours of master of social work supervision as provided in WAC 246-810-732 to be considered to have met the education and formal meetings requirements to be eligible for Washington state certification examination.

(c) Documentation of ACSW status must be sent directly to the department from the ACSW or any chapter office of the National Association of Social Workers (NASW).

(2)(a) Persons who obtained the Board Certified Diplomate in Clinical Social Work from the American Board of Examiners in Clinical Social Work (ABECSW) shall be considered to have met the education and postgraduate experience requirements to be eligible for Washington state certification examination.

(b) Documentation of ABECSW Board Certified Diplomate in Clinical Social Work must be sent directly to the department from the ABECSW.

(3)(a) Persons who obtained the Diplomate in Clinical Social Work (DCSW) or Qualified Clinical Social Work (QCSW) from the National Association of Social Workers (NASW) shall be considered to have met the education and postgraduate experience requirements to be eligible for Washington state certification examination.

(b) Documentation of DCSW or QCSW must be sent directly to the department from NASW.

NEW SECTION

WAC 246-810-732 Supervised postgraduate experience. (1) To meet the post-master's practice requirements provided in RCW 18.19.110(1), an applicant must have accomplished a minimum of twenty-four months of postgraduate experience with an approved supervisor, who is responsible for the oversight of the supervisee's continuing practice of social work. Total experience requirements include:

(a) Three thousand hours of social work experience under the supervision of an approved supervisor.

(b) Within the total experience hours, ninety hours of formal meetings with the supervisor to discuss social work practice related issues.

(i) At least forty-five of the ninety hours, must be under the supervision of a person who is either a Washington state certified social worker, ACSW or a person who has received a master's or doctoral degree in social work from an approved school and who can demonstrate qualifications equal to those required for Washington state social worker certification.

(ii) The remaining forty-five hours may be under the supervision of an approved supervisor.

(2) Applicant must provide proof of experience on forms provided by the department.

(3) Staff development or orientation, or work done in a classroom, workshop or seminar setting are not applicable toward the supervised postgraduate experience required by this chapter.

NEW SECTION

WAC 246-810-734 Approved supervisor—Qualifications. (1) "Approved supervisor" (also referred to as "supervisor,") is defined as: A certified social worker, certified mental health counselor, or certified marriage and family therapist, licensed psychologist, licensed psychiatrist; or a mental health provider who meets or exceeds the requirements of a certified social worker in the state of Washington; and who would be eligible to take the examination required for certification. The supervisor must not be a blood or legal relative or cohabitant of the supervisee, supervisee's peer, or someone who has acted as the supervisee's therapist.

(2) The approved supervisor shall meet the following additional experience requirements:

(a) Must have completed at least three years of employment, or private practice, as a professional as defined above; and

(b) Must have at least one year's experience supervising the practice of social work, or the supervision of a practicum or internship.

(i) The one year of supervision may be acquired during the three years of employment or private practice.

(ii) A minimum of thirty clock hours of training in supervision may be substituted for the one year of supervision experience.

(3) An ACSW approved supervisor is considered to have met the requirements of subsections (1) and (2) of this section.

(4) Supervisors of applicants whose supervised postgraduate experience was acquired prior to January 1, 2000, need not meet the requirements of subsection (2) of this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-810-740 Examination required. (1) Either the American Association of State Social Work Board's ~~(level C)~~ advanced or clinical examination is approved for use as the state examination for certification of social workers.

(2) The passing score established by the testing company is the passing score accepted by the department of health.

NEW SECTION

WAC 246-810-745 Examination appeal procedures. The candidate who fails the examination for social worker certification may appeal the examination result by requesting a review of the failed examination.

(1) The candidate who wishes informal review of the national examination must:

(a) Request hand scoring from the department. The request must be in writing and postmarked within thirty days from the date of the letter notifying the candidate of the specific examination results. Upon request from the candidate, the department must provide examination-agency forms to the candidate. The candidate must fill out the form and forward with any required fee to the examination agency. Hand score results will be sent to the department. The department notifies the candidate of the results by letter.

(b) The candidate may request a review of the national examination within ninety days of the date of the examination, by submitting a written request to the department. The department will work with the examination agency to provide the candidate with the opportunity to review the exam in accordance with any review procedures required by the examination agency. The time and place for such review is determined by the department as required by any constraints from the examination agency.

(2) The candidate who is not satisfied with the informal review decision may request a formal hearing before a law judge as provided by the Administrative Procedure Act, chapter 34.05 RCW. Such request for formal hearing must be submitted in writing to the department and be postmarked within thirty days from the date on the written notification

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of the informal review decision. The issues raised by the candidate at the formal hearing must be limited to those issues raised by the candidate for consideration at the informal review, unless amended by a prehearing order. The department must inform the candidate of the formal appeal process in writing within twenty days of receipt of the request for formal appeal.

(3) If there is a prehearing conference, the law judge must enter an order which sets forth the actions taken at the conference, including the settlement or simplification of issues. The prehearing order limits the issues for formal hearing to those not disposed of by admission or agreement. Such order controls the subsequent course of the proceeding unless modified by subsequent prehearing order.

NEW SECTION

WAC 246-810-748 Certification of persons credentialed out-of-state. Certification as a Washington state certified social worker may be extended to persons credentialed in another jurisdiction.

(1) Applicants must have met the same education and experience as required by Washington state statute, chapter 18.19 RCW, and rules, chapter 246-810 WAC.

(2) Applicants who currently hold ACSW, ABECSSW or NASW status, as stipulated in WAC 246-810-721, may have met the education and/or experience requirements for Washington state certification.

(3) Examination. Applicant must have passed the American Association of State Social Work Board's Advanced or Clinical examination. Verification must be provided directly from the jurisdiction in which the applicant took the required examination.

(4) The following situations are not considered substantially equal to Washington state certification:

(a) Certification of persons credentialed out-of-state through a state-constructed examination; or

(b) Grandfathering provisions where proof of education, supervised experience, or examination was not required.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-810-050 General provisions.
- WAC 246-810-330 Supervision.
- WAC 246-810-331 Supervisor qualifications.
- WAC 246-810-350 General provisions.
- WAC 246-810-360 Mandatory reporting.
- WAC 246-810-361 Health care institutions.
- WAC 246-810-362 Marriage and family therapist associations or societies.
- WAC 246-810-363 Health care service contractors and disability insurance carriers.
- WAC 246-810-364 Professional liability carriers.
- WAC 246-810-365 Courts.
- WAC 246-810-366 State and federal agencies.
- WAC 246-810-370 Cooperation with investigation.
- WAC 246-810-380 AIDS prevention and information education requirements.

- WAC 246-810-530 Mental health counselors— Professional experience requirement prior to examination for certification.
- WAC 246-810-541 Applicants with graduate degree by January 26, 1989. Examination waiver eligibility. General provisions.
- WAC 246-810-542 Examination waiver eligibility. General provisions.
- WAC 246-810-550 Mandatory reporting.
- WAC 246-810-560 Health care institutions.
- WAC 246-810-561 Mental health counselor associations or societies.
- WAC 246-810-562 Health care service contractors and disability insurance carriers.
- WAC 246-810-563 Professional liability carriers. Courts.
- WAC 246-810-564 State and federal agencies.
- WAC 246-810-565 Cooperation with investigation.
- WAC 246-810-566 AIDS prevention and information education requirements.
- WAC 246-810-570 Supervision requirements.
- WAC 246-810-580 Education and supervision equivalency.
- WAC 246-810-730 Certification of persons credentialed out-of-state.
- WAC 246-810-731 General provisions.
- WAC 246-810-741 Mandatory reporting.
- WAC 246-810-750 Health care institutions.
- WAC 246-810-760 Social worker associations or societies.
- WAC 246-810-761 Health care service contractors and disability insurance carriers.
- WAC 246-810-762 Professional liability carriers. Courts.
- WAC 246-810-763 State and federal agencies.
- WAC 246-810-764 Cooperation with investigation.
- WAC 246-810-765 AIDS prevention and information education requirements.
- WAC 246-810-766
- WAC 246-810-767
- WAC 246-810-770
- WAC 246-810-780

AMENDATORY SECTION (Amending WSR 96-08-069, filed 4/3/96, effective 5/4/96)

WAC 246-810-990 Fees. The following fees shall be charged by the ~~((professional licensing services))~~ health professions quality assurance division of the department of health:

Title	Fee
Registered counselor:	
Application and registration	\$ 40.00
Renewal	37.00
Late renewal penalty	37.00
Duplicate registration	15.00
((Certification)) Verification	15.00
Registered hypnotherapist:	
Application and registration	95.00
Renewal	130.00
Late renewal penalty	65.00
Duplicate registration	15.00
((Certification)) Verification	15.00

Certified marriage and family therapist:

Application	100.00
Initial certification	125.00
((Written)) Examination <u>administration</u>	((250.00))
	<u>50.00</u>
((Retake examination - Written	250.00))
Renewal	200.00
Late renewal penalty	100.00
Duplicate certification	15.00
((Certification/)) <u>Verification</u>	15.00
Wall certificate	15.00

Certified mental health counselor:

Application	75.00
Initial certification	60.00
Renewal	65.00
Late renewal penalty	50.00
Duplicate certification	15.00
((Certification/)) <u>Verification</u>	15.00
Wall certificate	15.00

Certified social worker:

Application	50.00
Initial certification	50.00
Renewal	65.00
Late renewal penalty	50.00
Duplicate certification	15.00
((Certification/)) <u>Verification</u>	15.00
Wall certificate	15.00

PERMANENT

WSR 97-16-053
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed July 31, 1997, 4:45 p.m., effective August 1, 1997]

Date of Adoption: July 31, 1997.

Purpose: To implement portions of federal and state legislation concerning welfare reform, implementation of TANF, and immigration reform as it impacts eligibility for medical programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-500-0005, 388-503-0310, 388-505-0520, 388-507-0740, 388-510-1020, and 388-523-2305.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.530, and ESB 6098 (1997).

Other Authority: Public Law 104-193, EHB 3901 (1997).

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 department is required to change rules by August 1, 1997, to implement, and comply with, state and federal welfare reform legislation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, amended 6, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 6, 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: August 1, 1997.

July 31, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3913, filed 10/25/95, effective 10/28/95)

WAC 388-500-0005 Medical definitions. Unless defined in this chapter or specifically defined in other chapters of the *Washington Administrative Code*, the department shall use definitions found in the *Webster's New World Dictionary*. This section contains definitions of words and phrases the department uses in rules for medical programs. Definitions of words used for both medical and financial programs are defined under WAC 388-22-030.

"**Application**" for eligibility for medical programs means a written request to the department of social and health services (DSHS) on a department form, from the applicant, an authorized representative, or if the applicant is

incompetent or incapacitated, someone acting responsibly for the applicant.

"**Assignment Medicare**" means the method by which the provider receives payment for services under Part B of Medicare.

"**Assignment of rights**" means the client gives the state the right to payment and support for medical care from a third party.

"**Assistance unit**" means a person or members of a family unit who are eligible for medical care.

"**Authorization**" means official approval for department action.

"**Base period**" means the time period used in the limited casualty program which corresponds with the months considered for eligibility.

"**Beneficiary**" means an eligible person who receives:

- * A federal cash Title XVI benefit; and/or
- * State supplement under Title XVI; or
- * Benefits under Title XVIII of the Social Security Act.

"**Benefit period**" means the time period used in determining whether Medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. The benefit period ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary may receive. Benefit period also means a "spell of illness" for Medicare payments.

"**Cabulance**" means a for-hire vehicle designed and used to transport a person confined to a wheelchair or persons otherwise physically restricted.

"**Carrier**" means an organization contracting with the federal government to process claims under Part B of Medicare.

"**Categorical assistance unit (CAU)**" means one or more family members whose eligibility for medical care is determined separately or together based on categorical relatedness.

"**Categorically needy**" means the status of a person who is eligible for medical care under Title XIX of the Social Security Act and is:

* A client receiving or eligible to receive cash assistance under:

* Temporary assistance for needy families (TANF). For the purpose of determining eligibility for a medical program, the department shall consider any reference to aid to families with dependent children ((AFDC)) as including TANF;

* Supplemental security income (SSI), including a grandfathered person and a person with an essential spouse:

- * State supplement;
- * Continuing state-funded cash assistance who is blind or disabled under SSI criteria, as described under WAC 388-511-1105; or
- * Special categories.

* A financially eligible person under twenty-one years of age who would be eligible for ((AFDC)) TANF but does not qualify as a dependent child and who is in:

- * Foster care;
- * Subsidized adoption;

* A nursing facility or intermediate care facility for mentally retarded; or

* An approved inpatient psychiatric facility.

* A person who would be eligible for cash assistance except for the person's institutional status((-));

* A person who is SSI categorically related and would not be eligible for cash assistance if the person was not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap((-));

* A qualified severely impaired disabled person under sixty-five years of age who works((-);

* A person (~~(during a temporary period)~~) who lost AFDC or TANF because of increased earnings, (~~(increased hours, loss of earned income disregards)~~) or by receiving child or spousal support payments((-);

* A pregnant woman;

~~((* Who meets AFDC financial eligibility standards;~~

~~* Who would qualify for AFDC if the baby was already born);)~~

* Whose family income does not exceed one hundred eighty-five percent of the federal poverty level; or

* Who was eligible for and receiving Medicaid while pregnant continues to be eligible through a sixty-day postpartum period that extends through the month that contains the sixtieth day after birth.

* An infant until the infant's first birthday when the infant lives with the mother and the mother was Medicaid eligible at the time the infant was born;

* An infant under one year of age whose family income does not exceed one hundred eighty-five percent of the federal poverty level;

* A child under six years of age or until the child is no longer an inpatient if the inpatient stay began before six years of age and whose family income does not exceed one hundred thirty-three percent of the federal poverty level((-);

* A child born after September 30, 1983, who has attained six years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, but not attained eighteen years of age whose family income does not exceed one hundred percent of the federal poverty level((-);

* A child up to eighteen years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, born before September 30, 1983, with income allowed by AFDC((-);

* A certain widow, widower, and other qualified person who fails to meet SSI standards because of Social Security coverage or increase in Social Security coverage((-);

* A Medicare-eligible person whose income does not exceed one hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level((-);

* A disabled working person entitled to enroll in Medicare Part A, whose income does not exceed two hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level((-);

* An alien as defined under WAC 388-510-1020; or

* A person whose categorical eligibility is protected by statute.

"**Children's health program**" means a state-funded medical program for children under eighteen years of age:

* Whose family income does not exceed one hundred percent of the federal poverty level; and

* Who are not otherwise eligible under Title XIX of the Social Security Act.

"**Client**" means an applicant for or recipient of DSHS medical care programs.

"**Coinsurance-Medicare**" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which Medicare does not pay. Under Part A, coinsurance is a per day dollar amount. Under Part B, coinsurance is twenty percent of reasonable charges.

"**Community services office (CSO)**" means an office of the department which administers social and health services at the community level.

"**Copayment**" means a fixed dollar amount that is the responsibility of the client.

"**Couple**" means, for the purposes of an SSI-related client, an SSI-related client living with a person of the opposite sex and both presenting themselves to the community as husband and wife. The department shall consider the income and resources of such couple as if the couple were married.

"**Deductible-Medicare**" means an initial specified amount that is the responsibility of the client.

* "**Part A of Medicare-inpatient hospital deductible**" means an initial amount of the medical care cost in each benefit period which Medicare does not pay.

* "**Part B of Medicare-physician deductible**" means an initial amount of Medicare Part B covered expenses in each calendar year which Medicare does not pay.

"**Delayed certification**" means a department approval of a person's eligibility for medicaid made after the established application processing time limits.

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

"**Early and periodic screening, diagnosis and treatment (EPSDT)**" also known as the "healthy kids" program, means a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible for Medicaid or the children's health program.

"**Electronic fund transfers**" means automatic bank deposits to a client's account.

"**Emergency medical condition**" means a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

* Placing the patient's health in serious jeopardy;

* Impairment to bodily functions; or

* Dysfunction of any bodily organ or part.

"**Emergency medical expense requirement**" means a specified amount of expenses for ambulance, emergency room or hospital services, including physician services in a hospital, incurred for an emergency medical condition that a client must incur prior to certification for the medically indigent program.

"**Essential spouse**" see "spouse."

"**Extended care patient**" means a recently hospitalized Medicare patient needing relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

"Garnishment" means withholding an amount from earned or unearned income to satisfy a debt or legal obligation.

"Grandfathered client" means:

* A noninstitutionalized person who meets all current requirements for Medicaid eligibility except the criteria for blindness or disability; and

* Was eligible for Medicaid in December 1973 as blind or disabled whether or not the person was receiving cash assistance in December 1973; and

* Continues to meet the criteria for blindness or disability and other conditions of eligibility used under the Medicaid plan in December 1973; and

* An institutionalized person who was eligible for Medicaid in December 1973 or any part of that month, as an inpatient of a medical institution or resident of an intermediate care facility that was participating in the Medicaid program and for each consecutive month after December 1973 who:

* Continues to meet the requirements for Medicaid eligibility that were in effect under the state's plan in December 1973 for institutionalized persons; and

* Remains institutionalized.

"Health insuring organization (HIO)" means an entity that arranges and pays for medical services provided to an eligible enrolled client in exchange for a premium or subscription charge paid by the department on a prepaid capitation risk basis.

"Health maintenance organization (HMO)" means an entity that provides comprehensive medical services directly to an eligible enrolled client in exchange for a premium paid by the department on a prepaid capitation risk basis.

"Healthy kids," see **"EPSDT."**

"Home health agency" means an agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence.

"Hospital" means an institution licensed as a hospital by the official state licensing authority.

"Income" means, for an SSI-related client, the receipt by an individual of any property or service which the client can apply either directly, by sale, or conversion to meet the client's basic needs for food, clothing, and shelter.

* **"Earned income"** means gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis. If income is weekly, the amount is multiplied by 4.3 to arrive at a monthly figure.

* **"Unearned income"** means all other income.

"Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. This includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

* **"Institution-public"** means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

* **"Institution for mental diseases"** means an institution primarily engaged in providing diagnosis, treatment, or

care of persons with mental diseases including medical attention, nursing care, and related services.

* **"Institution for the mentally retarded or a person with related conditions"** means an institution that:

* Is primarily for the diagnosis, treatment or rehabilitation of the mentally retarded or a person with related conditions; and

* Provides, in a protected residential setting, on-going care, twenty-four hour supervision, evaluation, and planning to help each person function at the greatest ability.

* **"Institution for tuberculosis"** means an institution for the diagnosis, treatment, and care of a person with tuberculosis.

* **"Medical institution"** means an institution:

* Organized to provide medical care, including nursing and convalescent care;

* With the necessary professional personnel, equipment and facilities to manage the health needs of the patient on a continuing basis in accordance with acceptable standards;

* Authorized under state law to provide medical care; and

* Staffed by professional personnel. Services include adequate physician and nursing care.

"Intermediary" means an organization having an agreement with the federal government to process Medicare claims under Part A.

"Legal dependent" means a person whom another person is required by law to support.

"Limited casualty program (LCP)" means a medical care program for medically needy as defined under WAC 388-503-0320 and for medically indigent as defined under WAC 388-503-0370.

"Medicaid" means the federal aid Title XIX program under which medical care is provided to:

* Categorically needy as defined in WAC 388-503-0310 and ~~(388-503-1105)~~ 388-511-1105; or

* Medically needy as defined in WAC 388-503-0320.

"Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined in WAC 388-503-0310 and ~~(388-503-1105)~~ 388-511-1105.

"Medical assistance administration (MAA)" means the unit within the department of social and health services authorized to administer the Title XIX Medicaid and the state-funded medical care programs.

"Medical assistance unit (MAU)" means one or more family members whose eligibility for medical care is determined separately or together based on financial responsibility.

"Medical care services" means the limited scope of care financed by state funds and provided to general assistance (GAU) and ADATSA clients.

"Medical consultant" means a physician employed by the department.

"Medical facility" see **"Institution."**

"Medically indigent (MI)" means a state-funded medical program, part of the limited casualty program, for a person with limited income and resources who has an emergency medical condition requiring hospital-based services.

"Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diag-

nose, correct, cure, alleviate or prevent worsening of conditions in the client that endanger life, or cause suffering or pain, or result in an illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the client requesting the service. For the purpose of this section, "course of treatment" may include mere observation or, where appropriate, no treatment at all.

"**Medically needy (MN)**" is the status of a person who is eligible for a federally matched medical program under Title XIX of the Social Security Act, who, but for income and/or resources above the categorically needy level, would be eligible as categorically needy. Effective January 1, 1996, an AFDC-related adult is not eligible for MN.

"**Medicare**" means the federal government health insurance program for certain aged or disabled clients under Titles II and XVIII of the Social Security Act. Medicare has two parts:

* "**Part A**" covers the Medicare inpatient hospital, post-hospital skilled nursing facility care, home health services, and hospice care.

* "**Part B**" is the supplementary medical insurance benefit (SMIB) covering the Medicare doctor's services, outpatient hospital care, outpatient physical therapy and speech pathology services, home health care, and other health services and supplies not covered under Part A of Medicare.

"**Month of application**" means the calendar month a person files the application for medical care unless the application is for the medically needy program, then, at the person's request and if the application is filed in the last ten days of that month, the month of application may be the following month.

"**Nursing facility**" means any institution or facility the department of health licenses as a nursing facility, or a nursing facility unit of a licensed hospital, that the:

* Department certifies; and

* Facility and the department agree the facility may provide skilled nursing facility care.

"**Outpatient**" means a nonhospitalized patient receiving care in a hospital outpatient or hospital emergency department, or away from a hospital such as in a physician's office, the patient's own home, or a nursing facility.

"**Patient transportation**" means client transportation to and from covered medical services under the federal Medicaid and state medical care programs.

"**Physician**" means a doctor of medicine, osteopathy, or podiatry who is legally authorized to perform the functions of the profession by the state in which the services are performed.

"**Professional activity study (PAS)**" means a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, to determine the average length of hospital stay for patients. These data were published in a book entitled, *Length of Stay in PAS Hospitals, Western*. The department has adopted this book as the basis for authorizing payment for the maximum number of inpatient hospital days for clients of state-funded programs, or where no memorandum of understanding with a professional review organization (PRO) exists.

"**Professional review organization for Washington (PRO-W)**" means the state level organization responsible for determining whether health care activities:

* Are medically necessary;

* Meet professionally acceptable standards of health care; and

* Are appropriately provided in an outpatient or institutional setting for beneficiaries of Medicare and clients of Medicaid and maternal and child health.

"**Prosthetic devices**" mean replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice as defined by state law to:

* Artificially replace a missing portion of the body;

* Prevent or correct physical deformity or malfunction; or

* Support a weak or deformed portion of the body.

"**Provider**" or "**provider of service**" means an institution, agency, or person:

* Having a signed agreement with the department to furnish medical care and goods and/or services to clients; and

* Eligible to receive payment from the department.

"**Resources**" mean, for an SSI-related client, cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

* If an individual can reduce a liquid asset to cash, it is a resource.

* If an individual cannot reduce an asset to cash, it is not considered an available resource.

* Liquid - Properties that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash in hand, stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

* Nonliquid - All other property both real and personal shall be evaluated according to the price the item can reasonably be expected to sell for on the open market in the particular geographical area involved.

"**Retroactivity**" means the period of no more than three calendar months before the application month of an otherwise eligible person under the Federal aid Title XIX program.

"**Spell of illness**" see "**benefit period.**"

"**Spenddown**" means the process by which a person uses incurred medical expenses to offset income and/or resources to meet the financial standards established by the department.

"**Spouse**" means:

* "**Community spouse**" means a person living in the community and married to an institutionalized person or to a person receiving services from a home and community-based waived program.

* "**Eligible spouse**" means an aged, blind or disabled husband or wife of an SSI-eligible person with whom such spouse lives.

* "**Essential spouse**" means, for the purposes of SSI, a spouse whose needs were taken into account in determining the need of an old age assistance (OAA), aid to the blind (AB), or disability assistance (DA) client for December 1973, who continues to live in the home and to be the spouse of such client.

* **"Ineligible spouse"** means the husband or wife of an SSI-eligible person, who lives with the SSI-eligible person and who has not applied or is not eligible to receive SSI.

* **"Institutionalized spouse"** means a married person in an institution or receiving services from a home or community-based waived program.

* **"Nonapplying spouse"** means the husband or wife, who has not applied for assistance, of an SSI-eligible person.

"SSI-related" means an aged, blind or disabled person.

"State office or SO" means the medical assistance administration of the department of social and health services.

"Supplemental security income (SSI) program, Title XVI" means the federal grant program for aged, blind, and disabled established by section 301 of the Social Security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).

"Supplementary payment (SSP)" means the state money payment to persons receiving benefits under Title XVI, or who would, but for the person's income, be eligible for such benefits, as assistance based on need in supplementation of SSI benefits. This payment includes:

* **"Mandatory state supplement"** means the state money payment to a person who, for December 1973, was a client receiving cash assistance under the department's former programs of old age assistance, aid to the blind and disability assistance; and

* **"Optional state supplement"** means the elective state money payment to a person eligible for SSI benefits or who, except for the level of the person's income, would be eligible for SSI benefits.

"Third party" means any entity that is or may be liable to pay all or part of the medical cost of care of a federal Medicaid or state medical care client.

"Title XIX" is the portion of the federal Social Security Act that authorizes grants to states for medical assistance programs. Title XIX is also called Medicaid.

"Transfer" means any act or omission to act when title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person; including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property. Transfer of title to a resource occurs by:

* An intentional act or transfer; or

* Failure to act to preserve title to the resource.

"Value-fair market" means, for SSI-related medical eligibility, the current value of a resource at the going price for which the resource can reasonably be expected to sell on the open market in the particular geographic area involved.

"Value of compensation received" means, for SSI-related medical eligibility, the gross amount paid or agreed to be paid by the purchaser.

"Value-uncompensated" means, for SSI-related medical eligibility, the fair market value of a resource minus the amount of compensation received in exchange for the resource.

AMENDATORY SECTION (Amending WSR 97-03-036, filed 1/9/97, effective 2/9/97)

WAC 388-503-0310 Categorically needy eligible persons. The department shall determine eligible for categorically needy medical assistance a client who is:

(1) Not eligible for or receiving temporary assistance for needy families (TANF) cash benefits who meets the eligibility criteria for aid to families with dependent children (AFDC) that were in effect on July 16, 1996 with the following changes:

(a) Consider earned income as described under WAC 388-507-0740; and

(b) Consider resources as described under WAC 388-505-0580.

This group shall include, but is not limited to, the special situations described under WAC 388-507-0740.

(2) Receiving or eligible to receive a cash assistance payment under:

(a) (~~Aid to families with dependent children~~) TANF. For the purpose of determining eligibility for a medical program, the department shall consider any reference to AFDC(~~)~~) as including TANF; or

(b) Supplemental security income (SSI) including a grandfathered person and a person with an essential spouse; or

(c) State supplemental payment (SSP) to a person as assistance based on need in supplementation of SSI benefits. This payment includes mandatory state supplement or optional state supplement as defined under WAC 388-500-0005. The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for noninstitutional categorically needy medical assistance.

~~(2)~~ (3) A person twenty years of age or younger who meets the:

(a) One-person (~~AFDC~~) TANF financial requirements and is in:

(i) Foster care; or

(ii) Subsidized adoption; or

(iii) A nursing facility or intermediate care facility for mentally retarded (ICF/MR); or

(iv) An approved inpatient psychiatric facility.

(b) Eligibility requirements under chapter 388-509 WAC.

~~(3)~~ (4) A current client of Title II, Social Security Administration (SSA) benefits who:

(a) Was a concurrent client of Title II and SSI benefits;

(b) Is ineligible for SSI benefits and/or state supplementary payments; and

(c) Would be eligible for SSI benefits if the department deducts the following from the current Title II benefit amount:

(i) All Title II cost-of-living benefit increases under P.L. 94-566, Section 503 received by the client since termination from SSI/SSP; and

(ii) All Title II cost-of-living benefit increases received during the time period in subsection (3)(c)(i) of this section by the client's spouse and/or other financially responsible family member living in the same household.

~~((4))~~ (5) An SSI client, after January 1, 1981, who continues to be eligible for medical assistance under P.L. 96-265 and 99-643;

~~((5))~~ (6) A currently disabled client receiving widow's or widower's benefits under Section 202 (e) or (f) of the Social Security Act if the disabled client:

(a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; and

(b) Was entitled to and received a widow's or widower's benefit based on a disability under Section 202 (e) or (f) of the Social Security Act for January 1984;

(c) Became ineligible for SSI/SSP in the first month in which the increase provided under Section 134 of P.L. 98-21 was paid to the client;

(d) Has been continuously entitled to a widow's or widower's benefit under Section 202 (e) or (f) of the act;

(e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under Section 215(i) of the act, were disregarded;

(f) Is fifty through fifty-nine years of age; and

(g) Filed an application for Medicaid coverage before July 1, 1988.

~~((6))~~ (7) Effective January 1, 1991, any person receiving Title II disabled widow/widower benefits (DWB) under Section 202 (e) or (f) of the SSA, if the person:

(a) Is not eligible for the hospital insurance benefits under Medicare Part A of Title XVIII;

(b) Received SSI/SSP payments in the month before receiving such Title II benefits;

(c) Became ineligible for SSI/SSP due to receipt of or increase in such Title II benefits; and

(d) Would be eligible for SSI/SSP if the amount of such Title II benefits or increase in such Title II benefits under Section 202 (e) or (f) of the SSA, and any subsequent cost-of-living increases provided under Section 215(i) of the act were disregarded.

~~((7))~~ (8) A disabled or blind client receiving Title II Disabled Adult Childhood (DAC) benefits under Section 202(d) of the SSA if the client:

(a) Has attained eighteen years of age;

(b) Lost SSI/SSP on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(c) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under Section 202(d) of the SSA and any subsequent cost-of-living increases provided under Section 215(i) of the SSA Act were disregarded.

~~((8))~~ (9) A client who:

(a) In August 1972, received:

(i) Old age assistance (OAA);

(ii) Aid to blind (AB);

(iii) Aid to families with dependent children (AFDC); or

(iv) Aid to the permanently and totally disabled (APTD); and

(b) Was entitled to or received retirement, survivors, and disability insurance (RSDI) benefits; or

(c) Is ineligible for OAA, AB, AFDC, SSI or APTD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

~~((9))~~ (10) A pregnant woman whose family income is at or below one hundred eighty-five percent of the Federal Poverty Level (FPL), or postpartum woman as described under WAC 388-508-0830;

~~((10))~~ (11) A child, born to a woman eligible for and receiving medical assistance on the date of the child's birth, from the date of birth for a period of one year when the child remains a member of the mother's household;

~~((11))~~ (12) A child eighteen years of age or younger meeting residence, citizenship, and Social Security number requirements whose countable family income is at or under two hundred percent of the FPL.

~~((12))~~ (13) In a family unit ineligible for ~~((AFDC))~~ TANF financial assistance as a result (wholly or in part) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility, if the family unit received ~~((AFDC))~~ TANF financial assistance in at least three of the six months immediately preceding the month of ineligibility;

~~((13))~~ In a family unit which becomes ineligible for AFDC before April 1, 1990, solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility, provided:

~~(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility; and~~

~~(b) A member of such family continues to be employed; and~~

~~(c) The department considers earned income tax credits (EITC) as income for the purposes of this subsection;~~

(14) Denied ~~((AFDC))~~ TANF cash payments solely because of a departmental recovery of an overpayment;

(15) In a medical facility and:

(a) Who would be eligible for cash assistance if the person was not institutionalized; or

(b) Is an SSI-related institutionalized person and has gross income above the cash assistance level but below three hundred percent of the Federal Benefit Rate.

(16) Sixty-five years of age or older, a patient in an institution for mental diseases (IMD), and is resource and income eligible as described under subsection ~~((15))~~ (14)(a) or (b) of this section;

(17) A person eligible for and accepting hospice services as described under WAC 388-86-047 and who shall be:

(a) SSI categorically related with gross income less than three hundred percent of the SSI Federal Benefit Rate; or

(b) AFDC or TANF categorically related.

(18) Blind or presumptively disabled under SSI criteria, as described under WAC 388-511-1105, and the person receives continuing general assistance (GA-X) cash assistance;

(19) An alien ineligible for AFDC or SSI cash assistance because of deeming of income of the alien's sponsors;

(20) Not an inmate of a public institution;

~~(21) ((Not receiving cash assistance because of special situations as defined under WAC 388-507-0740)); or~~

~~((22))~~ A client who:

(a) Was entitled to RSDI benefits in August 1972; and

(b) Is ineligible for ~~((AFDC))~~ TANF or SSI solely because of the twenty percent increase in Social Security benefits under PL 92-336.

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

AMENDATORY SECTION (Amending Order 3983, filed 6/6/96, effective 7/7/96)

WAC 388-505-0520 Citizenship ~~((and alien status))~~.

(1) The department shall provide Medicaid to an otherwise eligible person who is ~~(:~~

~~(a)) a citizen of the United States ~~((; or~~~~

~~(b) A North American Indian born in Canada claiming fifty percent:~~

~~(i) Indian blood; or~~

~~(ii) Or less Indian blood and who has maintained United States residency since before December 25, 1952.~~

~~((c) An alien lawfully admitted for permanent residence or otherwise permanently residing under color of law (PRUCOL) in the United States; or~~

~~(d) An alien lawfully present in the United States according to sections 203 (a)(7), 207(e), 208, and 212 (d)(5) of the Immigration and Nationality Act (INA); or~~

~~(e) An alien granted lawful temporary residence, or permanent residence according to sections 245(a), 210, 210(f), and 210A of INA and sections 202 and 302 of the Immigration Reform and Control Act (IRCA), unless five years from the date Immigration and Naturalization Service (INS) grants lawful temporary resident status has not passed; or~~

~~(f) An alien approved by the INS under the family unity program, unless five years from the date INS grants lawful temporary resident status for the petitioning relative has not passed.~~

~~(2) When an alien as described under subsection (1)(e) or (f) of this section has not passed the five year disqualification period, the department shall provide Medicaid to an otherwise eligible person when the alien is:~~

~~(a) Aged, blind, or disabled; or~~

~~(b) Seventeen years of age or under; or~~

~~(c) Pregnant; or~~

~~(d) A Cuban/Haitian entrant as defined in sections 501 (e)(1) and (2)(A) of P.L. 96-422.~~

~~(3) When an alien as described under subsection (1)(e) or (f) of this section is still under the five year disqualification period, and is not described under subsection (2) of this section, the department shall provide medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005.~~

~~(4) For any other alien, when such alien meets the eligibility requirements of a Medicaid program other than citizenship or alien status requirements, the department shall provide Medicaid as follows:~~

~~(a) Full scope medical services for a pregnant woman;~~

~~or~~
~~(b) Medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005.~~

~~(5) Medical care services and children's health programs do not require citizenship/alien status).~~

(2) The department shall provide Medicaid to non-citizens who are otherwise eligible who meet immigrant provisions as described under chapter 388-510 WAC.

AMENDATORY SECTION (Amending Order 3954, filed 3/13/96, effective 4/13/96)

WAC 388-507-0740 Special situations. (1) The department shall ~~((not)) allow ~~((the AFDC thirty dollars plus one third earned income exemption for clients applying solely for medical assistance, unless the conditions under subsection (2) of this section apply))~~ a fifty percent family earned-income exemption and the actual dependent care amount deduction, described in WAC 388-505-0590 when the client:~~

(a) Applies for or receives temporary assistance for needy families (TANF) cash benefits;

(b) Applies for or receives TANF-related medical only benefits; or

(c) Is not eligible for or receiving TANF benefits but who meets the eligibility criteria for AFDC that were in effect on July 16, 1996.

This subsection does not apply to a client described in subsection (2) of this section.

(2) The department shall allow ~~((the exemption in subsection (1) of this section when the family has:~~

~~(a) Received AFDC cash assistance in one of the four preceding months; and~~

~~(b) Not already received the exemption for a maximum of four consecutive months; or~~

~~(c) Already received the exemption for the maximum period, but has subsequently not received AFDC cash assistance for at least twelve consecutive months))~~ a ninety dollar earned-income exemption and the actual dependent care amount deduction when a client applies for or receives noncash medical only benefits described under chapter 388-508 WAC, Pregnant women medical eligibility and chapter 388-509 WAC, Children medical eligibility.

(3) The department shall consider ~~((an AFDC client terminated from cash assistance))~~ as eligible for Medicaid ~~((when termination was solely due to an AFDC client:~~

~~(a) Ceasing to attend school; or~~

~~(b) Refusing))~~ a person who:

(a) Would be eligible for, but chooses not to receive, TANF; or

(b) Is not eligible for or receiving TANF solely because the person:

(i) Has received sixty months of financial assistance or is a member of an assistance unit which has received sixty months of financial assistance;

(ii) Is not attending, or ceased to attend school;

(iii) Refuses to participate in the ~~((job opportunities and basic skills (JOBS)))~~ workfirst training program;

(iv) Is an unmarried minor parent and is not in a department-approved living situation as described under WAC 388-215-1660;

(v) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed ninety days as described under WAC 388-215-1115;

(vi) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or a probation and parole violator;

(vii) Is convicted of a drug-related felony as described under WAC 388-215-1570;

(viii) Is convicted of receiving benefits unlawfully as described under WAC 388-46-110;

(ix) Is convicted of misrepresenting residence to obtain assistance in two or more states as described under WAC 388-46-120; or

(x) Has gross earnings exceeding the TANF gross income standard.

(4) The department shall not consider the transfer of a resource when determining medical program eligibility for a person who is not institutionalized. For an institutionalized client, refer to WAC 388-513-1365.

NEW SECTION

WAC 388-510-1005 Definitions—Aliens. "Legal immigrant" means an alien residing in the United States who is lawfully present with intent to remain. A legal immigrant includes, but is not limited to, an alien meeting PRUCOL criteria.

"Nonimmigrant" means an alien legally residing in the country but without an intent to remain permanently or who is not lawfully present.

"Nonqualified alien" means any alien or noncitizen not meeting the definition of qualified alien as described under "qualified alien" of this section.

"PRUCOL" means a person residing under color of law.

"Qualified alien" means an alien:

(1) Who is lawfully admitted for permanent residence under the Immigration and Nationality Act (8 U.S.C. 12), including but not limited to an American Indian born in Canada who resides in the United States and who:

(a) Has at least fifty percent American Indian blood; or

(b) Has less than fifty percent Indian blood and who has maintained United States residency since before December 25, 1952.

(2) Who is a refugee admitted to the United States under section 207 of such Act;

(3) Who is granted asylum under section 208 of Act;

(4) Whose deportation is being withheld under section 243(h) of such Act;

(5) Who is paroled into the United States under section 212(d)(5) of such Act for a period of at least one year;

(6) Who is granted conditional entry under section 203(a)(7) of such Act as in effect prior to April 1, 1980; or

(7) Who is an immigrant that is a victim of domestic violence or an immigrant child that has been battered or subjected to extreme cruelty when:

(a) The immigrant petitions for legal status under the Illegal Immigration Reform and Immigrant Responsibility Act P.L. 104-208 section 501; and

(b) The person responsible for the battery no longer resides with the immigrant.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-510-1020 Alien—Eligibility. (1) For the purpose of determining eligibility for a medical program, the department shall (~~provide Medicaid to an otherwise eligible person who meets the criteria as described under WAC 388-505-0520~~) consider the terms "qualified alien" or "nonqualified alien" as indicating the Immigration and Naturalization Services (INS) status of the alien, not as an indication of eligibility status for medical programs.

(2) The department shall consider as eligible for Medicaid an alien receiving temporary assistance for needy families (TANF) or Supplemental Security Income (SSI).

(3) The department shall determine eligible for categorically needy (CN) Medicaid a qualified alien who:

(a) Arrived in the United States on or before August 21, 1996;

(b) Is otherwise eligible for or related to a Medicaid program; and

(c) Meets one of the qualified alien categories described under WAC 388-510-1005.

(4) The department shall determine eligible for state-funded CN scope of care a legal immigrant who:

(a) Arrived in the United States on or before August 21, 1996;

(b) Is otherwise eligible for or related to a Medicaid program; and

(c) Does not meet qualified alien criteria.

(5) The department shall determine eligible for CN Medicaid an alien who:

(a) Arrived in the United States on or after August 22, 1996;

(b) Is otherwise eligible for or related to a Medicaid program; and

(c) Meets at least one of the following qualified alien categories:

(i) A refugee;

(ii) An asylee;

(iii) An alien who has had deportation withheld; or

(iv) An honorably discharged veteran or alien on active duty in the United States armed forces, the spouse or unmarried dependent child of such person; or

(d) Is a qualified alien who has resided in the United States for five years.

(6) The department shall determine eligible for state-funded CN scope of care a family with child(ren) who:

(a) Arrived in the United States on or after August 22, 1996;

(b) Has resided in Washington for twelve-consecutive months as described under WAC 388-215-1210;

(c) Is determined eligible for or receiving state-funded TANF; and

(d) Is a legal immigrant not meeting the alien criteria described under subsection (5)(c) of this section.

(7) The department shall determine eligible for state-funded medical care services, as described under WAC 388-529-2930, an alien who:

(a) Arrived in the United States on or after August 22, 1996;

(b) Is determined eligible for and is receiving financial assistance under the GA-U program; and

(c) Is a legal immigrant who does not meet the alien criteria described under subsection (5)(c) of this section.

(8) The department shall determine eligible for state-funded CN scope of care an alien pregnant woman:

(a) Who is not eligible for coverage under a CN Medicaid program;

(b) Regardless of date of arrival into the United States; and

(c) Who would be eligible under chapter 388-508 WAC.

(9) The department shall determine eligible for state-funded CN scope of care an alien child under the Children's Health Program:

(a) Who is not eligible for coverage under a CN Medicaid program;

(b) Regardless of date of arrival into the United States; and

(c) Who would be eligible under WAC 388-509-0920.

(10) The department shall provide emergency medical care and services:

(a) Regardless of date of arrival into the United States;

(b) For any alien meeting Medicaid eligibility requirements as described in WAC 388-503-0310 and 0320, other than citizenship; and

(c) Only for the necessary treatment of an alien's emergency medical condition as defined under WAC 388-500-0005, with the exception of:

(i) Organ transplants as described under WAC 388-87-115(2) and related medical care services; or

(ii) Routine prenatal or postpartum care.

(11) Refer to chapter 388-518 WAC, Limited casualty program—Medically indigent for an alien who:

(a) Is not eligible for or related to a Medicaid program;

(b) Has an emergency medical condition; or

(c) Requires an organ transplant.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-523-2305 Medical extensions. (1) Refer to:

(a) WAC 388-508-0830 for extensions for a pregnant woman; and

(b) WAC 388-508-0835 for the family planning extension.

(2) A family unit ineligible for AFDC or temporary assistance for needy families (TANF) cash assistance because of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility provided the family unit:

(a) Is eligible for and received AFDC or TANF cash assistance in three or more of the six months immediately preceding the month of ineligibility; and

(b) Continues to meet all AFDC or TANF eligibility criteria except income.

(3) The department shall find eligible for medical assistance, an AFDC or TANF family unit which becomes ineligible for or requests termination from cash assistance because of:

(a) Income from((:)); or

(b) Hours of, employment of the caretaker relative; ((or

~~(b) The loss of the thirty dollars plus one third earned income deduction; or~~

~~(e) The loss of the thirty dollar earned income deduction)).~~ Such ((AFDC)) family unit as described under

(a)((:)) and (b)((, or (e))) of this subsection shall remain eligible for medical assistance for six calendar months when the family unit:

(i) Received AFDC or TANF in three or more of the six months immediately preceding the month of ineligibility; and

(ii) Includes a child.

(4) The ((AFDC)) family unit, under subsection (3) of this section, shall be:

(a) Eligible for six additional calendar months of medical assistance provided the family unit:

(i) Continues to include a child; and

(ii) Received medical assistance for the entire six-month extension under subsection (3) of this section; and

(iii) Reports any family earnings and child care costs related to the employment of the caretaker relative for the preceding three-month period. The client shall report by the twenty-first day of the fourth month of the initial extension, unless good cause is established.

(b) Terminated from the six additional calendar months of medical assistance when the:

(i) Family's average gross monthly earned income, less the cost of child care related to employment of the caretaker relative, exceeds one hundred eighty-five percent of the Federal Poverty Level when averaged over the immediately preceding three-month period; or

(ii) Caretaker relative has no earnings in one or more of the three previous months, unless lack of earnings is due to good cause.

(5) An AFDC or TANF family member shall not be eligible for the extensions in subsections (3) and (4) of this section when the department finds the person ineligible for AFDC or TANF in any of the last six months before the extension because of fraud.

WSR 97-17-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-141—Filed August 6, 1997, 3:55 p.m., effective August 7, 1997, 12:01 a.m.]

Date of Adoption: August 6, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-805.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of sockeye salmon is available, as determined by the Fraser River Salmon Management Forum. Opening in Areas 7 and 7A is consistent with management agreements among parties within this forum, and provides opportunity to harvest the nontreaty allocation of Early Stuart-Origin sockeye salmon relative to pre-season run size forecasts, relative to Pacific Salmon Commission update of early summer sockeye run size to 600,000, and to a target of over 1,400,000 sockeye remaining in the nontreaty allocation. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Atlantic salmon have recently escaped from commercial net pen operations in the Puget Sound region, and removal

of this nonnative species is required to eliminate any possibility of adverse impacts on indigenous fishes.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have moved from the fishing grounds.

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: August 7, 1997, 12:01 a.m.

August 6, 1997

Bern Shanks

Director

NEW SECTION

WAC 220-47-806 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Thursday August 7, 1997 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREA 7** - Reef nets may fish from 5:00 a.m. to 9:00 p.m. daily, Thursday August 7, 1997 through Sunday August 10, 1997.
- * **AREA 7A** - Reef nets may fish from 5:00 a.m. to 9:00 p.m. daily, Thursday August 7, 1997 through Sunday August 10, 1997. Purse seines may fish from 5:00 a.m. to 9:00 p.m. daily, Saturday, August 9, 1997 and Sunday, August 10, 1997.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7B, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- * Atlantic salmon may be retained during openings listed in this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Thursday August 7, 1997:

WAC 220-47-805 Puget Sound all-citizen commercial salmon fishery.

**WSR 97-17-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-144—Filed August 7, 1997, 11:48 a.m., effective August 11, 1997, 12:01 a.m.]

Date of Adoption: August 6, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-27000D and 220-57-27000E; and amending WAC 220-57-270.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The current regulation will result in the fishery exceeding the nontreaty harvestable share and the total allowable harvest rate of 31%. 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: August 11, 1997, 12:01 a.m.

August 6, 1997

Dirk Brazil

for Bern Shanks

Director

NEW SECTION

WAC 220-57-27000E Hoh River. Notwithstanding the provisions of WAC 220-57-270, effective 12:01 a.m., August 11 through August 31, 1997- **Closed.**

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 11, 1997:

WAC 220-57-27000D Hoh River. (97-110)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 1997:

WAC 220-57-27000E Hoh River. (97-144)

WSR 97-17-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-142—Filed August 7, 1997, 11:51 a.m., effective August 7, 1997, 12:01 a.m.]

Date of Adoption: August 6, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-35000P; and amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are necessary to conserve the resource and to provide maximum recreational harvest opportunity. 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 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: August 7, 1997, 12:01 a.m.

August 6, 1997

Dirk Brazil

for Bern Shanks

Director

NEW SECTION

WAC 220-56-35000Q Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective 12:01 a.m. August 7, 1997 until further notice, it is unlawful to harvest or possess clams, cockles, or mussels taken for personal use from the following public tidelands during the closed periods herein, and lawful to harvest only during the open periods herein.

(1) Double Bluffs State Park - **Open** until further notice.

(2) Port Townsend Ship Canal - **Open** until further notice.

(3) Wolfe Property State Park - **Open** until further notice.

(4) Cline Spit - **Closed until further notice.**

(5) Frye Cove - **Closed until further notice.**

NEW SECTION

WAC 220-56-38000J Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-56-380, effective 11:59 p.m. August 15, 1997 until further notice, it is unlawful to harvest or possess oysters taken for personal use from the following public tidelands:

(1) Dosewallips State Park

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 7, 1997:

WAC 220-56-35000P Clams other than razor clams—
Areas and seasons. (97-83)

WSR 97-17-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-143—Filed August 7, 1997, 4:45 p.m., effective August 9, 1997, 12:01 a.m.]

Date of Adoption: August 9 [7], 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-56-32500Q [220-56-325].

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvest management plan for joint management of Puget Sound (excluding Hood Canal) Pandalid shrimp under Subproceeding 89-3 of United States v. Washington provides for regional harvest shares. An additional 2,700 pounds in Shrimp District 1 is available for harvest by the non-Indian recreational fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 9, 1997, 12:01 a.m.

August 8 [7], 1997
Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-56-32500Q Shrimp—Areas and seasons.
Notwithstanding the provisions of WAC 220-56-325, effective August 9, 1997 through September 15, 1997, it is lawful to fish for or possess shrimp, other than spot shrimp, taken for personal use from Shrimp District 1.

**WSR 97-17-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-145—Filed August 7, 1997, 4:46 p.m., effective August 7, 1997, 11:59 p.m.]

Date of Adoption: August 7, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19000L; and amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable quota of salmon will have been taken in Catch Record Card Area 1. 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: August 7, 1997, 11:59 p.m.

August 7, 1997
Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-56-19000M Coastal salmon—Seasons and limits. Notwithstanding the provisions of WAC 220-56-190, effective 11:59 p.m. August 7, 1997, until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 1 through 4 except as provided for in this section:

(1) Area 1 - **Closed until further notice.**

(2) Area 2 - Special daily limit of 2 salmon of which only one may be chinook. Special cumulative limit of 4 salmon in any seven consecutive days - Sundays through Thursdays only, July 21 through September 25, except closed 0-3 miles offshore.

(3) Area 2.1- Special daily limit of 6 salmon, not more than 3 of which may be adult salmon as defined in WAC 220-56-190 - August 16 until further notice.

(4) Area 2.2 - The Westport Boat Basin fishery as provided for in WAC 220-56-190 is unchanged. Waters east of the Channel Marker 13 line - Daily limit A except release coho salmon - September 1 through September 30.

(5) Area 3 - **Closed until further notice.**

(6) Area 4 west of the Bonilla-Tatoosh line - **Closed until further notice.**

(7) Area 4 - Effective 12:01 a.m. August 1, 1997 through 11:59 p.m. August 29, 1997, in those waters east of the Bonilla-Tatoosh line special daily limit of 2 salmon, except chinook salmon and coho salmon must be released.

(8) Area 4 - Effective 12:01 a.m. August 30, 1997 through 11:59 p.m. August 31, 1997, in those waters of Catch Record Card Area 4 east of the Bonilla-Tatoosh line special daily limit of 2 salmon, except chinook salmon must be released.

(9) Size limits - Chinook salmon minimum size 24 inches in length. Coho salmon minimum size 16 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 7, 1997:

WAC 220-56-19000L Coastal salmon—Seasons and limits. (97-138)

**WSR 97-17-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-148—Filed August 8, 1997, 4:30 p.m., effective August 12, 1997, 6:00 p.m.]

Date of Adoption: August 8, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-88A-08000N; and amending WAC 220-88A-080.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules are necessary to comply with a recently negotiated state/tribal Puget Sound shrimp harvest management plan and meet treaty sharing requirements. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 12, 1997, 6:00 p.m.

August 8, 1997
Ron Swatfigure
for Bern Shanks
Director

NEW SECTION

WAC 220-88A-08000P Emerging commercial fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear. Notwithstanding the provisions of WAC 220-88A-080, effective 6:00 p.m. August 12, 1997, until further notice, it is unlawful to fish for or possess shrimp taken for commercial purposes in Puget Sound using shellfish beam trawl gear except as provided for in this section:

(1) **Open** - in Marine Fish Shellfish Management and Catch Reporting Areas 20A, 23C and 29, except as provided for in this section.

(2) The following areas are closed to beam trawl gear:

(a) Marine Fish Shellfish Management and Catch Reporting Area 20A in waters less than 20 fathoms deep.

(3) It is unlawful to harvest and retain spot shrimp, or any other species other than Pandalid shrimp.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. August 12, 1997:

WAC 220-88A-08000N Emerging commercial fishery—Puget Sound shrimp trawl experimental fishery—Seasons and gear. (97-120)

WSR 97-17-018 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE (Fisheries)

[Order 97-147—Filed August 8, 1997, 4:32 p.m., effective August 9, 1997, 12:01 a.m.]

Date of Adoption: August 8, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-48-015.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The north Puget Sound deep water bottomfish trawl fishery targets multiple species, among which is Pacific cod. Using previous years catch records, an allowable harvest of 55,000 pounds was projected through August 31, 1997, at which time the deep water fishery closes to protect Pacific cod. If, prior to August 31st, the 55,000 pounds are taken, the fishery closes early. Catches from January 1, 1997, through June 15, 1997, are 50,393 pounds which was in conformance with the projected harvest rate. Subsequent landings show very little additional Pacific cod. Through August 5, 1997, the Pacific cod harvest totaled just over 53,000 pounds, only an additional 2,600 pounds landed. These landings do not conform to the historical landings for this area and time period. The reason for this reduction in the catch is unknown. Either the forecast modeling that generated the 55,000 pound harvest level is in error, being too liberal, and the Pacific cod stocks have been severely overharvested, or the fishers have been discarding Pacific cod in order to keep the fishery open for other species. If Pacific cod stocks have been overharvested, it is necessary to immediately close the fishery for conservation. If discarding is occurring, the catch per unit effort prior to August 5th should have resulted in approximately 9,000 pounds of additional cod being handled. Since deep water Pacific cod die after being brought to the surface and discarded, 9,000 pounds of cod have been killed, but not landed. This handling mortality, added to the recorded harvest through August 5th, would put the fishery over the 55,000 pound limit. Either the Pacific cod stocks are less abundant than originally projected and a conservation issue exists or discarding is the reason for no Pacific cod in the landings and the limit has been achieved. Under either rationale the fishery needs to be closed to conserve the remaining Pacific cod.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

EMERGENCY

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 9, 1997, 12:01 a.m.
August 8, 1997
Ron Swatfigure
for Bern Shanks
Director

NEW SECTION

WAC 220-48-01500C Bottom trawl fishery. Notwithstanding the provisions of WAC 220-48-015, effective 12:01 a.m. August 9, 1997 until further notice it is unlawful to fish for or possess bottomfish taken for commercial purposes with bottom trawl gear in Marine Fish/Shellfish Management Catch Reporting Areas 20A, 20B, 21A, 22A, and 22B in waters deeper than 40 fathoms.

**WSR 97-17-019
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-146—Filed August 8, 1997, 4:35 p.m., effective August 11, 1997, 12:01 a.m.]

Date of Adoption: August 8, 1997.
Purpose: Commercial fishing regulations.
Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-806.

Statutory Authority for Adoption: RCW 75.08.080.
Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of sockeye salmon is available, as determined by the Fraser River Salmon Management Forum. Opening in Areas 7 and 7A is consistent with management agreements among parties within this forum, and provides opportunity to harvest the nontreaty allocation of Early Stuart-origin sockeye salmon relative to preseason run size forecasts, relative to Pacific Salmon Commission update of early summer sockeye run size to 650,000, and to a target of over 1,300,000 sockeye remaining in the nontreaty allocation. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Atlantic salmon have recently escaped from commercial net pen operations in the Puget Sound region, and removal of this nonnative species is required to eliminate any possibility of adverse impacts on indigenous fishes.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have moved from the fishing grounds.

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: August 11, 1997, 12:01 a.m.
August 8, 1997
Ron Swatfigure
for Bern Shanks
Director

NEW SECTION

WAC 220-47-807 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Monday August 11, 1997 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREAS 7 and 7A** - Reef nets may fish from 5:00 a.m. to 9:00 p.m. daily through Thursday August 14, 1997. Gillnets using 5-inch minimum 6-inch maximum mesh may fish from 7:30 am to 11:59 pm Wednesday August 13, 1997. Purse seines may fish from 5:00 am to 9:00 pm Thursday August 14, 1997. Purse seines may not retain chinook in Area 7.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7B, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- * Atlantic salmon may be retained during openings listed in this section.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Monday August 11, 1997:

WAC 220-47-806 Puget Sound all-citizen commercial salmon fishery.

EMERGENCY

WSR 97-17-020
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed August 11, 1997, 8:40 a.m.]

Date of Adoption: August 8, 1997.

Purpose: To change work registration and food stamp employment and training program participation rules to comply with a Federal Food and Consumer Service clarification that "over 50" means on the 50th birthday. To correct a WAC citation. To clarify that after serving the period of disqualification, persons may reestablish eligibility if they are receiving unemployment compensation or participating in WorkFirst.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-360, 388-49-380, and 388-49-385.

Statutory Authority for Adoption: RCW 74.05.510.

Other Authority: Section 6, HR 3734, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

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: This rule action clarifies and corrects errors in recently adopted rules which are required by federal 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 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 0, repealed 0.

Effective Date of Rule: Immediately.

August 8, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 97-09-012, filed 4/4/97, effective 5/5/97)

WAC 388-49-360 Work registration and food stamp employment and training (FSE&T) program participation. (1) Unless exempt, the department shall register for work and require participation in the food stamp employment and training (FSE&T) program persons:

- (a) Ages sixteen through fifty-nine with dependents;
- (b) Ages sixteen and seventeen out of school, not heads-of-households; and

(c) Ages (~~(fifty-one)~~) fifty through fifty-nine without dependents.

(2) Registration happens at certification and once every twelve months thereafter.

(3) The department shall exempt from work registration and participation in the FSE&T program persons who are:

(a) Sixteen and seventeen years of age who are not heads of households who are:

(i) Attending school; or

(ii) Enrolled in a program under temporary assistance for needy families (TANF), a program under Job Training Partnership Act (JTPA), a program under section 236 of the Trade Act of 1974, or other state or local employment and training programs at least half time;

(b) Physically or mentally unfit for employment;

(c) Responsible for the care of a dependent child under six years of age or of an incapacitated person;

(d) Applying for or receiving unemployment compensation (UC);

(e) Participating in an employment and training program under TANF;

(f) Employed or self-employed thirty hours or more per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty. This shall include migrant and seasonal farmworkers under contract or agreement with an employer;

(g) Enrolled as a student as defined in WAC 388-49-330; or

(h) Regularly participating in a drug addiction or alcoholic treatment and rehabilitation program.

(4) The department shall register for work and exempt from participation in the FSE&T program persons who:

(a) Participate in a refugee assistance program;

(b) Reside in an exempt area;

(c) Reside one hour or more travel distance from available FSE&T services;

(d) Do not have a mailing address or message telephone;

(e) Have a temporary incapacity expected to last sixty or more days; or

(f) Have dependent care needs that exceed the maximum amount payable by the department. The exemption shall continue until:

(i) A suitable program service is available; or

(ii) Circumstances change and monthly dependent care costs no longer exceed the department reimbursement limit.

(5) The department shall accept an applicant's statement concerning the employability of each member of the household unless the information is questionable. The department shall verify any claim for exemption the department determines questionable.

AMENDATORY SECTION (Amending WSR 97-09-012, filed 4/4/97, effective 5/5/97)

WAC 388-49-380 Voluntary quit. (1) The department shall consider a person ineligible who:

(a) Voluntarily quits his or her most recent job without good cause if:

(i) The employment involved twenty hours or more per week or provided weekly earnings equivalent to the federal minimum wage by twenty hours;

(ii) The quit occurred within sixty days prior to application or any time thereafter; and

(iii) At the time of the voluntary quit, the ~~((person))~~ person was required to register for work as provided under WAC 388-49-360 (with exception of subsection (3)(d) and (e) of this section), or the person is nonexempt under WAC ~~((388-49-335))~~ 388-49-355; or

(b) Is an employee of the federal, state, or local government who participated in a strike against such government and is dismissed from his or her job because of participation in the strike.

(2) Good cause for voluntarily quitting employment includes the following:

(a) Circumstances included under WAC 388-49-366(2);

(b) The employment is unsuitable as defined under WAC 388-49-370;

(c) Discrimination by an employer based on age, race, sex, color, religious belief, national origin, political belief, marital status, or the presence of any sensory, mental, or physical disability or other reasons in RCW 49.60.180;

(d) Work demands or conditions rendering continued employment unreasonable, such as working without being paid on schedule;

(e) Acceptance by the person of employment or enrollment of at least half time in any recognized school, training program, or institution of higher education including fulfillment of the provisions under WAC 388-49-330, requiring the person to leave employment;

(f) Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program, or institution of higher education in another county or similar political subdivision requiring the household to move thereby requiring any other member to leave employment;

(g) Resignations by persons under sixty years of age recognized by the employer as retirement;

(h) Acceptance of a bona fide offer of employment of twenty hours or more a week or where the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the person, subsequently either does not materialize or results in employment of twenty hours or less a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(i) Leaving a job in connection with patterns of employment where workers frequently move from one employer to another, such as migrant farm labor or construction work.

(3) A household where a person voluntarily quits his or her most recent job shall not be ineligible if the circumstances of the employment involve:

(a) Changes in employment status resulting from reduced hours of employment while working for the same employer;

(b) Termination of a self-employment enterprise; or

(c) Resignation from a job at the demand of an employer.

(4) The person shall have primary responsibility for providing verification of good cause for voluntary quit. If the household and the department are unable to obtain verification, the department shall not deny the household access to the program.

(5) If a quit was without good cause, the person is disqualified:

(a) For the first quit, one month and until the person complies with subsection (7) of this section;

(b) For the second quit, three months and until the person complies with subsection (7) of this section; and

(c) For the third or subsequent quit, six months and until the person complies with subsection (7) of this section.

(6) For persons residing in exempt areas under WAC 388-49-360(4), a disqualification ends when a person:

(a) Has served the one, three, or six month portion of the disqualification penalty; and

(b) Complies with subsection (7)(a) of this section.

(7) The person may re-establish eligibility after the disqualification, if otherwise eligible, and the person:

(a) Secures new employment;

(b) In nonexempt areas, is participating in the food stamp employment and training program;

(c) Is participating in workfare; ~~((or))~~

(d) Is receiving unemployment compensation;

(e) Is participating in workfirst; or

(f) Becomes exempt ~~((other than under WAC 388-49-360 (3)(d) and (e)))~~ from work registration and/or participation.

(8) If a disqualified person moves from the household and joins another household, the department shall consider the person as an ineligible household member of the new household for the remainder of the disqualification period.

AMENDATORY SECTION (Amending WSR 97-09-012, filed 4/4/97, effective 5/5/97)

WAC 388-49-385 Food stamp workfare. (1) Workfare is a program available to persons eighteen ~~((through))~~ to fifty years of age without dependents, that gives persons the opportunity to maintain eligibility for food stamp benefits.

(2) Workfare consists of:

(a) For the first month, job search activities or unpaid work with a public or private nonprofit agency; and

(b) Subsequent months, unpaid work with a public or private nonprofit agency.

(3) The department determines the hours that a person must participate in unpaid work with a public or private nonprofit agency.

(4) Workfare hours when added to compensated hours worked may not exceed thirty hours a week.

(5) The department shall pay for a person's actual expenses, up to the department limit, that are necessary for the person to participate in workfare.

WSR 97-17-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-150—Filed August 11, 1997, 4:30 p.m., effective August 12, 1997, 12:01 a.m.]

Date of Adoption: August 11, 1997.

Purpose: Personal use rules.

EMERGENCY

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19100W; and amending WAC 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An in-season update of the Green River chinook salmon run shown an expected wild run size of 4,984 fish, and this is below the escapement goal of 5,800 for this stock. By moving the boundary for the Elliott Bay salmon angling closure to the West Point/Alki Point line, it will provide increased protection for this wild chinook run.

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: August 12, 1997, 12:01 a.m.

August 11, 1997

Dirk Brazil

for Bern Shanks

Director

NEW SECTION

WAC 220-56-19100X Puget Sound salmon—Seasons and daily limits. Notwithstanding the provisions of WAC 220-56-191, effective 12:01 a.m. August 12, 1997 until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 5 through 13 except as provided for in this section:

(1) Areas 5 and 6:

(a) August 11 through September 15 - Special daily limit of 2 salmon except release chinook.

(2) Area 7:

(a) August 1 through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be chinook or coho.

(3) Area 8.1:

(a) Immediately through August 15 - Closed.

(b) August 16 through September 15 - Special daily limit of 4 salmon not more than 2 of which may be coho and release chinook.

(c) September 16 through September 30 - Special daily limit of 2 salmon except release chinook.

(4) Area 8.2:

(a) August 1 through September 30 - Special daily limit of 2 salmon except release chinook taken outside the Tulalip Bay Zone, defined as waters west of a line from Mission Point to Hermosa Point and within 2,000 feet from shore between the pilings at Old Bowers Resort northerly to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point.

(5) Area 9:

(a) August 1 through September 1 - Special daily limit of 2 salmon except release chinook.

(b) September 2 through September 30 - Closed.

(c) Notwithstanding the provision of this subsection, salmon fishing is permitted year-round from the Edmonds Public Fishing Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(6) Area 10:

(a) Waters north of a line from West Point to Skiff Point and northeasterly of Agate Pass Bridge open with a special daily limit of two salmon, except:

(i) August 12 through August 31, release chinook salmon.

(ii) August 12 through October 15, Shilshole Bay east of a line from Meadow Point to West Point is closed to salmon angling.

(b) Waters south of a line from West Point to Skiff Point and southwesterly of Agate Pass Bridge open with a special daily limit of two salmon, except:

(i) August 12 through September 15, Elliott Bay east of a line from West Point to Alki Point is closed to salmon angling, except salmon angling is permitted from the Elliott Bay Public Fishing Pier and Seacrest Pier.

(ii) during the period September 16 through October 15, downstream of the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island and parallel to SW Spokane Street where it crosses Harbor Island, release chinook salmon. The non-buoyant lure and night closure restrictions of WAC 220-56-126 apply.

(7) Area 11 - Immediately until further notice - Special daily limit of 2 salmon.

(8) Area 12:

(a) Immediately through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be pink salmon and release all chinook and chum.

(9) Area 13 - Immediately until further notice - Special daily limit of 2 salmon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 12, 1997:

WAC 220-56-19100W	Puget Sound salmon— Seasons and daily limits. (97-110)
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WSR 97-17-026
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. UT-970317, General Order No. R-441—Filed August 12, 1997, 4:20 p.m.]

In the matter of amending WAC 480-80-330 and 480-120-027 and adopting WAC 480-123-010.

This is an emergency rule-making proceeding that is designed to amend and adopt rules to become effective when filed.

The Washington Utilities and Transportation Commission is conducting this rule making pursuant to RCW 80.01.040 and 34.05.350. This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The facts requiring emergency action are as follows:

On May 8, 1997, the Federal Communications Commission (FCC) released its Report and Order, FCC Order No. 97-157, (FCC Order) implementing key portions of Section 254 of the Telecommunications Act of 1996 (the federal act), which addresses universal service. Among other matters, the order identified services to be supported by federal universal service funding and the mechanisms whereby such funding will be provided. Discounts on telecommunications services and certain nontelecommunications services for schools and libraries are among the items earmarked for federal funding. The rule making also addresses contracts pursuant to the federal universal service program providing services to rural health care providers.

The FCC Order provides for funding of both interstate and intrastate services for schools and libraries. The federal act provided that the FCC set the discounts for such interstate services for schools and libraries and reserved to the states the authority to set such discounts for intrastate services.

The FCC Order setting federal discounts and the parameters for the intrastate discounts was not issued until May 8 and was not published in the Federal Register until June 17, 1997. The intrastate discounts must be set immediately in order to permit Washington state schools and libraries to receive the available funds, it is appropriate under RCW 34.05.350(b) for the commission to adopt emergency rules pending the final permanent rule adoption.

The commission has filed a preproposal notice of its intention to promulgate permanent rules on the subjects addressed by these emergency rules. The commission has also provided notice of the proposed emergency rule adoption to interested persons and provided the opportunity for comment.

The Washington Utilities and Transportation Commission finds that an emergency exists. It finds that the federal law and rules require immediate adoption of a new commission rule and amendment of existing rules. It finds that immediate adoption of a new rule and immediate amendment of existing rules are necessary for the preservation of the public health, safety, or general welfare, and that observing the statutory requirements of notice and opportunity to

comment upon adoption of a permanent rule would be contrary to the public interest.

This adoption of a new rule and amendment to existing rule affect no economic values and have no adverse environmental effect, in that they merely provide a means for Washington state institutions to take advantage of the federal program and no intrastate funds are involved.

In reviewing the entire record, the commission determines that it should amend WAC 480-80-330 and 480-120-027 and it should adopt WAC 480-123-010, to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to be effective when filed. These rule changes will make commission regulations consistent with the federal requirements.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 2, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 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.

ORDER

THE COMMISSION ORDERS That WAC 480-80-330 and 480-120-027, as set forth in Appendix A, is amended, to take effect as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), to be effective when filed.

THE COMMISSION FURTHER ORDERS That WAC 480-123-010, as set forth in Appendix A, is adopted, to take effect as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), to be effective when filed.

THE COMMISSION FURTHER ORDERS That this order and the rules set forth in Appendix A, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapters 34.05 RCW and 1-21 WAC.

DATED at Olympia, Washington, this 30th day of July 1997.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
William R. Gillis, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-301, Docket No. U-88-1704-R, filed 6/1/89)

WAC 480-80-330 Telecommunications contracts. (1) Contracts to be filed. All contracts with end use customers for the retail sale of regulated intrastate telecommunications services which contain or state rates or conditions not in conformance with any applicable tariff or which provide for

telecommunications services which are not specifically addressed in the telecommunications company's published tariffs shall be filed with the commission in accordance with this section. For purposes of this section the modification of a previously executed contract will be treated as a new contract. This section shall not apply to contracts which offer services subject to a price list filed pursuant to WAC 480-120-027.

(2) Application. This section shall apply prospectively to all contracts as defined in subsection (1) of this section executed after the effective date of this section.

(3) Time for filing and effectiveness. With the exception of firm bid contracts allowed under subsection (4) of this section, each contract shall be filed with the commission in accordance with this subsection. A contract which does not qualify for treatment under subsection (4) of this section shall be filed with the commission not less than thirty days prior to the proposed effective date of the contract, and shall become effective according to its terms unless earlier approved or rejected by the commission: *Provided*, That upon application and for good cause shown, the commission may approve the contract as of an effective date prior to the date that the contract would have become effective in accordance with this section.

(4) Federal contracts. Where a federal agency asserts its authority to solicit a firm offer of services and a contract subject to this section is submitted in response to that solicitation, the provisions of subsection (3) of this section will not apply. Upon the acceptance of such a contract offer by the federal agency, the telecommunications company shall immediately file the contract with the commission and must include the same documentation required for approval by subsection (5) of this section.

(5) Documentation. Each contract and substantial contract modification filed pursuant to this section shall be accompanied by documentation to show that the contract does not result in undue or unreasonable discrimination between customers receiving like and contemporaneous service under substantially similar circumstances; and provides for the recovery of all costs associated with the provision of the services. In addition, the telecommunications company shall file the following information in conjunction with each contract submitted:

(a) A statement summarizing the basis of the rate or charge proposed in the contract and an explanation of the derivation of the proposed rate or charge;

(b) An explanation of all cost computations involved in arriving at the derivation of the level of the rate or charge in the contract; and

(c) A statement indicating the basis for the use of a contract rather than a filed tariff for the specific service involved.

(6) Duration of contract. All contracts shall be for a stated time period.

(7) Confidentiality. Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-08-015. However, any filing which designates as "confidential" the essential terms and conditions will be rejected by the commission.

(8) Federal universal service contracts with schools, libraries, and rural health care providers pursuant to 47 CFR, Part 54. When a telecommunications company enters into

a contract to provide service to a school or library as part of the federal universal service program, the telecommunications company must file the contract if the rates, terms, or conditions of the prediscounted contract service depart from the tariff. The contract must be filed immediately upon acceptance by the administrator of the federal universal service program for schools and libraries. The filing must include the same documentation required for approval by subsection (5) of this section.

AMENDATORY SECTION (Amending Order R-301, Docket No. U-88-1704-R, filed 6/1/89)

WAC 480-120-027 Price lists. (1) Pursuant to RCW 80.36.310 telecommunications services classified by the commission as competitive will be offered under price lists. All services of competitive telecommunications companies as classified by the commission under RCW 80.36.310 will be offered under price lists.

(2) All price lists filed with the commission must describe the service being offered and all prices, charges, terms, and conditions pertaining thereto. Each page of every price list shall contain, in general, the company name, the page number, and the effective date. All subsequent revisions of a price list shall bear consecutive revision numbers. Price lists must provide sufficient detail for customers and potential customers reasonably to determine what is being offered and what charges the customer incurs in obtaining the service.

(3) Contracts (including modifications to previously executed contracts) for services which are governed by this section may be offered subject to the requirements of this subsection.

(a) Contracts of companies classified "competitive" under RCW 80.36.310 shall be filed with the commission not later than five business days after execution. A contract filed pursuant to this subdivision will not be rejected by the commission in the absence of competent evidence that the contract is unlawful.

(b) Contracts which offer services classified as "competitive" under RCW 80.36.330 shall be filed with the commission at least ten days prior to the effective date. Such contracts may not include both "price listed" and "tariffed" services unless the tariffed services are set forth separately and offered under an approved tariff or contract (see WAC 480-80-330). A contract filed pursuant to this subdivision may be rejected if the telecommunications company is unable to document that the price charged covered its relevant costs under either a long run incremental cost analysis or a fully distributed cost analysis whichever is lower, or any other commission-approved cost method. A contract filed pursuant to this subdivision may also be rejected upon a showing that it is otherwise unlawful. To meet its burden of proving that the contract is cost-based, the company shall, at a minimum, provide the following information at the time of filing:

(i) A statement summarizing the basis of the rate or charge proposed in the contract and an explanation of the derivation of the proposed rate or charge; and

(ii) An explanation of all cost computations involved in arriving at the derivation of the level of the rate or charge in the contract.

(c) All contracts filed pursuant to this subsection shall be for a stated time period.

(d) Filings under this subsection may be submitted with portions designated "confidential" pursuant to WAC 480-08-015. However, any filing which designates as "confidential" the essential terms and conditions will be rejected by the commission.

(4) Federal contracts. Where a federal agency asserts its authority to solicit a firm offer of services and a contract subject to this section is submitted in response to that solicitation, the provisions of subsection (3) of this section will not apply. Upon the acceptance of such a contract offer by the federal agency, the telecommunications company shall immediately file the contract with the commission and must include the same documentation otherwise required by this section.

(5) Federal universal service contracts with schools, libraries, and rural health care providers pursuant to 47 CFR, Part 54. When a telecommunications company enters into a contract to provide competitively classified service to a school or library as part of the federal universal service program, the telecommunications company must file the contract if the rates, terms, or conditions of the prediscounted contract service depart from the tariff. The contract must be filed immediately upon acceptance by the administrator of the federal universal service program for schools and libraries. The filing must include the same documentation required for approval by subsection (3)(b) of this section.

NEW SECTION

WAC 480-123-010 Federal universal service contracts. For purposes of schools and libraries receiving federal universal service funding under 47 CFR, Part 54 of the Federal Communications Commission rules, the following discounts shall apply:

SCHOOLS AND LIBRARIES DISCOUNT MATRIX HOW DISADVANTAGED?

% of students eligible for national school lunch program

DISCOUNT LEVEL

urban discount (%)	rural discount (%)
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<1	20	25
1-19	40	50
20-34	50	60
35-49	60	70
50-74	80	80
75-100	90	90

**WSR 97-17-027
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)**

[Order 97-156—Filed August 12, 1997, 4:29 p.m.]

Date of Adoption: August 9, 1997.

Purpose: To adopt WAC 232-28-51500A 1997-98, 1998-99, 1999-2000 Trapping seasons and regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-51500A.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The former trapping season rule applied to the 1996-1997 season, and is outdated. This rule will allow traditional trapping to begin October 1, and will be in place during promulgation of the permanent rule. Failure to open the trapping season by emergency rule would do irreparable harm to the 600 licensed trappers. There is insufficient time to adopt a permanent rule before the beginning of the 1997-1998 season and meet all substantive and procedural requirements of the Administrative Procedure Act.

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.

August 13 [12], 1997
Dirk Brazil
for Bern Shanks, PhD
Director

NEW SECTION

WAC 232-28-51500A 1997-98, 1998-99, 1999-2000 Trapping seasons and regulations

Effective Immediately until Further Notice:

Trapping Regulations

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

EMERGENCY

A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or depredating on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

Trapping Seasons:

General Western Washington Trapping Seasons (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat	November 22, 1997 November 21, 1998 November 20, 1999	February 15, 1998 February 15, 1999 February 15, 2000
Red Fox	November 22, 1997 November 21, 1998 November 20, 1999	February 15, 1998 February 15, 1999 February 15, 2000
Weasel	November 22, 1997 November 21, 1998 November 20, 1999	February 15, 1998 February 15, 1999 February 15, 2000
Marten	November 22, 1997 November 21, 1998 November 20, 1999	January 31, 1998 January 31, 1999 January 31, 2000
Raccoon	November 22, 1997 November 21, 1998 November 20, 1999	January 31, 1998 January 31, 1999 January 31, 2000

Mink	November 22, 1997 November 21, 1998 November 20, 1999	January 31, 1998 January 31, 1999 January 31, 2000
Muskrat	November 22, 1997 November 21, 1998 November 20, 1999	January 31, 1998 January 31, 1999 January 31, 2000
Beaver	December 13, 1997 December 12, 1998 December 11, 1999	January 31, 1998 January 31, 1999 January 31, 2000
River Otter	December 13, 1997 December 12, 1998 December 11, 1999	January 31, 1998 January 31, 1999 January 31, 2000

EMERGENCY

Exceptions to General Western Washington Trapping Seasons:

Cowlitz County

Game Management Unit 522 (Loo-wit) is closed to all trapping.

Island County

The red fox season is closed.

Lewis County

Green River, above the confluence of Elk Creek, is closed to all trapping except for bobcat, and coyote. Game Management Unit 522 (Loo-wit) is closed to all trapping.

Skagit County

The Ross Lake National Recreation Area is closed to all trapping. The red fox season is closed in Skagit County, except within the exterior boundaries of the Mount Baker-Snoqualmie National Forest. Raccoon, mink, and muskrat seasons are December 13, 1997 to January 31, 1998; December 12, 1998 to January 31, 1999; and December 11, 1999 to January 31, 2000.

Skamania County

Smith Creek, Bean Creek, and Clearwater Creek, above USFS 83 Road on Pine Creek, and above the confluence of Bean Creek on the Muddy River are closed to all trapping except for bobcat and coyote. Game Management Unit 522 (Loo-wit) is closed to all trapping.

Whatcom County

The Ross Lake National Recreation Area is closed to all trapping. The red fox season is closed in Whatcom County, except within the exterior boundaries of the Mount Baker-Snoqualmie, and Okanogan National Forests. Raccoon, mink, and muskrat seasons are December 13, 1997 to January 31, 1998; December 12, 1998 to January 31, 1999; and December 11, 1999 to January 31, 2000.

General Eastern Washington Trapping Seasons (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

SPECIES	OPENING DATE	CLOSING DATE
Badger	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Bobcat	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Red Fox	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Weasel	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Marten	December 15, 1997 December 15, 1998 December 15, 1999	January 31, 1998 January 31, 1999 January 31, 2000
Raccoon	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Mink	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Muskrat	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Beaver	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
River Otter (Season Bag Limit is 6 River Otter in Eastern Washington)	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000

Exceptions to General Eastern Washington Trapping Seasons:

The river otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens and Yakima counties, as well as in the Snake and Walla Walla Rivers and their tributaries.

Chelan County

The beaver season is closed in Swakane and Mudd Creek.

Kittitas County

The beaver season is closed in the north fork of Tarpiscan Creek, and the Umtanum Creek drainage.

Urban Trapping Areas: Special Regulations and Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of foot-hold, kill, or snare traps except muskrat and mink may be taken with a number one and one-

half foot-hold drowning set or a 110 instant kill trap during lawful trapping seasons as established by the Fish and Wildlife Commission. In these areas all traps or devices, not capable of killing the animal must be checked and the animal removed within 24 hours.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; then east up the Snohomish River to Interstate 5 (I-5); then south on I-5 to Interstate 405 (I-405); then south on I-405 to I-5; then south on I-5 to its junction with Pioneer Way; then east along Pioneer Way to Waller Road; then south along Waller Road to SR 512; then west along SR 512 to Highway 7; then south on Highway 7 to Highway 507 to the Pierce County line to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

WSR 97-17-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Order 97-154—Filed August 12, 1997, 4:30 p.m.]

Date of Adoption: August 9, 1997.

Purpose: To adopt WAC 232-28-26400A Small game seasons—Canada goose seasons.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-26400A; and amending WAC 232-28-264.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Insufficient time to establish change in September Canada goose season.

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 1, amended 0, repealed 1.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

Effective Date of Rule: Immediately.

August 9, 1997
Lisa Pelly, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 232-28-26400A Small game seasons — Canada goose September season. Notwithstanding the provisions of WAC 232-28-264, effective immediately it is unlawful to hunt for or possess Canada geese except during the period of September 6-12, 1997.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 16, 1997:

WAC 232-28-26400A Small game seasons —
Canada goose September
season.

WSR 97-17-029
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Order 97-155—Filed August 12, 1997, 4:32 p.m.]

Date of Adoption: August 9, 1997.

Purpose: To adopt WAC 232-16-74000C Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-16-74000C; and amending WAC 232-16-740.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To conform with the hunting regulations of the Umatilla Wildlife Refuge.

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.

August 9, 1997
Lisa Pelly, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 232-16-74000C Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. Notwithstanding the provisions of WAC 232-16-740, effective immediately it shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia river and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Patterson (river channel marker 67). Except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area.

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to Lower Monumental Dam.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

REPEALER

The following section of the Washington Administrative code is repealed effective September 13, 1997:

WAC 232-16-74000C Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

**WSR 97-17-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-151—Filed August 12, 1997, 4:42 p.m., effective August 13, 1997, 12:01 a.m.]

Date of Adoption: August 12, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000M; and amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to enhance recreational opportunity for operators of small recreational boats. Harvestable numbers of chinook salmon are available in the overall ocean chinook quota. 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: August 13, 1997, 12:01 a.m.

August 12, 1997

Dirk Brazil

for Bern Shanks

Director

EMERGENCY

NEW SECTION

WAC 220-56-19000N Coastal salmon—Seasons and limits. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. August 13, 1997, until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 1 through 4 except as provided for in this section:

(1) Area 1 - **Closed until further notice.**

(2) Area 2 - Special daily limit of 2 salmon. Special cumulative limit of 4 salmon in any seven consecutive days - Sundays through Thursdays only, July 21 through September 25, 1997.

(3) Area 2.1 - Special daily limit of 6 salmon, not more than 3 of which may be adult salmon as defined in WAC 220-56-190 - August 16 until further notice.

(4) Area 2.2 - The Westport Boat Basin fishery as provided for in WAC 220-56-190, except all species night closure and non-buoyant lure restriction September 1 until further notice. Waters east of the Channel Marker 13 line - Daily limit A except release coho salmon - September 1 through September 30 - Single point barbless hooks required.

(5) Area 3 - **Closed until further notice.**

(6) Area 4 west of the Bonilla-Tatoosh line - **Closed until further notice.**

(7) Area 4 - Effective 12:01 a.m. August 1, 1997 through 11:59 p.m. August 29, 1997, in those waters east of the Bonilla-Tatoosh line special daily limit of 2 salmon, except chinook salmon and coho salmon must be released.

(8) Area 4 - Effective 12:01 a.m. August 30, 1997 through 11:59 p.m. August 31, 1997, in those waters of Catch Record Card Area 4 east of the Bonilla-Tatoosh line special daily limit of 2 salmon, except chinook salmon must be released.

(9) Size limits - Chinook salmon minimum size 24 inches in length. Coho salmon minimum size 16 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 13, 1997:

WAC 220-56-19000M Coastal salmon—Seasons and limits. (97-145)

**WSR 97-17-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-149—Filed August 13, 1997, 2:47 p.m., effective August 15, 1997, 12:01 a.m.]

Date of Adoption: August 13, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-807.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of sockeye salmon is available, as determined by the Fraser River Salmon Management Forum. Opening in Areas 7 and 7A is consistent with management agreements among parties within this forum, and provides opportunity to harvest the nontreaty allocation of Fraser River-origin sockeye salmon relative to preseason run size forecasts, relative to Pacific Salmon Commission update of early summer sockeye run size to 650,000, and to a target of over 1,300,000 sockeye remaining in the nontreaty allocation.

Opening in Area 7B and 7C provides opportunity to harvest the nontreaty allocation of chinook salmon destined for the Nooksack-Samish region, per preseason schedule.

This opening is consistent with agreements reached during the Pacific Fisheries Management Council - North of Falcon preseason process, and reflects the schedule adopted by the Washington Fish and Wildlife Commission. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Atlantic salmon have recently escaped from commercial net pen operations in the Puget Sound region, and removal of this nonnative species is required to reduce any possibility of adverse impacts on indigenous fishes. An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have moved from the fishing grounds.

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: August 15, 1997, 12:01 a.m.
August 13, 1997

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-47-808 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Friday August 15, 1997 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREAS 7 and 7A** - Reef nets may fish from 5:00 a.m. to 9:00 p.m. daily through Saturday August 16, 1997.
- * **AREAS 7B and 7C** - Gillnets using 7-inch minimum mesh may fish from 7:00 p.m. Monday August 18, 1997 to 9:00 a.m. Tuesday August 19, 1997.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- * Atlantic salmon may be retained during openings listed in this section.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Friday August 15, 1997:

WAC 220-47-807 Puget Sound all-citizen commercial salmon fishery. (97-146)

WSR 97-17-048**EMERGENCY RULES****DEPARTMENT OF AGRICULTURE**

[Filed August 14, 1997, 4:38 p.m.]

Purpose: To establish an immediate quarantine on a serious infestation of yellow nutsedge (*Cyperus esculentus*) on a parcel of land located in Thurston County, Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 16-752-300 and 16-752-305.

Statutory Authority for Adoption: Chapter 17.10 RCW, Noxious weeds—Control boards.

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: Yellow nutsedge is a serious noxious weed of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. Because yellow nutsedge is highly invasive, left unchecked the spread of this class B noxious weed would entail great economic loss to agricultural industries in the state of Washington. Immediate action is necessary to prevent seed set and nutlet formation this growing season, and to prevent movement of soil containing nutlets off-site.

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.

August 13, 1997

Jim Jesernig
Director

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-300 Establishing quarantine. Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz and Thurston counties (~~County~~) (WAC 16-750-011(~~27~~)) (33(a)). Yellow nutsedge infests a dredging spoil site at the Port of Kalama in Kalama, Washington and a plant nursery site at the Port of Olympia in Tumwater, Washington. Movement of material from ~~(this)~~ these sites ~~(has)~~ initiate~~(s)~~ additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

(1) That the identified sites ~~(is)~~ are so seriously infested as to require quarantine; and

(2) That the movement of contaminated materials from ~~(this)~~ these sites presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and

(3) That the restriction of such spread is critical to control efforts.

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

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

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-305 Quarantine area. The quarantine area shall encompass the dredge spoil site at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and the Port of Olympia, located at the Olympia, Airport, Tumwater, Washington, and more particularly described ~~((as follows:))~~ in subsection (1) and (2).

~~((The following described the real estate, situated in the county of Cowlitz, state of Washington:))~~

Real Estate situation in the counties of Cowlitz and Thurston, state of Washington:

(1) Cowlitz County parcel - containing twenty-three acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1

degree 12°00" west 612.50 feet; thence north 20 degrees 23°00" west 186.52 feet to a point 30.00 feet westerly when measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24°37" west 1325.90 feet; thence south 61 degrees 05°28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tidelands; thence south 27 degrees 54°56" east along said inner harbor line 1045.78 feet to the one mile limit as shown on said plat; thence south 62 degrees 05°04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48°46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46°22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

County of Thurston, state of Washington:

Parcel number 12711230000 - a portion of this parcel containing twenty-two acres of nursery production, more or less and three access roads one of which begins at 85th Avenue SW, the other two begin at Old Highway 99 SW.

A tract of land in Section 11, Township 17 north, Range 2 west of the Willamette Meridian, more particularly described as follows:

A portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 11, Township 17 North, Range 2 West, W.N., Thurston County, Washington.

Beginning at the South Quarter corner of Section 11; Thence north 01°53'09"E, along the center of the section line 77.6 feet to the southerly edge of the infestation, said point being 75 feet northerly of the center of taxiway 5 and the point of beginning; Thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 1254.2 feet to coordinate pair N 604966 E 1043268 North American Datum 83/91, Washington State Lambert projection South Zone; Thence north 01°32'43" E parallel to and 75 feet westerly of taxiway 5, 256.1 feet (N605222 E 1043275); Thence north 74°44'42" W, parallel to and 200 feet southerly of runway 8-26, 2031.7 feet (N 605757 E 1041315); Thence south 12°53'58"W, parallel to and 75 feet easterly of taxiway 4, 744.6 feet (N605031 E 1041148); Thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 866.5 feet to the point of beginning. TOGETHER WITH: Two (2) 50 foot easements for ingress and egress described as follows: Beginning at the centerline of Old Highway 99 at coordinate pair N605688 E 1044159; Thence south 62°13'04"W, 337 feet (N 605531 E1043861); Thence south 37°34'07"W, 66 feet (N 605479 E 1043821); Thence south 15°34'51"W, 432 feet (N 605063 E 1043705); Thence south 56°50'31"W, 90 feet (N 605014 E 1043630); Thence north 73°42'21"W, 135 feet (N 605052 E 1043500); Thence south 73°31'23"W, 47 feet (N 605031 E 1043429).

Beginning at the coordinate pair N605479 E 1043821; Thence N 10°18'17"W, 78' (N605556 E103807); Thence N52°23'38"W, 93' (N605613 E1043733); Thence N 74°34'40"W, 331' (N605701 E1043414); Thence N 24°31'11"W, 63' (N605758 E1043388); Thence N 0°58'36"W, 352 (N606110 E1043382).

Beginning at the end of 85th Avenue SE; Thence N14°36'57"W, 44'; Thence N1°44'13"E, 103'; Thence N1°44'13"E, 122'; Thence N4°2'36"E, 103'; Thence

N1°44'13"E, 140'; Thence N3°31'10"E, 134'; Thence N1°44'13"E, 146'; Thence N6°43'41"W, 141'; Thence N6°3,35"W, 92'; Thence N1°44'13"E, 128'; Thence N15°58'50"W, 96'; Thence S85°33'49"W, 113'; Thence N88°15'39"W, 100'; Thence N85°38'49"W, 133'; Thence N88°15'36"W, 137'; Thence N85°28'20"W, 125'; Thence S89°35'45"W, 162'; Thence N88°15'32"W, 129'; Thence N88°15'30"W, 200'; Thence N88°15'28"W, 150'; Thence N85°43'23"W, 137'; Thence N88°38'45"E, 113'; Thence N83°56'12"W, 242; Thence N40°38'52"W, 25'; Thence N40°6'3"W, 25'.

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

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

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-310 Articles whose movement is restricted. The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules (~~(nutlets or seeds)~~) of the plant, including soil in nursery pots, is covered by this quarantine. The movement of all balled and burlap nursery stock is covered by this quarantine.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-315 Regulations. Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil, potted nursery plants and other plants from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Cowlitz or Thurston County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the Cowlitz or Thurston County noxious weed control board, except in designated parking areas.

(4) All weed control measures and irrigation practices in the quarantine area are to be (~~(undertaken in consultation with)~~) conducted at the direction of the Cowlitz or Thurston County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Cowlitz or Thurston County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: *Provided*, That adequate precautions are taken to prevent commingling of infested and noninfested soils and

equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-320 Costs of quarantine. The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz or Thurston County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

AMENDATORY SECTION (Amending Order 2069, filed 1/11/91, effective 2/11/91)

WAC 16-752-330 Violation and penalty. Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.310 and 350 and WAC 16-750-900 020 (~~(3)~~) which provides (~~(a)~~) monetary penalty(~~s~~)ies of up to one thousand dollars per infraction.

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

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

WSR 97-17-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 97-157—Filed August 15, 1997, 4:41 p.m., effective August 16, 1997, 12:01 a.m.]

Date of Adoption: August 15, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-808.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of sockeye salmon is available, as determined by the Fraser River Salmon Management Forum. Opening in Areas 7 and 7A is consistent with management agreements among parties within this forum, and provides opportunity to harvest the nontreaty allocation of Fraser River-origin sockeye salmon relative to preseason run size forecasts and in-season run size updates, relative to a target of over 1,200,000 sockeye remaining in the nontreaty allocation. Requirement for purse seine release of chinook salmon necessary due to higher than

anticipated chinook incidental harvests and to protect weak chinook stocks.

Opening in Area 7B and 7C provides opportunity to harvest the nontreaty allocation of chinook salmon destined for the Nooksack-Samish region, per preseason schedule. This opening is consistent with agreements reached during the Pacific Fisheries Management Council - North of Falcon preseason process, and reflects the schedule adopted by the Washington Fish and Wildlife Commission.

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Atlantic salmon have recently escaped from commercial net pen operations in the Puget Sound region, and removal of this nonnative species is required to reduce any possibility of adverse impacts on indigenous fishes.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have moved from the fishing grounds.

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: August 16, 1997, 12:01 a.m.
August 15, 1997
Bern Shanks
Director

NEW SECTION

WAC 220-47-809 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Saturday, August 16, 1997 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREAS 7 and 7A** - Reef nets may fish from 5:00 a.m. to 9:00 p.m. daily Sunday, August 17, 1997 through Monday, August 18, 1997. Purse seines may fish from 8:00 a.m. to 9:00 p.m. Sunday, August 17, 1997. Area 7 closed to purse seine fishing west of a line from Iceberg Point (on Lopez Island) to the Smith Island light, and closed to purse seine fishing west of a line from East Point (on Saturna Island, British Columbia) to Point Doughty (on Orcas Island). Purse seines may not retain chinook salmon in Areas 7 or 7A. Gillnets using 5-inch minimum, 6-inch maximum mesh may fish from 7:40 a.m. to 11:59 p.m. Monday, August 18, 1997.

- * **AREAS 7B and 7C** - Gillnets using 7-inch minimum mesh may fish from 7:00 p.m. Monday, August 18, 1997 to 9:00 a.m. Tuesday, August 19, 1997.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- * Atlantic salmon may be retained during openings listed in this section.

August 18, 1997
 Dirk Brazil
 for Bern Shanks
 Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Saturday, August 16, 1997:

WAC 220-47-808 Puget Sound all-citizen commercial salmon fishery.

WSR 97-17-072
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 97-159—Filed August 18, 1997, 4:42 p.m.]

Date of Adoption: August 18, 1997.

Purpose: Subsistence fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500J; and amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable salmon are available for a subsistence fishery. This conforms state rules with Yakama Nation 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: Immediately.

NEW SECTION

WAC 220-32-05500K Columbia River tributaries—Subsistence. Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Klickitat River except under the following provisions:

(1) The Klickitat River from the site of the former Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Tuesdays to 6:00 p.m. Saturday of each week until further notice.

(2) ALLOWABLE GEAR:

Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500J Columbia River tributaries—Subsistence. (97-126)

WSR 97-17-073
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 97-153—Filed August 18, 1997, 4:45 p.m., effective August 27, 1997, 6:00 a.m.]

Date of Adoption: August 18, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100Z; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available. Provides treaty Indians access to their share of fall chinook. Rule is consistent with actions of the Columbia River Compact on August 1, 1997, and the 1996-98 Management Agreement and the Endangered Species Act. 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

EMERGENCY

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: August 27, 1997, 6:00 a.m.

August 18, 1998 [1997]

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-32-05100Z Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open Periods:

6:00 a.m. Wednesday, August 27, 1997 to 6:00 p.m. Saturday, August 30, 1997.

(b) Open Area: SMCRA 1F, 1G, and 1H

(c) Mesh: No mesh restriction

(d) It is unlawful to retain sturgeon less than 48 inches or greater than 60 inches in length. Sturgeon may be retained for subsistence purposes only. All sale of sturgeon is prohibited.

(2) 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 downriver 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 point one-half 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 one-half 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 one-half 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 one-half mile upstream from the eastern shoreline.

(i) Spring Creek are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of 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 deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, 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 one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, 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 6:01 p.m. August 30, 1997:

WAC 220-32-05100Z Columbia River salmon seasons above Bonneville.

**WSR 97-17-074
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-152—Filed August 18, 1997, 4:47 p.m., effective September 2, 1997, 7:00 p.m.]

Date of Adoption: August 18, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000Q; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon and sturgeon are available. These select area fisheries (terminal areas) are part of an on-going BPA funded study to design fisheries in areas outside of the mainstem Columbia River. Rule is consistent with actions of the Columbia River Compact on August 1, 1997, and the Endangered Species Act. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; and 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: September 2, 1997, 7:00 p.m.
August 18, 1997

Dirk Brazil
for Bern Shanks
Director

NEW SECTION

WAC 220-33-01000Q 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, shad, and sturgeon 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:

Area: Big Creek Terminal Area

Description: The Big Creek terminal salmon fishing area is Calendar and Big Creeks sloughs east from boundary

markers at the west end of Minaker Island, upstream to marker at south bank at mouth of Blind Slough across to a marker on the north bank of Blind Slough, thence west to a marker on Karlson Island, except within a 100 foot radial closure at the mouth of Big Creek.

Season: 7:00 p.m. September 2 to 7:00 p.m. September 4, 1997;

7:00 p.m. September 9 to 7:00 p.m. September 11, 1997.

Gear: 100 fathoms maximum length.

No limit on amount of weight on lead line.

No mesh restriction.

Allowable Sale: Salmon and sturgeon

Area: Blind Slough Terminal Fishery

Description: In Blind Slough, from the railroad bridge downstream to markers at the mouth of Blind Slough and for Oregon license holders upstream to markers at the mouth of Gnat Creek.

Season: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays;
7:00 p.m. Tuesday to 7:00 a.m. Wednesday of each week beginning September 8 through September 23, 1997;

6:00 p.m. Sunday to 8:00 a.m. Monday;

6:00 p.m. Monday to 8:00 a.m. Tuesday;

6:00 p.m. Tuesday to 8:00 a.m. Wednesday;

of each week beginning September 28 through October 21, 1997.

Gear: Nets restricted to 50 fathoms in length.

No weight restriction on lead line.

No mesh restriction.

Allowable sale: Salmon

Area: Tongue Point Terminal Fishery

Description: 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 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.

Season: 7:00 p.m. Wednesdays to 7:00 a.m. Thursdays;
7:00 p.m. Thursdays to 7:00 a.m. Fridays
of each week beginning September 3 through September 25, 1997

6:00 p.m. Wednesdays to 8:00 a.m. Thursday;

6:00 p.m. Thursdays to 8:00 a.m. Fridays

of each week beginning October 1 through October 23, 1997.

Gear: Nets restricted to maximum length of 250 fathoms.

Weight on lead line not to exceed 2 pounds on any one fathom.

No mesh restriction.

Allowable sale: Salmon

Area: Deep River Terminal Fishery

Description: In Deep River, from the town of Deep River to the mouth of Deep River defined by a marker at Miller Point westerly to a marker on the opposite bank. Area from town of Deep River downstream to Highway 4 Bridge open only to Washington license holders.

Season: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays;

7:00 p.m. Tuesdays to 7:00 a.m. Wednesdays;

of each week beginning September 8 through September 23, 1997.
 6:00 p.m. Sundays to 8:00 a.m. Mondays;
 6:00 p.m. Mondays to 8:00 a.m. Tuesdays;
 6:00 p.m. Tuesdays to 8:00 a.m. Wednesdays;
 of each week beginning September 28 through October 21, 1997.

Gear: Nets restricted to 100 fathoms in length.
 No weight restriction on lead line.
 No mesh restrictions.

Allowable Sale: Salmon

Additional Rule: For all areas listed above it is unlawful to transport fish outside of the fishing area when the adjacent mainstem Columbia River is closed unless by licensed buyer, or if the catch has been "sampled" by a representative of the Washington Department of Fish and Wildlife. "Sampled" means the catch was examined and a permit was issued.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:01 a.m. October 23, 1997:

WAC 220-33-01000Q Columbia River gillnet seasons below Bonneville.

EMERGENCY



WSR 97-16-059
AGENDA
DEPARTMENT OF HEALTH
 [Filed July 31, 1997, 5:00 p.m.]

Department of Health 1997 Rules Agenda

DIVISION/ PROGRAM	WAC NUMBER	WAC TITLE/ SUBJECT	STATUTORY AUTHORITY	ADOPTING AUTHORITY	STATUS
COMMUNITY AND FAMILY HEALTH					
HIV/AIDS	246-100-207	HIV Testing Procedures (Due to very recent Medical Advances)	RCW 43.20.050	SBOH	Adopted - WSR 97-04-041
HIV/AIDS	246-100-011, 036, 072, 206, 209	Spousal Notification and adding funeral directors and embalmers to the list of occupations eligible to receive notice of HIV status after substantial exposure.	RCW 70.24.022 RCW 70.24.340	SBOH	Adopted - WSR 97-15-099
HIV/AIDS - STD	246-100-072, 206, 207, 208, 209	Updates for consistency with current medical practice regarding HIV and STD Prevention, Counseling, and Control	RCW 70.24.022 RCW 70.24.130 RCW 70.24.340	SBOH Identified	Problem
Disease and Condition Reporting	246-100-211, 218 246-420 246-430	Creation of an integrated public health surveillance reporting system.	RCW 70.28.032 RCW 43.70.545 RCW 70.58.350 RCW 70.54.270	SBOH Secretary SBOH Secretary	Problem Identified (Interdivisional Effort Between CFH, EHP, EHSPHL, and HSQA-EMS)
HIV/AIDS	246-136	Offender disease notification when a local jail staff member has been substantially exposed to the bodily fluids of an offender.	1997, C 345, § 6	Secretary	Adopted Emergency WSR 97-16-025
STD/TB	246-171	Tuberculosis Financial Responsibility for County TB Sanitariums	RCW 70.33.0202	Secretary	Expedited Repeal CR-101X Filed
Children with Special Health Care Needs	246-710-040	Funding Ceilings for Neuromuscular Program	RCW 43.20.140	SBOH	Expedited Repeal CR-101X Filed
Coordinated Children's Services	246-710	Updates for consistency with current state and federal laws, as well as current operational practice.	RCW 43.20.140	SBOH	Problem Identified
Child and Adolescent Health	246-762-060, 070	Scoliosis Screening Notification and Waivers	RCW 28A.210.220	SBOH	Expedited Repeal CR-101X Filed
WIC	246-790	Updates for consistency w/state and federal laws as well as clarification	RCW 43.70.120	Secretary	CR-101 Filed
HEALTH SYSTEMS QUALITY ASSURANCE					
Acupuncture	246-802	Acupuncture chapter	RCW 18.06.160 RCW 43.70.040	Secretary	

MISC.

Acupuncture	246-802-020 246-802-025 246-802-240	License Renewal Omactove Statist Cooperation w/investigation		Secretary	Expedited Repeal CR-101X Filed
Adult Family Homes	246-328-150	Current Mailing Address			Expedited Repeal CR-101X Filed
Chiropractic	246-808-410 246-808-525 246-808-530 246-808-710	Disparaging Other Practitioners Health Food Store Ownership Vitamins, Minerals, Food Supplements Professional Standards Review Organizations			Expedited Repeal CR-101X Filed
Community and Rural Health	246-510-001 to 400	Eligibility for funds; Community Clinics	RCW 43.70.040	Secretary	Expedited Repeal CR-101X Filed
Community and Rural Health	246-560-001 through 090	Community Rural Health	RCW 70.175 RCW 70.185	Secretary	CR-101 Filed
CON	246-310-040, 041, 042, 060, 135, 630	Exemptions from CON requirement, Sanctions for violations, Minority bed pool, Public access to records	RCW 70.38	Secretary	Expedited Repeal CR-101X Filed
Counselors	246-810	Counselors, chapter revision	RCW 18.19	Secretary	CR-102 Filed, Hearing 7/30
Denture Technology		Defining Practice		Secretary	Problem Identified
Dietitian/ Nutritionist	246-822-100 246-822-140	Cooperation w/investigation Certification renewal			Expedited Repeal CR-101X Filed
Emergency Medical Services and Trauma Prevent.	246-976-001, 010 and 910 through 990	Purpose, Definition, System Administration	RCW 18.71, RCW 18.73 and RCW 70.168	Secretary	CR-101 Filed
EMS	246-976-020- 120 (except sec. 076, 077 and 090)	Emergency Medical Services and Trauma Care Systems (Training Sections)	RCW 18.73 and 18.71	Secretary	CR-101 Filed
EMS	246-976-076, 077, 165 and 181	Intermediate Life Support (training, CME, certification and definition)	RCW 18.71 and 18.73	Secretary	CR-101 Filed
EMS	246-976-090	Emergency Medical Services, Personnel - Continuing Medical Education, Units of Learning	RCW 18.73	Secretary	Expedited Repeal CR-101X Filed
EMS	246-976-115	Emergency Medical Services, Training - Course Coordinator Responsibilities	RCW 18.73	Secretary	Expedited Repeal CR-101X Filed
EMS	246-976-140- 240 (except sec. 165 and 181)	Emergency Medical Services and Trauma Care Systems (Certification Sections)	RCW 18.71 and RCW 18.73	Secretary	CR-101 Filed

EMS	246-976-260 through 400	Licensure; Verification	RCW 18.73 and 70.168	Secretary	CR-101 Filed
EMS	246-976-420-450	Emergency Medical Services and Trauma Care Systems (Trauma Registry)	RCW 70.168	Secretary	CR-101 Filed
EMS	246-976-470-890	Emergency Medical Services and Trauma Care Systems (Designation)	RCW 70.168	Secretary	CR-101 Filed
Facilities and Services Licensing	246-100-181	Communicable and certain other diseases - Special Settings—Child day care facilities	RCW 43.20.050	Secretary	
Facilities and Services Licensing	246-100-186	Communicable and certain other diseases - Special Settings—Health care facilities	RCW 43.20.050	Secretary	
Facilities and Services Licensing	246-316	Boarding Homes	RCW 18.20.090	Secretary	
Facilities and Services Licensing	246-316-001	Boarding Homes-Purpose and Scope	RCW 18.20	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-316-990	Boarding Home Licensing Fees	RCW 43.70.110 RCW 43.70.250 RCW 43.20B.020	Secretary	CR-101 Filed
Facilities and Services Licensing	246-318	Hospitals	RCW 70.41.030	Secretary	CR-101 Filed
Facilities and Services Licensing	246-318-018	Hospital license for attached Nursing home	RCW 70.41.030	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-318-050 through 140, 340, 360, 410, 430, 435, 501	Hospitals - various sections	RCW 43.70.040	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-321	Hospice Care Centers— Repeal of chapter	RCW 43.70.040	Secretary	Adopted WSR 97-03-080
Facilities and Services Licensing	246-322-001	Private Psychiatric Hospitals-Purpose and Scope	RCW 71.12 and RCW 43.70.040	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-323	Residential Treatment Facilities	RCW 71.12	Secretary	
Facilities and Services Licensing	246-324-001	Private Alcohol Hospitals - Purpose and Scope	RCW 71.12 and RCW 43.70.040	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-325	Adult Res. Rehab Centers and Private Adult Treatment Homes	RCW 71.12	Secretary	
Facilities and Services Licensing	246-325-001	Adult Residential Rehab Centers-Purpose and Scope	RCW 43.70.040	Secretary	Expedited Repeal CR-101X Filed

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Facilities and Services Licensing	246-326-001	Alcoholism Treatment Facilities-Purpose	RCW 71.12 and RCW 43.70.040	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-327-001	Home Health Agencies-Scope and Purpose	RCW 70.127.120	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-327-990 246-331-990 246-336-990	Home Health Agencies, Hospice Agencies and Home Care Agency licensing fees	RCW 43.70.110 RCW 43.70.250 RCW 70.127.090	Secretary	Adopted WSR 97-15-096
Facilities and Services Licensing	246-329-001	Child Birth Centers-Purpose	RCW 43.70.040	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-331-001	Hospice Agencies-Purpose and Scope	RCW 70.127.120	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-336-001	Home Care Agencies-Scope and Purpose	RCW 70.127.120	Secretary	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-360-060	Transient Accommodations-Swimming pools, spas, hot tubs, wading pools and bathing beaches	RCW 70.62.240	SBOH	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-360-170	Transient Accommodations - Travel trailers and Mobile homes	RCW 70.62.240	SBOH	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-360-210	Transient Accommodations-Severability	RCW 43.20.050	SBOH	Expedited Repeal CR-101X Filed
Facilities and Services Licensing	246-340-085	Second Trimester Abortion Facilities	RCW 43.43.830-842	Secretary	
Facilities and Services Licensing	New Chapter	Ambulatory Surgery Centers	New Legislation	Secretary	
Facilities and Services Licensing	New Chapter	Child Care Centers	RCW 74.15.060	Secretary	CR-101 Filed
Health Care Assistants	246-826-010	Definitions		Secretary	
Health Care Assistants	246-826-080	Updating the Health Care Assistants Chapter	RCW 18.135.030	Secretary	CR-101 Filed
Health Professions Quality Assurance	246-XXX	Student Loan Defaults		Secretary	CR-101 Filed
Health Professions Quality Assurance	246-XXX	Administrative Procedures relating to health professions licensing	RCW 43.70.280	Secretary	CR-101 Filed
Hearing/Speech	246-828	Standards of Practice for speech/language paths	RCW 18.35.161	Board	Adopted WSR 97-04-042
Hearing/Speech	246-828-020, 025	Hearing Aid Fitters Examinations; Definitions	RCW 18.35.161	Board/Secretary	CR-101 Filed

Hearing/ Speech	246-828-055	Hearing instrument fitter/dispenser apprenticeship program definitions	RCW 18.35.040 RCW 18.35.161	Board	Adopted WSR 97-15-128
Hearing/ Speech	246-828-060, 065	Hearing Aid Fitter/ Dispenser Trainees		Board	Expedited Repeal CR-101X Filed
Hearing/ Speech	246-828-070	Hear instrument fitter dispenser apprenticeship min. training requirements	RCW 18.35.040 RCW 18.35.161	Board	Adopted WSR 97-15-128
Hearing/ Speech	246-828-400, 410, 420, 430	Hearing Aid Fitter/ Dispenser Temporary Practice Permits		Board	Expedited Repeal CR-101X Filed
Hearing/ Speech	246-828-510	Continuing Education	RCW 18.35.090	Secretary	CR-101 Filed
Hearing/ Speech	246-828	Standards of practice for speech, language pathologists and audiologists	RCW 18.35.161	Board	CR-101 Filed
Hearing/ Speech	246-828-990	Certification fees for speech/lang. paths, audiologist and hearing instrument fitters	RCW 18.35.090 RCW 43.70.250	Secretary	Adopted WSR 97-04-043
Laboratory Quality Assurance	246-338	MTS rules update to assure CLIA renewal	RCW 70.42	Secretary	Adopted WSR 97-14-113
Massage Board	246-830	Massage Therapy Chapter	RCW 18.108.025 RCW 18.108.085	Board	Problem Identified
Massage Board	246-830-690 246-830-220 246-830-230 246-830-240 246-830-250 246-830-260 246-830-270 246-830-280	Cooperation w/investigation Exams Grading of Exams Frequency of Exams Exam Appeal Re-exams Special Exam Dismissal from Exam		Board	Expedited Repeal CR-101X Filed
Medical Commission	246-919	Witness; International Medical Grads; Cont. Ed;	RCW 18.71.017	Commission	
Medical Commission	246-919-520	Revocation of License	RCW 18.71.017	Commission	CR-102 Filed 7/23/97
Midwifery	246-834-010	Housekeeping (definitions)	RCW 18.50.045	Secretary	Problem Identified
Midwifery	246-834-180	Application for accreditation	RCW 18.50.045	Secretary	Problem Identified
Midwifery	246-834-220	Credit toward education required for licensure	RCW 18.50.045	Secretary	Problem Identified
Midwifery	246-834-350	Repeal of Cooperation with investigation	RCW 18.50.130	Secretary	Expedited Repeal CR-101X Filed
Naturopath Board	246-836	Education, Licensure, Fees	RCW 18.36A.060 RCW 43.70.040	Secretary	
Naturopath Board	246-836-070 246-836-090 246-836-190	Renewal License Reinstatement Mechanotherapy		Secretary	Expedited Repeal CR-101X Filed

	246-836-400	Cooperation w/investigation			
Nursing Commission	246-838 246-839 246-840	Interstate Endorsement	RCW 18.79.110	Board	
Nursing Commission	246-838 246-839	Combine RN and LPN Chapters	RCW 18.79.110	Board	CR-103 Filed
Nursing Commission	246-838-010	Definition of LPN Supervision	RCW 18.79.110	Board	
Nursing Commission	246-838-130, 246-839-120	Lapsed licenses	RCW 18.79.110	Board	
Nursing Commission	246-838-260, 700 through 740	Licensing of Foreign Educated Nurses and Endorsing Applicants	RCW 18.79.110	Board	Withdrawn WSR 97-03-067
Nursing Commission	246-839	Equivalency of nontraditional nursing education to WA approved	RCW 18.79.110	Board	
Nursing Commission	246-839-830	Pronouncement of Death (on hold for now)	RCW 18.79	Board	Problem Identified
Nursing Commission	246-840-990	RN, ARNP, LPN Fees	RCW 18.79.110	Secretary	
Nursing Commission	246-840-910 through 980	Delegation Protocols	RCW 18.79.110		CR-103 Filed Adopted 1/19/96
Nursing Commission	246-840-XXX	Sexual Misconduct		Board	CR-101 Filed 7/3/97
Nursing Commission	246-841-710, 730, 740, 750	Nursing Assistants-Housekeeping	RCW 18.88A	Board	Expedited Repeal CR-101X Filed
Nursing Commission	New Chapter per RCW 18.79.260	Accepting orders from Naturopaths	RCW 18.79.260, 270	Board	Problem Identified
Nursing Commission	New Chapter	Defining minor surgery	RCW 18.79	Board	Problem Identified
Nursing Home Administrators	246-843	Nursing Home Administrators... Most Sections	RCW 18.52.061	Board	Problem Identified
Nursing Home Administrators	246-843-158	Current Mailing Address			Expedited Repeal CR-101X Filed
Nursing Home Administrators	246-843-990	Fees		Secretary	Problem Identified
Occupational Therapy	246-847-010, 115	Definitions Limited permits	RCW 18.59.130	Board/ Secretary	
Board of Optometry	246-851-XXX	Definitions of vision therapy and low vision rehab	RCW 18.54.070(2)	Board	Problem Identified.
Board of Optometry	246-851-XXX	Credentialing by Endorsement	RCW 18.54.070	Board	Problem Identified.
Dispensing Opticians	245-824 [246-824]	Dispensing Opticians	RCW 43.70.040 RCW 18.130.070	Secretary	CR-101 Filed

MISC.

Dispensing Opticians	246-824-010, 020	Definitions/Registration of Apprentices	RCW 43.70.040	Secretary	CR-101 Filed
Board of Pharmacy	246-861	Professional Pharmaceutical Education		Board	
Board of Pharmacy	246-861-030	Continuing Education		Board	Expedited Repeal CR-101X Filed
Board of Pharmacy	246-865	Extended Care Facilities		Board	CR-101 Filed
Board of Pharmacy	246-869	Pharmacy Licensing	RCW 18.64.005	Board	CR-101 Filed
Board of Pharmacy	246-869-240, 260	Responsibilities and Pharmacist Supervised Sales	RCW 18.64.005	Board	Expedited Repeal CR-101X Filed
Board of Pharmacy	246-871	Parenteral Products for Nonhospitalized Patients		Board	Problem Identified
Board of Pharmacy	246-872	Automated Drug Dispensing Devices	RCW 18.64.005	Board	CR-101 Filed
Board of Pharmacy	246-873	Hospital Standards		Board	CR-101 Filed
Board of Pharmacy	246-875	Patient Medication Record Systems		Board	CR-101 Filed
Board of Pharmacy	246-877-030	Product Tampering		Board	Expedited Repeal CR-101X Filed
Board of Pharmacy	246-879	Drug Destruction Companies	RCW 18.64.005 RCW 69.50.201	Board	CR-101 Filed
Board of Pharmacy	246-883	Ephedrine Prescription Requirements		Board	CR-101 Filed
Board of Pharmacy	246-885	Legend Drugs		Board	Adopted
Board of Pharmacy	246-885-030	Imprinting of Over-the-Counter Products		Board	Adopted
Board of Pharmacy	246-887	Uniform Controlled Substances Act		Board	
Board of Pharmacy	246-887-160	DHEA	RCW 69.50.201	Board	CR-101 Filed
Board of Pharmacy	246-887-170	SOMA	RCW 18.64.005 RCW 69.50.201	Board	CR-101 Filed
Board of Pharmacy	246-893-001 through 998	Records Access		Board	Expedited Repeal CR-101X Filed
Board of Pharmacy	246-897-030, 040, 050, 120 through 190	DMSO and Amygdalin		Board	Expedited Repeal CR-101X Filed
Board of Pharmacy	246-901	Board to track all Pharmacy employees	RCW 18.64.005	Board	CR-101 Filed
Board of Pharmacy	246-903	Nuclear Pharmacies		Board	Problem Identified
Board of Pharmacy	246-904	Health Care Entities	RCW 18.64.450	Board	Adopted WSR 97-02-015
Board of Pharmacy	246-907	Health Care Entity Fees	RCW 43.70.040	Secretary	Adopted WSR 97-02-019

MISC.

Board of Pharmacy	246-XXX	Registration of Level B Pharmacy Assistants		Board	Problem Identified
Physical Therapy	246-915	Physical Therapist Chapter	RCW 18.74.023	Board	Adopted
Physical Therapy	246-915-080, 090	Renewal of License Change of address or name		Board	Expedited Repeal CR-101X Filed
Psychology	246-924-040 (2)	Education prerequisites to licensing	RCW 18.83.050	Board	CR-101 Filed
Psychology	246-924-080, 250, 470	License Application Fees, Continuing Ed., Psychological Exam	RCW 18.83.050 RCW 18.130.250	Board	CR-101 Filed
Psychology	246-924-240, 500	Definition of categories of CPE, Retired active psychologists	RCW 18.83.050 RCW 18.130.250	Board	CR-101 Filed
Psychology	246-924-370	Child Custody Evaluation	RCW 18.83.050(5)	Board	CR-101 Filed
Psychology	246-924-480, 485	Temporary permits, Issuance and Duration	RCW 18.83.040 RCW 18.130.075	Board	CR-101 Filed
Psychology	246-924-990	Fees	RCW 43.70.250	Secretary	CR-101 Filed
Radiologic Technicians	246-926	Cooperation w/Investigations; Approved Schools; Alternative Training		Secretary	Problem Identified
Respiratory Care Practitioners	246-926-090	Coop with Invest.	RCW 18.89.140	Secretary	Problem Identified
Respiratory Care Practitioners	246-928-180	Coop w/invest RCP		Secretary	
SOTP	246-930	Education/Certification/ Fees	RCW 18.155.040	Secretary	CR-101 Filed
Veterinarian	246-933	Requirements for facilities, practice, qualifications and fees	RCW 18.92.030 RCW 34.05	Board/ Secretary	CR-101 Filed
Veterinarian	246-935	Responsibilities, tasks, eligibility, fees	RCW 18.92.030 RCW 34.05	Board/ Secretary	CR-101 Filed
Veterinarian	246-935-125 246-933-170 246-933-980 246-937-100	Cooperation w/investigation Renewal Process		Board/ Secretary	Expedited Repeal CR-101X Filed
ENVIRONMENTAL HEALTH PROGRAM					
Radiation	246-220-130	Radiation Protection — General Provisions	RCW 43.70.040, 70.98.050, 080	Secretary	Expedited Repeal CR-101X Filed
Radiation	246-224-040, 080	Radiation Protection — Machine Assembly and Registration	RCW 43.70.040, 70.98.050, 080	Secretary	Expedited Repeal CR-101X Filed
Radiation	246-227-010, 170	Radiation Protection — Industrial X-Ray	RCW 43.70.040, 70.98.050, 080	Secretary	Expedited Repeal CR-101X Filed
Radiation	246-225-99910	Radiation Protection — X-Rays in the Healing Arts	RCW 43.70.040, 70.98.050, 080	Secretary	Expedited Repeal CR-101X Filed
Radiation	246-229-010, 040	Radiation Protection — Particle Accelerators	RCW 43.70.040, 70.98.050, 080	Secretary	Expedited Repeal Repeal CR-101X

Radiation Protection	246-235	Radiation Decommissioning	RCW 70.98	Secretary	Adopted
Radiation Protection	246-246	Radioactivity Cleanup Standards	RCW 70.98.050(4)	Secretary	CR-101 Filed
Radiation Protection	246-249-010, 030	Use of Commercial Disposal Sites	RCW 70.98	Secretary	Adopted
Radiation Protection	246-249-080	NORM	RCW 70.98.050 RCW 70.98.080	Secretary	CR-101 Filed
Radiation Protection	246-250	Licensing Land Disposal	RCW 70.98	Secretary	Adopted - WSR 97-02-014
Radiation Protection	246-252	Uranium and/or Thorium Mills.	RCW 70.98.050	Secretary	Adopted - WSR 97-13-055
Radiation Protection	246-255	Radiation Protection Forms			Repealed
Shellfish Program	246-280-040, 050, 080	Recreational Shellfish Beaches	RCW 69.30.030	SBOH	Expedited Repeal CR-101X Filed
Shellfish Program	246-282	Sanitary Control of Shellfish	RCW 69.30.030	SBOH	CR-101 Filed
Shellfish Program	246-282-005	Shellfish HACCP	RCW 69.30.030	SBOH	Planned
Shellfish Program	246-282-990	Shellfish Fee Increase	RCW 43.20B.020	Secretary	Adopted
Drinking Water	246-290	Public Water Supplies — Chapter Revision	RCW 43.20.090	SBOH	
Drinking Water	246-290-990	Water System Evaluation and Project Review and Approval Fee	RCW 43.20B.020	Secretary	Adopted
Drinking Water	246-290-500, 680	Public Water Supplies	RCW 43.20.050	SBOH	Expedited Repeal CR-101 Filed
Drinking Water	246-291-370	Group B Public Water Systems	RCW 43.20.050	SBOH	Expedited Repeal CR-101X Filed
Drinking Water	246-293-310	Water System Coordination Act	RCW 70.116.080	Secretary	Expedited Repeal CR-101X Filed
Community and Environmental Health	246-203-080, 090, 100, 110, 140, 150, 160, 170, 180	General Sanitation	RCW 43.20.050	SBOH	Expedited Repeal CR-101X Filed
Community and Environmental Health	246-271-070, 080, 110	Public Sewage	RCW 43.20.050	SBOH	Expedited Repeal CR-101X Filed
Community and Environmental Health	246-374-050, 060, 080, 100, 130	Outdoor Music Festivals	RCW 43.20.050	SBOH	Expedited Repeal CR-101X Filed
Community and Environmental Health	246-366	Primary and Secondary Schools	43.20.050	SBOH	Planned

Community and Environmental Health	246-376-050, 080, 100, 110	Camps	RCW 43.20.050	SBOH	Expedited Repeal CR-101X Filed
Disease and Condition Reporting	246-100-196, 217	Creation of an integrated public health surveillance reporting system.	RCW 43.20.050 RCW 70.104.055	SBOH	Problem Identified (Interdivisional Effort Between CFH, EHP, EHSPHL, and HSQA-EMS)

EPIDEMIOLOGY, HEALTH STATISTICS AND PUBLIC HEALTH LABORATORY

Disease and Condition Reporting	246-100-006, 011, 016, 021, 031, 042, 071, 076, 081, 086, 091, 176, 216, 231, 236, 241	Creation of an integrated public health surveillance reporting system.	RCW 43.20.050 RCW 70.24.130 RCW 70.28.032 RCW 70.104.055		Problem Identified (Interdivisional Effort Between CFH, EHP, EHSPHL, and HSQA-EMS)
Laboratory Certification	246-390	Drinking Water Certification	RCW 43.20.050	SBOH	
Center for Health Statistics	246-490-019	New record for child when father acknowledges paternity	RCW 43.70.040, 150	Secretary	Expedited Repeal CR-101X Filed

WSR 97-17-007

**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES**

[Memorandum—August 4, 1997]

The Seattle Community College District board of trustees have scheduled a special board of trustees meeting, to be held Friday, August 15, 1997, from 8:00 a.m. to 12:00 p.m.

The meeting will be held in the Elwha Conference Room at the Siegal Education and Service Center, 1500 Harvard, Seattle, WA 98122.

WSR 97-17-008

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—August 4, 1997]

EDMONDS COMMUNITY COLLEGE
BOARD OF TRUSTEES
NOTICE OF SPECIAL MEETINGS
TO MEDIA/OTHER

The Edmonds Community College board of trustees will not meet during the month of August. The next board meeting is scheduled for Thursday, September 18, 1997, at 4:00 p.m., in the boardroom of the new Snohomish Hall Facility, Room 304.

WSR 97-17-014

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—August 6, 1997]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

January through December 1997 - 1998
Graduate and Professional Student Senate

Meeting Dates	Location	Time
Fall Quarter 1997 - Spring Quarter 1998		
10/8, 11/12, 12/10, 1/14, 2/11, 3/11, 4/8, 4/29, 5/13	310 HUB	4:30 - 6:30

January through December 1997

ASUW Board of Control

Meeting Dates	Location	Time
(Summer Quarter to be scheduled on an as-needed basis)		
August 13, 1997	204M	3:30 p.m.

GPSS Executive

(Summer Quarter to
be scheduled on an
as-needed basis)

MISC.

WSR 97-17-033
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Memorandum—August 11, 1997]

The September 1997 WTECB meeting place has been changed from Moses Lake Job Corp, Moses Lake, Washington to the SeaTac Occupational Skill Center, Seattle, Washington.

WSR 97-17-034
AGENDA
DEPARTMENT OF ECOLOGY

[Filed August 13, 1997, 2:52 p.m.]

The Department of Ecology is submitting a detailed version of the Semi-Annual Rule Agenda for publishing in the Washington State Register. The agenda was originally filed with the code reviser on July 31, 1997, as WSR 97-16-049.

Please contact Jerry Thielen at (360) 407-7551, FAX (360) 407-6989, or e-mail jthi461@ecy.wa.gov, with any questions.

DEPARTMENT OF ECOLOGY
SEMI-ANNUAL RULE AGENDA
 July 31, 1997 to January 31, 1998

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES	
PROGRAM X					
173-204	Sediment Management Standards (Human Health Sediment Criteria)	Laura Weiss 407-7446	Notice of Inquiry: Proposed Rule: Adoption:	September 1997 March 1998 September 1998	Triennial rule review per federal/state requirement. Components: Human health criteria and freshwater standards.
173-806	Model Ordinance	Neil Aaland 407-7045	Notice of Inquiry: Proposed Rule: Adoption:	February 1996 July 1997 August 1997	Revise model ordinance for benefit of cities/counties that have to amend ordinances due to changes in chapter 197-11 WAC (discussed above).
173-802	SEPA Procedures	Neil Aaland 407-7046	Notice of Inquiry: Proposed Rule: Adoption:	October 1997 February 1998 March 1998	Revise ecology's own SEPA procedures in response to changes in chapter 197-11 WAC.
197-11	SEPA Rules	Neil Aaland 407-7046	Notice of Inquiry: Proposed Rule: Adoption:	January 1997 January 1998 April 1998	Revise categorical exemptions allowed under the State Environmental Policy Act.
AIR QUALITY					
173-400-110	General Regulation for Air Pollution	Tony Warfield 407-6892	Notice of Inquiry: Proposed Rule: Adoption:	June 1996 June 1997 October 1997	To streamline and clarify new source review process.
173-400-120, 130, 136, 141	General Regulation for Air Pollution (Maximum Achievable Control Technology and Other Federal Standards Incorporated)	Dan Clarkson 407-6892	Notice of Inquiry: Proposed Rule: Adoption:	September 1997 January 1998 June 1998	Continuing incorporation of 1990 amendments to Clean Air Act, and 1994 and 1995 EPA guidelines, part 60; ensure compatibility of state and federal requirements and further clarifications.
173-400	General Regulation for Air Pollution	Tony Warfield 407-6892	Notice of Inquiry: Proposed Rule: Adoption:	August 1997 January 1998 April 1998	Emissions trading linked to 460.
173-400	General Regulation for Air Pollution	Peter Lyon 407-7530	Notice of Inquiry: Proposed Rule: Adoption:	June 1997 August 1997 October 1997	Dry cleaners and other MACT standards. Technical fixes to that will bring in federal standards.
173-401	Operating Permit Regulation	Tom Todd 407-7528	Notice of Inquiry: Proposed Rule: Adoption:	July 1997 October 1997 February 1998	Amend to ease permitting requirements on smaller businesses. Will add a provision to exempt smaller sources from the air operating permit program.
173-415 and 485	Primary Aluminum Plants Aluminum Maximum Achievable Control Technology/Reasonable Available Control Technology	Carol Piening 407-6858 Eric Oie 407-6915	Notice of Inquiry: Proposed Rule: Adoption:	November 1997 November 1998 May 1999	To update MACT and RACT standards for aluminum smelters.
173-434	Emissions Standards for Solid Waste Incineration. General regulation for air pollution sources, Kraft Pulp Mill, Sulfite Pulp Mill, Solid Fuel Burning Device Standards (Hog Fuel Boilers RACT (Reasonable Available Control Technology))	Peter Lyon 407-7530	Notice of Inquiry: Proposed Rule: Adoption:	June 1997 June 1998 December 1998	To reduce dioxin risk from low-temperature combustion of salty wood. Combustion source sections from the following rules will be consolidated into chapter 173-434 WAC: Chapters 173-400, 173-405, 173-410, and 173-433 WAC.
173-434	Emission Standards for solid waste incineration (Municipal Waste Combustors)	Judy Geier 407-6850	Notice of Inquiry: Proposed Rule: Adoption:	August 1997 March 1998 August 1998	Bring state requirements into line with the Federal Emissions Guidelines.

MISC.

173-460	Controls for New Source of Toxic Air Pollution (New Source Review for Toxics)	Tony Warfield 407-6892	Notice of Inquiry: Proposed Rule: Adoption:	August 1997 January 1998 April 1998	To clarify and streamline rules. Phase 2 of new source review project, with same committee. Linked to 400.
173-420	Conformity of Transportation activities to air quality implementation plan (Transportation Conformity)	Paul Carr 407-6863	Notice of Inquiry: Proposed Rule: Adoption:	November 1997 March 1998 June 1998	Meet requirements for reviewing conformity projects as required by Clean Air Act.
173-491	Emission Standards and Controls for Sources Emitting Gas Vapors	Kitty Gillespie 407-6862	Notice of Inquiry: Proposed Rule: Adoption:	April 1997 September 1997 November 1997	Make determination required 12/31/97 as required by statute.
173-490	Emission Standards and Controls for Sources Emitting VOCs	Kitty Gillespie 407-6862	Notice of Inquiry: Proposed Rule: Adoption:	April 1997 September 1997 November 1997	Better coordinate regulations.
173-425	Open Burning	Bruce Smith	Notice of Inquiry: Proposed Rule: Adoption:	August 1997 February 1998 June 1998	Incorporate statutory changes, streamline program.
173-475 173-470	Ambient Air Quality Standards for Carbon Monoxide, Ozone and Nitrogen Dioxide.	Melissa McEachron 509-456-5010	Notice of Inquiry: Proposed Rule: Adoption:	November 1997 March 1998 June 1998	Adopt new federal standards, if federal changes are completed.
173-433	Ambient Air Quality Standards for Particulate Matter	Melissa McEachron 509-456-5010	Notice of Inquiry: Proposed Rule: Adoption:	November 1997 March 1998 July 1998	Coordinate implementation of new air quality standards with air quality impairment criteria and emission limits.
173-435	Solid Fuel Burning Devices	Melissa McEachron 509-456-5010	Notice of Inquiry: Proposed Rule: Adoption:	November 1997 March 1998 July 1998	Coordinate implementation of new air quality standards with air quality impairment criteria.
HAZ. WASTE/TOXIC RED.					
173-303	Dangerous Waste Regulations	Chipper Hervieux 407-6756	Notice of Inquiry: Proposed Rule: Adoption:	February 1997 August 1997 December 1997	Update the dangerous waste regulation to incorporate new federal hazardous waste requirements and to update existing requirements.
TOXIC CLEANUP					
173-340	Model Toxic Control Act Cleanup Regulation (MTCA)	Trish Akana 407-7230	Notice of Inquiry: Proposed Rule: Adoption:	May 1997 November 1997 February 1998	Site specific assessment, petroleum cleanup method, ecological based cleanup standards, remedy selections, cleanup action laws, areawide contamination and Brownfields, public participation in cleanup, and quality assurance.
SOLID WASTE AND FINANCIAL ASSISTANCE					
173-308	Biosolids Management	Kyle Dorsey 407-6107	Notice of Inquiry: Proposed Rule: Adoption:	July 1994 September 1997 December 1997	Implement a state biosolids program.
173-304	Minimum Functional Standards for Solid Waste Handling	Mike Hibbler 509-456-3270	Notice of Inquiry: Proposed Rule: Adoption:	September 1997 Unknown Unknown	To update rule to allow appropriate management of solid waste based upon current systems, generation rates, and standards.
173-321	Public Participation Grants	Kathy Seel 407-6061	Notice of Inquiry: Proposed Rule: Adoption:	Unknown Unknown Unknown	Implement \$60,000 grant program.
173-322	Remedial Action Grants	Steve Loftness 407-6060	Notice of Inquiry: Proposed Rule: Adoption:	Unknown Unknown Unknown	Implement Brownfields grant program.
173-NEW	Litter Grants	Pat Dice 407-6053	Notice of Inquiry: Proposed Rule: Adoption:	Unknown Unknown Unknown	Implement and establish grants to local governments for litter pick-up.
SHORELANDS/WATER RESOURCES					
173-25 New	Shoreline Management Act - streams and rivers, lakes, wetlands constituting shorelines of the state (SMA)	Doug Canning 407-6781	Notice of Inquiry: Proposed Rule: Adoption:	October 1997 Unknown Unknown	Replacing chapters 173-18, 173-20, and 173-22 WAC.
173-20	Shoreline Management Act - lakes constituting shorelines of the state (SMA)	Don Bales 407-6528	Notice of Inquiry: Proposed Rule: Adoption:	October 1995 Unknown Unknown	Adding Thomas Lake.
173-152	Prioritizing Certain Water Rights Applications	Steve Hirschey 407-6450	Notice of Inquiry: Proposed Rule: Adoption:	May 1997 August 1997 January 1998	Water right processing priorities. Use of watershed assessments. Criteria for hold areas.

173-548	Water Resource Program for Methow Basin—WRIA 48	Thom Lufkin 407-6631	Notice of Inquiry: Proposed Rule: Adoption:	June 1995 November 1997 December 1997	To implement pilot regional plan, including establishment of a water bank. Establish guidelines and procedures for the management and preservation of surface and ground water in the Methow River Basin.
173-518	Dungeness Water Resource Program rules	Cynthia Nelson 407-0276	Notice of Inquiry: Proposed Rule: Adoption:	July 1995 December 1997 April 1998	Water resources management program for the Sequim - Dungeness watershed.
173-517	Quilcene Water Resource Program rules	Cynthia Nelson 407-0276			Recommendations of the Dungeness-Quilcene regional water resources plan and the Chelan agreement.
173-160	Minimum Standards for Construction and Maintenance of Wells	Dick Szymarek 407-6648	Notice of Inquiry: Proposed Rule: Adoption:	May 1996 August 1997 January 1998	Update construction standards such as, separation of monitoring well construction from water well construction, training and continuing education program for drillers. Clarify definitions, reorganize regulation.
173-162	Regulation and Licensing of Well Contractors and Drillers	Dick Szymarek 407-6648	Notice of Inquiry: Proposed Rule: Adoption:	May 1996 August 1997 January 1998	
173-563 173-531A	Instream Resource Protection Program for the main stem of the Columbia River in Washington State	Ken Slattery 407-6603	Notice of Inquiry: Proposed Rule: Adoption:	May 1997 Unscheduled Unscheduled	Amend existing outdated instream flows.
173-500	Water Resources Management Program established pursuant to the Water Resources Act of 1971	Peggy Clifford 407-7262	Notice of Inquiry: Proposed Rule: Adoption:	May 1997 Unscheduled Unscheduled	Establish criteria for distribution of watershed planning grants.
173-NEW	Water Right Transfers by Conservancy Districts	Ken Slattery 407-6603	Notice of Inquiry: Proposed Rules: Adoption:	January 1998 Unscheduled Unscheduled	To establish criteria for establishment of conservancy districts, training of district commissioners, and transfer procedures and criteria.
WATER QUALITY					
173-224	Waste Water Discharge Permit Fees	Bev Poston 407-6425	Notice of Inquiry: Proposed Rule: Adoption:	June 1997 September 1997 January 1998	Clarification of existing language.
173-202	Washington/Forest Practice Rules and Regulations to Protect Water Quality	Doug Rushton 407-6180	Notice of Inquiry: Proposed Rule: Adoption:	March 1997 June 1997	Protect uses of streams, primarily fish, endangered species, and other downstream uses.
173-95A	Uses and Limitations of Centennial Clean Water Fund	Tim Hilliard 407-6429	Notice of Inquiry: Proposed Rule: Adoption:	September 1997 Unknown Unknown	The bill allows funding to facilities projects in nonGMA-compliance jurisdictions if it will address a "public health need" and/or "substantial environmental degradation."
ADMINISTRATIVE SERVICES					
173-03	Public Records	Diane Pratt 407-6046	Notice of Inquiry: Proposed Rule: Adoption:	Unknown Unknown Unknown	Update existing administrative information such as name and address changes.

WSR 97-17-036
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed August 14, 1997, 9:50 a.m.]

Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

Roxie Schalliol, Section Head
 Program Assistance Services

MISC.

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Memorandum No. 97-54 MAA (PRIVATE).

Issued: August 1, 1997.

Subject: CPT/HCPCS codes on outpatient claims.

Effective Date: Effective for claims with dates of service on or after July 1, 1997.

Document Description: Numbered memorandum superseding #97-02 MAA, issued January 17, 1997. Rescinds the requirement for providers to put CPT/HCPCS codes on DSHS-MAA outpatient claims that was to be effective July 1, 1997. Still requested to put these codes on claims for informational purposes for use in the development of an MAA Ambulatory Patient Groups (APG) system.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations

WSR 97-17-037
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 14, 1997, 9:51 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Medical News Bulletin 8/97 #3.

Subject: Implementation of September 1997 Length of Stay Criteria.

Effective Date: September 1, 1997.

Document Description: Effective September 1, 1997, the Medical Assistance Administration (MAA) will implement the **HCIA 1997 Length of Stay (LOS) by Diagnosis - Western Region** criteria in its claims processing system for both children and adults. The length of stay will be calculated at the 75th percentile. All non-DRG claims with an admit date of September 1, 1997, or after will use the new criteria.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

Roxie Schalliol, Section Head
 Program Assistance Services Section

WSR 97-17-038
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 14, 1997, 9:52 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Administrative Policy No. 16.05 - Self-Assessment and Internal Control.

Subject: DSHS Self-Assessment Checklist.

Effective Date: November 1, 1987, revised August 1, 1997.

This policy establishes self-assessment and internal control requirements for safeguarding assets, promoting operational efficiency and encouraging sound managerial policies and practices for accounting and financial control. This policy also describes the process for completing the department's annual self-assessment checklist.

To receive a copy of the interpretive or policy statement, contact Jim Schnellman, Operations Review and Consultation, P.O. Box 45804, Olympia, WA 98504-5804, phone (360) 902-8315, TDD (360) 902-8324, FAX (360) 902-8292, e-mail Jschnellman@DSHS.Wa.Gov.

August 6, 1997
 Philip A. Wozniak
 Director

WSR 97-17-044
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD

[Memorandum—August 5, 1997]

The Public Works Board meeting scheduled for September 9, 1997, will begin at 8:30 a.m. in the Maple Room at Cavanaugh's Inn at the Park in Spokane, Washington.

The meeting will include an inspection of projects funded by the Public Works Trust Fund in Spokane County, the city of Spokane, and the city of Cheney.

WSR 97-17-053
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—August 13, 1997]

The Washington State Convention and Trade Center's (WSCTC) Art Committee will meet on Wednesday, August 20, 1997, from 9:00 - 10:30 a.m. in Room 511 of the Convention Center, 800 Convention Place, Seattle, Washington.

The WSCTC Design Committee will meet on Wednesday, August 20, from 10:30 a.m. - 1:00 p.m. in Room 402 of the Convention Center.

A regular meeting of the WSCTC Board of Directors will also be held on Wednesday, August 20, 1997, at 1:30 p.m. in Room 403 of the Convention Center.

If you have any questions regarding these meetings, please call 694-5000.

WSR 97-17-054
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—August 13, 1997]

EDMONDS COMMUNITY COLLEGE
 BOARD OF TRUSTEES
 NOTICE OF SPECIAL MEETINGS
 TO MEDIA/OTHER
 Revised

August 19, 1997* Board of trustees study session at the home of EdCC Trustee, Mary Helen Roberts, 6710 128th Street S.W., Edmonds, WA 98026, 6:00 - 8:00 p.m.

* These events are being scheduled as special meetings, which are study sessions where no action will be taken.

WSR 97-17-055
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON

[Memorandum—August 13, 1997]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s)

MISC.

for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

Economics

Faculty Meeting

Meeting Dates	Location	Time
Tuesdays between January 2, 1997, and June 15, 1997	SAVERY 302	12:30 - 1:30
Tuesdays between October 1, 1997, and December 15, 1997	SAVERY 302	12:30 - 1:30

WSR 97-17-056

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Board of Hearing and Speech)
[Memorandum—August 14, 1997]**

The Board of Hearing and Speech has changed the location for the September 15, 1997, open public meeting. The board meeting will be in Yakima, Washington.

If you have questions, please call at (360) 586-8577.

WSR 97-17-075

**NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED CONTROL BOARD
[Memorandum—August 18, 1997]**

The Washington State Noxious Weed Control Board will be holding a special two-day meeting for strategic planning and regular business. The meeting will be September 15, 1997, at 1:00 p.m. - 5:00 p.m. and September 16, 1997, at 8:30 a.m. - 5:00 p.m., Bureau of Reclamation Building, Room 218, 32 "C" Street N.W., Ephrata, WA.

The public is welcome to attend all meetings. Contact Lisa Lantz, Executive Secretary, Washington State Noxious Weed Control Board, (253) 872-2972 if you have any questions.

WSR 97-17-076

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—August 18, 1997]**

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

**Graduate and Professional Student Senate
GPSS Executive**

Meeting Dates	Location	Time
August 25, 1997	HUB 204M	9:00 a.m.

**WSR 97-17-077
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION
[Memorandum—August 14, 1997]**

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday and Friday, September 25-26, in Room 172 of the Natural Resources Building in Olympia beginning at 8:30 a.m.

Proposed agenda items include funding decisions for the Washington wildlife and recreation program, updates for the riparian habitat and youth athletic facilities programs and the public lands inventory, and funding recommendations for the National Recreational Trails Funding Act. Additional discussion items include the 1998 meeting schedule and proposed 1998 agency legislative request.

If you plan to participate or have materials for committee review, please submit information to IAC no later than September 4, 1997. This will allow for distribution to committee members in a timely fashion.

Also, we would like to announce the availability of two new IAC plans. Please contact us to obtain copies:

- Regulatory Improvement Plan prepared in accordance with Executive Order 97-02, draft.
- Quality Improvement Plan prepared in accordance with Executive Order 97-03, final.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by September 4 at (360) 902-3000 or TDD (360) 902-1996.

**WSR 97-17-083
DEPARTMENT OF ECOLOGY
[Filed August 19, 1997, 12:35 p.m.]**

**Notice of Reissuance
of the General Permit for Boatyards**

Introduction: Ecology is proposing to reissue a wastewater discharge permit for Washington state boatyards. The original permit was issued November 4, 1992, and will expire on November 4, 1997. The purpose of the permit is to control the discharge of pollutants from boatyards into waters of the state. The permit contains best management practices and monitoring requirements necessary to protect state water quality. Interested persons and Indian Nations are encouraged to submit comments on the proposed permit and attend the workshop and hearing described below. Written comments must be postmarked by Monday, September 15, 1997.

The proposed permit implements the Federal Clean Water Act and the State Water Pollution Control Act. Dischargers who require coverage under this permit include all state and private boatyards which fall under the Standard Industrial Classification (SIC) codes 3731 and 3732, that are engaged in new construction or repair of small vessels 65 feet or less in length. Ecology is also proposing to cover

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commercial divers performing in-water hull cleaning and maintenance.

Public Workshop/Hearing: Public workshops and hearings on the proposed reissuance of the general boatyard permit will be held on October 7-8, 1997. The purpose of the workshops are to explain the permit conditions, answer questions and facilitate meaningful testimony during the hearing. The purpose of the hearings are to provide interested parties an opportunity to give formal oral testimony and comment on the proposed general permit. The workshops and hearings will be held at the following locations:

October 7, 1997

Everett Community College
Jackson Conference Room
801 Wetmore Avenue
Everett, WA

October 8, 1997

Tacoma Central WW Treatment Facility
Transmission Room
2201 Portland Avenue
Tacoma, WA

The public workshops will begin at 5:45 p.m. and last until 7:45 p.m. The formal public hearing will begin at 8:00 p.m. Locational maps may be obtained by calling Paul Stasch at (360) 407-6446.

Small Business Economic Impact Statement: Ecology has determined that the small business economic impact statement, prepared for the initial issuance of the general boatyard permit, remains valid and satisfies the requirements for an economic impact analysis under the provisions of WAC 173-226-120, for the reissuance of this permit.

How to Request Copies of the Proposed Permit: Requests for copies of the proposed permit, fact sheet, and the small business economic impact statement may be made by contacting Paul Stasch through the address noted below, or by calling him at (360) 407-6446.

Where to Submit Written Comments: If you wish to comment on the proposed permit you may send your written comments to the following address:

Paul Stasch
Water Quality Program
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Written comments must be postmarked no later than Friday, October 10, 1997.

Final Determination: A final determination to reissue this permit will not be made until ecology evaluates all the public testimony and written comments received pursuant to this notice. If ecology reissues the general boatyard permit, a copy of the final determination and the responsiveness summary will be sent to all parties who submitted written comments or gave public testimony.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Paul Stasch at (360) 407-6446 or (360) 407-6006 (TDD).

WSR 97-17-084

DEPARTMENT OF ECOLOGY

[Filed August 19, 1997, 12:37 p.m.]

The Department of Ecology is accepting comments on the proposed list of impaired and threatened waters requiring additional pollution controls under Section 303(d) of the federal Clean Water Act. For a copy of the proposed list, contact Ecology Publications at (360) 407-6482 and ask for publication # 97-14. Comments on the proposed list should be postmarked by October 31, 1997, and sent to Steve Butkus, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. Please contact Steve Saunders at (360) 407-6481 if you have questions concerning the process or the proposed list.

WSR 97-17-085

NOTICE OF PUBLIC MEETINGS

ATTORNEY GENERAL

WASHINGTON STATE PATROL

[Memorandum—August 18, 1997]

NOTICE FOR PUBLICATION OF OPEN PUBLIC MEETINGS

The following meetings will be held by the Investigative Study Group, co-chaired by Christine O. Gregoire, Attorney General and Chief Annette Sandberg, Washington State Patrol.

Place: Highways-Licenses Building, 7th Floor, Room 742.

Times: 1997

September 30	10:00 a.m. to noon
October 23	10:00 a.m. to noon
November 21	10:00 a.m. to noon

Questions can be directed to David M. Horn, Assistant Attorney General, Consumer Protection Division, (206) 464-6280.

WSR 97-17-086

NOTICE OF PUBLIC MEETINGS

BELLINGHAM TECHNICAL COLLEGE

[Memorandum—August 19, 1997]

The board of trustees of Bellingham Technical College will hold a study session to discuss strategic plan and capital plan development on Thursday, August 21, 1997, 8 a.m. to 9 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, August 21, 1997, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited repeal

Note: These filings will appear in a special section of Issue 97-14

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.

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1-21-010	AMD	97-15-035	16-316-715	AMD	97-16-026	16-324-431	NEW-P	97-07-075
1-21-020	AMD-P	97-12-068	16-316-724	AMD-P	97-11-050	16-324-431	NEW	97-11-028
1-21-020	AMD	97-15-035	16-316-724	AMD	97-16-026	16-324-435	REP-P	97-07-075
1-21-070	AMD-P	97-12-068	16-324-360	REP-P	97-07-075	16-324-435	REP	97-11-028
1-21-070	AMD	97-15-035	16-324-360	REP	97-11-028	16-324-445	REP-P	97-07-075
1-21-170	AMD-P	97-12-068	16-324-361	NEW-P	97-07-075	16-324-445	REP	97-11-028
1-21-170	AMD	97-15-035	16-324-361	NEW	97-11-028	16-324-446	NEW-P	97-07-075
1-21-180	AMD-P	97-12-068	16-324-370	AMD-P	97-07-075	16-324-446	NEW	97-11-028
1-21-180	AMD	97-15-035	16-324-370	AMD	97-11-028	16-324-450	REP-P	97-07-075
16-08-031	AMD-P	97-08-086	16-324-375	AMD-P	97-07-075	16-324-450	REP	97-11-028
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16-08-171	AMD	97-14-050	16-324-381	NEW	97-11-028	16-324-480	REP-P	97-07-075
16-34-001	PREP-X	97-14-048	16-324-382	NEW-P	97-07-075	16-324-480	REP	97-11-028
16-34-010	PREP-X	97-14-048	16-324-382	NEW	97-11-028	16-324-490	REP-P	97-07-075
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16-46-070	PREP-X	97-14-048	16-324-395	NEW-P	97-07-075	16-324-540	REP	97-11-028
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16-156	PREP	97-16-066	16-324-400	REP-P	97-07-075	16-324-630	REP-P	97-07-075
16-158	PREP	97-15-028	16-324-400	REP	97-11-028	16-324-630	REP-P	97-11-028
16-162	PREP	97-04-065	16-324-401	NEW-P	97-07-075	16-324-630	REP	97-11-028
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16-218-02001	AMD	97-05-003	16-324-402	NEW	97-11-028	16-324-660	REP-P	97-07-075
16-230-835	AMD-P	97-02-094	16-324-409	NEW-P	97-07-075	16-324-660	REP	97-11-028
16-230-835	AMD-W	97-06-003	16-324-409	NEW	97-11-028	16-324-670	REP-P	97-07-075
16-230-862	AMD-P	97-02-094	16-324-410	REP-P	97-07-075	16-324-670	REP	97-11-028
16-230-862	AMD-W	97-06-003	16-324-410	REP	97-11-028	16-324-680	REP-P	97-07-075
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			16-324-430	REP-P	97-07-075	16-409-020	AMD	97-05-054

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16-473-001	NEW-P	97-04-090	16-664-040	NEW-P	97-09-102	51-04-070	AMD-P	97-16-093
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16-662-071	REP	97-12-075	16-750-020	AMD	97-06-108	51-11-1452	AMD-P	97-16-110
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51-46-0710	NEW-P	97-16-114	132E-133-020	AMD-P	97-11-069	132N-120-110	NEW-P	97-10-018
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51-46-0810	NEW-P	97-16-114	132K-04-001	AMD	97-12-071	132N-120-130	NEW-P	97-10-018
51-46-0814	NEW-P	97-16-114	132K-04-010	AMD-P	97-07-018	132N-120-130	NEW	97-17-013
51-46-0815	NEW-P	97-16-114	132K-04-010	AMD	97-12-071	132N-120-140	NEW-P	97-10-018
51-46-0900	NEW-P	97-16-114	132K-04-020	AMD-P	97-07-018	132N-120-140	NEW	97-17-013
51-46-0903	NEW-P	97-16-114	132K-04-020	AMD	97-12-071	132N-120-150	NEW-P	97-10-018
51-46-1000	NEW-P	97-16-114	132K-04-030	AMD-P	97-07-018	132N-120-150	NEW	97-17-013
51-46-1003	NEW-P	97-16-114	132K-04-030	AMD	97-12-071	132N-120-160	NEW-P	97-10-018
51-46-1012	NEW-P	97-16-114	132K-04-050	AMD-P	97-07-018	132N-120-160	NEW	97-17-013
51-46-1300	NEW-P	97-16-114	132K-04-050	AMD	97-12-071	132N-120-170	NEW-P	97-10-018
51-46-1301	NEW-P	97-16-114	132K-04-070	REP-P	97-07-018	132N-120-170	NEW	97-17-013
51-46-1302	NEW-P	97-16-114	132K-04-070	REP	97-12-071	132N-120-180	NEW-P	97-10-018
51-46-1303	NEW-P	97-16-114	132K-04-080	AMD-P	97-07-018	132N-120-180	NEW	97-17-013
51-46-1304	NEW-P	97-16-114	132K-04-080	AMD	97-12-071	132N-122	PREP	97-15-076
51-46-1301	NEW-P	97-16-114	132K-04-110	AMD-P	97-07-018	132N-156	PREP	97-15-077
51-46-1302	NEW-P	97-16-114	132K-04-110	AMD	97-12-071	132P-116	PREP	97-10-076
51-46-1303	NEW-P	97-16-114	132K-04-130	AMD-P	97-07-018	132P-116-010	AMD-P	97-14-101
51-46-1304	NEW-P	97-16-114	132K-04-130	AMD	97-12-071	132P-116-020	AMD-P	97-14-101
51-46-1305	NEW-P	97-16-114	132K-08-010	REP-P	97-07-017	132P-116-040	AMD-P	97-14-101
51-46-1400	NEW-P	97-16-114	132K-08-010	REP	97-12-070	132P-116-050	AMD-P	97-14-101
51-46-1401	NEW-P	97-16-114	132N-20	PREP	97-06-008	132P-116-060	AMD-P	97-14-101
51-46-1491	NEW-P	97-16-114	132N-20-010	REP-P	97-10-018	132P-116-070	AMD-P	97-14-101
51-46-97120	NEW-P	97-16-114	132N-20-010	REP	97-17-013	132P-116-080	AMD-P	97-14-101
51-46-97121	NEW-P	97-16-114	132N-20-020	REP-P	97-10-018	132P-116-090	REP-P	97-14-101
51-46-97122	NEW-P	97-16-114	132N-20-020	REP	97-17-013	132P-116-100	AMD-P	97-14-101
51-46-97123	NEW-P	97-16-114	132N-20-030	REP-P	97-10-018	132P-116-110	AMD-P	97-14-101
51-46-97124	NEW-P	97-16-114	132N-20-030	REP	97-17-013	132P-116-120	AMD-P	97-14-101
51-46-97125	NEW-P	97-16-114	132N-20-040	REP-P	97-10-018	132P-116-130	AMD-P	97-14-101
51-46-97126	NEW-P	97-16-114	132N-20-040	REP	97-17-013	132P-116-140	AMD-P	97-14-101
51-46-97127	NEW-P	97-16-114	132N-20-050	REP-P	97-10-018	132P-116-150	AMD-P	97-14-101
51-46-97128	NEW-P	97-16-114	132N-20-050	REP	97-17-013	132P-116-160	REP-P	97-14-101
51-46-97129	NEW-P	97-16-114	132N-20-060	REP-P	97-10-018	132P-116-170	AMD-P	97-14-101
51-47-001	NEW-P	97-16-114	132N-20-060	REP	97-17-013	132P-116-200	AMD-P	97-14-101
51-47-002	NEW-P	97-16-114	132N-20-070	REP-P	97-10-018	132P-116-210	AMD-P	97-14-101
51-47-003	NEW-P	97-16-114	132N-20-070	REP	97-17-013	132P-116-220	AMD-P	97-14-101
51-47-007	NEW-P	97-16-114	132N-20-080	REP-P	97-10-018	132P-116-230	AMD-P	97-14-101
51-47-008	NEW-P	97-16-114	132N-20-080	REP	97-17-013	132P-116-240	AMD-P	97-14-101
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82-50-021	AMD	97-13-064	132N-20-090	REP	97-17-013	132P-116-260	AMD-P	97-14-101
112-10-010	NEW-E	97-13-061	132N-108-010	NEW-P	97-15-078	132P-116-270	AMD-P	97-14-101
112-10-010	NEW-P	97-15-145	132N-108-020	NEW-P	97-15-078	132P-116-280	AMD-P	97-14-101
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131-16	AMD-C	97-07-007	132N-120-020	NEW	97-17-013	132V-12-015	REP-P	97-03-128
131-16-010	AMD-E	97-07-006	132N-120-030	NEW-P	97-10-018	132V-12-015	REP	97-07-048
131-16-010	AMD	97-10-069	132N-120-030	NEW	97-17-013	132V-12-018	REP-P	97-03-128
131-16-011	AMD-E	97-07-006	132N-120-040	NEW-P	97-10-018	132V-12-018	REP	97-07-048
131-16-011	AMD	97-10-069	132N-120-040	NEW	97-17-013	132V-12-021	REP-P	97-03-128
131-16-021	AMD-E	97-07-006	132N-120-050	NEW-P	97-10-018	132V-12-021	REP	97-07-048
131-16-021	AMD	97-10-069	132N-120-050	NEW	97-17-013	132V-12-024	REP-P	97-03-128
131-16-050	AMD-E	97-07-006	132N-120-060	NEW-P	97-10-018	132V-12-024	REP	97-07-048
131-16-050	AMD	97-10-069	132N-120-060	NEW	97-17-013	132V-12-027	REP-P	97-03-128
131-16-060	AMD-E	97-07-006	132N-120-065	NEW-P	97-10-018	132V-12-027	REP	97-07-048
131-16-060	AMD	97-10-069	132N-120-065	NEW	97-17-013	132V-12-030	REP-P	97-03-128
131-16-067	NEW-E	97-14-070	132N-120-070	NEW-P	97-10-018	132V-12-030	REP	97-07-048
131-16-067	NEW-P	97-16-089	132N-120-070	NEW	97-17-013	132V-12-033	REP-P	97-03-128
131-16-068	NEW-E	97-14-070	132N-120-080	NEW-P	97-10-018	132V-12-033	REP	97-07-048
131-16-068	NEW-P	97-16-089	132N-120-080	NEW	97-17-013	132V-12-036	REP-P	97-03-128
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132V-12-431	REP	97-07-048	173-152-010	RESCIND	97-14-017	173-303-610	AMD-P	97-16-074
132V-12-434	REP-P	97-03-128	173-152-010	NEW-E	97-14-017	173-303-620	AMD-P	97-16-074
132V-12-434	REP	97-07-048	173-152-010	NEW-P	97-17-081	173-303-655	AMD-P	97-16-074
136-15-010	AMD-P	97-17-001	173-152-020	NEW-E	97-10-091	173-303-665	AMD-P	97-16-074
136-15-050	AMD-P	97-17-001	173-152-020	RESCIND	97-14-017	173-303-675	AMD-P	97-16-074
136-100-030	AMD-P	97-17-002	173-152-020	NEW-E	97-14-017	173-303-800	AMD-P	97-16-074
136-110-010	AMD-P	97-17-002	173-152-020	NEW-P	97-17-081	173-303-802	AMD-P	97-16-074
136-110-030	AMD-P	97-17-002	173-152-025	NEW-E	97-14-017	173-303-804	AMD-P	97-16-074
136-130-060	AMD	97-06-006	173-152-030	NEW-E	97-10-091	173-303-805	AMD-P	97-16-074
136-150-010	AMD-P	97-17-002	173-152-030	RESCIND	97-14-017	173-303-806	AMD-P	97-16-074
136-150-022	AMD-P	97-17-002	173-152-030	NEW-P	97-17-081	173-303-807	AMD-P	97-16-074
136-150-023	AMD-P	97-17-002	173-152-040	NEW-E	97-10-091	173-303-810	AMD-P	97-16-074
136-200-010	AMD-P	97-17-002	173-152-040	RESCIND	97-14-017	173-303-815	AMD-P	97-16-074
136-200-040	AMD-P	97-17-002	173-152-040	NEW-E	97-14-017	173-303-830	AMD-P	97-16-074
136-210-010	AMD-P	97-17-002	173-152-040	NEW-P	97-17-081	173-303-840	AMD-P	97-16-074
137-28-140	AMD	97-03-041	173-152-050	NEW-E	97-10-091	173-303-900	AMD-P	97-16-074
137-28-160	AMD	97-03-041	173-152-050	RESCIND	97-14-017	173-303-910	AMD-P	97-16-074
137-28-220	AMD	97-03-041	173-152-050	NEW-E	97-14-017	173-303-9903	AMD-P	97-16-074
137-28-260	AMD	97-03-041	173-152-050	NEW-P	97-17-081	173-303-9904	AMD-P	97-16-074
137-28-350	AMD	97-03-041	173-152-060	NEW-P	97-17-081	173-303-9905	AMD-P	97-16-074
137-55-010	NEW	97-03-041	173-160	PREP	97-10-093	173-309-010	PREP-X	97-13-041
137-55-020	NEW	97-03-041	173-162	PREP	97-10-093	173-309-020	PREP-X	97-13-041
137-55-030	NEW	97-03-041	173-201A-020	AMD-P	97-12-034	173-309-030	PREP-X	97-13-041
137-55-040	NEW	97-03-041	173-201A-030	AMD-P	97-12-034	173-309-040	PREP-X	97-13-041
137-55-050	NEW	97-03-041	173-201A-040	AMD-P	97-12-034	173-309-050	PREP-X	97-13-041
137-55-060	NEW	97-03-041	173-201A-050	AMD-P	97-12-034	173-309-060	PREP-X	97-13-041
172-120-015	NEW	97-06-095	173-201A-060	AMD-P	97-12-034	173-309-070	PREP-X	97-13-041
172-120-020	AMD	97-06-095	173-201A-110	AMD-P	97-12-034	173-309-080	PREP-X	97-13-041
172-120-030	AMD	97-06-095	173-201A-130	AMD-P	97-12-034	173-309-090	PREP-X	97-13-041
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172-120-050	AMD	97-06-095	173-201A-160	AMD-P	97-12-034	173-311-020	PREP-X	97-13-040
172-120-060	AMD	97-06-095	173-202-020	AMD-E	97-05-039	173-311-030	PREP-X	97-13-040
172-120-070	AMD	97-06-095	173-202-020	PREP	97-08-038	173-311-040	PREP-X	97-13-040
172-120-080	AMD	97-06-095	173-202-020	AMD-E	97-13-036	173-311-050	PREP-X	97-13-040
172-120-090	AMD	97-06-095	173-202-020	AMD-P	97-15-130	173-315-010	PREP-X	97-13-039
172-120-100	AMD	97-06-095	173-202-020	AMD-E	97-16-038	173-315-020	PREP-X	97-13-039
172-120-110	AMD	97-06-095	173-223	PREP-X	97-14-076	173-315-030	PREP-X	97-13-039
172-120-120	AMD	97-06-095	173-224	PREP	97-14-084	173-315-040	PREP-X	97-13-039
172-120-130	AMD	97-06-095	173-303	PREP	97-04-062	173-315-050	PREP-X	97-13-039
172-120-140	AMD	97-06-095	173-303-017	AMD-P	97-16-074	173-315-060	PREP-X	97-13-039
172-120-150	REP	97-06-095	173-303-040	AMD-P	97-16-074	173-315-070	PREP-X	97-13-039
173-22	AMD-C	97-03-129	173-303-045	AMD-P	97-16-074	173-318-010	PREP-X	97-13-038
173-22	AMD	97-04-076	173-303-070	AMD-P	97-16-074	173-318-020	PREP-X	97-13-038
173-22-015	REP	97-04-076	173-303-071	AMD-P	97-16-074	173-318-030	PREP-X	97-13-038
173-22-030	AMD	97-04-076	173-303-073	AMD-P	97-16-074	173-318-040	PREP-X	97-13-038
173-22-035	NEW	97-04-076	173-303-077	NEW-P	97-16-074	173-318-050	PREP-X	97-13-038
173-22-040	AMD	97-04-076	173-303-081	AMD-P	97-16-074	173-318-060	PREP-X	97-13-038
173-22-070	AMD	97-04-076	173-303-082	AMD-P	97-16-074	173-318-070	PREP-X	97-13-038
173-22-080	NEW	97-04-076	173-303-090	AMD-P	97-16-074	173-318-080	PREP-X	97-13-038
173-32-010	PREP-X	97-13-042	173-303-100	AMD-P	97-16-074	173-319-010	PREP-X	97-13-037
173-32-020	PREP-X	97-13-042	173-303-104	AMD-P	97-16-074	173-319-020	PREP-X	97-13-037
173-32-030	PREP-X	97-13-042	173-303-110	AMD-P	97-16-074	173-319-030	PREP-X	97-13-037
173-32-040	PREP-X	97-13-042	173-303-120	AMD-P	97-16-074	173-319-040	PREP-X	97-13-037
173-90-010	PREP-X	97-13-043	173-303-140	AMD-P	97-16-074	173-319-050	PREP-X	97-13-037
173-90-010	REP	97-17-082	173-303-145	AMD-P	97-16-074	173-319-060	PREP-X	97-13-037
173-90-015	PREP-X	97-13-043	173-303-160	AMD-P	97-16-074	173-400-030	AMD-P	97-15-071
173-90-015	REP	97-17-082	173-303-180	AMD-P	97-16-074	173-400-110	AMD-P	97-15-071
173-90-020	PREP-X	97-13-043	173-303-201	AMD-P	97-16-074	173-401-735	AMD-P	97-04-061
173-90-020	REP	97-17-082	173-303-210	AMD-P	97-16-074	173-401-735	AMD	97-08-084
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173-90-040	REP	97-17-082	173-303-280	AMD-P	97-16-074	173-430-040	AMD	97-03-021
173-90-050	PREP-X	97-13-043	173-303-282	AMD-P	97-16-074	173-490	PREP	97-09-018
173-90-050	REP	97-17-082	173-303-300	AMD-P	97-16-074	173-491	PREP	97-09-018
173-90-060	PREP-X	97-13-043	173-303-335	AMD-P	97-16-074	173-491-020	AMD	97-04-012
173-90-060	REP	97-17-082	173-303-350	AMD-P	97-16-074	173-491-040	AMD	97-04-012
173-90-070	PREP-X	97-13-043	173-303-380	AMD-P	97-16-074	173-491-050	AMD	97-04-012
173-90-070	REP	97-17-082	173-303-395	AMD-P	97-16-074	173-500	PREP	97-13-074
173-95A-010	NEW-E	97-12-022	173-303-400	AMD-P	97-16-074	173-531A	PREP	97-12-092
173-95A-020	NEW-E	97-12-022	173-303-505	AMD-P	97-16-074	173-563-090	PREP	97-12-092
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174-122-020	REP-P	97-09-084	180-75-003	REP	97-04-088	180-78A-030	NEW	97-04-084
174-122-020	REP	97-13-047	180-75-005	REP	97-04-088	180-78A-033	NEW	97-04-084
174-122-030	REP-P	97-09-084	180-75-016	REP	97-04-088	180-78A-037	NEW	97-04-084
174-122-030	REP	97-13-047	180-75-017	REP	97-04-088	180-78A-047	NEW	97-04-084
174-122-040	REP-P	97-09-084	180-75-045	REP	97-04-088	180-78A-057	NEW	97-04-084
174-122-040	REP	97-13-047	180-75-047	REP	97-04-088	180-78A-060	NEW	97-04-084
174-130	PREP	97-05-044	180-75-048	REP	97-04-088	180-78A-063	NEW	97-04-084
174-130-010	REP-P	97-09-084	180-75-050	REP	97-04-088	180-78A-065	NEW	97-04-084
174-130-010	REP	97-13-047	180-75-055	REP	97-04-088	180-78A-068	NEW	97-04-084
174-130-020	REP-P	97-09-084	180-75-060	REP	97-04-088	180-78A-073	NEW	97-04-084
174-130-020	REP	97-13-047	180-75-061	REP	97-04-088	180-78A-074	NEW	97-04-084
174-133	PREP	97-05-044	180-75-065	REP	97-04-088	180-78A-075	NEW	97-04-084
174-133-020	AMD-P	97-09-084	180-75-070	REP	97-04-088	180-78A-080	NEW	97-04-084
174-133-020	AMD	97-13-047	180-75-081	DECOD	97-04-082	180-78A-135	NEW	97-04-084
174-140	PREP	97-05-044	180-75-082	REP	97-04-088	180-78A-140	NEW	97-04-084
174-140-010	NEW-P	97-09-084	180-75-083	DECOD	97-04-082	180-78A-142	NEW	97-04-084
174-140-010	NEW	97-13-047	180-75-085	REP	97-04-088	180-78A-145	NEW	97-04-084
174-140-180	REP-P	97-09-084	180-75-087	REP	97-04-088	180-78A-150	NEW	97-04-084
174-140-180	REP	97-13-047	180-75-088	REP	97-04-088	180-78A-155	NEW	97-04-084
174-140-190	REP-P	97-09-084	180-75-089	REP	97-04-088	180-78A-160	NEW	97-04-084
174-140-190	REP	97-13-047	180-75-090	REP	97-04-088	180-78A-165	NEW	97-04-084
174-140-200	REP-P	97-09-084	180-75-091	REP	97-04-088	180-78A-195	NEW	97-04-084
174-140-200	REP	97-13-047	180-75-092	REP	97-04-088	180-78A-197	NEW	97-04-084
174-140-210	REP-P	97-09-084	180-75-100	REP	97-04-088	180-78A-201	NEW	97-04-084
174-140-210	REP	97-13-047	180-75-110	REP	97-04-088	180-78A-260	NEW	97-04-084
174-140-220	REP-P	97-09-084	180-77	PREP	97-10-016	180-78A-265	NEW	97-04-084
174-140-220	REP	97-13-047	180-77-003	AMD	97-04-085	180-78A-265	PREP	97-14-104
174-140-230	REP-P	97-09-084	180-77-031	AMD	97-04-085	180-78A-266	NEW	97-04-084
174-140-230	REP	97-13-047	180-77-041	AMD	97-04-085	180-78A-300	NEW	97-04-084
174-140-240	REP-P	97-09-084	180-77-120	AMD	97-04-085	180-78A-301	NEW	97-04-084
174-140-240	REP	97-13-047	180-77A-003	NEW	97-04-087	180-78A-302	NEW	97-04-084
174-276	PREP	97-05-044	180-77A-004	NEW	97-04-087	180-78A-303	NEW	97-04-084
174-276	AMD-P	97-09-084	180-77A-006	NEW	97-04-087	180-78A-304	NEW	97-04-084
174-276	AMD	97-13-047	180-77A-012	NEW	97-04-087	180-78A-305	NEW	97-04-084
174-276-005	NEW-P	97-09-084	180-77A-014	NEW	97-04-087	180-78A-306	NEW	97-04-084
174-276-005	NEW	97-13-047	180-77A-016	NEW	97-04-087	180-78A-320	NEW	97-04-084
174-276-010	AMD-P	97-09-084	180-77A-018	NEW	97-04-087	180-78A-340	NEW	97-04-084
174-276-010	AMD	97-13-047	180-77A-020	NEW	97-04-087	180-78A-345	NEW	97-04-084
174-276-040	AMD-P	97-09-084	180-77A-025	NEW	97-04-087	180-78A-350	NEW	97-04-084
174-276-040	AMD	97-13-047	180-77A-026	NEW	97-04-087	180-78A-355	NEW	97-04-084
174-276-050	AMD-P	97-09-084	180-77A-028	NEW	97-04-087	180-78A-360	NEW	97-04-084
174-276-050	AMD	97-13-047	180-77A-029	NEW	97-04-087	180-78A-365	NEW	97-04-084
174-276-060	AMD-P	97-09-084	180-77A-030	NEW	97-04-087	180-79-003	REP	97-04-088
174-276-060	AMD	97-13-047	180-77A-033	NEW	97-04-087	180-79-005	REP	97-04-088
174-276-080	AMD-P	97-09-084	180-77A-037	NEW	97-04-087	180-79-010	REP	97-04-088
174-276-080	AMD	97-13-047	180-77A-040	NEW	97-04-087	180-79-031	REP	97-04-088
174-276-090	AMD-P	97-09-084	180-77A-057	NEW	97-04-087	180-79-032	REP	97-04-088
174-276-090	AMD	97-13-047	180-77A-165	NEW	97-04-087	180-79-035	REP	97-04-088
174-276-095	NEW-P	97-09-084	180-77A-170	NEW	97-04-087	180-79-041	REP	97-04-088
174-276-095	NEW	97-13-047	180-77A-175	NEW	97-04-087	180-79-045	REP	97-04-088
180-16	PREP	97-10-014	180-77A-180	NEW	97-04-087	180-79-047	REP	97-04-088
180-16-221	AMD	97-04-083	180-77A-195	NEW	97-04-087	180-79-049	REP	97-04-088
180-16-222	AMD	97-04-083	180-78-205	AMD	97-04-081	180-79-060	REP	97-04-088
180-16-223	REP	97-04-083	180-78-207	RECOD	97-04-081	180-79-062	REP	97-04-088
180-16-224	REP	97-04-083	180-78-215	AMD	97-04-081	180-79-063	REP	97-04-088
180-16-236	PREP	97-10-008	180-78-217	RECOD	97-04-081	180-79-065	REP	97-04-088
180-24	PREP	97-09-032	180-78-235	AMD	97-04-081	180-79-075	REP	97-04-088
180-24-410	AMD-P	97-13-096	180-78-237	RECOD	97-04-081	180-79-080	REP	97-04-088
180-24-410	AMD-W	97-14-023	180-78-285	AMD	97-04-081	180-79-086	REP	97-04-088
180-24-410	AMD-P	97-16-071	180-78A	PREP	97-10-007	180-79-115	REP	97-04-088
180-24-415	AMD-P	97-13-096	180-78A	PREP	97-10-013	180-79-117	REP	97-04-088
180-24-415	AMD-W	97-14-023	180-78A-003	NEW	97-04-084	180-79-120	REP	97-04-088
180-24-415	AMD-P	97-16-071	180-78A-004	NEW	97-04-084	180-79-121	REP	97-04-088
180-27-056	PREP	97-09-115	180-78A-005	NEW	97-04-084	180-79-122	REP	97-04-088
180-33-025	PREP	97-09-116	180-78A-006	NEW	97-04-084	180-79-123	REP	97-04-088
180-34	PREP	97-17-066	180-78A-007	NEW	97-04-084	180-79-124	REP	97-04-088
180-36	PREP	97-17-065	180-78A-010	NEW	97-04-084	180-79-125	REP	97-04-088
180-40-260	AMD-P	97-04-067	180-78A-010	PREP	97-10-006	180-79-126	REP	97-04-088
180-40-260	AMD	97-08-019	180-78A-012	NEW	97-04-084	180-79-127	REP	97-04-088
180-40-310	AMD-P	97-04-067	180-78A-015	NEW	97-04-084	180-79-128	REP	97-04-088
180-40-310	AMD	97-08-019	180-78A-025	NEW	97-04-084	180-79-131	DECOD	97-04-081

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-79-136	DECOD	97-04-081	180-79A-125	NEW	97-04-088	180-79A-403	NEW	97-04-088
180-79-140	DECOD	97-04-081	180-79A-126	NEW	97-04-088	180-79A-405	NEW	97-04-088
180-79-230	REP	97-04-088	180-79A-130	NEW	97-04-088	180-79A-415	NEW	97-04-088
180-79-236	REP	97-04-088	180-79A-131	NEW	97-04-088	180-79A-417	NEW	97-04-088
180-79-241	REP	97-04-088	180-79A-140	NEW	97-04-088	180-79A-420	NEW	97-04-088
180-79-245	REP	97-04-088	180-79A-150	NEW	97-04-088	180-79A-422	NEW	97-04-088
180-79-247	REP	97-04-088	180-79A-150	PREP	97-14-105	180-79A-423	NEW	97-04-088
180-79-300	REP	97-04-088	180-79A-160	NEW	97-04-088	180-79A-424	NEW	97-04-088
180-79-303	REP	97-04-088	180-79A-161	NEW	97-04-088	180-79A-430	NEW	97-04-088
180-79-305	REP	97-04-088	180-79A-165	NEW	97-04-088	180-79A-433	NEW	97-04-088
180-79-311	REP	97-04-088	180-79A-170	NEW	97-04-088	180-79A-435	NEW	97-04-088
180-79-312	REP	97-04-088	180-79A-200	NEW	97-04-088	180-79A-440	NEW	97-04-088
180-79-315	REP	97-04-088	180-79A-205	NEW	97-04-088	180-79A-445	NEW	97-04-088
180-79-317	REP	97-04-088	180-79A-210	NEW	97-04-088	180-79A-503	NEW	97-04-088
180-79-320	REP	97-04-088	180-79A-215	NEW	97-04-088	180-79A-510	NEW	97-04-088
180-79-322	REP	97-04-088	180-79A-220	NEW	97-04-088	180-79A-515	NEW	97-04-088
180-79-324	REP	97-04-088	180-79A-225	NEW	97-04-088	180-79A-517	NEW	97-04-088
180-79-326	REP	97-04-088	180-79A-230	NEW	97-04-088	180-79A-520	NEW	97-04-088
180-79-328	REP	97-04-088	180-79A-230	PREP	97-10-009	180-85	PREP	97-10-011
180-79-330	REP	97-04-088	180-79A-236	NEW	97-04-088	180-85-025	AMD	97-04-086
180-79-332	REP	97-04-088	180-79A-241	NEW	97-04-088	180-85-030	AMD	97-04-086
180-79-333	REP	97-04-088	180-79A-300	NEW	97-04-088	180-85-110	REP	97-04-086
180-79-334	REP	97-04-088	180-79A-302	NEW	97-04-088	180-85-115	REP	97-04-086
180-79-336	REP	97-04-088	180-79A-304	NEW	97-04-088	180-85-120	REP	97-04-086
180-79-338	REP	97-04-088	180-79A-306	NEW	97-04-088	180-85-135	REP	97-04-086
180-79-340	REP	97-04-088	180-79A-308	NEW	97-04-088	180-85-200	AMD	97-04-086
180-79-342	REP	97-04-088	180-79A-310	NEW	97-04-088	180-85-210	AMD	97-04-086
180-79-344	REP	97-04-088	180-79A-311	NEW	97-04-088	180-85-211	NEW	97-04-086
180-79-346	REP	97-04-088	180-79A-312	NEW	97-04-088	180-85-215	AMD	97-04-086
180-79-348	REP	97-04-088	180-79A-315	NEW	97-04-088	180-86-011	NEW	97-04-082
180-79-350	REP	97-04-088	180-79A-317	NEW	97-04-088	180-86-013	RECOD	97-04-082
180-79-352	REP	97-04-088	180-79A-320	NEW	97-04-088	180-86-014	RECOD	97-04-082
180-79-354	REP	97-04-088	180-79A-322	NEW	97-04-088	180-86-080	NEW	97-05-008
180-79-356	REP	97-04-088	180-79A-324	NEW	97-04-088	180-86-080	NEW-W	97-05-043
180-79-358	REP	97-04-088	180-79A-326	NEW	97-04-088	180-86-086	NEW-W	97-05-043
180-79-360	REP	97-04-088	180-79A-328	NEW	97-04-088	180-86-116	NEW	97-05-008
180-79-362	REP	97-04-088	180-79A-330	NEW	97-04-088	180-86-116	NEW-W	97-05-043
180-79-364	REP	97-04-088	180-79A-332	NEW	97-04-088	180-87-070	PREP	97-10-025
180-79-366	REP	97-04-088	180-79A-333	NEW	97-04-088	180-87-070	AMD-P	97-16-092
180-79-368	REP	97-04-088	180-79A-334	NEW	97-04-088	180-97	PREP	97-10-010
180-79-370	REP	97-04-088	180-79A-336	NEW	97-04-088	180-110	PREP	97-05-027
180-79-372	REP	97-04-088	180-79A-338	NEW	97-04-088	180-110-010	REP-P	97-13-017
180-79-374	REP	97-04-088	180-79A-340	NEW	97-04-088	180-110-010	REP	97-16-023
180-79-376	REP	97-04-088	180-79A-342	NEW	97-04-088	180-110-015	REP-P	97-13-017
180-79-378	REP	97-04-088	180-79A-344	NEW	97-04-088	180-110-015	REP	97-16-023
180-79-379	REP	97-04-088	180-79A-346	NEW	97-04-088	180-110-017	REP-P	97-13-017
180-79-380	REP	97-04-088	180-79A-348	NEW	97-04-088	180-110-017	REP	97-16-023
180-79-382	REP	97-04-088	180-79A-350	NEW	97-04-088	180-110-020	REP-P	97-13-017
180-79-384	REP	97-04-088	180-79A-352	NEW	97-04-088	180-110-020	REP	97-16-023
180-79-386	REP	97-04-088	180-79A-354	NEW	97-04-088	180-110-030	REP-P	97-13-017
180-79-388	REP	97-04-088	180-79A-355	NEW	97-04-088	180-110-030	REP	97-16-023
180-79-390	REP	97-04-088	180-79A-358	NEW	97-04-088	180-110-035	REP-P	97-13-017
180-79-392	REP	97-04-088	180-79A-360	NEW	97-04-088	180-110-035	REP	97-16-023
180-79-394	REP	97-04-088	180-79A-362	NEW	97-04-088	180-110-040	REP-P	97-13-017
180-79-396	REP	97-04-088	180-79A-364	NEW	97-04-088	180-110-040	REP	97-16-023
180-79-398	REP	97-04-088	180-79A-366	NEW	97-04-088	180-110-045	REP-P	97-13-017
180-79A	PREP	97-09-015	180-79A-368	NEW	97-04-088	180-110-045	REP	97-16-023
180-79A-003	NEW	97-04-088	180-79A-370	NEW	97-04-088	180-110-050	REP-P	97-13-017
180-79A-005	NEW	97-04-088	180-79A-372	NEW	97-04-088	180-110-050	REP	97-16-023
180-79A-010	NEW	97-04-088	180-79A-374	NEW	97-04-088	180-110-052	REP-P	97-13-017
180-79A-012	NEW	97-04-088	180-79A-376	NEW	97-04-088	180-110-052	REP	97-16-023
180-79A-013	NEW	97-04-088	180-79A-378	NEW	97-04-088	180-110-053	REP-P	97-13-017
180-79A-015	NEW	97-04-088	180-79A-379	NEW	97-04-088	180-110-053	REP	97-16-023
180-79A-020	NEW	97-04-088	180-79A-380	NEW	97-04-088	180-110-055	REP-P	97-13-017
180-79A-022	NEW	97-04-088	180-79A-382	NEW	97-04-088	180-110-055	REP	97-16-023
180-79A-025	NEW	97-04-088	180-79A-384	NEW	97-04-088	180-110-060	REP-P	97-13-017
180-79A-101	NEW	97-04-088	180-79A-386	NEW	97-04-088	180-110-060	REP	97-16-023
180-79A-105	NEW	97-04-088	180-79A-388	NEW	97-04-088	180-110-065	REP-P	97-13-017
180-79A-110	NEW	97-04-088	180-79A-390	NEW	97-04-088	180-110-065	REP	97-16-023
180-79A-115	NEW	97-04-088	180-79A-392	NEW	97-04-088	180-115	PREP	97-05-026
180-79A-117	NEW	97-04-088	180-79A-394	NEW	97-04-088	180-115-005	REP-P	97-13-016
180-79A-120	NEW	97-04-088	180-79A-396	NEW	97-04-088	180-115-005	REP	97-16-024
180-79A-122	NEW	97-04-088	180-79A-398	NEW	97-04-088	180-115-010	REP-P	97-13-016

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-115-010	REP	97-16-024	182-18-040	REP-P	97-17-108	197-11-310	AMD-P	97-08-085
180-115-015	REP-P	97-13-016	182-18-050	REP-P	97-17-108	197-11-315	AMD-P	97-08-085
180-115-015	REP	97-16-024	182-18-060	REP-P	97-17-108	197-11-330	AMD-P	97-08-085
180-115-020	REP-P	97-13-016	182-18-080	REP-P	97-17-108	197-11-340	AMD-P	97-08-085
180-115-020	REP	97-16-024	182-18-090	REP-P	97-17-108	197-11-355	NEW-P	97-08-085
180-115-025	REP-P	97-13-016	182-18-100	REP-P	97-17-108	197-11-390	AMD-P	97-08-085
180-115-025	REP	97-16-024	182-18-110	REP-P	97-17-108	197-11-408	AMD-P	97-08-085
180-115-030	REP-P	97-13-016	182-18-120	REP-P	97-17-108	197-11-502	AMD-P	97-08-085
180-115-030	REP	97-16-024	182-18-130	REP-P	97-17-108	197-11-508	AMD-P	97-08-085
180-115-035	REP-P	97-13-016	182-18-140	REP-P	97-17-108	197-11-535	AMD-P	97-08-085
180-115-035	REP	97-16-024	182-18-150	REP-P	97-17-108	197-11-600	AMD-P	97-08-085
180-115-040	REP-P	97-13-016	182-18-160	REP-P	97-17-108	197-11-660	AMD-P	97-08-085
180-115-040	REP	97-16-024	182-25-010	AMD-P	97-08-067	197-11-680	AMD-P	97-08-085
180-115-045	REP-P	97-13-016	182-25-010	AMD	97-15-003	197-11-702	AMD-P	97-08-085
180-115-045	REP	97-16-024	182-25-020	AMD-P	97-08-067	197-11-721	NEW-P	97-08-085
180-115-050	REP-P	97-13-016	182-25-020	AMD	97-15-003	197-11-728	AMD-P	97-08-085
180-115-050	REP	97-16-024	182-25-030	AMD-E	97-06-069	197-11-775	NEW-P	97-08-085
180-115-055	REP-P	97-13-016	182-25-030	AMD-P	97-08-067	197-11-790	AMD-P	97-08-085
180-115-055	REP	97-16-024	182-25-030	AMD-E	97-14-029	197-11-800	AMD-P	97-08-085
180-115-060	REP-P	97-13-016	182-25-030	AMD	97-15-003	197-11-912	AMD-P	97-08-085
180-115-060	REP	97-16-024	182-25-040	AMD-E	97-06-069	197-11-914	AMD-P	97-08-085
180-115-065	REP-P	97-13-016	182-25-040	AMD-P	97-08-067	197-11-938	AMD-P	97-08-085
180-115-065	REP	97-16-024	182-25-040	AMD-E	97-14-029	197-11-940	AMD-P	97-08-085
180-115-075	REP-P	97-13-016	182-25-040	AMD	97-15-003	197-11-948	AMD-P	97-08-085
180-115-075	REP	97-16-024	182-25-090	AMD-E	97-06-069	197-11-970	AMD-P	97-08-085
180-115-080	REP-P	97-13-016	182-25-090	AMD-P	97-08-067	204-10-035	NEW	97-03-087
180-115-080	REP	97-16-024	182-25-090	AMD-E	97-14-029	204-10-045	PREP	97-03-042
180-115-081	REP-P	97-13-016	182-25-090	AMD	97-15-003	204-10-045	NEW-P	97-07-036
180-115-081	REP	97-16-024	192-12-042	PREP	97-16-011	204-10-045	NEW	97-10-024
180-115-085	REP-P	97-13-016	192-12-072	PREP	97-16-012	204-41-060	PREP	97-03-043
180-115-085	REP	97-16-024	192-32	AMD-E	97-15-022	204-41-060	NEW-P	97-07-037
180-115-090	REP-P	97-13-016	192-32	PREP	97-16-010	204-41-060	NEW	97-10-023
180-115-090	REP	97-16-024	192-32-001	AMD-E	97-15-022	204-48-010	PREP-X	97-14-041
180-115-095	REP-P	97-13-016	192-32-010	AMD-E	97-15-022	204-48-010	REP	97-17-061
180-115-095	REP	97-16-024	192-32-015	REP-E	97-15-022	204-48-020	PREP-X	97-14-041
180-115-100	REP-P	97-13-016	192-32-025	REP-E	97-15-022	204-48-020	REP	97-17-061
180-115-100	REP	97-16-024	192-32-035	AMD-E	97-15-022	204-48-030	PREP-X	97-14-041
180-115-105	REP-P	97-13-016	192-32-045	AMD-E	97-15-022	204-48-030	REP	97-17-061
180-115-105	REP	97-16-024	192-32-065	AMD-E	97-15-022	204-48-040	PREP-X	97-14-041
182-04-010	AMD-P	97-17-107	192-32-095	AMD-E	97-15-022	204-48-040	REP	97-17-061
182-04-015	AMD-P	97-17-107	192-32-100	NEW-E	97-15-022	204-60	AMD	97-04-054
182-04-025	AMD-P	97-17-107	192-32-105	AMD-E	97-15-022	204-60-010	AMD	97-04-054
182-04-030	REP-P	97-17-107	192-32-120	REP-E	97-15-022	204-60-030	AMD	97-04-054
182-04-035	AMD-P	97-17-107	192-32-125	REP-E	97-15-022	204-64-010	PREP-X	97-14-040
182-04-040	AMD-P	97-17-107	192-32-130	NEW-E	97-15-022	204-64-010	REP	97-17-060
182-04-041	NEW-P	97-17-107	192-32-135	NEW-E	97-15-022	204-64-020	PREP-X	97-14-040
182-04-045	AMD-P	97-17-107	192-33	PREP	97-16-010	204-64-020	REP	97-17-060
182-04-050	AMD-P	97-17-107	192-33-005	NEW-E	97-14-022	204-64-040	PREP-X	97-14-040
182-04-055	AMD-P	97-17-107	192-33-006	NEW-E	97-14-022	204-64-040	REP	97-17-060
182-04-060	AMD-P	97-17-107	196-12-010	PREP	97-03-029	204-64-060	PREP-X	97-14-040
182-04-065	REP-P	97-17-107	196-12-020	PREP	97-03-029	204-64-060	REP	97-17-060
182-04-070	AMD-P	97-17-107	196-12-030	PREP	97-03-029	204-64-080	PREP-X	97-14-040
182-08-095	AMD-P	97-17-106	196-12-050	PREP	97-03-029	204-64-080	REP	97-17-060
182-08-160	AMD-E	97-06-071	196-12-060	PREP	97-03-029	204-64-100	PREP-X	97-14-040
182-08-160	AMD-E	97-14-031	196-24-030	PREP	97-03-029	204-64-100	REP	97-17-060
182-08-160	AMD-P	97-17-106	196-24-040	PREP	97-03-029	204-72-040	PREP	97-06-100
182-08-175	AMD-E	97-06-071	196-24-050	PREP	97-03-029	204-72-040	AMD-P	97-09-069
182-08-175	AMD-E	97-14-031	196-24-085	PREP	97-03-029	204-72-040	AMD	97-12-061
182-08-175	AMD-P	97-17-106	196-24-100	PREP	97-03-029	204-90	PREP	97-17-059
182-12-111	AMD-P	97-17-110	196-24-105	PREP	97-03-029	204-90-040	AMD	97-04-055
182-12-117	AMD-E	97-06-070	197-11	PREP	97-03-130	204-91A-060	AMD-S	97-04-053
182-12-117	AMD-E	97-14-030	197-11	AMD-C	97-15-129	204-91A-060	AMD-E	97-04-056
182-12-117	AMD-P	97-17-110	197-11-055	AMD-P	97-08-085	204-91A-060	AMD	97-08-021
182-12-119	AMD-P	97-17-110	197-11-060	AMD-P	97-08-085	204-91A-140	AMD-S	97-04-053
182-12-132	AMD-P	97-17-110	197-11-070	AMD-P	97-08-085	204-91A-140	AMD-E	97-04-056
182-12-200	AMD-P	97-17-110	197-11-158	NEW-P	97-08-085	204-91A-140	AMD	97-08-021
182-16-030	AMD-P	97-17-109	197-11-164	NEW-P	97-08-085	204-95-030	NEW	97-03-127
182-16-040	AMD-P	97-17-109	197-11-168	NEW-P	97-08-085	204-95-080	NEW	97-03-127
182-16-050	AMD-P	97-17-109	197-11-172	NEW-P	97-08-085	208-440-030	AMD-W	97-03-074
182-18-005	REP-P	97-17-108	197-11-210	AMD-P	97-08-085	208-630-020	AMD-P	97-06-092
182-18-010	REP-P	97-17-108	197-11-238	NEW-P	97-08-085	208-630-020	AMD	97-09-035
182-18-020	REP-P	97-17-108	197-11-259	AMD-P	97-08-085	208-630-021	NEW-P	97-06-092
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208-630-023	NEW-P	97-06-092	212-17-21511	RESCIND	97-14-019	220-33-01000M	NEW-E	97-04-013
208-630-023	NEW	97-09-035	212-17-21511	NEW-E	97-14-019	220-33-01000M	REP-E	97-04-013
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212-17	PREP	97-13-073	212-17-21513	RESCIND	97-14-019	220-33-01000P	REP-E	97-16-075
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212-17-185	RESCIND	97-11-041	212-17-21513	NEW-P	97-16-120	220-33-01000Q	REP-E	97-17-074
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212-17-185	RESCIND	97-14-019	212-17-21515	RESCIND	97-11-041	220-33-020	AMD	97-07-043
212-17-185	AMD-E	97-14-019	212-17-21515	NEW-E	97-11-041	220-33-03000K	NEW-E	97-11-045
212-17-185	AMD-P	97-16-120	212-17-21515	RESCIND	97-14-019	220-33-03000K	REP-E	97-11-045
212-17-190	REP-E	97-11-023	212-17-21515	NEW-E	97-14-019	220-33-04000C	NEW-E	97-04-014
212-17-190	RESCIND	97-11-041	212-17-21515	NEW-P	97-16-120	220-33-04000C	REP-E	97-05-041
212-17-190	REP-E	97-11-041	212-17-21517	NEW-E	97-11-041	220-33-04000D	NEW-E	97-05-041
212-17-190	RESCIND	97-14-019	212-17-21517	RESCIND	97-14-019	220-36-021	AMD-P	97-09-097
212-17-190	REP-E	97-14-019	212-17-21517	NEW-E	97-14-019	220-36-021	AMD	97-15-148
212-17-195	REP-E	97-11-023	212-17-21517	NEW-P	97-16-120	220-36-02100M	NEW-E	97-16-058
212-17-195	RESCIND	97-11-041	212-17-21519	NEW-E	97-11-023	220-36-023	AMD-P	97-09-097
212-17-195	REP-E	97-11-041	212-17-21519	RESCIND	97-11-041	220-36-023	AMD	97-15-148
212-17-195	RESCIND	97-14-019	212-17-21519	NEW-E	97-11-041	220-40-021	AMD-P	97-09-097
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212-17-200	RESCIND	97-11-041	212-17-21519	NEW-P	97-16-120	220-40-027	AMD-P	97-09-097
212-17-200	REP-E	97-11-041	212-17-21521	NEW-E	97-11-023	220-40-027	AMD	97-15-148
212-17-200	RESCIND	97-14-019	212-17-21521	RESCIND	97-11-041	220-40-02700P	NEW-E	97-16-058
212-17-200	REP-E	97-14-019	220-12-01000B	NEW-E	97-15-108	220-44-05000E	REP-E	97-10-021
212-17-203	REP-E	97-11-023	220-16-470	NEW-P	97-15-147	220-44-05000F	NEW-E	97-10-021
212-17-203	RESCIND	97-11-041	220-16-47000A	NEW-E	97-14-052	220-44-05000F	REP-E	97-14-054
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212-17-205	REP-E	97-11-023	220-20-021	AMD-P	97-04-080	220-47-301	AMD	97-16-030
212-17-205	RESCIND	97-11-041	220-20-021	AMD	97-07-043	220-47-302	AMD-P	97-09-104
212-17-205	REP-E	97-11-041	220-20-038	AMD	97-08-078	220-47-302	AMD	97-16-030
212-17-205	RESCIND	97-14-019	220-24-02000D	NEW-E	97-10-029	220-47-304	AMD-P	97-09-104
212-17-205	REP-E	97-14-019	220-24-02000D	REP-E	97-10-029	220-47-304	AMD	97-16-030
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212-17-210	RESCIND	97-14-019	220-32-05100Y	NEW-E	97-07-044	220-47-311	AMD	97-16-030
212-17-210	REP-E	97-14-019	220-32-05100Z	NEW-E	97-17-073	220-47-319	AMD-P	97-09-104
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212-17-215	REP-E	97-11-041	220-32-05500B	REP-E	97-08-007	220-47-325	NEW	97-16-030
212-17-215	RESCIND	97-14-019	220-32-05500B	REP-E	97-12-036	220-47-326	NEW-P	97-09-096
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212-17-21505	NEW-E	97-11-041	220-32-05500F	NEW-E	97-13-029	220-47-428	AMD-P	97-09-104
212-17-21505	RESCIND	97-14-019	220-32-05500F	REP-E	97-13-049	220-47-428	AMD	97-16-030
212-17-21505	NEW-E	97-14-019	220-32-05500G	NEW-E	97-13-049	220-47-800	NEW-E	97-15-006
212-17-21505	NEW-P	97-16-120	220-32-05500G	REP-E	97-14-035	220-47-801	NEW-E	97-15-006
212-17-21507	NEW-E	97-11-023	220-32-05500H	NEW-E	97-14-035	220-47-801	REP-E	97-15-026
212-17-21507	RESCIND	97-11-041	220-32-05500H	REP-E	97-15-007	220-47-802	NEW-E	97-15-095
212-17-21507	NEW-E	97-11-041	220-32-05500I	NEW-E	97-15-007	220-47-802	REP-E	97-16-003
212-17-21507	RESCIND	97-14-019	220-32-05500I	REP-E	97-15-118	220-47-803	NEW-E	97-16-003
212-17-21507	NEW-E	97-14-019	220-32-05500J	NEW-E	97-15-118	220-47-803	REP-E	97-16-031
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212-17-21509	NEW-E	97-11-023	220-32-05500K	NEW-E	97-17-072	220-47-804	REP-E	97-16-068
212-17-21509	RESCIND	97-11-041	220-32-05700U	REP-E	97-03-002	220-47-805	NEW-E	97-16-068
212-17-21509	NEW-E	97-11-041	220-32-05700U	NEW-E	97-03-002	220-47-805	REP-E	97-17-003
212-17-21509	RESCIND	97-14-019	220-32-05700V	REP-E	97-09-009	220-47-806	NEW-E	97-17-003
212-17-21509	NEW-E	97-14-019	220-32-05700V	NEW-E	97-09-009	220-47-806	REP-E	97-17-019
212-17-21509	NEW-P	97-16-120	220-32-05700V	REP-E	97-13-048	220-47-807	NEW-E	97-17-019
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220-49-02000J	NEW-E	97-14-086	220-56-235	AMD	97-07-078	220-57-16000J	NEW-E	97-14-052
220-49-02000J	REP-E	97-14-086	220-56-240	AMD	97-08-017	220-57-16000J	REP-E	97-14-052
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220-52-03000K	REP-E	97-07-050	220-56-24000A	NEW-E	97-15-108	220-57-16500A	NEW-E	97-14-052
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220-56-190	AMD-P	97-15-147	220-56-36000T	REP-E	97-04-045	220-57-28000L	NEW-E	97-14-052
220-56-19000I	NEW-E	97-14-052	220-56-36000U	NEW-E	97-07-051	220-57-28000L	REP-E	97-14-052
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220-56-19000I	REP-E	97-15-119	220-56-375	AMD	97-07-078	220-57-28500Q	NEW-E	97-14-052
220-56-19000J	NEW-E	97-15-119	220-56-380	AMD	97-07-078	220-57-28500Q	REP-E	97-14-052
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220-56-19000K	REP-E	97-16-067	220-57-130	AMD-P	97-15-147	220-57-30000A	NEW-E	97-14-052
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242-02-310	AMD	97-04-008	246-11-290	AMD	97-13-015	246-271-110	PREP-X	97-14-057
242-02-510	AMD	97-04-008	246-11-380	AMD-P	97-08-092	246-280-040	PREP-X	97-14-057
242-02-520	AMD	97-04-008	246-11-380	AMD	97-13-015	246-280-050	PREP-X	97-14-057
242-02-52001	NEW	97-04-008	246-11-510	AMD-P	97-08-092	246-280-080	PREP-X	97-14-057
242-02-52002	NEW	97-04-008	246-11-510	AMD	97-13-015	246-282-990	AMD-P	97-08-025
242-02-521	AMD	97-04-008	246-11-540	AMD-P	97-08-092	246-282-990	AMD	97-12-031
242-02-522	AMD	97-04-008	246-11-540	AMD	97-13-015	246-290-500	PREP-X	97-14-057
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242-02-570	AMD	97-04-008	246-11-610	AMD	97-13-015	246-310-040	PREP-X	97-14-056
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242-02-670	AMD	97-04-008	246-100-036	AMD	97-15-099	246-310-135	PREP-X	97-14-056
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242-02-850	REP	97-04-008	246-100-209	AMD	97-15-099	246-318-018	PREP-X	97-14-056
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242-02-890	AMD-W	97-04-009	246-136-010	NEW-P	97-17-112	246-318-080	PREP-X	97-14-056
242-02-892	AMD	97-04-008	246-136-020	NEW-E	97-16-025	246-318-090	PREP-X	97-14-056
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246-10-102	AMD	97-12-089	246-136-040	NEW-P	97-17-112	246-318-135	PREP-X	97-14-056
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246-810-732	NEW	97-17-113	246-838-040	REP-P	97-07-074	246-839-130	REP-P	97-07-074
246-810-734	NEW-P	97-13-099	246-838-050	REP-P	97-07-074	246-839-130	REP	97-13-100
246-810-734	NEW	97-17-113	246-838-050	REP	97-13-100	246-839-300	REP-P	97-07-074
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246-810-761	REP	97-17-113	246-838-120	REP	97-13-100	246-839-345	REP-P	97-07-074
246-810-762	REP-P	97-13-099	246-838-121	REP-P	97-07-074	246-839-345	REP	97-13-100
246-810-762	REP	97-17-113	246-838-121	REP	97-13-100	246-839-350	REP-P	97-07-074
246-810-763	REP-P	97-13-099	246-838-130	REP-P	97-07-074	246-839-350	REP	97-13-100
246-810-763	REP	97-17-113	246-838-130	REP	97-13-100	246-839-360	REP-P	97-07-074
246-810-764	REP-P	97-13-099	246-838-250	REP-P	97-07-074	246-839-360	REP	97-13-100
246-810-764	REP	97-17-113	246-838-250	REP	97-13-100	246-839-365	REP-P	97-07-074
246-810-765	REP-P	97-13-099	246-838-260	REP-P	97-07-074	246-839-365	REP	97-13-100
246-810-765	REP	97-17-113	246-838-260	REP	97-13-100	246-839-370	REP-P	97-07-074
246-810-766	REP-P	97-13-099	246-838-270	REP-P	97-07-074	246-839-370	REP	97-13-100
246-810-766	REP	97-17-113	246-838-270	REP	97-13-100	246-839-400	REP-P	97-07-074
246-810-770	REP-P	97-13-099	246-838-280	REP-P	97-07-074	246-839-400	REP	97-13-100
246-810-770	REP	97-17-113	246-838-280	REP	97-13-100	246-839-410	REP-P	97-07-074
246-810-780	REP-P	97-13-099	246-838-290	REP-P	97-07-074	246-839-410	REP	97-13-100
246-810-780	REP	97-17-113	246-838-290	REP	97-13-100	246-839-420	REP-P	97-07-074
246-810-990	AMD-P	97-13-099	246-838-300	REP-P	97-07-074	246-839-420	REP	97-13-100
246-810-990	AMD	97-17-113	246-838-300	REP	97-13-100	246-839-430	REP-P	97-07-074
246-822-100	PREP-X	97-14-056	246-838-310	REP-P	97-07-074	246-839-430	REP	97-13-100
246-822-140	PREP-X	97-14-056	246-838-310	REP	97-13-100	246-839-440	REP-P	97-07-074
246-828-015	NEW	97-04-042	246-838-330	REP-P	97-07-074	246-839-440	REP	97-13-100
246-828-055	AMD-P	97-12-086	246-838-330	REP	97-13-100	246-839-450	REP-P	97-07-074
246-828-055	AMD	97-15-128	246-838-340	REP-P	97-07-074	246-839-450	REP	97-13-100
246-828-060	PREP-X	97-14-059	246-838-340	REP	97-13-100	246-839-700	REP-P	97-07-074
246-828-065	PREP-X	97-14-059	246-838-350	REP-P	97-07-074	246-839-700	REP	97-13-100
246-828-070	AMD-P	97-12-086	246-838-350	REP	97-13-100	246-839-710	REP-P	97-07-074
246-828-070	AMD	97-15-128	246-838-360	REP-P	97-07-074	246-839-710	REP	97-13-100
246-828-400	PREP-X	97-14-060	246-838-360	REP	97-13-100	246-839-720	REP-P	97-07-074
246-828-410	PREP-X	97-14-060	246-839	PREP-W	97-03-066	246-839-720	REP	97-13-100
246-828-420	PREP-X	97-14-060	246-839	PREP-W	97-03-067	246-839-730	REP-P	97-07-074
246-828-430	PREP-X	97-14-060	246-839-010	REP-P	97-07-074	246-839-730	REP	97-13-100
246-828-510	PREP	97-15-097	246-839-010	REP	97-13-100	246-839-740	REP-P	97-07-074
246-828-990	AMD	97-04-043	246-839-020	REP-P	97-07-074	246-839-740	REP	97-13-100
246-830-220	PREP-X	97-14-056	246-839-020	REP	97-13-100	246-839-745	REP-P	97-07-074
246-830-230	PREP-X	97-14-056	246-839-030	REP-P	97-08-093	246-839-745	REP	97-13-100
246-830-240	PREP-X	97-14-056	246-839-030	REP	97-17-015	246-839-750	REP-P	97-07-074
246-830-250	PREP-X	97-14-056	246-839-040	REP-P	97-07-074	246-839-750	REP	97-13-100
246-830-255	PREP-X	97-14-056	246-839-040	REP	97-13-100	246-839-760	REP-P	97-07-074
246-830-260	PREP-X	97-14-056	246-839-050	REP-P	97-07-074	246-839-760	REP	97-13-100
246-830-270	PREP-X	97-14-056	246-839-050	REP	97-13-100	246-839-770	REP-P	97-07-074
246-830-280	PREP-X	97-14-056	246-839-060	REP-P	97-07-074	246-839-770	REP	97-13-100
246-830-690	PREP-X	97-14-056	246-839-060	REP	97-13-100	246-839-780	REP-P	97-07-074
246-834-350	PREP-X	97-14-056	246-839-070	REP-P	97-07-074	246-839-780	REP	97-13-100
246-836-070	PREP-X	97-14-056	246-839-070	REP	97-13-100	246-839-800	REP-P	97-07-074
246-836-080	PREP-X	97-14-056	246-839-080	REP-P	97-07-074	246-839-800	REP	97-13-100
246-836-090	PREP-X	97-14-056	246-839-080	REP	97-13-100	246-839-810	REP-P	97-07-074
246-836-190	PREP-X	97-14-056	246-839-090	REP-P	97-07-074	246-839-810	REP	97-13-100
246-836-400	PREP-X	97-14-056	246-839-090	REP	97-13-100	246-839-820	REP-P	97-07-074
246-838	PREP-W	97-03-066	246-839-100	REP-P	97-07-074	246-839-820	REP	97-13-100
246-838	PREP-W	97-03-067	246-839-100	REP	97-13-100	246-839-830	REP-P	97-07-074
246-838-010	REP-P	97-07-074	246-839-105	REP-P	97-07-074	246-839-830	REP	97-13-100
246-838-010	REP	97-13-100	246-839-105	REP	97-13-100	246-839-840	REP-P	97-07-074
246-838-020	REP-P	97-07-074	246-839-110	REP-P	97-07-074	246-839-840	REP	97-13-100
246-838-020	REP	97-13-100	246-839-110	REP	97-13-100	246-839-850	REP-P	97-07-074
246-838-026	REP-P	97-07-074	246-839-115	REP-P	97-07-074	246-839-850	REP	97-13-100

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-839-860	REP-P	97-07-074	246-840-420	NEW-P	97-07-074	246-851-110	AMD	97-12-088
246-839-860	REP-S	97-12-030	246-840-420	NEW	97-13-100	246-851-120	AMD-P	97-08-094
246-839-860	REP	97-17-049	246-840-430	NEW-P	97-07-074	246-851-120	AMD	97-12-088
246-839-870	REP-P	97-07-074	246-840-430	NEW	97-13-100	246-851-140	AMD-P	97-08-094
246-839-870	REP	97-13-100	246-840-440	NEW-P	97-07-074	246-851-140	AMD	97-12-088
246-839-880	REP-P	97-07-074	246-840-440	NEW	97-13-100	246-851-150	AMD-P	97-08-094
246-839-880	REP	97-13-100	246-840-450	NEW-P	97-07-074	246-851-150	AMD	97-12-088
246-839-890	REP-P	97-07-074	246-840-450	NEW	97-13-100	246-851-160	AMD-P	97-08-094
246-839-890	REP	97-13-100	246-840-540	AMD-P	97-07-074	246-851-160	AMD	97-12-088
246-839-900	REP-P	97-07-074	246-840-540	AMD	97-13-100	246-851-170	AMD-P	97-08-094
246-839-900	REP	97-13-100	246-840-565	AMD-P	97-07-074	246-851-170	AMD	97-12-088
246-840-010	NEW-P	97-07-074	246-840-565	AMD	97-13-100	246-851-180	AMD-P	97-08-094
246-840-010	NEW	97-13-100	246-840-700	NEW-P	97-07-074	246-851-180	AMD	97-12-088
246-840-020	NEW-P	97-07-074	246-840-700	NEW	97-13-100	246-851-190	AMD-P	97-08-094
246-840-020	NEW	97-13-100	246-840-705	NEW-P	97-07-074	246-851-190	AMD	97-12-088
246-840-030	NEW-P	97-07-074	246-840-705	NEW	97-13-100	246-851-200	AMD-P	97-08-094
246-840-030	NEW-P	97-08-093	246-840-710	NEW-P	97-07-074	246-851-200	AMD	97-12-088
246-840-030	NEW-W	97-09-061	246-840-710	NEW	97-13-100	246-851-210	REP-P	97-08-094
246-840-030	NEW	97-17-015	246-840-715	NEW-P	97-07-074	246-851-210	REP	97-12-088
246-840-040	NEW-P	97-07-074	246-840-715	NEW	97-13-100	246-851-220	AMD-P	97-08-094
246-840-040	NEW	97-13-100	246-840-720	NEW-P	97-07-074	246-851-220	AMD	97-12-088
246-840-050	NEW-P	97-07-074	246-840-720	NEW	97-13-100	246-851-230	AMD-P	97-08-094
246-840-050	NEW	97-13-100	246-840-730	NEW-P	97-07-074	246-851-230	AMD	97-12-088
246-840-060	NEW-P	97-07-074	246-840-730	NEW	97-13-100	246-851-240	AMD-P	97-08-094
246-840-060	NEW	97-13-100	246-840-745	NEW-P	97-07-074	246-851-240	AMD	97-12-088
246-840-070	NEW-P	97-07-074	246-840-745	NEW	97-13-100	246-861-030	PREP-X	97-14-062
246-840-070	NEW	97-13-100	246-840-747	NEW-P	97-07-074	246-865	PREP	97-11-038
246-840-080	NEW-P	97-07-074	246-840-747	NEW	97-13-100	246-869-260	PREP-X	97-14-069
246-840-080	NEW	97-13-100	246-840-750	NEW-P	97-07-074	246-877-030	PREP-X	97-14-064
246-840-090	NEW-P	97-07-074	246-840-750	NEW	97-13-100	246-893	PREP-X	97-14-065
246-840-090	NEW	97-13-100	246-840-760	NEW-P	97-07-074	246-897-030	PREP-X	97-14-066
246-840-100	NEW-P	97-07-074	246-840-760	NEW	97-13-100	246-897-040	PREP-X	97-14-066
246-840-100	NEW	97-13-100	246-840-770	NEW-P	97-07-074	246-897-050	PREP-X	97-14-066
246-840-105	NEW-P	97-07-074	246-840-770	NEW	97-13-100	246-897-120	PREP-X	97-14-066
246-840-105	NEW	97-13-100	246-840-780	NEW-P	97-07-074	246-897-130	PREP-X	97-14-066
246-840-110	NEW-P	97-07-074	246-840-780	NEW	97-13-100	246-897-140	PREP-X	97-14-066
246-840-110	NEW	97-13-100	246-840-800	NEW-P	97-07-074	246-897-150	PREP-X	97-14-066
246-840-113	NEW-P	97-07-074	246-840-800	NEW	97-13-100	246-897-160	PREP-X	97-14-066
246-840-113	NEW	97-13-100	246-840-810	NEW-P	97-07-074	246-897-170	PREP-X	97-14-066
246-840-115	NEW-P	97-07-074	246-840-810	NEW	97-13-100	246-897-180	PREP-X	97-14-066
246-840-115	NEW	97-13-100	246-840-820	NEW-P	97-07-074	246-897-190	PREP-X	97-14-066
246-840-120	NEW-P	97-07-074	246-840-820	NEW	97-13-100	246-901	PREP	97-16-087
246-840-120	NEW	97-13-100	246-840-830	NEW-P	97-07-074	246-907-020	AMD	97-06-019
246-840-130	NEW-P	97-07-074	246-840-830	NEW	97-13-100	246-907-030	AMD	97-06-019
246-840-130	NEW	97-13-100	246-840-840	NEW-P	97-07-074	246-915-080	PREP-X	97-14-067
246-840-300	NEW-P	97-07-074	246-840-840	NEW	97-13-100	246-915-090	PREP-X	97-14-067
246-840-300	NEW	97-13-100	246-840-850	NEW-P	97-07-074	246-919-520	NEW-P	97-15-126
246-840-305	NEW-P	97-07-074	246-840-850	NEW	97-13-100	246-919-990	AMD-P	97-12-085
246-840-305	NEW	97-13-100	246-840-860	NEW-P	97-07-074	246-919-990	AMD	97-15-100
246-840-310	NEW-P	97-07-074	246-840-860	NEW-S	97-12-030	246-933-170	PREP-X	97-14-056
246-840-310	NEW	97-13-100	246-840-860	NEW	97-17-049	246-933-980	PREP-X	97-14-056
246-840-315	NEW-P	97-07-074	246-840-870	NEW-P	97-07-074	246-935-125	PREP-X	97-14-056
246-840-315	NEW	97-13-100	246-840-870	NEW	97-13-100	246-937-100	PREP-X	97-14-056
246-840-320	NEW-P	97-07-074	246-840-880	NEW-P	97-07-074	246-976-090	PREP-X	97-14-056
246-840-320	NEW	97-13-100	246-840-880	NEW	97-13-100	246-976-115	PREP-X	97-14-056
246-840-330	NEW-P	97-07-074	246-840-890	NEW-P	97-07-074	249A-02-010	NEW-W	97-09-043
246-840-330	NEW	97-13-100	246-840-890	NEW	97-13-100	249A-02-020	NEW-W	97-09-043
246-840-340	NEW-P	97-07-074	246-840-900	NEW-P	97-07-074	249A-02-030	NEW-W	97-09-043
246-840-340	NEW	97-13-100	246-840-900	NEW	97-13-100	249A-02-040	NEW-W	97-09-043
246-840-345	NEW-P	97-07-074	246-840-930	AMD-P	97-07-074	249A-02-050	NEW-W	97-09-043
246-840-345	NEW	97-13-100	246-840-930	AMD	97-13-100	249A-02-060	NEW-W	97-09-043
246-840-350	NEW-P	97-07-074	246-840-940	AMD-P	97-07-074	249A-02-080	NEW-W	97-09-043
246-840-350	NEW	97-13-100	246-840-940	AMD	97-13-100	249A-02-100	NEW-W	97-09-043
246-840-360	NEW-P	97-07-074	246-841-710	PREP-X	97-14-061	249A-02-200	NEW-W	97-09-043
246-840-360	NEW	97-13-100	246-841-730	PREP-X	97-14-061	249A-02-210	NEW-W	97-09-043
246-840-365	NEW-P	97-07-074	246-841-740	PREP-X	97-14-061	249A-02-220	NEW-W	97-09-043
246-840-365	NEW	97-13-100	246-841-750	PREP-X	97-14-061	249A-02-250	NEW-W	97-09-043
246-840-370	NEW-P	97-07-074	246-843-158	PREP-X	97-14-056	249A-02-300	NEW-W	97-09-043
246-840-370	NEW	97-13-100	246-851-090	AMD-P	97-08-094	249A-02-350	NEW-W	97-09-043
246-840-400	NEW-P	97-07-074	246-851-090	AMD	97-12-088	249A-02-360	NEW-W	97-09-043
246-840-400	NEW	97-13-100	246-851-100	AMD-P	97-08-094	249A-02-410	NEW-W	97-09-043
246-840-410	NEW-P	97-07-074	246-851-100	AMD	97-12-088	249A-02-420	NEW-W	97-09-043
246-840-410	NEW	97-13-100	246-851-110	AMD-P	97-08-094	249A-02-430	NEW-W	97-09-043

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249A-02-440	NEW-W	97-09-043	260-24-190	REP-P	97-04-060	260-24-550	NEW-W	97-17-043
249A-02-450	NEW-W	97-09-043	260-24-190	REP-W	97-17-043	260-24-560	NEW-P	97-04-060
249A-02-460	NEW-W	97-09-043	260-24-200	REP-P	97-04-060	260-24-560	NEW-W	97-17-043
249A-02-470	NEW-W	97-09-043	260-24-200	REP-W	97-17-043	260-24-570	NEW-P	97-04-060
249A-02-510	NEW-W	97-09-043	260-24-210	REP-P	97-04-060	260-24-570	NEW-W	97-17-043
249A-02-520	NEW-W	97-09-043	260-24-210	REP-W	97-17-043	260-24-580	NEW-P	97-04-060
249A-02-540	NEW-W	97-09-043	260-24-220	REP-P	97-04-060	260-24-580	NEW-W	97-17-043
249A-02-560	NEW-W	97-09-043	260-24-220	REP-W	97-17-043	260-24-590	NEW-P	97-04-060
249A-02-600	NEW-W	97-09-043	260-24-230	REP-P	97-04-060	260-24-590	NEW-W	97-17-043
249A-02-650	NEW-W	97-09-043	260-24-230	REP-W	97-17-043	260-24-600	NEW-P	97-04-060
249A-02-810	NEW-W	97-09-043	260-24-240	REP-P	97-04-060	260-24-600	NEW-W	97-17-043
249A-02-830	NEW-W	97-09-043	260-24-240	REP-W	97-17-043	260-24-610	NEW-P	97-04-060
249A-02-860	NEW-W	97-09-043	260-24-250	REP-P	97-04-060	260-24-610	NEW-W	97-17-043
251-01-045	AMD-P	97-08-090	260-24-250	REP-W	97-17-043	260-24-620	NEW-P	97-04-060
251-01-045	AMD-W	97-10-088	260-24-260	REP-P	97-04-060	260-24-620	NEW-W	97-17-043
251-01-110	AMD-P	97-08-090	260-24-260	REP-W	97-17-043	260-24-630	NEW-P	97-04-060
251-01-110	AMD-W	97-10-088	260-24-270	REP-P	97-04-060	260-24-630	NEW-W	97-17-043
251-04-040	AMD-P	97-08-090	260-24-270	REP-W	97-17-043	260-24-640	NEW-P	97-04-060
251-04-040	AMD-W	97-10-088	260-24-280	REP-P	97-04-060	260-24-640	NEW-W	97-17-043
251-04-050	AMD-P	97-08-090	260-24-280	REP-W	97-17-043	260-24-650	NEW-P	97-04-060
251-04-050	AMD-W	97-10-088	260-24-290	REP-P	97-04-060	260-24-650	NEW-W	97-17-043
251-10-030	AMD-P	97-08-090	260-24-290	REP-W	97-17-043	260-24-660	NEW-P	97-04-060
251-10-030	AMD-W	97-10-088	260-24-300	REP-P	97-04-060	260-24-660	NEW-W	97-17-043
251-12-270	REP-P	97-08-090	260-24-300	REP-W	97-17-043	260-24-670	NEW-P	97-04-060
251-12-270	REP-W	97-10-088	260-24-310	REP-P	97-04-060	260-24-670	NEW-W	97-17-043
251-12-270	REP-P	97-10-089	260-24-310	REP-W	97-17-043	260-24-680	NEW-P	97-04-060
251-12-270	REP	97-13-045	260-24-320	REP-P	97-04-060	260-24-680	NEW-W	97-17-043
251-12-600	AMD-P	97-08-090	260-24-320	REP-W	97-17-043	260-24-690	NEW-P	97-04-060
251-12-600	AMD-W	97-10-088	260-24-330	REP-P	97-04-060	260-24-690	NEW-W	97-17-043
251-12-600	AMD-P	97-10-089	260-24-330	REP-W	97-17-043	260-24-700	NEW-P	97-04-060
251-12-600	AMD	97-13-045	260-24-340	REP-P	97-04-060	260-24-700	NEW-W	97-17-043
251-14-060	AMD	97-06-012	260-24-340	REP-W	97-17-043	260-32	PREP	97-04-059
251-14-120	AMD	97-06-012	260-24-350	REP-P	97-04-060	260-48	PREP	97-04-058
251-20-020	AMD-P	97-08-090	260-24-350	REP-W	97-17-043	262-01-030	PREP	97-06-112
251-20-020	AMD-W	97-10-088	260-24-360	REP-P	97-04-060	262-01-030	AMD-P	97-09-091
251-20-020	AMD-P	97-10-089	260-24-360	REP-W	97-17-043	262-01-030	AMD-W	97-10-060
251-20-020	AMD	97-13-045	260-24-370	REP-P	97-04-060	262-01-030	AMD-P	97-11-065
260-24-010	REP-P	97-04-060	260-24-370	REP-W	97-17-043	262-01-030	AMD	97-16-021
260-24-010	REP-W	97-17-043	260-24-380	REP-P	97-04-060	262-01-130	NEW-P	97-17-078
260-24-020	REP-P	97-04-060	260-24-380	REP-W	97-17-043	262-02-020	PREP	97-06-112
260-24-020	REP-W	97-17-043	260-24-390	REP-P	97-04-060	262-02-020	AMD-P	97-09-090
260-24-030	REP-P	97-04-060	260-24-390	REP-W	97-17-043	262-02-020	AMD-W	97-10-060
260-24-030	REP-W	97-17-043	260-24-400	REP-P	97-04-060	262-02-020	AMD-P	97-11-064
260-24-040	REP-P	97-04-060	260-24-400	REP-W	97-17-043	262-02-020	AMD	97-16-020
260-24-040	REP-W	97-17-043	260-24-410	REP-P	97-04-060	262-02-030	PREP	97-06-112
260-24-050	REP-P	97-04-060	260-24-410	REP-W	97-17-043	262-02-030	AMD-P	97-09-090
260-24-050	REP-W	97-17-043	260-24-420	REP-P	97-04-060	262-02-030	AMD-W	97-10-060
260-24-060	REP-P	97-04-060	260-24-420	REP-W	97-17-043	262-02-030	AMD-P	97-11-064
260-24-060	REP-W	97-17-043	260-24-430	REP-P	97-04-060	262-02-030	AMD	97-16-020
260-24-070	REP-P	97-04-060	260-24-430	REP-W	97-17-043	262-03	PREP	97-07-068
260-24-070	REP-W	97-17-043	260-24-440	REP-P	97-04-060	262-03-010	NEW-P	97-11-063
260-24-080	REP-P	97-04-060	260-24-440	REP-W	97-17-043	262-03-010	NEW	97-16-019
260-24-080	REP-W	97-17-043	260-24-450	REP-P	97-04-060	262-03-020	NEW-P	97-11-063
260-24-090	REP-P	97-04-060	260-24-450	REP-W	97-17-043	262-03-020	NEW	97-16-019
260-24-090	REP-W	97-17-043	260-24-460	REP-P	97-04-060	262-03-030	NEW-P	97-11-063
260-24-100	REP-P	97-04-060	260-24-460	REP-W	97-17-043	262-03-030	NEW	97-16-019
260-24-100	REP-W	97-17-043	260-24-465	REP-P	97-04-060	262-03-040	NEW-P	97-11-063
260-24-110	REP-P	97-04-060	260-24-465	REP-W	97-17-043	262-03-040	NEW	97-16-019
260-24-110	REP-W	97-17-043	260-24-470	REP-P	97-04-060	262-03-050	NEW-P	97-11-063
260-24-120	REP-P	97-04-060	260-24-470	REP-W	97-17-043	262-03-050	NEW	97-16-019
260-24-120	REP-W	97-17-043	260-24-480	REP-P	97-04-060	262-03-060	NEW-P	97-11-063
260-24-130	REP-P	97-04-060	260-24-480	REP-W	97-17-043	262-03-060	NEW	97-16-019
260-24-130	REP-W	97-17-043	260-24-500	NEW-P	97-04-060	262-03-070	NEW-P	97-11-063
260-24-140	REP-P	97-04-060	260-24-500	NEW-W	97-17-043	262-03-070	NEW	97-16-019
260-24-140	REP-W	97-17-043	260-24-510	NEW-P	97-04-060	262-03-080	NEW-P	97-11-063
260-24-150	REP-P	97-04-060	260-24-510	NEW-W	97-17-043	262-03-080	NEW	97-16-019
260-24-150	REP-W	97-17-043	260-24-520	NEW-P	97-04-060	262-03-090	NEW-P	97-11-063
260-24-160	REP-P	97-04-060	260-24-520	NEW-W	97-17-043	262-03-090	NEW	97-16-019
260-24-160	REP-W	97-17-043	260-24-530	NEW-P	97-04-060	262-04	PREP	97-14-025
260-24-170	REP-P	97-04-060	260-24-530	NEW-W	97-17-043	275-27-023	AMD-E	97-03-033
260-24-170	REP-W	97-17-043	260-24-540	NEW-P	97-04-060	275-27-023	AMD-P	97-08-007
260-24-180	REP-P	97-04-060	260-24-540	NEW-W	97-17-043	275-27-023	AMD-E	97-11-009
260-24-180	REP-W	97-17-043	260-24-550	NEW-P	97-04-060	275-27-023	AMD	97-13-051

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
275-27-220	AMD-E	97-03-033	275-80-895	PREP	97-15-131	284-43-350	NEW-W	97-08-044
275-27-220	AMD-P	97-08-007	275-80-900	PREP	97-15-131	284-43-360	NEW-W	97-08-044
275-27-220	AMD-E	97-11-009	275-80-905	PREP	97-15-131	284-43-400	NEW-W	97-08-044
275-27-220	AMD	97-13-051	275-80-910	PREP	97-15-131	284-43-410	NEW-W	97-08-044
275-27-221	REP-E	97-03-033	275-80-915	PREP	97-15-131	284-43-420	NEW-W	97-08-044
275-27-221	REP-P	97-08-007	275-80-920	PREP	97-15-131	284-43-500	NEW-W	97-08-044
275-27-221	REP-E	97-11-009	275-80-925	PREP	97-15-131	284-43-510	NEW-W	97-08-044
275-27-221	REP	97-13-051	275-80-930	PREP	97-15-131	284-43-520	NEW-W	97-08-044
275-27-222	NEW-P	97-08-007	275-80-935	PREP	97-15-131	284-43-530	NEW-W	97-08-044
275-27-222	NEW-E	97-11-009	275-80-940	PREP	97-15-131	284-43-540	NEW-W	97-08-044
275-27-222	NEW	97-13-051	275-80-995	PREP	97-15-131	284-43-550	NEW-W	97-08-044
275-27-223	AMD-E	97-03-033	275-110-010	PREP	97-15-131	284-43-560	NEW-W	97-08-044
275-27-223	AMD-P	97-08-007	275-110-020	PREP	97-15-131	284-43-600	NEW-W	97-08-044
275-27-223	AMD-E	97-11-009	275-110-030	PREP	97-15-131	284-43-610	NEW-W	97-08-044
275-27-223	AMD	97-13-051	275-110-040	PREP	97-15-131	284-43-620	NEW-W	97-08-044
275-27-400	AMD-E	97-03-033	275-110-050	PREP	97-15-131	284-43-630	NEW-W	97-08-044
275-27-400	AMD-P	97-08-007	275-110-060	PREP	97-15-131	284-43-640	NEW-W	97-08-044
275-27-400	AMD-E	97-11-009	275-110-070	PREP	97-15-131	284-43-650	NEW-W	97-08-044
275-27-400	AMD	97-13-051	275-110-080	PREP	97-15-131	284-43-700	NEW-C	97-05-006
275-48-010	PREP	97-15-131	275-110-090	PREP	97-15-131	284-43-700	NEW-C	97-08-046
275-48-015	PREP	97-15-131	275-110-100	PREP	97-15-131	284-43-700	NEW-W	97-11-001
275-48-020	PREP	97-15-131	275-110-110	PREP	97-15-131	284-44-240	REP-W	97-08-044
275-48-025	PREP	97-15-131	275-110-120	PREP	97-15-131	284-44-410	REP-W	97-08-044
275-48-030	PREP	97-15-131	275-150-010	PREP	97-15-131	284-46-575	REP-W	97-08-044
275-48-035	PREP	97-15-131	275-150-020	PREP	97-15-131	284-51-050	PREP	97-04-074
275-48-040	PREP	97-15-131	275-150-030	PREP	97-15-131	284-54-750	NEW-P	97-15-150
275-48-045	PREP	97-15-131	275-150-040	PREP	97-15-131	284-85-085	AMD-P	97-15-150
275-48-050	PREP	97-15-131	275-150-050	PREP	97-15-131	286-13-040	PREP	97-08-079
275-60-010	PREP-X	97-14-071	275-150-060	PREP	97-15-131	286-13-040	AMD-P	97-12-027
275-60-020	PREP-X	97-14-071	275-150-070	PREP	97-15-131	286-13-040	AMD	97-17-004
275-60-030	PREP-X	97-14-071	275-150-080	PREP	97-15-131	286-13-045	AMD-P	97-04-006
275-60-040	PREP-X	97-14-071	275-150-090	PREP	97-15-131	286-13-045	AMD	97-08-003
275-60-050	PREP-X	97-14-071	275-155	AMD-P	97-11-044	286-13-085	AMD-P	97-04-006
275-60-060	PREP-X	97-14-071	275-155-005	AMD-P	97-11-044	286-13-085	AMD	97-08-003
275-60-070	PREP-X	97-14-071	275-155-010	AMD-P	97-11-044	286-13-110	AMD-P	97-04-006
275-60-200	PREP-X	97-14-071	275-155-070	NEW-P	97-11-044	286-13-110	AMD	97-08-003
275-60-300	PREP-X	97-14-071	275-155-080	NEW-P	97-11-044	286-13-110	PREP	97-08-079
275-60-400	PREP-X	97-14-071	275-155-090	NEW-P	97-11-044	286-13-110	AMD-P	97-12-027
275-60-500	PREP-X	97-14-071	275-155-100	NEW-P	97-11-044	286-13-110	AMD	97-17-004
275-60-510	PREP-X	97-14-071	275-155-110	NEW-P	97-11-044	286-13-115	PREP	97-08-079
275-60-520	PREP-X	97-14-071	275-155-120	NEW-P	97-11-044	286-13-115	AMD-P	97-12-027
275-76-005	PREP	97-15-131	275-155-130	NEW-P	97-11-044	286-13-115	AMD	97-17-004
275-76-010	PREP	97-15-131	275-155-140	NEW-P	97-11-044	286-26-080	AMD-P	97-04-006
275-76-020	PREP	97-15-131	284-04	NEW-C	97-03-023	286-26-080	AMD	97-08-003
275-76-030	PREP	97-15-131	284-04	NEW-C	97-03-120	286-27-040	AMD-P	97-04-006
275-76-040	PREP	97-15-131	284-04	NEW-C	97-08-091	286-27-040	AMD	97-08-003
275-76-050	PREP	97-15-131	284-04	NEW-W	97-10-072	286-27-050	REP-P	97-04-006
275-76-060	PREP	97-15-131	284-13-505	NEW	97-05-012	286-27-050	REP	97-08-003
275-76-070	PREP	97-15-131	284-13-515	NEW	97-05-012	286-35-030	AMD-P	97-04-006
275-76-080	PREP	97-15-131	284-13-520	AMD	97-05-012	286-35-030	AMD	97-08-003
275-76-090	PREP	97-15-131	284-13-530	NEW	97-05-012	286-35-040	REP-P	97-04-006
275-76-100	PREP	97-15-131	284-13-535	NEW	97-05-012	286-35-040	REP	97-08-003
275-76-110	PREP	97-15-131	284-13-540	AMD	97-05-012	286-40-020	AMD-P	97-04-006
275-76-120	PREP	97-15-131	284-13-550	AMD	97-05-012	286-40-020	AMD	97-08-003
275-76-130	PREP	97-15-131	284-13-560	AMD	97-05-012	292-09-010	AMD-P	97-05-022
275-76-140	PREP	97-15-131	284-13-570	AMD	97-05-012	292-09-010	AMD	97-13-069
275-76-150	PREP	97-15-131	284-13-590	AMD	97-05-012	292-11-010	NEW-S	97-05-023
275-80-805	PREP	97-15-131	284-13-595	NEW	97-05-012	292-11-010	NEW	97-13-075
275-80-810	PREP	97-15-131	284-17-220	AMD-P	97-15-150	292-11-020	NEW-S	97-05-023
275-80-815	PREP	97-15-131	284-30-395	NEW-S	97-03-090	292-11-020	NEW	97-13-075
275-80-840	PREP	97-15-131	284-30-395	NEW-C	97-08-045	292-11-030	NEW-W	97-09-057
275-80-842	PREP	97-15-131	284-30-395	NEW-C	97-11-010	292-110-010	PREP	97-13-006
275-80-844	PREP	97-15-131	284-30-395	NEW	97-13-005	292-120-010	NEW-P	97-03-133
275-80-846	PREP	97-15-131	284-43-110	NEW-W	97-08-044	292-120-010	NEW	97-07-058
275-80-848	PREP	97-15-131	284-43-120	NEW-W	97-08-044	292-120-020	NEW-P	97-03-133
275-80-852	PREP	97-15-131	284-43-130	NEW-W	97-08-044	292-120-020	NEW	97-07-058
275-80-854	PREP	97-15-131	284-43-200	NEW-W	97-08-044	292-120-030	NEW-P	97-03-133
275-80-860	PREP	97-15-131	284-43-210	NEW-W	97-08-044	292-120-030	NEW	97-07-058
275-80-870	PREP	97-15-131	284-43-300	NEW-W	97-08-044	292-120-040	NEW-P	97-03-133
275-80-872	PREP	97-15-131	284-43-310	NEW-W	97-08-044	292-120-040	NEW	97-07-058
275-80-876	PREP	97-15-131	284-43-320	NEW-W	97-08-044	296-10-010	PREP-X	97-13-034
275-80-878	PREP	97-15-131	284-43-330	NEW-W	97-08-044	296-10-010	REP	97-17-064
275-80-890	PREP	97-15-131	284-43-340	NEW-W	97-08-044	296-10-020	PREP-X	97-13-034

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-10-020	REP	97-17-064	296-10-530	PREP-X	97-13-034	296-11-580	DECOD	97-08-042
296-10-030	PREP-X	97-13-034	296-10-530	REP	97-17-064	296-11-590	DECOD	97-08-042
296-10-030	REP	97-17-064	296-10-540	PREP-X	97-13-034	296-17	PREP	97-15-139
296-10-040	PREP-X	97-13-034	296-10-540	REP	97-17-064	296-17	PREP	97-15-140
296-10-040	REP	97-17-064	296-10-550	PREP-X	97-13-034	296-17	PREP	97-15-141
296-10-050	PREP-X	97-13-034	296-10-550	REP	97-17-064	296-17	PREP	97-15-142
296-10-050	REP	97-17-064	296-10-560	PREP-X	97-13-034	296-17-45003	AMD	97-06-007
296-10-060	PREP-X	97-13-034	296-10-560	REP	97-17-064	296-17-45003	AMD-E	97-08-043
296-10-060	REP	97-17-064	296-10-570	PREP-X	97-13-034	296-17-45003	AMD-P	97-08-051
296-10-070	PREP-X	97-13-034	296-10-570	REP	97-17-064	296-17-45003	AMD	97-12-011
296-10-070	REP	97-17-064	296-10-580	PREP-X	97-13-034	296-17-45006	NEW	97-06-007
296-10-080	PREP-X	97-13-034	296-10-580	REP	97-17-064	296-17-45006	AMD-E	97-08-043
296-10-080	REP	97-17-064	296-10-590	PREP-X	97-13-034	296-17-45006	AMD-P	97-08-051
296-10-090	PREP-X	97-13-034	296-10-590	REP	97-17-064	296-17-45006	AMD	97-12-011
296-10-090	REP	97-17-064	296-11-001	DECOD	97-08-042	296-17-52107	REP	97-06-007
296-10-100	PREP-X	97-13-034	296-11-003	DECOD	97-08-042	296-17-52112	REP	97-06-007
296-10-100	REP	97-17-064	296-11-010	DECOD	97-08-042	296-17-52114	NEW	97-06-007
296-10-110	PREP-X	97-13-034	296-11-020	DECOD	97-08-042	296-17-52114	REP-E	97-08-043
296-10-110	REP	97-17-064	296-11-030	DECOD	97-08-042	296-17-52114	REP-P	97-08-051
296-10-120	PREP-X	97-13-034	296-11-040	DECOD	97-08-042	296-17-52114	REP	97-12-011
296-10-120	REP	97-17-064	296-11-050	DECOD	97-08-042	296-17-52115	NEW	97-06-007
296-10-130	PREP-X	97-13-034	296-11-060	DECOD	97-08-042	296-17-52115	REP-E	97-08-043
296-10-130	REP	97-17-064	296-11-070	DECOD	97-08-042	296-17-52115	REP-P	97-08-051
296-10-140	PREP-X	97-13-034	296-11-080	DECOD	97-08-042	296-17-52115	REP	97-12-011
296-10-140	REP	97-17-064	296-11-090	DECOD	97-08-042	296-17-52116	NEW	97-06-007
296-10-150	PREP-X	97-13-034	296-11-100	DECOD	97-08-042	296-17-52117	NEW	97-06-007
296-10-150	REP	97-17-064	296-11-110	DECOD	97-08-042	296-17-52117	REP-E	97-08-043
296-10-160	PREP-X	97-13-034	296-11-120	DECOD	97-08-042	296-17-52117	REP-P	97-08-051
296-10-160	REP	97-17-064	296-11-130	DECOD	97-08-042	296-17-52117	REP	97-12-011
296-10-170	PREP-X	97-13-034	296-11-140	DECOD	97-08-042	296-17-52118	NEW-E	97-08-043
296-10-170	REP	97-17-064	296-11-150	DECOD	97-08-042	296-17-52118	NEW-P	97-08-051
296-10-180	PREP-X	97-13-034	296-11-160	DECOD	97-08-042	296-17-52118	NEW	97-12-011
296-10-180	REP	97-17-064	296-11-170	DECOD	97-08-042	296-17-52119	NEW-E	97-08-043
296-10-190	PREP-X	97-13-034	296-11-180	DECOD	97-08-042	296-17-52119	NEW-P	97-08-051
296-10-190	REP	97-17-064	296-11-190	DECOD	97-08-042	296-17-52119	NEW	97-12-011
296-10-200	PREP-X	97-13-034	296-11-200	DECOD	97-08-042	296-17-52120	NEW-E	97-08-043
296-10-200	REP	97-17-064	296-11-210	DECOD	97-08-042	296-17-52120	NEW-P	97-08-051
296-10-210	PREP-X	97-13-034	296-11-220	DECOD	97-08-042	296-17-52120	NEW	97-12-011
296-10-210	REP	97-17-064	296-11-230	DECOD	97-08-042	296-17-52121	NEW-E	97-08-043
296-10-220	PREP-X	97-13-034	296-11-240	DECOD	97-08-042	296-17-52121	NEW-P	97-08-051
296-10-220	REP	97-17-064	296-11-250	DECOD	97-08-042	296-17-52121	NEW	97-12-011
296-10-370	PREP-X	97-13-034	296-11-260	DECOD	97-08-042	296-17-52122	NEW-E	97-08-043
296-10-370	REP	97-17-064	296-11-270	DECOD	97-08-042	296-17-52122	NEW-P	97-08-051
296-10-380	PREP-X	97-13-034	296-11-280	DECOD	97-08-042	296-17-52122	NEW	97-12-011
296-10-380	REP	97-17-064	296-11-290	DECOD	97-08-042	296-17-52123	NEW-E	97-08-043
296-10-390	PREP-X	97-13-034	296-11-300	DECOD	97-08-042	296-17-52123	NEW-P	97-08-051
296-10-390	REP	97-17-064	296-11-310	DECOD	97-08-042	296-17-52123	NEW	97-12-011
296-10-400	PREP-X	97-13-034	296-11-320	DECOD	97-08-042	296-17-52124	NEW-E	97-08-043
296-10-400	REP	97-17-064	296-11-330	DECOD	97-08-042	296-17-52124	NEW-P	97-08-051
296-10-410	PREP-X	97-13-034	296-11-340	DECOD	97-08-042	296-17-52124	NEW	97-12-011
296-10-410	REP	97-17-064	296-11-350	DECOD	97-08-042	296-17-52125	NEW-E	97-08-043
296-10-420	PREP-X	97-13-034	296-11-360	DECOD	97-08-042	296-17-52125	NEW-P	97-08-051
296-10-420	REP	97-17-064	296-11-370	DECOD	97-08-042	296-17-52125	NEW	97-12-011
296-10-430	PREP-X	97-13-034	296-11-380	DECOD	97-08-042	296-17-52126	NEW-E	97-08-043
296-10-430	REP	97-17-064	296-11-390	DECOD	97-08-042	296-17-52126	NEW-P	97-08-051
296-10-440	PREP-X	97-13-034	296-11-400	DECOD	97-08-042	296-17-52126	NEW	97-12-011
296-10-440	REP	97-17-064	296-11-410	DECOD	97-08-042	296-17-89502	NEW	97-06-007
296-10-450	PREP-X	97-13-034	296-11-420	DECOD	97-08-042	296-17-89502	AMD-E	97-08-043
296-10-450	REP	97-17-064	296-11-430	DECOD	97-08-042	296-17-89502	AMD-P	97-08-051
296-10-460	PREP-X	97-13-034	296-11-440	DECOD	97-08-042	296-17-89502	AMD	97-12-011
296-10-460	REP	97-17-064	296-11-450	DECOD	97-08-042	296-20	PREP	97-02-096
296-10-470	PREP-X	97-13-034	296-11-460	DECOD	97-08-042	296-20-125	PREP	97-02-097
296-10-470	REP	97-17-064	296-11-470	DECOD	97-08-042	296-20-135	PREP	97-02-097
296-10-480	PREP-X	97-13-034	296-11-480	DECOD	97-08-042	296-20-135	AMD-P	97-05-076
296-10-480	REP	97-17-064	296-11-490	DECOD	97-08-042	296-20-135	AMD	97-10-017
296-10-490	PREP-X	97-13-034	296-11-500	DECOD	97-08-042	296-20-200	AMD	97-09-036
296-10-490	REP	97-17-064	296-11-510	DECOD	97-08-042	296-20-210	AMD	97-09-036
296-10-500	PREP-X	97-13-034	296-11-520	DECOD	97-08-042	296-20-220	AMD	97-09-036
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296-10-510	PREP-X	97-13-034	296-11-540	DECOD	97-08-042	296-23-220	PREP	97-02-097
296-10-510	REP	97-17-064	296-11-550	DECOD	97-08-042	296-23-220	AMD-P	97-05-076
296-10-520	PREP-X	97-13-034	296-11-560	DECOD	97-08-042	296-23-220	AMD	97-10-017
296-10-520	REP	97-17-064	296-11-570	DECOD	97-08-042	296-23-230	PREP	97-02-097

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296-23-230	AMD	97-10-017	296-23A-200	REP	97-06-066	296-46-23028	AMD-P	97-03-083
296-23-265	AMD	97-09-036	296-23A-205	REP	97-06-066	296-46-23028	AMD	97-12-016
296-23-26501	NEW	97-09-036	296-23A-210	REP	97-06-066	296-46-23062	AMD-P	97-03-083
296-23-26502	NEW	97-09-036	296-23A-215	REP	97-06-066	296-46-23062	AMD	97-12-016
296-23-26503	NEW	97-09-036	296-23A-220	REP	97-06-066	296-46-30001	AMD-P	97-03-083
296-23-26504	NEW	97-09-036	296-23A-225	REP	97-06-066	296-46-30001	AMD	97-12-016
296-23-26505	NEW	97-09-036	296-23A-230	REP	97-06-066	296-46-360	AMD-P	97-03-083
296-23-26506	NEW	97-09-036	296-23A-235	REP	97-06-066	296-46-360	AMD	97-12-016
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296-23A-0120	NEW	97-06-066	296-23A-400	REP	97-06-066	296-46-553	NEW-P	97-03-083
296-23A-0130	NEW	97-06-066	296-23A-430	REP	97-06-066	296-46-553	NEW	97-12-016
296-23A-0140	NEW	97-06-066	296-24	PREP	97-11-051	296-46-700	AMD-P	97-03-083
296-23A-0150	NEW	97-06-066	296-24-07801	AMD-P	97-03-085	296-46-700	AMD	97-12-016
296-23A-0160	NEW	97-06-066	296-24-07801	AMD	97-11-055	296-46-725	AMD-P	97-03-083
296-23A-0170	NEW	97-06-066	296-24-084	AMD-P	97-03-085	296-46-725	AMD	97-12-016
296-23A-0180	NEW	97-06-066	296-24-084	AMD	97-11-055	296-46-910	AMD-P	97-03-083
296-23A-0190	NEW	97-06-066	296-24-088	AMD-P	97-03-085	296-46-910	AMD-E	97-10-064
296-23A-0195	NEW	97-06-066	296-24-088	AMD	97-11-055	296-46-910	AMD	97-12-016
296-23A-0200	NEW	97-06-066	296-24-060	REP-P	97-17-079	296-46-910	AMD-P	97-14-111
296-23A-0210	NEW	97-06-066	296-24-061	NEW-P	97-17-079	296-46-910	AMD	97-16-070
296-23A-0220	NEW	97-06-066	296-24-06105	NEW-P	97-17-079	296-46-915	AMD-P	97-03-083
296-23A-0230	NEW	97-06-066	296-24-06110	NEW-P	97-17-079	296-46-915	AMD	97-12-016
296-23A-0240	NEW	97-06-066	296-24-06115	NEW-P	97-17-079	296-46-915	AMD-P	97-14-111
296-23A-0250	NEW	97-06-066	296-24-06120	NEW-P	97-17-079	296-46-920	AMD-P	97-03-083
296-23A-0300	NEW	97-06-066	296-24-06125	NEW-P	97-17-079	296-46-920	AMD	97-12-016
296-23A-0310	NEW	97-06-066	296-24-06130	NEW-P	97-17-079	296-46-930	AMD-P	97-14-111
296-23A-0350	NEW	97-06-066	296-24-06135	NEW-P	97-17-079	296-46-950	AMD-P	97-14-111
296-23A-0360	NEW	97-06-066	296-24-06140	NEW-P	97-17-079	296-46-960	NEW-P	97-14-111
296-23A-0400	NEW	97-06-066	296-24-06145	NEW-P	97-17-079	296-49	PREP	97-03-082
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296-23A-0420	NEW	97-06-066	296-24-06155	NEW-P	97-17-079	296-49-005	REP	97-16-043
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296-23A-0440	NEW	97-06-066	296-24-065	REP-P	97-17-079	296-49-010	REP	97-16-043
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296-23A-0480	NEW	97-06-066	296-24-67507	AMD-P	97-13-062	296-49-020	REP	97-16-043
296-23A-0490	NEW	97-06-066	296-24-67509	AMD-P	97-13-062	296-49-025	REP-P	97-09-039
296-23A-0500	NEW	97-06-066	296-24-67511	AMD-P	97-13-062	296-49-025	REP	97-16-043
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296-23A-0530	NEW	97-06-066	296-24-67515	AMD-P	97-13-062	296-49-030	REP	97-16-043
296-23A-0540	NEW	97-06-066	296-24-67517	AMD-P	97-13-062	296-49-035	REP-P	97-09-039
296-23A-0550	NEW	97-06-066	296-24-67519	AMD-P	97-13-062	296-49-035	REP	97-16-043
296-23A-0560	NEW	97-06-066	296-24-67520	NEW-P	97-13-062	296-49-040	REP-P	97-09-039
296-23A-0570	NEW	97-06-066	296-24-67521	NEW-P	97-13-062	296-49-040	REP	97-16-043
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296-23A-0610	NEW	97-06-066	296-27-15503	AMD-P	97-03-085	296-49-050	REP	97-16-043
296-23A-0620	NEW	97-06-066	296-27-15503	AMD	97-11-054	296-49-055	REP-P	97-09-039
296-23A-100	REP	97-06-066	296-44	PREP	97-16-119	296-49-055	REP	97-16-043
296-23A-105	REP	97-06-066	296-45	PREP	97-16-119	296-49-060	REP-P	97-09-039
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296-23A-110	REP	97-06-066	296-46	AMD-C	97-15-143	296-49-065	REP-P	97-09-039
296-23A-115	REP	97-06-066	296-46-090	AMD-P	97-03-083	296-49-065	REP	97-16-043
296-23A-120	REP	97-06-066	296-46-090	AMD	97-12-016	296-49A-010	NEW-P	97-09-039
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296-23A-145	REP	97-06-066	296-46-140	AMD	97-12-016	296-49A-030	NEW	97-16-043
296-23A-150	REP	97-06-066	296-46-150	REP-P	97-03-083	296-49A-040	NEW-P	97-09-039
296-23A-155	REP	97-06-066	296-46-150	REP	97-12-016	296-49A-040	NEW	97-16-043
296-23A-160	REP	97-06-066	296-46-21008	AMD-P	97-03-083	296-49A-050	NEW-P	97-09-039
296-23A-165	REP	97-06-066	296-46-21008	AMD	97-12-016	296-49A-050	NEW	97-16-043
296-23A-170	REP	97-06-066	296-46-21052	AMD-P	97-03-083	296-49A-060	NEW-P	97-09-039
296-23A-175	REP	97-06-066	296-46-21052	AMD	97-12-016	296-49A-060	NEW	97-16-043
296-23A-180	REP	97-06-066	296-46-21052	AMD-P	97-14-111	296-49A-070	NEW-P	97-09-039
296-23A-185	REP	97-06-066	296-46-225	AMD-P	97-03-083	296-49A-070	NEW	97-16-043

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296-49A-080	NEW	97-16-043	296-93-280	REP-P	97-14-110	296-116-010	DECOD	97-08-042
296-49A-090	NEW-P	97-09-039	296-93-290	REP-P	97-14-110	296-116-020	DECOD	97-08-042
296-49A-090	NEW	97-16-043	296-93-300	AMD-P	97-03-132	296-116-030	DECOD	97-08-042
296-49A-100	NEW-P	97-09-039	296-93-300	AMD	97-11-053	296-116-050	DECOD	97-08-042
296-49A-100	NEW	97-16-043	296-93-300	REP-P	97-14-110	296-116-060	DECOD	97-08-042
296-49A-110	NEW-P	97-09-039	296-93-320	REP-P	97-03-132	296-116-070	AMD	97-06-105
296-49A-110	NEW	97-16-043	296-93-320	REP	97-11-053	296-116-070	DECOD	97-08-042
296-54	PREP	97-10-071	296-93-320	REP-P	97-14-110	296-116-075	DECOD	97-08-042
296-62	PREP	97-05-047	296-93-330	AMD-P	97-03-132	296-116-080	DECOD	97-08-042
296-62	PREP	97-06-101	296-93-330	AMD	97-11-053	296-116-081	DECOD	97-08-042
296-62	PREP	97-09-078	296-93-330	REP-P	97-14-110	296-116-082	PREP	97-06-102
296-62-05413	AMD-P	97-03-085	296-93A-010	NEW-P	97-14-110	296-116-082	AMD-E	97-08-040
296-62-05413	AMD	97-11-055	296-93A-020	NEW-P	97-14-110	296-116-082	DECOD	97-08-042
296-62-07113	AMD-P	97-09-079	296-93A-030	NEW-P	97-14-110	296-116-083	DECOD	97-08-042
296-62-07460	NEW-P	97-09-079	296-93A-040	NEW-P	97-14-110	296-116-085	DECOD	97-08-042
296-62-07470	NEW-P	97-13-063	296-93A-050	NEW-P	97-14-110	296-116-110	DECOD	97-08-042
296-62-07473	NEW-P	97-13-063	296-93A-070	NEW-P	97-14-110	296-116-115	DECOD	97-08-042
296-62-07475	NEW-P	97-13-063	296-93A-080	NEW-P	97-14-110	296-116-120	DECOD	97-08-042
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296-62-075	AMD-P	97-09-079	296-93A-100	NEW-P	97-14-110	296-116-150	DECOD	97-08-042
296-62-07501	AMD-P	97-09-079	296-93A-120	NEW-P	97-14-110	296-116-170	DECOD	97-08-042
296-62-07510	AMD-P	97-09-079	296-93A-140	NEW-P	97-14-110	296-116-175	DECOD	97-08-042
296-62-07515	AMD-P	97-09-079	296-93A-150	NEW-P	97-14-110	296-116-185	DECOD	97-08-042
296-62-07711	AMD-P	97-09-079	296-93A-160	NEW-P	97-14-110	296-116-200	AMD	97-06-106
296-62-07712	AMD-P	97-09-079	296-93A-170	NEW-P	97-14-110	296-116-200	DECOD	97-08-042
296-62-07715	AMD-P	97-09-079	296-93A-190	NEW-P	97-14-110	296-116-205	DECOD	97-08-042
296-62-07717	AMD-P	97-09-079	296-93A-200	NEW-P	97-14-110	296-116-205I	DECOD	97-08-042
296-62-07721	AMD-P	97-09-079	296-93A-210	NEW-P	97-14-110	296-116-300	AMD-P	97-08-041
296-62-07725	AMD-P	97-09-079	296-93A-220	NEW-P	97-14-110	296-116-300	DECOD	97-08-042
296-62-07728	AMD-P	97-09-079	296-93A-230	NEW-P	97-14-110	296-116-315	DECOD	97-08-042
296-62-07761	REP-P	97-09-079	296-93A-240	NEW-P	97-14-110	296-116-35001	DECOD	97-08-042
296-62-11015	AMD-P	97-13-062	296-93A-250	NEW-P	97-14-110	296-116-360	AMD-P	97-06-103
296-65-001	AMD-P	97-09-079	296-93A-260	NEW-P	97-14-110	296-116-360	AMD-E	97-06-104
296-65-030	AMD-P	97-09-079	296-93A-270	NEW-P	97-14-110	296-116-360	DECOD	97-08-042
296-86-020	AMD-P	97-03-132	296-93A-280	NEW-P	97-14-110	296-116-370	DECOD	97-08-042
296-86-020	AMD	97-11-053	296-93A-290	NEW-P	97-14-110	296-116-400	DECOD	97-08-042
296-86-030	AMD-P	97-03-132	296-93A-300	NEW-P	97-14-110	296-116-410	DECOD	97-08-042
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296-86-050	AMD-P	97-03-132	296-99-010	AMD-P	97-09-079	296-116-500	DECOD	97-08-042
296-86-050	AMD	97-11-053	296-99-015	AMD-P	97-09-079	296-126-140	PREP-X	97-13-034
296-86-060	AMD-P	97-03-132	296-99-020	AMD-P	97-09-079	296-126-140	REP	97-17-064
296-86-060	AMD	97-11-053	296-99-025	AMD-P	97-09-079	296-128-013	NEW-W	97-03-073
296-86-070	AMD-P	97-03-132	296-99-030	AMD-P	97-09-079	296-129-020	PREP-X	97-13-034
296-86-070	AMD	97-11-053	296-99-035	AMD-P	97-09-079	296-129-020	REP	97-17-064
296-86-075	AMD-P	97-03-132	296-99-040	AMD-P	97-09-079	296-129-030	PREP-X	97-13-034
296-86-075	AMD	97-11-053	296-99-045	AMD-P	97-09-079	296-129-030	REP	97-17-064
296-86-080	AMD-P	97-03-132	296-99-050	AMD-P	97-09-079	296-129-040	PREP-X	97-13-034
296-86-080	AMD	97-11-053	296-99-055	AMD-P	97-09-079	296-129-040	REP	97-17-064
296-86-090	NEW-P	97-03-132	296-99-060	AMD-P	97-09-079	296-150C-0040	AMD-P	97-09-039
296-86-090	NEW	97-11-053	296-99-065	AMD-P	97-09-079	296-150C-0040	AMD	97-16-043
296-93-010	REP-P	97-14-110	296-99-070	AMD-P	97-09-079	296-150C-0090	NEW-W	97-04-070
296-93-020	REP-P	97-14-110	296-99-075	AMD-P	97-09-079	296-150C-0100	AMD-P	97-09-039
296-93-030	REP-P	97-14-110	296-99-080	AMD-P	97-09-079	296-150C-0100	AMD	97-16-043
296-93-040	REP-P	97-14-110	296-99-085	AMD-P	97-09-079	296-150C-1010	NEW-W	97-04-070
296-93-050	REP-P	97-14-110	296-99-090	AMD-P	97-09-079	296-150C-3000	AMD-P	97-03-132
296-93-070	REP-P	97-14-110	296-99-093	AMD-P	97-09-079	296-150C-3000	AMD	97-11-053
296-93-080	REP-P	97-14-110	296-99-095	AMD-P	97-09-079	296-150F-0040	AMD-P	97-09-039
296-93-090	REP-P	97-14-110	296-104	PREP	97-11-004	296-150F-0040	AMD	97-16-043
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296-93-120	REP-P	97-14-110	296-104-200	AMD-P	97-15-138	296-150F-0100	AMD	97-16-043
296-93-140	REP-P	97-14-110	296-104-215	AMD-P	97-15-138	296-150F-3000	AMD-P	97-03-132
296-93-150	REP-P	97-14-110	296-104-265	AMD-P	97-15-138	296-150F-3000	AMD	97-11-053
296-93-160	REP-P	97-14-110	296-104-270	AMD-P	97-15-138	296-150M-0040	AMD-P	97-09-039
296-93-170	REP-P	97-14-110	296-104-300	AMD-P	97-15-138	296-150M-0040	AMD	97-16-043
296-93-190	REP-P	97-14-110	296-104-305	AMD-P	97-15-138	296-150M-0100	AMD-P	97-09-039
296-93-200	REP-P	97-14-110	296-104-310	AMD-P	97-15-138	296-150M-0100	AMD	97-16-043
296-93-210	REP-P	97-14-110	296-104-320	AMD-P	97-15-138	296-150M-3000	AMD-P	97-03-132
296-93-220	REP-P	97-14-110	296-104-325	AMD-P	97-15-138	296-150M-3000	AMD	97-11-053
296-93-230	REP-P	97-14-110	296-104-330	AMD-P	97-15-138	296-150P-0010	NEW-P	97-09-039
296-93-240	REP-P	97-14-110	296-104-400	REP-P	97-15-138	296-150P-0010	NEW	97-16-043
296-93-250	REP-P	97-14-110	296-104-405	AMD-P	97-15-138	296-150P-0020	NEW-P	97-09-039
296-93-260	REP-P	97-14-110	296-104-410	REP-P	97-15-138	296-150P-0020	NEW	97-16-043

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296-150P-0030	NEW-P	97-09-039	296-150P-2010	NEW	97-16-043	296-155-48519	REP-P	97-16-091
296-150P-0030	NEW	97-16-043	296-150P-2020	NEW-P	97-09-039	296-155-48523	REP-P	97-16-091
296-150P-0040	NEW-P	97-09-039	296-150P-2020	NEW	97-16-043	296-155-48525	REP-P	97-16-091
296-150P-0040	NEW	97-16-043	296-150P-2030	NEW-P	97-09-039	296-155-48527	REP-P	97-16-091
296-150P-0060	NEW-P	97-09-039	296-150P-2030	NEW	97-16-043	296-155-48529	REP-P	97-16-091
296-150P-0060	NEW	97-16-043	296-150P-3000	NEW-P	97-09-039	296-155-48531	REP-P	97-16-091
296-150P-0100	NEW-P	97-09-039	296-150P-3000	NEW	97-16-043	296-155-48533	REP-P	97-16-091
296-150P-0100	NEW	97-16-043	296-150R	PREP	97-03-082	296-155-48536	REP-P	97-16-091
296-150P-0110	NEW-P	97-09-039	296-150R	AMD-P	97-09-039	296-155-487	NEW-P	97-16-091
296-150P-0110	NEW	97-16-043	296-150R	AMD	97-16-043	296-155-488	NEW-P	97-16-091
296-150P-0120	NEW-P	97-09-039	296-150R-0010	AMD-P	97-09-039	296-155-489	NEW-P	97-16-091
296-150P-0120	NEW	97-16-043	296-150R-0010	AMD	97-16-043	296-155-490	NEW-P	97-16-091
296-150P-0130	NEW-P	97-09-039	296-150R-0020	AMD-P	97-09-039	296-155-493	NEW-P	97-16-091
296-150P-0130	NEW	97-16-043	296-150R-0020	AMD	97-16-043	296-155-494	NEW-P	97-16-091
296-150P-0200	NEW-P	97-09-039	296-150R-0030	AMD-P	97-09-039	296-155-496	NEW-P	97-16-091
296-150P-0200	NEW	97-16-043	296-150R-0030	AMD	97-16-043	296-155-497	NEW-P	97-16-091
296-150P-0210	NEW-P	97-09-039	296-150R-0040	AMD-P	97-09-039	296-155-498	NEW-P	97-16-091
296-150P-0210	NEW	97-16-043	296-150R-0040	AMD	97-16-043	296-155-527	AMD-P	97-03-085
296-150P-0220	NEW-P	97-09-039	296-150R-0060	AMD-P	97-09-039	296-155-527	AMD	97-11-055
296-150P-0220	NEW	97-16-043	296-150R-0060	AMD	97-16-043	296-155-528	NEW-P	97-16-091
296-150P-0250	NEW-P	97-09-039	296-150R-0100	AMD-P	97-09-039	296-155-605	AMD-P	97-16-091
296-150P-0250	NEW	97-16-043	296-150R-0100	AMD	97-16-043	296-155-615	AMD-P	97-16-091
296-150P-0280	NEW-P	97-09-039	296-150R-0110	AMD-P	97-09-039	296-155-683	AMD-P	97-16-091
296-150P-0280	NEW	97-16-043	296-150R-0110	AMD	97-16-043	296-155-688	AMD-P	97-16-091
296-150P-0290	NEW-P	97-09-039	296-150R-0120	AMD-P	97-09-039	296-155-689	AMD-P	97-16-091
296-150P-0290	NEW	97-16-043	296-150R-0120	AMD	97-16-043	296-155-700	AMD-P	97-16-091
296-150P-0300	NEW-P	97-09-039	296-150R-0130	AMD-P	97-09-039	296-155-730	AMD-P	97-16-091
296-150P-0300	NEW	97-16-043	296-150R-0130	AMD	97-16-043	296-200	PREP	97-03-081
296-150P-0310	NEW-P	97-09-039	296-150R-0200	AMD-P	97-09-039	296-200-005	REP-P	97-16-090
296-150P-0310	NEW	97-16-043	296-150R-0200	AMD	97-16-043	296-200-015	REP-P	97-16-090
296-150P-0320	NEW-P	97-09-039	296-150R-0250	AMD-P	97-09-039	296-200-025	AMD-P	97-03-132
296-150P-0320	NEW	97-16-043	296-150R-0250	AMD	97-16-043	296-200-025	AMD	97-11-053
296-150P-0330	NEW-P	97-09-039	296-150R-0280	AMD-P	97-09-039	296-200-025	REP-P	97-16-090
296-150P-0330	NEW	97-16-043	296-150R-0280	AMD	97-16-043	296-200-035	REP-P	97-16-090
296-150P-0340	NEW-P	97-09-039	296-150R-0400	AMD-P	97-09-039	296-200-040	REP-P	97-16-090
296-150P-0340	NEW	97-16-043	296-150R-0400	AMD	97-16-043	296-200-050	AMD-P	97-03-132
296-150P-0350	NEW-P	97-09-039	296-150R-0640	AMD-P	97-09-039	296-200-050	AMD	97-11-053
296-150P-0350	NEW	97-16-043	296-150R-0640	AMD	97-16-043	296-200-050	REP-P	97-16-090
296-150P-0400	NEW-P	97-09-039	296-150R-0850	AMD-P	97-09-039	296-200-060	REP-P	97-16-090
296-150P-0400	NEW	97-16-043	296-150R-0850	AMD	97-16-043	296-200-070	REP-P	97-16-090
296-150P-0410	NEW-P	97-09-039	296-150R-1000	AMD-P	97-09-039	296-200-080	REP-P	97-16-090
296-150P-0410	NEW	97-16-043	296-150R-1000	AMD	97-16-043	296-200-090	REP-P	97-16-090
296-150P-0420	NEW-P	97-09-039	296-150R-2000	AMD-P	97-09-039	296-200-100	REP-P	97-16-090
296-150P-0420	NEW	97-16-043	296-150R-2000	AMD	97-16-043	296-200-110	REP-P	97-16-090
296-150P-0440	NEW-P	97-09-039	296-150R-2020	AMD-P	97-09-039	296-200-111	REP-P	97-16-090
296-150P-0440	NEW	97-16-043	296-150R-2020	AMD	97-16-043	296-200-112	REP-P	97-16-090
296-150P-0450	NEW-P	97-09-039	296-150R-3000	AMD-P	97-03-132	296-200-300	REP-P	97-16-090
296-150P-0450	NEW	97-16-043	296-150R-3000	AMD-P	97-09-039	296-200-310	REP-P	97-16-090
296-150P-0600	NEW-P	97-09-039	296-150R-3000	AMD	97-11-053	296-200-320	REP-P	97-16-090
296-150P-0600	NEW	97-16-043	296-150R-3000	AMD	97-16-043	296-200-330	REP-P	97-16-090
296-150P-0610	NEW-P	97-09-039	296-155	PREP	97-10-095	296-200-340	REP-P	97-16-090
296-150P-0610	NEW	97-16-043	296-155-24525	AMD-P	97-16-091	296-200-350	REP-P	97-16-090
296-150P-0620	NEW-P	97-09-039	296-155-481	AMD-P	97-16-091	296-200-360	REP-P	97-16-090
296-150P-0620	NEW	97-16-043	296-155-482	NEW-P	97-16-091	296-200-370	REP-P	97-16-090
296-150P-0630	NEW-P	97-09-039	296-155-483	AMD-P	97-16-091	296-200-380	REP-P	97-16-090
296-150P-0630	NEW	97-16-043	296-155-484	NEW-P	97-16-091	296-200-390	REP-P	97-16-090
296-150P-0640	NEW-P	97-09-039	296-155-485	AMD-P	97-16-091	296-200-400	REP-P	97-16-090
296-150P-0640	NEW	97-16-043	296-155-48503	REP-P	97-16-091	296-200-410	REP-P	97-16-090
296-150P-0700	NEW-P	97-09-039	296-155-48504	REP-P	97-16-091	296-200-900	AMD-P	97-03-132
296-150P-0700	NEW	97-16-043	296-155-48505	REP-P	97-16-091	296-200-900	AMD	97-11-053
296-150P-0710	NEW-P	97-09-039	296-155-48506	REP-P	97-16-091	296-200-900	REP-P	97-16-090
296-150P-0710	NEW	97-16-043	296-155-48507	REP-P	97-16-091	296-200A-005	NEW-P	97-16-090
296-150P-0720	NEW-P	97-09-039	296-155-48508	REP-P	97-16-091	296-200A-015	NEW-P	97-16-090
296-150P-0720	NEW	97-16-043	296-155-48509	REP-P	97-16-091	296-200A-025	NEW-P	97-16-090
296-150P-1000	NEW-P	97-09-039	296-155-48510	REP-P	97-16-091	296-200A-035	NEW-P	97-16-090
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296-150P-1010	NEW-P	97-09-039	296-155-48512	REP-P	97-16-091	296-200A-050	NEW-P	97-16-090
296-150P-1010	NEW	97-16-043	296-155-48513	REP-P	97-16-091	296-200A-060	NEW-P	97-16-090
296-150P-1020	NEW-P	97-09-039	296-155-48514	REP-P	97-16-091	296-200A-070	NEW-P	97-16-090
296-150P-1020	NEW	97-16-043	296-155-48515	REP-P	97-16-091	296-200A-080	NEW-P	97-16-090
296-150P-2000	NEW-P	97-09-039	296-155-48516	REP-P	97-16-091	296-200A-090	NEW-P	97-16-090
296-150P-2000	NEW	97-16-043	296-155-48517	REP-P	97-16-091	296-200A-110	NEW-P	97-16-090
296-150P-2010	NEW-P	97-09-039	296-155-48518	REP-P	97-16-091	296-200A-111	NEW-P	97-16-090

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296-307-53013	RECOD	97-09-013	296-401-090	AMD	97-12-016	308-17-140	AMD	97-17-051
296-307-53015	RECOD	97-09-013	296-401-100	AMD-P	97-03-083	308-17-150	AMD-P	97-13-080
296-307-53017	RECOD	97-09-013	296-401-100	AMD	97-12-016	308-17-150	AMD	97-17-051
296-400-005	REP-P	97-03-084	296-401-100	AMD-P	97-14-111	308-17-160	AMD-P	97-13-080
296-400-005	REP	97-11-052	296-401-120	AMD-P	97-03-083	308-17-160	AMD	97-17-051
296-400-020	REP-P	97-03-084	296-401-120	AMD	97-12-016	308-17-165	AMD-P	97-13-080
296-400-020	REP	97-11-052	296-401-163	AMD-P	97-14-111	308-17-165	AMD	97-17-051
296-400-030	REP-P	97-03-084	296-401-165	AMD-P	97-03-083	308-17-170	AMD-P	97-13-080
296-400-030	REP	97-11-052	296-401-165	AMD	97-12-016	308-17-170	AMD	97-17-051
296-400-035	REP-P	97-03-084	296-401-165	AMD-P	97-14-111	308-17-180	NEW-P	97-13-080
296-400-035	REP	97-11-052	296-401-170	AMD-P	97-14-111	308-17-180	NEW	97-17-051
296-400-045	REP-P	97-03-084	296-401-175	AMD-P	97-03-083	308-17-185	NEW-P	97-13-080
296-400-045	REP	97-11-052	296-401-175	AMD	97-12-016	308-17-185	NEW	97-17-051
296-400-050	REP-P	97-03-084	296-401-175	AMD-P	97-14-111	308-17-190	NEW-P	97-13-080
296-400-050	REP	97-11-052	308-10-050	AMD-P	97-14-103	308-17-190	NEW	97-17-051
296-400-070	REP-P	97-03-084	308-10-050	AMD	97-17-009	308-17-205	AMD-P	97-13-080
296-400-070	REP	97-11-052	308-11-140	NEW-P	97-07-035	308-17-205	AMD	97-17-051
296-400-100	REP-P	97-03-084	308-11-140	NEW	97-10-046	308-17-210	AMD-P	97-13-080
296-400-100	REP	97-11-052	308-11-150	NEW-P	97-07-035	308-17-210	AMD	97-17-051
296-400-110	REP-P	97-03-084	308-11-150	NEW	97-10-046	308-17-230	AMD-P	97-13-080
296-400-110	REP	97-11-052	308-11-160	NEW-P	97-07-035	308-17-230	AMD	97-17-051
296-400-120	REP-P	97-03-084	308-11-160	NEW	97-10-046	308-17-240	AMD-P	97-13-080
296-400-120	REP	97-11-052	308-12-025	AMD	97-03-121	308-17-240	AMD	97-17-051
296-400-130	REP-P	97-03-084	308-12-031	AMD	97-03-121	308-17-300	AMD-P	97-13-080
296-400-130	REP	97-11-052	308-12-040	AMD	97-03-121	308-17-300	AMD	97-17-051
296-400-140	REP-P	97-03-084	308-12-050	AMD	97-03-121	308-17-310	AMD-P	97-13-080
296-400-140	REP	97-11-052	308-12-140	REP	97-03-121	308-17-310	AMD	97-17-051
296-400-300	REP-P	97-03-084	308-12-145	REP	97-03-121	308-17-320	AMD-P	97-13-080
296-400-300	REP	97-11-052	308-12-210	NEW	97-03-121	308-17-320	AMD	97-17-051
296-400A-005	NEW-P	97-03-085	308-12-220	NEW	97-03-121	308-18-020	AMD-P	97-13-081
296-400A-005	NEW	97-11-052	308-12-230	NEW	97-03-121	308-18-020	AMD	97-17-050
296-400A-020	NEW-P	97-03-085	308-12-240	NEW-W	97-03-065	308-18-030	AMD-P	97-13-081
296-400A-020	NEW	97-11-052	308-12-240	NEW	97-03-121	308-18-030	AMD	97-17-050
296-400A-030	NEW-P	97-03-085	308-12-250	NEW-W	97-03-065	308-18-100	AMD-P	97-13-081
296-400A-030	NEW	97-11-052	308-12-260	NEW-W	97-03-065	308-18-100	AMD	97-17-050
296-400A-031	NEW-P	97-03-085	308-12-320	AMD	97-06-064	308-18-110	AMD-P	97-13-081
296-400A-031	NEW	97-11-052	308-12-324	AMD	97-03-121	308-18-110	AMD	97-17-050
296-400A-032	NEW-P	97-03-085	308-12-326	AMD	97-06-064	308-18-120	AMD-P	97-13-081
296-400A-032	NEW	97-11-052	308-12-326	AMD-P	97-10-080	308-18-120	AMD	97-17-050
296-400A-033	NEW-P	97-03-085	308-12-326	AMD	97-13-095	308-18-140	AMD-P	97-13-081
296-400A-033	NEW	97-11-052	308-13-045	NEW-P	97-03-022	308-18-140	AMD	97-17-050
296-400A-035	NEW-P	97-03-085	308-13-045	NEW	97-06-065	308-18-150	AMD-P	97-13-081
296-400A-035	NEW	97-11-052	308-13-160	AMD-P	97-03-022	308-18-150	AMD	97-17-050
296-400A-045	NEW-P	97-03-085	308-13-160	AMD	97-06-065	308-18-170	AMD-P	97-13-081
296-400A-045	NEW	97-11-052	308-13-210	NEW	97-10-026	308-18-170	AMD	97-17-050
296-400A-050	NEW-P	97-03-085	308-13-220	NEW	97-10-026	308-18-180	NEW-P	97-13-081
296-400A-050	NEW	97-11-052	308-13-230	NEW	97-10-026	308-18-180	NEW	97-17-050
296-400A-070	NEW-P	97-03-085	308-13-240	NEW	97-10-026	308-18-185	NEW-P	97-13-081
296-400A-070	NEW	97-11-052	308-14-210	NEW-P	97-07-031	308-18-185	NEW	97-17-050
296-400A-100	NEW-P	97-03-085	308-14-210	NEW	97-10-053	308-18-190	NEW-P	97-13-081
296-400A-100	NEW	97-11-052	308-14-220	NEW-P	97-07-031	308-18-190	NEW	97-17-050
296-400A-110	NEW-P	97-03-085	308-14-220	NEW	97-10-053	308-18-240	AMD-P	97-13-081
296-400A-110	NEW	97-11-052	308-14-230	NEW-P	97-07-031	308-18-240	AMD	97-17-050
296-400A-120	NEW-P	97-03-085	308-14-230	NEW	97-10-053	308-18-300	AMD-P	97-13-081
296-400A-120	NEW	97-11-052	308-17	AMD-P	97-13-080	308-18-300	AMD	97-17-050
296-400A-121	NEW-P	97-03-085	308-17	AMD	97-17-051	308-19-400	NEW-P	97-07-026
296-400A-121	NEW	97-11-052	308-17-010	AMD-P	97-13-080	308-19-400	NEW	97-10-047
296-400A-130	NEW-P	97-03-085	308-17-010	AMD	97-17-051	308-19-410	NEW-P	97-07-026
296-400A-130	NEW	97-11-052	308-17-020	AMD-P	97-13-080	308-19-410	NEW	97-10-047
296-400A-140	NEW-P	97-03-085	308-17-020	AMD	97-17-051	308-19-420	NEW-P	97-07-026
296-400A-140	NEW	97-11-052	308-17-030	AMD-P	97-13-080	308-19-420	NEW	97-10-047
296-400A-300	NEW-P	97-03-085	308-17-030	AMD	97-17-051	308-20-160	PREP-X	97-13-026
296-400A-300	NEW	97-11-052	308-17-100	AMD-P	97-13-080	308-20-160	REP	97-17-062
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296-400A-400	NEW	97-11-052	308-17-105	AMD-P	97-13-080	308-20-500	REP	97-17-062
296-400A-425	NEW-P	97-03-085	308-17-105	AMD	97-17-051	308-20-710	NEW-P	97-07-032
296-400A-425	NEW	97-11-052	308-17-110	AMD-P	97-13-080	308-20-710	NEW	97-10-049
296-401	PREP	97-02-095	308-17-110	AMD	97-17-051	308-20-720	NEW-P	97-07-032
296-401	AMD-C	97-15-143	308-17-120	AMD-P	97-13-080	308-20-720	NEW	97-10-049
296-401-060	AMD-P	97-14-111	308-17-120	AMD	97-17-051	308-20-730	NEW-P	97-07-032
296-401-080	AMD-P	97-03-083	308-17-130	AMD-P	97-13-080	308-20-730	NEW	97-10-049
296-401-080	AMD	97-12-016	308-17-130	AMD	97-17-051	308-29-090	NEW-P	97-07-033

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308-29-100	NEW-W	97-09-022	308-56A-330	AMD-P	97-09-002	308-57-210	AMD	97-12-015
308-29-110	NEW-P	97-07-033	308-56A-330	AMD-W	97-13-009	308-57-220	REP-P	97-07-069
308-29-110	NEW-W	97-09-022	308-56A-335	AMD-P	97-09-002	308-57-220	REP	97-12-015
308-30-170	NEW-P	97-07-029	308-56A-335	AMD-W	97-13-009	308-57-230	AMD-P	97-07-069
308-30-170	NEW	97-10-052	308-56A-340	REP-P	97-09-002	308-57-230	AMD	97-12-015
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308-30-180	NEW	97-10-052	308-56A-345	REP-P	97-09-002	308-57-240	AMD	97-12-015
308-30-190	NEW-P	97-07-029	308-56A-345	REP-W	97-13-009	308-57-250	REP-P	97-07-069
308-30-190	NEW	97-10-052	308-56A-350	AMD-P	97-09-002	308-57-250	REP	97-12-015
308-32-100	NEW-P	97-07-027	308-56A-350	AMD-W	97-13-009	308-57-310	REP-P	97-07-069
308-32-100	NEW	97-10-050	308-56A-355	REP-P	97-09-002	308-57-310	REP	97-12-015
308-32-110	NEW-P	97-07-027	308-56A-355	REP-W	97-13-009	308-57-320	REP-P	97-07-069
308-32-110	NEW	97-10-050	308-56A-360	AMD-P	97-09-002	308-57-320	REP	97-12-015
308-32-120	NEW-P	97-07-027	308-56A-360	AMD-W	97-13-009	308-57-410	REP-P	97-07-069
308-32-120	NEW	97-10-050	308-56A-365	AMD-P	97-09-002	308-57-410	REP	97-12-015
308-33-110	NEW-P	97-07-030	308-56A-365	AMD-W	97-13-009	308-57-420	REP-P	97-07-069
308-33-110	NEW	97-10-054	308-56A-370	NEW-P	97-09-002	308-57-420	REP	97-12-015
308-33-120	NEW-P	97-07-030	308-56A-370	NEW-W	97-13-009	308-57-430	REP-P	97-07-069
308-33-120	NEW	97-10-054	308-56A-400	REP-P	97-09-002	308-57-430	REP	97-12-015
308-33-130	NEW-P	97-07-030	308-56A-400	REP-W	97-13-009	308-57-440	REP-P	97-07-069
308-33-130	NEW	97-10-054	308-56A-405	REP-P	97-09-002	308-57-440	REP	97-12-015
308-48-030	AMD-P	97-16-064	308-56A-405	REP-W	97-13-009	308-58-010	AMD-P	97-03-096
308-48-031	AMD-P	97-16-063	308-56A-410	REP-P	97-09-002	308-58-010	AMD-S	97-08-005
308-48-150	AMD-P	97-16-062	308-56A-410	REP-W	97-13-009	308-58-010	AMD	97-11-049
308-48-160	AMD-P	97-16-062	308-56A-415	REP-P	97-09-002	308-58-030	AMD-P	97-03-096
308-48-810	NEW-P	97-16-060	308-56A-415	REP-W	97-13-009	308-58-030	AMD-S	97-08-005
308-48-820	NEW-P	97-16-060	308-56A-470	AMD	97-07-014	308-58-030	AMD	97-11-049
308-48-830	NEW-P	97-16-060	308-56A-610	AMD-P	97-06-028	308-58-040	AMD-P	97-03-096
308-49-162	REP-P	97-16-061	308-56A-610	AMD-S	97-09-038	308-58-040	AMD-S	97-08-005
308-49-164	AMD-P	97-16-061	308-56A-610	AMD	97-14-034	308-58-040	AMD	97-11-049
308-56A	PREP	97-15-037	308-56A-620	AMD-P	97-06-028	308-58-050	NEW-P	97-03-096
308-56A-060	AMD-P	97-09-002	308-56A-620	AMD-S	97-09-038	308-58-050	NEW-S	97-08-005
308-56A-060	AMD-W	97-13-009	308-56A-620	AMD	97-14-034	308-58-050	NEW	97-11-049
308-56A-065	AMD	97-03-076	308-56A-630	REP-P	97-06-028	308-72-506	PREP-X	97-13-026
308-56A-070	AMD	97-03-076	308-56A-630	REP-S	97-09-038	308-72-506	REP	97-17-062
308-56A-075	AMD	97-03-076	308-56A-630	REP	97-14-034	308-72-510	PREP-X	97-13-026
308-56A-095	NEW-P	97-15-091	308-56A-640	AMD-P	97-06-028	308-72-510	REP	97-17-062
308-56A-150	AMD	97-07-014	308-56A-640	AMD-S	97-09-038	308-72-543	PREP-X	97-13-026
308-56A-160	AMD	97-07-014	308-56A-640	AMD	97-14-034	308-72-543	REP	97-17-062
308-56A-200	AMD-P	97-09-002	308-56A-650	AMD-P	97-06-028	308-76-005	PREP-X	97-13-026
308-56A-200	AMD-W	97-13-009	308-56A-650	AMD-S	97-09-038	308-76-005	REP	97-17-062
308-56A-205	AMD-P	97-09-002	308-56A-650	AMD	97-14-034	308-76-400	PREP-X	97-13-026
308-56A-205	AMD-W	97-13-009	308-56A-660	AMD-P	97-06-028	308-76-400	REP	97-17-062
308-56A-210	AMD-P	97-09-002	308-56A-660	AMD-S	97-09-038	308-76-405	PREP-X	97-13-026
308-56A-210	AMD-W	97-13-009	308-56A-660	AMD	97-14-034	308-76-405	REP	97-17-062
308-56A-215	AMD-P	97-09-002	308-56A-670	AMD-P	97-06-028	308-76-410	PREP-X	97-13-026
308-56A-215	AMD-W	97-13-009	308-56A-670	AMD-S	97-09-038	308-76-410	REP	97-17-062
308-56A-250	AMD-P	97-09-002	308-56A-670	AMD	97-14-034	308-76-415	PREP-X	97-13-026
308-56A-250	AMD-W	97-13-009	308-56A-680	AMD-P	97-06-028	308-76-415	REP	97-17-062
308-56A-255	REP-P	97-09-002	308-56A-680	AMD-S	97-09-038	308-76-420	PREP-X	97-13-026
308-56A-255	REP-W	97-13-009	308-56A-680	AMD	97-14-034	308-76-420	REP	97-17-062
308-56A-265	AMD-P	97-09-002	308-56A-690	AMD-P	97-06-028	308-76-425	PREP-X	97-13-026
308-56A-265	AMD-W	97-13-009	308-56A-690	AMD-S	97-09-038	308-76-425	REP	97-17-062
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308-56A-270	AMD-W	97-13-009	308-57-005	AMD-P	97-07-069	308-76-430	REP	97-17-062
308-56A-275	AMD-P	97-09-002	308-57-005	AMD	97-12-015	308-77-030	PREP-X	97-13-026
308-56A-275	AMD-W	97-13-009	308-57-010	AMD-P	97-07-069	308-77-030	REP	97-17-062
308-56A-280	AMD-P	97-09-002	308-57-010	AMD	97-12-015	308-77-090	PREP-X	97-13-026
308-56A-280	AMD-W	97-13-009	308-57-020	AMD-P	97-07-069	308-77-090	REP	97-17-062
308-56A-285	AMD-P	97-09-002	308-57-020	AMD	97-12-015	308-93	PREP	97-12-026
308-56A-285	AMD-W	97-13-009	308-57-030	AMD-P	97-07-069	308-95-010	PREP-X	97-13-026
308-56A-300	AMD-P	97-09-002	308-57-030	AMD	97-12-015	308-95-010	REP	97-17-062
308-56A-300	AMD-W	97-13-009	308-57-110	AMD-P	97-07-069	308-95-020	PREP-X	97-13-026
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308-56A-310	AMD-W	97-13-009	308-57-130	AMD-P	97-07-069	308-96A	PREP	97-12-067
308-56A-315	AMD-P	97-09-002	308-57-130	AMD	97-12-015	308-96A-005	AMD-P	97-06-027
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308-96A-057	AMD	97-07-013	308-330-825	AMD-P	97-07-015	315-11-760	PREP-X	97-14-016
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308-96A-072	AMD	97-07-013	308-420-250	NEW-P	97-07-034	315-11-762	PREP-X	97-14-016
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308-125-120	AMD-P	97-13-030	315-10-022	NEW	97-04-047	315-11-810	PREP-X	97-14-016
308-125-120	AMD-P	97-15-101	315-10-025	NEW	97-04-047	315-11-811	PREP-X	97-14-016
308-125-120	AMD	97-16-042	315-10-030	AMD	97-04-047	315-11-812	PREP-X	97-14-016
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308-127-310	NEW	97-10-051	315-10-055	NEW	97-04-047	315-11-821	PREP-X	97-14-016
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308-127-330	NEW-P	97-07-028	315-10-065	NEW	97-04-047	315-11-831	PREP-X	97-14-016
308-127-330	NEW	97-10-051	315-10-070	AMD	97-04-047	315-11-832	PREP-X	97-14-016
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308-330-121	REP	97-10-068	315-11-601	PREP-X	97-14-016	315-11-842	PREP-X	97-14-016
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308-330-307	AMD-P	97-12-044	315-11-650	PREP-X	97-14-016	315-11-891	PREP-X	97-14-016
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308-330-329	REP	97-10-068	315-11-671	PREP-X	97-14-016	315-11-912	PREP-X	97-14-016
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308-330-370	AMD	97-10-068	315-11-680	PREP-X	97-14-016	315-11-921	PREP-X	97-14-016
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308-330-375	REP	97-10-068	315-11-682	PREP-X	97-14-016	315-11-930	PREP-X	97-14-016
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308-330-421	AMD	97-10-068	315-11-720	PREP-X	97-14-016	315-11-961	PREP-X	97-14-016
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315-11A-111	PREP-X	97-14-016	315-12-090	AMD-P	97-03-123	317-50-080	NEW	97-10-096
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315-11A-131	PREP-X	97-14-016	315-33B-060	PREP-X	97-14-016	352-32-235	AMD	97-12-042
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388-49-160	AMD-P	97-06-098	388-78-220	PREP	97-15-131	388-155-150	PREP	97-14-073
388-49-160	AMD	97-09-030	388-87-020	AMD	97-04-005	388-155-160	PREP	97-14-073
388-49-190	AMD-P	97-06-097	388-96-010	PREP	97-06-072	388-155-165	PREP	97-14-073
388-49-190	AMD	97-09-031	388-96-010	AMD-P	97-12-082	388-155-170	PREP	97-14-073
388-49-190	AMD-P	97-13-088	388-96-010	AMD	97-17-040	388-155-180	PREP	97-14-073
388-49-190	AMD	97-16-045	388-96-220	PREP	97-06-072	388-155-190	PREP	97-14-073
388-49-310	AMD	97-06-074	388-96-221	PREP	97-06-072	388-155-200	PREP	97-14-073
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388-49-310	AMD	97-12-025	388-96-224	AMD-P	97-12-082	388-155-220	PREP	97-14-073
388-49-355	NEW	97-03-035	388-96-224	AMD	97-17-040	388-155-230	PREP	97-14-073
388-49-360	AMD-E	97-05-052	388-96-505	PREP	97-06-072	388-155-240	PREP	97-14-073
388-49-360	AMD-P	97-05-053	388-96-505	AMD-P	97-12-082	388-155-250	PREP	97-14-073
388-49-360	AMD	97-09-012	388-96-505	AMD	97-17-040	388-155-260	PREP	97-14-073
388-49-360	AMD-E	97-17-020	388-96-534	PREP	97-06-072	388-155-270	PREP	97-14-073
388-49-360	AMD-P	97-17-021	388-96-534	AMD-P	97-12-082	388-155-280	PREP	97-14-073
388-49-362	NEW-E	97-05-052	388-96-534	AMD	97-17-040	388-155-290	PREP	97-14-073
388-49-362	NEW-P	97-05-053	388-96-553	PREP	97-06-072	388-155-295	PREP	97-14-073
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388-155-350	PREP	97-14-073	388-215-1115	NEW	97-08-032	388-218-1440	PREP	97-11-079
388-155-360	PREP	97-14-073	388-215-1115	NEW	97-10-041	388-218-1440	AMD-E	97-15-087
388-155-370	PREP	97-14-073	388-215-1200	AMD-P	97-17-087	388-218-1440	AMD-P	97-15-088
388-155-380	PREP	97-14-073	388-215-1210	NEW-E	97-16-055	388-218-1450	PREP	97-11-079
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388-155-420	PREP	97-14-073	388-215-1400	AMD-P	97-05-071	388-218-1460	REP-E	97-15-087
388-155-430	PREP	97-14-073	388-215-1400	AMD	97-08-033	388-218-1460	REP-P	97-15-088
388-155-440	PREP	97-14-073	388-215-1400	AMD	97-10-042	388-218-1470	PREP	97-11-079
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388-155-460	PREP	97-14-073	388-215-1550	NEW-P	97-03-052	388-218-1470	AMD-P	97-15-088
388-155-470	PREP	97-14-073	388-215-1550	NEW	97-06-077	388-218-1480	PREP	97-11-079
388-155-480	PREP	97-14-073	388-215-1570	NEW-P	97-05-069	388-218-1480	REP-E	97-15-087
388-155-490	PREP	97-14-073	388-215-1570	NEW	97-08-034	388-218-1480	REP-P	97-15-088
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388-155-610	PREP	97-14-073	388-215-1620	AMD-E	97-16-052	388-218-1630	PREP	97-11-079
388-155-620	PREP	97-14-073	388-215-1620	AMD-P	97-17-069	388-218-1630	AMD-E	97-15-087
388-155-630	PREP	97-14-073	388-215-1630	NEW-P	97-17-068	388-218-1630	AMD-P	97-15-088
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388-155-660	PREP	97-14-073	388-215-1650	AMD	97-06-076	388-218-1710	AMD-E	97-15-087
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388-200-1400	NEW-P	97-03-053	388-215-1660	NEW-E	97-06-026	388-218-1730	PREP	97-11-079
388-200-1400	NEW	97-07-008	388-215-1660	NEW-S	97-06-073	388-218-1730	REP-E	97-15-087
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388-201-100	REP-E	97-15-043	388-215-1660	AMD-E	97-16-052	388-218-1735	NEW-P	97-17-101
388-201-100	PREP	97-15-131	388-215-1660	AMD-P	97-17-069	388-218-1740	PREP	97-11-079
388-201-200	REP-P	97-15-031	388-215-1670	NEW-E	97-16-052	388-218-1740	AMD-E	97-15-087
388-201-200	REP-E	97-15-043	388-215-1670	NEW-P	97-17-069	388-218-1740	AMD-P	97-15-088
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388-201-400	REP-P	97-15-031	388-216-2500	AMD-P	97-03-050	388-218-1940	AMD-E	97-15-137
388-201-400	REP-E	97-15-043	388-216-2500	AMD	97-06-075	388-220-0001	NEW-P	97-17-088
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388-201-410	REP-E	97-15-043	388-216-2500	AMD-E	97-15-090	388-220-0030	NEW-P	97-17-088
388-201-410	PREP	97-15-131	388-216-2650	PREP	97-11-077	388-220-0040	NEW-P	97-17-088
388-201-420	REP-P	97-15-031	388-216-2650	AMD-P	97-15-089	388-222-001	NEW-P	97-17-103
388-201-420	REP-E	97-15-043	388-216-2650	AMD-E	97-15-090	388-222-010	NEW-P	97-17-103
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388-201-430	REP-P	97-15-031	388-216-2800	AMD-P	97-15-089	388-222-030	NEW-P	97-17-103
388-201-430	REP-E	97-15-043	388-216-2800	AMD-E	97-15-090	388-222-040	NEW-P	97-17-103
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388-201-450	PREP	97-15-131	388-218-1210	AMD-P	97-15-088	388-230-0040	AMD-P	97-17-102
388-201-460	REP-P	97-15-031	388-218-1230	AMD-E	97-15-087	388-230-0060	AMD-E	97-14-107
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388-201-460	PREP	97-15-131	388-218-1300	PREP	97-11-079	388-230-0090	AMD-E	97-14-107
388-201-470	REP-P	97-15-031	388-218-1300	AMD-E	97-15-087	388-230-0090	AMD-P	97-17-102
388-201-470	REP-E	97-15-043	388-218-1300	AMD-P	97-15-088	388-230-0110	AMD-E	97-14-107
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388-201-480	PREP	97-15-131	388-218-1410	PREP	97-11-079	388-230-0140	AMD-E	97-14-107
388-215-0020	NEW-P	97-17-087	388-218-1410	AMD-E	97-15-087	388-230-0140	AMD-P	97-17-102
388-215-1000	AMD-E	97-04-050	388-218-1410	AMD-P	97-15-088	388-233	PREP	97-13-083
388-215-1000	AMD-P	97-04-051	388-218-1420	PREP	97-11-079	388-235	PREP	97-14-081
388-215-1000	AMD	97-07-024	388-218-1420	REP-E	97-15-087	388-235-2000	AMD-P	97-17-090
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388-250-1310	NEW-P	97-17-101	388-300-2600	REP-P	97-16-054	388-511-1140	AMD	97-10-022
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388-250-1700	AMD	97-14-011	388-300-2900	REP-P	97-16-054	388-513-1315	PREP	97-12-023
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388-265-1010	AMD-E	97-14-108	388-300-3100	REP-P	97-16-054	388-513-1320	AMD	97-15-028
388-265-1010	AMD-P	97-17-097	388-300-3200	REP-P	97-16-054	388-513-1330	AMD	97-10-022
388-265-1275	AMD-E	97-14-108	388-300-3300	REP-P	97-16-054	388-513-1350	AMD-P	97-07-023
388-265-1275	AMD-P	97-17-097	388-300-3400	REP-P	97-16-054	388-513-1350	AMD	97-09-112
388-265-1350	REP-P	97-05-071	388-300-3500	REP-P	97-16-054	388-513-1365	AMD	97-05-040
388-265-1350	REP	97-08-033	388-300-3600	REP-P	97-16-054	388-513-1380	AMD-E	97-08-031
388-265-1350	REP	97-10-042	388-300-3700	REP-P	97-16-054	388-513-1380	AMD-W	97-12-062
388-265-1750	PREP	97-06-132	388-300-3800	REP-P	97-16-054	388-513-1380	AMD-P	97-13-057
388-265-1750	AMD-E	97-06-133	388-300-3900	REP-P	97-16-054	388-513-1380	AMD	97-16-009
388-265-1750	AMD-P	97-10-039	388-310-0100	NEW-P	97-17-070	388-517-1720	AMD-E	97-08-031
388-265-1750	AMD	97-13-091	388-310-0200	NEW-P	97-17-070	388-517-1720	AMD-P	97-13-057
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388-290-080	NEW-P	97-17-104	388-310-1600	NEW-P	97-17-070	388-524-2405	AMD	97-15-084
388-290-090	NEW-P	97-17-104	388-310-1700	NEW-P	97-17-070	388-528-2810	REP	97-03-037
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388-290-110	REP-P	97-17-104	388-320-225	AMD-E	97-03-046	388-538-074	NEW-W	97-10-073
388-290-115	REP-P	97-17-104	388-320-225	AMD-P	97-03-053	388-538-110	AMD	97-04-004
388-290-120	REP-P	97-17-104	388-320-225	AMD	97-07-008	388-540-005	PREP	97-11-081
388-290-123	REP-P	97-17-104	388-320-400	PREP	97-15-131	388-540-030	PREP	97-11-081
388-290-130	REP-P	97-17-104	388-320-410	PREP	97-15-131	388-540-060	PREP	97-11-081
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388-290-140	REP-P	97-17-104	388-320-500	PREP	97-15-131	388-550-1050	NEW-P	97-11-008
388-290-155	REP-P	97-17-104	388-330-035	AMD-P	97-09-106	388-550-1100	NEW-P	97-11-008
388-290-160	REP-P	97-17-104	388-330-035	AMD	97-13-002	388-550-1200	NEW-P	97-11-008
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388-300-0300	REP-P	97-16-054	388-505-0520	AMD-E	97-08-074	388-550-2000	NEW-P	97-11-008
388-300-0400	REP-P	97-16-054	388-505-0520	PREP	97-11-075	388-550-2100	NEW-P	97-11-008
388-300-0500	REP-P	97-16-054	388-505-0520	AMD-E	97-16-053	388-550-2200	NEW-P	97-11-008
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388-300-0800	REP-P	97-16-054	388-507-0710	AMD-P	97-07-023	388-550-2500	NEW-P	97-11-008
388-300-0900	REP-P	97-16-054	388-507-0710	AMD	97-09-112	388-550-2600	NEW-P	97-11-008
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388-300-1400	REP-P	97-16-054	388-508-0805	AMD	97-16-008	388-550-3000	NEW-P	97-11-008
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388-300-1700	REP-P	97-16-054	388-509-0920	AMD	97-16-008	388-550-3200	NEW-P	97-11-008
388-300-1800	REP-P	97-16-054	388-509-0960	AMD-E	97-08-031	388-550-3250	NEW-P	97-11-008
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388-300-2100	REP-P	97-16-054	388-510	PREP	97-11-075	388-550-3400	NEW-P	97-11-008
388-300-2200	REP-P	97-16-054	388-510-1005	NEW-E	97-16-053	388-550-3450	NEW-P	97-11-008
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388-550-3800	NEW-P	97-11-008	392-130-010	REP-P	97-16-001	392-160-070	NEW-C	97-14-077
388-550-3900	NEW-P	97-11-008	392-130-015	REP-P	97-16-001	392-160-080	NEW-C	97-14-077
388-550-4000	NEW-P	97-11-008	392-130-020	REP-P	97-16-001	392-160-090	NEW-C	97-14-077
388-550-4100	NEW-P	97-11-008	392-130-025	REP-P	97-16-001	392-160-091	NEW-C	97-14-077
388-550-4200	NEW-P	97-11-008	392-130-030	REP-P	97-16-001	392-165	AMD-P	97-16-118
388-550-4300	NEW-P	97-11-008	392-130-035	REP-P	97-16-001	392-165-105	AMD-P	97-16-118
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388-550-4700	NEW-P	97-11-008	392-130-055	REP-P	97-16-001	392-165-135	AMD-P	97-16-118
388-550-4800	NEW-P	97-11-008	392-130-060	REP-P	97-16-001	392-165-140	AMD-P	97-16-118
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388-550-5250	NEW-P	97-11-008	392-130-090	REP-P	97-16-001	392-165-260	AMD-P	97-16-118
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388-550-5350	NEW-P	97-11-008	392-130-100	REP-P	97-16-001	392-165-304	AMD-P	97-16-118
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388-550-5800	NEW-P	97-11-008	392-130-125	REP-P	97-16-001	392-165-325	AMD-P	97-16-118
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392-121	PREP	97-17-022	392-160-005	AMD-C	97-14-077	415-112-4605	NEW	97-03-016
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392-121-108	AMD-P	97-15-073	392-160-015	AMD-C	97-14-077	415-112-4608	NEW	97-03-016
392-121-119	NEW-P	97-15-073	392-160-016	NEW-C	97-14-077	415-112-4609	NEW	97-03-016
392-121-122	AMD-P	97-15-073	392-160-020	AMD-C	97-14-077	415-112-470	NEW	97-03-016
392-121-133	AMD-P	97-15-073	392-160-029	AMD-C	97-14-077	415-112-471	NEW	97-03-016
392-121-136	AMD-P	97-15-073	392-160-035	AMD-C	97-14-077	415-112-473	NEW	97-03-016
392-121-137	AMD-P	97-15-073	392-160-036	NEW-C	97-14-077	415-112-475	NEW	97-03-016
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415-112-489	NEW	97-03-016	434-24-160	DECOD-P	97-14-106	434-36-080	DECOD-P	97-14-106
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415-200-040	NEW	97-16-039	434-30-010	DECOD-P	97-14-106	434-36-120	AMD-P	97-14-106
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434-09-030	AMD-P	97-14-106	434-30-050	DECOD-P	97-14-106	434-36-150	REP-P	97-14-106
434-09-030	DECOD-P	97-14-106	434-30-060	DECOD-P	97-14-106	434-36-160	DECOD-P	97-14-106
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434-09-040	DECOD-P	97-14-106	434-30-080	DECOD-P	97-14-106	434-36-170	DECOD-P	97-14-106
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434-09-060	DECOD-P	97-14-106	434-30-120	REP-P	97-14-106	434-36-190	REP-P	97-14-106
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434-09-080	DECOD-P	97-14-106	434-30-160	AMD-P	97-14-106	434-36-210	DECOD-P	97-14-106
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434-09-090	DECOD-P	97-14-106	434-30-170	AMD-P	97-14-106	434-40-010	AMD-P	97-14-106
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434-24-085	DECOD-P	97-14-106	434-34-095	DECOD-P	97-14-106	434-40-200	AMD-P	97-14-106
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434-24-095	AMD-P	97-14-106	434-34-105	DECOD-P	97-14-106	434-40-210	REP-P	97-14-106
434-24-095	DECOD-P	97-14-106	434-34-110	AMD-P	97-14-106	434-40-220	REP-P	97-14-106
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434-24-110	DECOD-P	97-14-106	434-36-020	DECOD-P	97-14-106	434-40-235	NEW-E	97-13-003
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434-40-310	REP-P	97-14-106	434-62-080	DECOD-P	97-14-106	434-236-110	RECOD-P	97-14-106
434-53-010	DECOD-P	97-14-106	434-62-090	DECOD-P	97-14-106	434-236-120	RECOD-P	97-14-106
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434-53-040	DECOD-P	97-14-106	434-62-150	DECOD-P	97-14-106	434-236-210	RECOD-P	97-14-106
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434-261-020	RECOD-P	97-14-106	434-840-350	AMD-P	97-14-106	458-12-340	PREP-X	97-14-043
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434-262-110	RECOD-P	97-14-106	440-22-255	NEW	97-13-050	460-21B-080	REP	97-03-122
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434-262-150	RECOD-P	97-14-106	440-22-260	AMD	97-13-050	460-22B-090	AMD	97-16-050
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434-262-170	RECOD-P	97-14-106	440-22-280	AMD	97-13-050	460-24A-040	AMD-P	97-13-076
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434-262-190	RECOD-P	97-14-106	440-22-300	AMD	97-13-050	460-24A-045	AMD-P	97-13-076
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434-334-085	RECOD-P	97-14-106	458-10-020	NEW	97-08-068	466-03-090	REP-P	97-12-074
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434-334-095	RECOD-P	97-14-106	458-10-040	NEW	97-08-068	466-03-100	REP-P	97-12-074
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466-03-130	REP-P	97-12-074	468-86-030	NEW	97-09-046	478-116-061	NEW-P	97-09-071
466-03-130	REP	97-15-110	468-86-040	NEW-P	97-06-005	478-116-061	NEW	97-14-005
466-03-900	REP-P	97-12-074	468-86-040	NEW	97-09-046	478-116-070	REP-P	97-09-071
466-03-900	REP	97-15-110	468-86-050	NEW-P	97-06-005	478-116-070	REP	97-14-005
466-04-010	REP-P	97-12-074	468-86-050	NEW	97-09-046	478-116-071	NEW-P	97-09-071
466-04-010	REP	97-15-110	468-86-060	NEW-P	97-06-005	478-116-071	NEW	97-14-005
466-04-020	REP-P	97-12-074	468-86-060	NEW	97-09-046	478-116-080	REP-P	97-09-071
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466-04-030	REP	97-15-110	468-86-080	NEW-P	97-06-005	478-116-088	REP	97-14-005
466-04-040	REP-P	97-12-074	468-86-080	NEW	97-09-046	478-116-090	REP-P	97-09-071
466-04-040	REP	97-15-110	468-86-090	NEW-P	97-06-005	478-116-090	REP	97-14-005
466-04-050	REP-P	97-12-074	468-86-090	NEW	97-09-046	478-116-095	REP-P	97-09-071
466-04-050	REP	97-15-110	468-86-100	NEW-P	97-06-005	478-116-095	REP	97-14-005
466-04-060	REP-P	97-12-074	468-86-100	NEW	97-09-046	478-116-100	REP-P	97-09-071
466-04-060	REP	97-15-110	468-86-110	NEW-P	97-06-005	478-116-100	REP	97-14-005
466-04-070	REP-P	97-12-074	468-86-110	NEW	97-09-046	478-116-101	NEW-P	97-09-071
466-04-070	REP	97-15-110	468-86-120	NEW-P	97-06-005	478-116-101	NEW	97-14-005
466-07-010	REP-P	97-12-074	468-86-120	NEW	97-09-046	478-116-110	REP-P	97-09-071
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466-07-010	REP	97-15-110	468-86-130	NEW	97-09-046	478-116-111	NEW-P	97-09-071
466-08-010	REP-P	97-12-074	468-86-140	NEW-P	97-06-005	478-116-111	NEW	97-14-005
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			MISC	97-03-115
			MISC	97-03-116
			MISC	97-09-064
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			PERM	97-07-055
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	PERM	97-08-003
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	PERM	97-08-003
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<ul style="list-style-type: none"> federal funds allocation K-3 staff enhancement local enhancement funds maintenance and operation levies nonhigh participatory finance special education 	<ul style="list-style-type: none"> PREP 97-16-096 PREP 97-17-022 PROP 97-16-118 PREP 97-17-067 PREP 97-15-116 PREP 97-16-098 PERM 97-03-044 PREP 97-16-097 	<ul style="list-style-type: none"> REVENUE, DEPARTMENT OF Business and occupation tax tax return filing, exemption Excise taxes conveyances, tax on financial institutions, apportionment of income Property tax agricultural land valuations assessment forest land values 	<ul style="list-style-type: none"> PERM 97-08-050 EXRE 97-14-042 PERM 97-11-033 PERM 97-02-066 EXRE 97-14-043 PROP 97-02-064 EMER 97-02-065 PROP 97-07-041 PROP 97-11-060 PERM 97-02-067 PERM 97-02-068 MISC 97-14-002
<ul style="list-style-type: none"> Nonresident attendance 	<ul style="list-style-type: none"> PREP 97-09-010 PROP 97-15-073 PROP 97-15-074 PROP 97-15-075 	<ul style="list-style-type: none"> inflation rate refunds, rate of interest state timber sales Public utility tax low-density light and power utility deduction 	<ul style="list-style-type: none"> MISC 97-14-001
<ul style="list-style-type: none"> Part-time public school attendance apportionment 	<ul style="list-style-type: none"> PREP 97-09-010 PROP 97-15-073 PROP 97-15-074 PROP 97-15-075 	<ul style="list-style-type: none"> Real property appraisers accreditation Rules coordinator Sales tax motor carriers' purchases 	<ul style="list-style-type: none"> PERM 97-08-068 MISC 97-02-030 PROP 97-07-079 PERM 97-11-022
<ul style="list-style-type: none"> Revenue definitions 	<ul style="list-style-type: none"> PREP 97-04-035 	<ul style="list-style-type: none"> wind and solar electric generating facilities Timber excise tax stumpage values 	<ul style="list-style-type: none"> PERM 97-03-027 PERM 97-02-069 PREP 97-06-111 PROP 97-10-027 PERM 97-14-068
<ul style="list-style-type: none"> School buses replacement and depreciation allocation 	<ul style="list-style-type: none"> PREP 97-12-041 PROP 97-14-055 PERM 97-17-042 		
<ul style="list-style-type: none"> Transitional bilingual instruction program 	<ul style="list-style-type: none"> PROP 97-01-012 PROP 97-14-077 		
<ul style="list-style-type: none"> University of Washington transition school and early entrance program 	<ul style="list-style-type: none"> PROP 97-15-072 		
<p>PUBLIC WORKS BOARD (See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)</p>			
<p>PUGET SOUND AIR POLLUTION CONTROL AGENCY</p>			
<ul style="list-style-type: none"> Fire extinguisher training rules Meetings Sources fees penalties registration 	<ul style="list-style-type: none"> PERM 97-07-046 MISC 97-01-061 PERM 97-01-070 PROP 97-04-075 PROP 97-15-125 PROP 97-15-125 PERM 97-01-070 PROP 97-04-075 		
<p>RENTON TECHNICAL COLLEGE</p>			
<ul style="list-style-type: none"> Meetings Rules coordinator 	<ul style="list-style-type: none"> MISC 97-02-088 MISC 97-15-038 		
<p>RETIREMENT SYSTEMS, DEPARTMENT OF</p>			
<ul style="list-style-type: none"> Deferred compensation program Employee retirement benefits board meetings Law enforcement officers' and fire fighters' retirement system basic salary, determination Service credit, establishment or reestablishment Teachers' retirement system community and technical college part-time employees service credit calculation compensation earnable, determination plan III contribution rates self-directed investment options return to work, effect 	<ul style="list-style-type: none"> PROP 97-02-027 PERM 97-05-009 MISC 97-01-118 PERM 97-01-016 PERM 97-01-014 PROP 97-01-017 PROP 97-05-010 PERM 97-09-037 PERM 97-03-016 PERM 97-01-013 EMER 97-08-053 PREP 97-09-047 PROP 97-13-058 PERM 97-16-039 PERM 97-01-015 		
<p>RULES COORDINATORS (See Issue 97-01 for a complete list of rules coordinators designated as of 12/19/96)</p>			
		<ul style="list-style-type: none"> Building code council Clover Park Technical College Community economic revitalization board Education, State board of Higher education coordinating board Renton Technical College Revenue, department of Walla Walla Community College Washington State Patrol Washington State University 	<ul style="list-style-type: none"> MISC 97-16-109 MISC 97-01-038 MISC 97-16-018 MISC 97-15-048 MISC 97-13-032 MISC 97-13-038 MISC 97-02-030 MISC 97-06-032 MISC 97-09-088 MISC 97-05-020
<p>SALARIES FOR ELECTED OFFICIALS, CITIZENS COMMISSION</p>			
		<ul style="list-style-type: none"> Meetings 	<ul style="list-style-type: none"> MISC 97-05-016 MISC 97-08-029
<p>SEATTLE COMMUNITY COLLEGES</p>			
		<ul style="list-style-type: none"> Meetings 	<ul style="list-style-type: none"> MISC 97-01-019 MISC 97-04-052 MISC 97-06-033 MISC 97-10-066 MISC 97-12-014 MISC 97-13-013 MISC 97-14-018 MISC 97-14-026 MISC 97-15-034 MISC 97-15-094 MISC 97-17-007
<p>SECRETARY OF STATE</p>			
		<ul style="list-style-type: none"> Corporations divisions charities commercial coventurer 	<ul style="list-style-type: none"> PREP 97-03-014 PROP 97-08-076 PROP 97-16-034 PERM 97-16-035 PREP 97-08-075 PROP 97-13-093 PERM 97-16-036

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	PROP	97-08-076	day care homes, licensing	PREP	97-14-073
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Elections	PREP	97-13-060		PROP	97-17-104
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	PROP	97-13-094	collection remedies	PROP	97-09-020
	PERM	97-17-035		PERM	97-13-092
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	EMER	97-12-039		PROP	97-15-085
			party status rights	PREP	97-09-109
				PROP	97-13-087
SHORELINE COMMUNITY COLLEGE				PERM	97-16-037
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			paternity tests	PROP	97-09-020
SKAGIT VALLEY COLLEGE				PERM	97-13-092
Anti-hazing policy	PERM	97-01-049	wage assignment	PROP	97-09-020
Meetings	MISC	97-01-039		PERM	97-13-092
	MISC	97-02-043	Children's services		
	MISC	97-09-058	child protection teams	MISC	97-02-053
	MISC	97-10-019	foster care	MISC	97-02-058
	MISC	97-12-064	group care	MISC	97-02-057
			inpatient mental health	MISC	97-02-052
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DEPARTMENT OF			relatives of legally free	MISC	97-02-056
Adoption support program	PREP	97-03-097	runaways	MISC	97-02-054
Adult day health	PREP	97-03-124		MISC	97-02-055
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	PROP	97-15-134	family support program		
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	PERM	97-17-040	Domestic violence perpetrator program	PERM	97-02-035
Aid to families with dependent children (AFDC)			Economic services		
eligibility	PREP	97-02-079	disregarded income	EMER	97-15-087
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services reporting	PREP	97-02-077	financial responsibility	PROP	97-09-019
unemployed parent program				PROP	97-10-083
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chemical dependency counselors	PROP	97-02-009	Employees		
	PERM	97-08-073	foster care licensing and adoption		
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	EMER	97-15-033	Federal poverty level revised	EMER	97-08-031
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				PERM	97-09-012

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	EMER	97-17-020	kidney dialysis clients	MISC	97-15-082
	EMER	97-17-021	length of stay criteria	MISC	97-17-037
income eligibility	PROP	97-02-078	managed care		
	EMER	97-02-076	enrollment requirements	PROP	97-10-073
	EMER	97-02-033	maternity care		
	PROP	97-02-034	billing	MISC	97-05-051
	PERM	97-05-002	case management services	MISC	97-08-011
	PERM	97-06-074	needs special assistance clients	PERM	97-02-047
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	PERM	97-06-096	nondurable medical equipment and supplies		
	PROP	97-13-088	billing	MISC	97-09-105
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			nursing facility clients, eligibility	PREP	97-01-090
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utility allowances	PROP	97-15-086		MISC	97-17-036
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	EMER	97-01-095	pharmacy services		
	PERM	97-04-023	reimbursement	PREP	97-06-131
General assistance - unemployable			prescription drugs	MISC	97-04-028
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Information technology			receipt of resources	PERM	97-03-037
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	EMER	97-15-058	special situations	PREP	97-10-034
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	PROP	97-12-081	ambiguous rules	PREP	97-15-131
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	MISC	97-15-065	published in PROP area of		
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	EMER	97-04-050	Fees	PROP	97-05-046
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